

# TANEY COUNTY, MISSOURI



## SUBDIVISION REGULATIONS



**Formerly Referred to as Section 5 (Subdivision of Land), Section 6 (Plats) and Appendix H (Requirements for Plats) of the Taney County Development Guidance Code**

# **TANEY COUNTY, MISSOURI**

## **SUBDIVISION REGULATIONS**

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# SUBDIVISION REGULATIONS TANEY COUNTY, MISSOURI

## TABLE OF CONTENTS

<b>Article 1</b>	<b>General Provisions</b> .....	1
Section 1	Title .....	1
Section 2	Authority .....	1
Section 3	Policy and Purposes .....	2
Section 4	Enactment .....	3
Section 5	Additional Requirements – Missouri Revised Statutes .....	4
Section 6	Jurisdiction .....	4
<b>Article 2</b>	<b>Definitions, Interpretation &amp; Standards</b> .....	6
Section 1	Interpretation .....	6
Section 2	Conflict with Public & Private Provisions .....	6
Section 3	Effective Date and Reservations .....	7
Section 4	Amendments .....	7
Section 5	Conditions .....	7
Section 6	Resubdivision of Land .....	7
Section 7	Vacation of Plats .....	8
Section 8	General Rules of Constructions .....	9
Section 9	Definitions .....	10

<b>Article 3</b>	<b>Administration</b> .....	18
Section 1	Records .....	18
Section 2	Enforcement, Violations and Penalties .....	18
<b>Article 4</b>	<b>General Subdivision Platting Procedure</b> .....	20
Section 1	Purpose .....	20
Section 2	Administrative Procedure .....	20
Section 3	Classifications .....	21
<b>Article 5</b>	<b>Administrative Minor Subdivisions</b> .....	22
Section 1	Administrative Minor Subdivision Review .....	22
Section 2	Administrative Minor Subdivision Plat Contents .....	23
Section 3	Administrative Minor Subdivision Approval Procedure .....	25
Section 4	Administrative Minor Subdivision – Appeal of Denial .....	26
<b>Article 6</b>	<b>Major Subdivision Required Submittals</b> .....	27
Section 1	Submittals Required .....	27
Section 2	Sketch Plan .....	29
Section 3	Preliminary Plat .....	31
Section 4	Engineer’s Report .....	34
Section 5	Final Plat .....	37

<b>Article 7</b>	<b>Plat Approval Process</b> .....	42
Section 1	Preliminary Plat Approval .....	42
Section 2	Preliminary Plat Appeal of Denial .....	43
Section 3	Construction Plans .....	44
Section 4	Final Plat Approval .....	45
Section 5	Final Plat Review Procedure .....	46
Section 6	Replatting .....	47
Section 7	Lot Splits .....	47
<b>Article 8</b>	<b>Required Improvements</b> .....	48
Section 1	Monuments and Markers for Major Subdivisions .....	48
Section 2	Streets .....	48
Section 3	Wastewater Disposal .....	49
Section 4	Water Supply .....	50
Section 5	Storm Drainage .....	50
Section 6	Security for Public Improvements .....	51
Section 7	Performance by the County of Developers Obligations .....	51
Section 8	Maintenance .....	52
Section 9	Acceptance of Improvements .....	53

<b>Article 9</b>	<b>Subdivision Design Criteria</b> .....	54
Section 1	Compliance with the Road Standards and the Master Plan .....	54
Section 2	Streets .....	54
Section 3	Lots .....	56
Section 4	Easements and Alleys .....	57
<b>Appendix A</b>	<b>Minor Subdivision Certificates &amp; Endorsements</b> .....	58
<b>Appendix B</b>	<b>Major Subdivision Certificates &amp; Endorsements</b> .....	61
<b>Appendix C</b>	<b>Itemized Cost Estimates for Public Improvements</b> .....	64

# **SUBDIVISION REGULATIONS TANEY COUNTY, MISSOURI**

## **ARTICLE 1. GENERAL PROVISIONS**

### **Section 1. Title**

The Development Guidance Code for Taney County Missouri was adopted on November 13, 1984 by order of the Taney County Commission pursuant to the authority granted by the Legislature of the State of Missouri in Sections 64.800 through 64.900 of the Revised Statutes of Missouri. The Development Guidance Code, in pursuance of the authority granted by Section 64.875 of the Revised Statutes of Missouri, is henceforth amended resulting in the removal and separation of the subdivision regulations formerly known as Section 5 (Subdivision of Land), Section 6 (Plats) and Appendix H (Requirements for Plats) of the Taney County Development Guidance Code. These regulations shall hereafter be known, cited and referred to as the “Subdivision Regulations” of Taney County, Missouri.

### **Section 2. Authority**

By authority of the resolution of the Taney County Commission, adopted pursuant to the powers and jurisdictions vested through Sections 64.815 through 64.830, Chapter 64, Revised Statutes of Missouri, and other applicable laws, statutes, orders and regulations of the State of Missouri and the County of Taney, the Planning Commission does hereby exercise the power and authority to review, approve, and disapprove plats for subdividing land within the unincorporated areas of the County which show lots, blocks or sites with or without new streets or highways. By the same authority, the Planning Commission does hereby exercise the power and authority to pass and approve the development of platted subdivisions of land already recorded in the office of the County Recorder of Deeds if such plats are entirely or partially undeveloped.

- A. The plat shall be considered to be entirely or partially undeveloped if:
  - 1. said plat has been recorded with the County Recorder of Deed’s office without prior approval by the Planning Commission, or
  - 2. said plat has been approved by the Planning Commission where the approval has been granted more than three (3) years prior to any application for a Division I or II permit, on the partially or entirely undeveloped land.

### **Section 3. Policy and Purposes**

It is hereby declared to be the policy of Taney County to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the County pursuant to the official Master Plan of the County for the orderly, planned, efficient, physical and economical development of the County. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Master Plan, the capital budget and program of the County and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the Development Guidance Code and Master Plan of Taney County.

- A. These regulations are adopted for the following purposes:
1. To protect and provide for the public health, safety and general welfare of the County.
  2. To guide the future growth and development of Taney County in accordance with the Master Plan that represents the most beneficial use of private and public areas of the County, considering the suitability of such areas and having regard for the use of land and building development.
  3. To provide for the proper location and width of streets, roads, building lines, open space and recreation and to avoid undue congestion of population.
  4. To protect the character and the social and economic stability of all parts of the County, especially the unincorporated areas thereof, and to encourage the orderly and beneficial development of all parts of the County.
  5. To protect and conserve the value of land throughout the County and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
  6. To provide a guide to public policy and action in facilitating adequate provision for transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and in the efficient provision of public facilities and services and for private enterprise in building development, investment and other economic activity relating to uses of land and buildings throughout Taney County.
  7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings throughout



the County, and to provide for the proper location and width of streets and building lines.

8. To establish reasonable standards of design and procedures for subdivisions and resubdivisions; to further the orderly layout and use of land and to insure proper legal descriptions and proper monumenting of subdivided land.
9. To limit development to an amount equal to the availability and capacity of public facilities and services.
10. To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to encourage the wise use and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the community and the value of the land.
11. To preserve the natural beauty and topography of the County and to insure appropriate development with regard to these natural features.
12. To provide for open spaces through the most efficient design and layout of the land including the use of average density in providing for minimum width and area of lots while preserving the density.

#### **Section 4. Enactment**

In order that land may be subdivided in accordance with these purposes and policy, these Subdivision regulations are hereby adopted.

## **Section 5. Additional Requirements - Missouri Revised Statutes**

Per the provisions of RSMo 137.185, should a property owner wish to divide land into parcels less than one-sixteenth part of a section (40 Acres) a survey must be completed and recorded, if the land in question cannot be described in aliquot parts of the U.S. Public Land Survey System (i.e. Northeast Quarter of the Southeast Quarter of Section 24).

*“In all cases where any person, company or corporation may hereafter divide any tract of land into parcels less than one-sixteenth part of a section (40 acres) or otherwise, in such manner that such parcels cannot be described in the usual manner of describing lands in accordance with the surveys made by the general government, it shall be the duty of such person, company or corporation to cause such lands to be surveyed and a plat thereof made by a surveyor in the county where such lands are situated, which plat shall particularly describe and set forth the lots or parcels of land surveyed, as aforesaid; the lots and blocks shall be numbered in progressive numbers, and the plats shall show the number, location and quantity of land in each lot, and the description of the tract of land so divided; provided, that whenever it shall appear to the county commission of the county in which any such tracts are situated that tracts or parcels of land less than one-sixteenth of a section, and lying outside of the limits of any incorporated city, town or village, have been conveyed without having been surveyed and platted and the plat thereof recorded as herein provided, the commission may require the county surveyor, by order of record, to survey and plat such tract or tracts of land and record the plat so made, all of which shall be done at the expense of the owner of such tracts of land at the time the survey is made.”*

## **Section 6. Jurisdiction**

- A. These subdivision regulations shall apply to all subdivision of land; located within the unincorporated areas of the County, which includes:
1. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more tracts, lots, parcels, sites, units, plots or interests, any of which contain less than ten (10) acres, for the purpose of offer, sale, lease, or development, upon any and all plans, terms and conditions, including resubdivision.
  2. The division or development of land into two (2) or more tracts which contain less than ten (10) acres, whether by deed, metes and bounds description, map, plat or other recorded instrument.
  3. The dedication of any public street.

**B. Exemptions**

The following divisions of land are exempt from these regulations:

1. Transfers of authority of circuit court.
2. Transfers by testamentary instrument.
3. Voluntary partition of property acquired by inheritance, whether testate or intestate.
4. Transfers of remainders resulting from the exercise of eminent domain or threat thereof.
5. Transfers to cemeteries, provided that such cemetery complies with the provisions of RSMo 214.

- C. No land shall be subdivided within the unincorporated area of the County until the subdivider or his agent shall have submitted a plat of the parcel to the Planning Commission through its Executive Secretary, i.e., Planning Administrator as designated by the County Commission and obtained approval of the preliminary plat by the Planning Commission and until the approved plat is recorded in the office of the County Recorder of Deeds. No Division I Permit, Division II Permit or Certificate of Conformance shall be issued for any parcel or plot of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations. An exception has been made for Administrative minor subdivisions of six (6) lots or less or replats which may be approved administratively by the Planning Administrator. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.

## **ARTICLE 2. DEFINITIONS, INTERPRETATION and STANDARDS**

### **Section 1. Interpretation**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

### **Section 2. Conflict with Public and Private Provisions**

#### **A. Public Provisions**

The regulations are not intended to interfere with, abrogate or annul any other County Commission Order, rule or regulation, statute or other provision of law. Where any provisions of these regulations imposes restrictions, which differ from those imposed by any other provision of these regulations or any other County Commission Order, rule, or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards, shall control.

#### **B. Private Provisions**

These regulations are not intended to abrogate any easement, covenant or any other private agreement, or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, or restriction, the requirements of these regulation shall govern. Where the provisions of the easement, covenant or private agreement, or restriction impose duties and obligations more restrictive or higher standards than the requirements of these regulations, or the determinations of the Planning Commission or the County Commission in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

#### **C. Separability**

If any part or provision of these regulations or application thereof to any person or circumstance is adjusted invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Taney County Commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

**D. Saving Provision**

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the County, except as shall be expressly provided for in these regulations.

**Section 3. Effective Date and Reservations**

These subdivision regulations have been adopted by resolution carried by not less than a majority vote of the membership of the Taney County Commission, upon the recommendation of the Taney County Planning Commission.

**Section 4. Amendments**

For the purpose of providing for the public health, safety and general welfare, the County Commission may from time to time amend the provisions imposed by these subdivision regulations. Public hearings on all proposed amendments shall be held by the County Commission in the manner prescribed by law.

**Section 5. Conditions**

The subdivision of land is a privilege conferred upon the developer by the laws of the State of Missouri and through these subdivision regulations. It is the developer who is seeking to acquire the advantages of lot subdivision and upon him rests the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economical development of the County and to the safety and general welfare of the future lot owners in the subdivision and of the community at large.

**Section 6. Resubdivision of Land**

**A. Procedure for Resubdivision**

For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivision, such parcel shall be approved by the Planning Commission by the same procedure, rules and regulations as for a subdivision.

**B. Procedure for Subdivisions Where Future Resubdivision is Indicated**

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land, and there are indications that such lots will eventually be resubdivided into smaller buildings sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

**Section 7. Vacation of Plats**

Any plat or any part of any plat may be vacated by the owner of the premises at any time before the sale of any lot therein by a written instrument, to which a copy of such plat shall be attached declaring the same to be vacated.

Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivisions. The County Commission may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys. Such an instrument shall be executed, acknowledged or approved and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, public grounds and all dedications laid out or described in such plat.

When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

## **Section 8. General Rules of Construction**

Certain words used in the regulations have been defined in this article. Where this is the case, they shall have the meaning given in the applicable section of the article. Where words have not been defined; the standard dictionary definition shall prevail. Where there is doubt, the Planning Administrator shall have the right of interpretation. In construing the meaning of the regulations, the following rules shall apply:

- A.** Words used in the present tense shall also include the future tense;
- B.** Words used in the singular number shall also include the plural, and vice versa;
- C.** The word “**shall**” is mandatory;
- D.** The word “**may**” is permissive;
- E.** The words “used” or “occupied” shall be construed to include “intended, designed or arranged to used or occupied”;
- F.** Where reference is made to the regulations, it shall be construed to mean the regulations as originally passed and all subsequent amendments, supplements and revisions.

## **Section 9. Definitions**

### **Acreage**

The area of a tract measured in acres (1 acre = 43,560 square feet).

### **Administrative Minor Subdivision**

Any division of unplatted land in which not more than six (6) tracts will be created, including any remainder proposed to be retained by the owner and which does not follow the preliminary / final plat procedure in compliance with the requirements of Article 5.

### **Administrator**

The Taney County Planning Administrator

### **Alley**

A passage or way affording generally a means of vehicular access to abutting properties and not intended for general traffic circulation.

### **Applicant**

The owner of land proposed to be subdivided, or his / her legal representative. Written consent shall be required from the legal owner of the premises.

### **Block**

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, subdivision limits or boundary lines of municipalities.

### **Bond**

A form of security from a qualified insurance or bonding company guaranteeing the costs associated with both the completion and maintenance of the required public improvements. All bonds shall be approved by the County in any instance in which a bond is required.

### **Building**

Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

### **Building Setback Line**

A line or lines indicating the distance from the property line behind which all enclosed portions of the building, including porches which have a roof, must be located.



**Cartway**

The portion of the street right-of-way designed for vehicular traffic, measured from back of curb to back of curb where curbs exist. Where curbing does not exist, the measurements are taken from edge of pavement to edge of pavement.

**Commercial Property**

Property or activity associated with a property established for the sole or main purpose of salability and/or profitability. Such commercial activities include business, industry, and trade.

**Commission, County**

The County Commission of Taney County, Missouri.

**Common Area**

Land which is dedicated or reserved by any owner(s) for private use by residents of the subdivision, such as, but not limited to, recreation areas, green areas and community centers.

**Condominium**

Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**Cul-de-sac**

A street having one end open to traffic and being terminated at the other end by a vehicular turnaround.

**Curb and Gutter**

A border of concrete or asphalt along the edge of a street which protects the edge of the pavement and channels the flow of stormwater runoff.

**Density**

Calculated by dividing number of lots into area to be subdivided excluding road rights-of-way.

**Developer**

Any person, firm, partnership, corporation, or other entity acting as a unit, subdividing or proposing to subdivide land as herein defined.

### **Drainage Easement**

An easement for use as a drainageway for stormwater runoff, and for constructing and maintaining such drainageways, channels, storm sewers, stormwater detention facilities, or other drainage works on, over, under, or across a tract of land together with all appurtenances necessary for the proper conveyance or storage of stormwater runoff together with all and singular rights, privileges, appurtenances thereto belonging or in anywise appertaining. Maintenance of drainage easements and drainage facilities located within such easement, is the responsibility of the property owner. No alteration of grades may be made within drainage easements without the written approval of the County.

### **Driveway**

An area intended for the operation of automobiles and other vehicles from the street right-of-way to a garage, parking area, building entrance, structure, or approved use located on the property. Any dimensions relating to the width of a driveway surface shall be measured at the right-of-way line.

### **Driveway Approach**

An area intended for the operation of automobiles and other vehicles giving access between a roadway and abutting property. The driveway approach includes the sum of the curb returns on each side of the driving surface, plus the driving surface.

### **Joint Driveway**

A driveway which provides access to a public street for more than one tract of land.

### **Duplex**

A two-family residential use in which the dwelling units share a common wall (including the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

### **Dwelling, Multi-Family**

A dwelling or portion thereof designed, arranged or occupied as a residence by three or more families or dwelling units having separate quarters and living independently of each other.

### **Dwelling, Single-Family**

A detached dwelling designed and intended for occupancy by a single family or living group that functions as a single household.

### **Dwelling Unit**

A building or portion of a building designed and used for residential occupancy by a single Household. (This includes exclusive sleeping, cooking and sanitation facilities.)

**Easement**

A grant by the property owner for the public or private use of land for specific purposes as noted on the plat or administrative minor subdivision.

**Engineer**

A registered professional engineer in the State of Missouri.

**Frontage**

Lot width requirement measured at lot line abutting road right-of-way, or at the setback line on curved streets.

**Frontage – Cul-de-sac**

Lot width measured at building setback line.

**Grid North**

Reference for north based on the Geographic Reference System of Taney County, Missouri, based on the Missouri Coordinate System of 1983, Central Zone.

**Improvements**

Physical, construction or changes, such as clearing, grading, street surfacing, curbs and gutters, survey markers, sidewalks, crosswalks, culverts, bridges, water and sanitary and storm sewer lines, and other utilities.

**Ingress / Egress Easement**

A grant by the property owner to a specific public agency or private entity of the right to cross over a tract of land.

**Legal Representative**

A licensed attorney, an individual appointed by the court to administer the affairs of an individual (copy to be supplied to the Department), individual holding Power of Attorney (copy to be supplied to the Department), individual(s) who have been designated by a notarized statement to act on the behalf of the property owner (copy to be provided to the Department).

**Linear Park Trail**

A multi-use path which accommodates a variety of non-motorized transportation options such as walking, cycling, skating, jogging, etc. Linear park trails are an element of the greenway system and can be utilized for recreational purposes and as part of the off-street transportation network.

**Lot**

A parcel of land identified by a number on a subdivision plat or survey recorded in accordance with these regulations. A condominium unit shall be considered a lot for the purpose of these regulations.

**Lot, Corner**

A lot located at the intersection of and abutting on two or more streets.

**Lot, Double Frontage**

A lot which has two non-intersecting sides abutting on two or more streets.

**Lot, Footprint**

A lot which is defined by the physical shape of the foundation of a structure.

**Lot Split**

A subdivision of a lot into two or more parcels.

**Major Subdivision**

Any division of land into lots or tracts less than 10 acres in size which does not fall within the classification of administrative minor subdivision.

**Minor Subdivision**

See Administrative Minor Subdivision.

**Pedestrian Way**

A right-of-way, dedicated to or set aside for public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

**Planning Commission**

The Taney County Planning Commission.

**Plat – Final**

The final plan or drawing and any accompanying required data or information which is submitted to the Planning Administrator for final approval of a proposed subdivision and recording with the County Recorder of Deeds.

**Plat – Preliminary**

The preliminary or tentative plan, map or drawing on which the layout and design of a proposed subdivision is submitted to the Planning Administrator for consideration and tentative approval.

**Property Description**

Description of a lot, tract or parcel by metes and bounds, by reference to a plat or by reference to government survey.

**Public Improvements**

Those things that are constructed, installed, or performed on public land, or on land that is to become public in the subdivision process, including but not limited to street and alley pavement, curbs, storm drainage facilities, sidewalks, sanitary sewers and water lines, and including the grading of such land.

**Public Sewer**

Any sanitary sewer or wastewater system or part of such a system, which is owned, maintained and operated by either an incorporated area of Taney County or the Taney County Regional Sewer District.

**Real Property**

Land that is owned by a person, entity or organization.

**Regulations**

The Subdivision Regulations of Taney County, Missouri.

**Replat**

A final plan or drawing and any accompanying required data, the purpose of which is to re-subdivide lots, revise lot lines, easements or other features on a previously recorded subdivision plat, subject to administrative approval.

**Right-of-Way**

Area dedicated to provide for streets (and roads).

**Sanitary Sewer Easement**

An easement for the purpose of constructing and maintaining a sanitary sewer together with all and singular rights, privileges, appurtenances, and immunities thereto belonging, or in anywise appertaining.

**Sidewalk**

A walk for pedestrians at the side of a street.

**Sketch Plan**

A drawing of the proposed layout for a tentative development as set forth in Article 6, Section 2.

**Street**

The full width between the property lines bounding every way of whatever nature for the purpose of vehicular traffic, whether designed as a street, highway, freeway, expressway, thoroughfare, parkway, road, avenue, boulevard, lane, place, circle or however otherwise designed.

**Street Median**

Area separating opposing lanes of traffic which may consist of but is not limited to, open space or concrete structures.

**Street, Private**

Street under private ownership, control and maintenance. Requires covenants approved by the Planning Administrator to provide for maintenance.

**Subdivision**

The division of any tract of land into two or more tracts, any of which contains less than ten (10) acres or which involves public street dedication which includes any tract of land divided by means of a plat created under these regulations into legal tracts of record and any tract divided by an administrative minor subdivision.

**Surveyor**

A (registered) Professional Land Surveyor in the State of Missouri.

**Tract**

A defined area of land.

**Utility Easement**

A grant by the property owner to public or private utility providers, of the right to construct, operate, and maintain lines, poles, wires, cable, fixtures, and appurtenances for the distribution and transmission of natural gas, water, electric power, telephone, fiber optic cable and other communications on, over, under and across a tract of land.

### **Walkway**

An element of the off-street pedestrian system similar to a sidewalk which may or may not be located within a public or private street right-of-way. Walkways provide pedestrian access between adjacent streets, residential developments, shopping or employment centers, parks, schools or other public facilities.

### **Watercourse**

A watercourse is land which has conformation so as to give to surface water flowing from a tract of land to another tract of land, a fixed and determinate course so as to uniformly discharge it upon the servient tract at a fixed and definite point. It shall include but shall not be limited to ravines, swales, sinkholes or depressions of greater or lesser depth extending from one tract and so situated as to gather up the surface water flowing upon the dominate tract and to conduct along a definite course to a definite point of discharge upon the servient tract. It shall not be deemed to be important that the force of water flowing from one tract of land to another has not been sufficient to wear out a channel or canal having definite well-marked sides or banks. If the surface water, in fact, uniformly or habitually flows over a given course, having reasonable limits as to the width of the line of its flow, it shall be considered to have a definite course.

## **ARTICLE 3. ADMINISTRATION**

### **Section 1. Records**

- A.** The Planning Administrator shall maintain an accurate record of all subdivisions and supplementary data pertaining to same and of the findings, decisions and recommendations in relation to such subdivision, which records shall be maintained in the office of the Planning Administrator.
- B.** The Planning Administrator shall report all administrative approvals to the Planning Commission on an annual basis.

### **Section 2. Enforcement, Violations and Penalties**

#### **A. General**

- 1. Violations of these regulations shall constitute a misdemeanor as provided in Chapter 64.895, RSMo.
- 2. It shall be the duty of the Planning Administrator to enforce these regulations and to bring to the attention of the County Prosecuting Attorney any violations or lack of compliance herewith.
- 3. No property description of any subdivision governed by these regulations shall be entitled to be recorded in the County Recorder's Office or have any validity until it shall have been approved in the manner prescribed herein. In the event any such unapproved property description is recorded, proceedings shall be instituted to have such plat or deed declared invalid.
- 4. No owner or agent of the owner of any parcel of land shall transfer or sell any land by reference to, exhibition of, or by use of a subdivision description nor shall any person purchase such land before such subdivision description has been approved by the Planning Commission, in accordance with these regulations, and filed with Taney County Recorder of Deeds.
- 5. The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.
- 6. Division I or II Permits shall not be issued for the construction of any building or structure except where a subdivision description has been approved in the manner prescribed herein.



**B. Violations and Penalties**

Any person, firm or corporation who fails to comply with, or violates any of these regulations shall be subject to a fine of not more than \$1000.00 (one thousand dollars) or imprisonment in the County jail for a period not exceeding one (1) year, or both, such fine and imprisonments, pursuant to the provisions of Section 64.895 of the Revised Statutes of the State of Missouri.

**C. Civil Enforcement**

Appropriate actions and proceedings may be taken by law or in equity pursuant to Section 64.895, Revised Statutes of Missouri, to prevent any violation of these regulations; to prevent unlawful construction; to recover damages; to restrain; to correct or abate a violation; to prevent illegal occupancy of a building, structure or premises. These remedies shall be in addition to the penalties described above.

## **ARTICLE 4. GENERAL SUBDIVISION PLATTING PROCEDURE**

### **Section 1. Purpose**

It is the purpose of this article to outline the general subdivision platting procedure for administrative minor subdivisions, lot line adjustments and major subdivisions.

### **Section 2. Administrative Procedure**

In the administration of these regulations, the Planning Administrator shall:

- A.** Receive, officially accept, and review all applications for subdivisions within the unincorporated area of Taney County.
  - 1. Applications are not officially accepted until the appropriate submittal forms and documentation are received by the department.
  - 2. Applications which are incomplete will not be processed by Department personnel.
  - 3. Notification of incomplete submittal shall be sent not more than thirty (30) days from date stamped received.
- B.** Maintain current permanent files and records concerning all applications, administrative minor subdivisions and major subdivisions.
- C.** Conduct inspections and review all applications for completeness and substantial compliance with the Taney County Development Guidance Code, the Taney County Subdivision Regulations, the Taney County Floodplain Management Ordinance and the Taney County Road Standards.
- D.** Insure that copies of the subdivision regulations are available for public distribution.
- E.** Provide such technical and consultative assistance as may be required by the Planning Commission, the County Commission, and other County agencies in the exercise of their duties relative to these regulations.
- F.** Perform such other duties and functions as required by these regulations.

### **Section 3. Classifications**

#### **A. Administrative Minor Subdivision**

Any division of unplatted land in which not more than six (6) tracts will be created, including any remainder proposed to be retained by the owner and which does not follow the preliminary / final plat procedure in compliance with the requirements of Article 5, Section 3. In addition, an administrative minor subdivision shall have the following characteristics:

1. Not more than six (6) tracts, less than ten (10) acres in size shall be created, inclusive of any tract retained by owner and
2. The tract was lawful under these regulations at the time the existing property description was recorded, or
3. The configuration of the property was created by a court decree or order resulting from testamentary or intestate provisions, such property configuration must be in compliance with any variance granted by the Board of Adjustment, or
4. The configuration of the property is created by the assembly or combination of existing tracts of record, not platted subdivision lots.
5. Within platted subdivisions, a replat is required for any change of easements, setback lines, increase / decrease in number of lots, lot line, etcetera.

#### **B. Major Subdivision**

Any division of land into tracts less than 10 acres in size which does not fall within the classification of administrative minor subdivision.

#### **C. Replat**

Within platted subdivisions, a replat is required for any change of easements, setback lines, increase / decrease in number of lots, lot lines, etcetera.

## **ARTICLE 5. ADMINISTRATIVE MINOR SUBDIVISIONS**

### **Section 1. Administrative Minor Subdivision Review**

- A.** The Planning Administrator has the authority to approve administrative minor subdivisions under the following circumstances:
  - 1. If an existing tract / parcel is to be subdivided into not more than six (6) tracts or parcels.
  - 2. The tract was lawful under these regulations at the time the existing property description was recorded, or
  - 3. The configuration of the property was created by a court decree or order resulting from testamentary or intestate provisions or had a variance granted by the Board of Adjustment, or
  - 4. The configuration of the property is created by the assembly or combination of existing tracts of record, not platted subdivision lots.
  - 5. Within platted subdivisions, a replat is required for any change of easements, setback lines, increase / decrease in number of lots, lot line, etcetera.
- B.** Administrative Minor Subdivisions will follow the same review procedures as final plats.
- C.** The Planning Administrator may approve an administrative minor subdivision which will not result in substantial increases in public service requirements nor interfere with the maintenance of existing services.
- D.** Where proposed tract(s) have access to public services (utilities, sanitary sewer, roads) the Administrator shall consider whether lots created will be consistent with those in the surrounding vicinity, including existing subdivisions.
- E.** The Planning Administrator may approve an administrative minor subdivision when the minimum lot area and lot frontage are in compliance with the provisions of Article 9, Section 3 of these Regulations.
  - 1. No more than six (6) tracts less than ten (10) acres shall be created, inclusive of any tract retained by owner.
  - 2. Additional right-of-way is required before future street / road improvements can be satisfactorily provided; and
    - a. For tracts without direct access to a County road satisfactory provision shall be made for access to the public road.

- (1) An ingress / egress easement with a minimum width of fifty (50) feet shall be recorded and indicated on the land survey should said easement serve to two (2) tracts.
  - (2) No lot or lot width shall be created by use of an easement on lots that abut existing roads or use road ROW for an easement.
3. No more than two (2) tracts of less the ten (10) acres may be served by a fifty (50) foot wide ingress / egress easement, and
  4. The granting of an administrative minor subdivision will not be in conflict with the intent of the Taney County Subdivision Regulations.
- F.** Upon the recording of an administrative minor subdivision, the owner may convey property in accordance with the approved legal descriptions and the applicable Division I and II permits may be issued.
- G. Fee for Administrative Minor Subdivision**

Refer to the fee schedule adopted by rule of the Taney County Commission upon the recommendation of the Taney County Planning Commission for the current fee.

## **Section 2. Administrative Minor Subdivision Plat Contents**

- A.** The Planning Administrator shall require the recording of a boundary survey, in accordance with the Current Minimum Standards for property boundary surveys, showing each tract with monuments at each corner, the certificate of approval and the certificate of ownership, with the following information.
1. A title block giving the subdivision's name and the quarter-quarter section; section, township and range; principal meridian; and county of its location.
  2. The exterior boundaries of the platted area giving lengths and bearings of the boundary lines. If the subdivision is bounded by a watercourse, a closing meander traverse of that boundary shall be made and shown on the plat. Where curving boundaries are used, sufficient data to establish the boundary on the ground shall be given, including the curve radius, central arc, and arc length.
  3. A notation of any adjoining plats or certificates of survey and ties thereto.
  4. The basis of bearings used and a north point.

5. A scale not smaller than one inch (1") to two hundred feet (200').
6. All existing monuments found during the course of the survey, including a physical description such as "brass cap."
7. All existing easements or rights-of-way, including those contiguous to the platted area, their nature and width, and the book and page number of their recording in the county's records.
8. All lots, blocks, rights-of-way, and easements created by the subdivision, with their boundary, bearings, lengths, widths, name, number, or purpose. For curved boundaries, the curve radius, central angle, and length of arc shall be given.
9. All monuments set during the course of the survey (including a physical description such as "rebar driven to a depth of..."), and including appropriate witness monuments.
10. The area of all lots or parcels created by the subdivision and, in a separate table or in the owner's certificate, a summary of total acreage, total acreage in lots, and total acreage in roads or other dedicated parcels.
11. A vicinity map locating the subdivision within the section, identifying adjoining or nearby plats or certificates of survey, and showing prominent landmarks.
12. The owner's certificate of consent, including a legal description of the subdivision's boundaries and the dedication of public ways or spaces. This certificate shall be signed, dated, and notarized by the owner.
13. The owner's certificate shall include a reference to any covenants that may be declared, and contain blanks where the Taney County Recorder will enter the book and page number of their recording.
14. A certificate of consent from any and all mortgagors, lien-holders, or others with real property interest in the subdivision. These certificates shall be signed, dated, and notarized by the financial institution.
15. A certificate showing the name and registration number of the surveyor responsible for conducting the survey. This certification shall be signed and dated.
16. Signature blocks prepared for the dated signatures of the Planning Commission Chairperson and the Taney County Recorder.
17. Signature of a representative of 911 Administration showing approval of road and lot assignments.

### **Section 3. Administrative Minor Subdivision Approval Procedure**

- A.** The application for an administrative minor subdivision review shall be filed on forms provided by the Planning Department. The Planning Administrator shall require the following applicable accompanying documents:
1. A Property Boundary Survey indicating all easements of record which shall comply with the current Missouri Minimum Standards for Property Boundary Surveys.
  2. The permit application signed by the owner or legal representative.
  3. A copy of the tax map which may be provided by the Planning Department.
  4. A copy of the recorded deed of ownership.
  5. A driveway access permit must be attained from the Missouri Department of Transportation for all new accesses off of State Highways.
  6. Any additional information, material and documents necessary to determine compliance with all regulations of Taney County.
- B.** The Planning Administrator shall review the application, land survey plats and related documentation and may submit said information for review and comment to other agencies and departments as deemed necessary.
- C.** The Planning Administrator shall, in writing, either approve or deny the application within thirty (30) working days from date of submittal.
1. If approved, the appropriate forms and land survey plat, shall be filed with the Recorder of Deeds.
- D.** If the application is denied, a letter shall be sent to the owner and / or representative specifying reason(s) for the disapproval. This letter shall be sent within thirty (30) working days from the date of submittal of request.
- E. Submittal Date:**
1. The submittal date is determined by the date in which all applicable documentation has been received.
  2. In the event a portion of the application is filed late, the date of submittal shall be the date stamped on that portion which is submitted late.

#### **Section 4. Administrative Minor Subdivision Appeal of Denial**

- A.** In the event the Planning Administrator does not approve the request for an administrative minor subdivision, the applicant may appeal to the Planning Commission for approval.
- B.** Within thirty (30) days after the denial of an administrative minor subdivision, the owner / applicant and / or representative shall submit a written request appealing the denial of the administrative minor subdivision by the Planning Administrator, requesting to be placed on the next available Planning Commission agenda. Submittal deadlines shall comply with calendar of submittals for public hearings.
- C.** The applicant and / or representative must be present to provide testimony and answer questions with regard to the appeal.
- D.** The applicant’s appeal shall contain clear and concise language and be submitted with a drawing showing the property boundary, dimensions and lot lines, dimensions of proposed lots, and any easements or other encumbrances of record. The Planning Administrator may require a property survey.
- E.** The Planning Commission shall hold a public hearing on the final plat. The Planning Commission shall review any recommendations from agencies or officials, testimony and exhibits submitted at the public hearing.
  - 1. If approved, the Planning Commission shall express its approval and state the conditions of approval, if any.
  - 2. If denied, the Planning Commission shall express its disapproval and its reasons therefore and instruct the Planning Administrator to notify the applicant of the Commission’s determination.
  - 3. In any case, a notation of the action taken and the reason therefore shall be entered into the records of the Planning Commission.
- F.** If approved by the Planning Commission, the Planning Administrator shall affix his or her signature to the Certificate of Approval on the plat.
- G.** If the request is disapproved, the applicant may appeal to the Board of Adjustment within ninety (90) days after the Planning Commission’s action.
- H.** Fee for appeal of denial of administrative minor subdivision. Refer to the adopted fee schedule.



## **ARTICLE 6. MAJOR SUBDIVISION REQUIRED SUBMITTALS**

### **Section 1. Submittals Required**

Any division of land into lots or tracts less than 10 acres in size which does not fall within the classification of an administrative minor subdivision is classified as a major subdivision.

All submittals shall be made to the Taney County Planning Department. Required submittals are as follows:

#### **A. Sketch Plan**

1. Five (5) copies of the sketch plan.
2. One (1) copy of the sketch plan submittal form signed by the preparer and applicant(s).

#### **B. Preliminary Plat**

1. Five (5) copies of the preliminary plat.
2. Five (5) copies of the engineer's report.
3. One (1) copy of the signed preliminary plat submittal form signed by preparer and applicant(s).
4. List of property owners within six hundred (600) feet of the property boundary, prepared by the Planning Staff.
5. A notice will be sent to the neighboring property owners within 600' of the property informing them of the proposed subdivision. The Planning Staff prepares and mails the notices, at the expense of the applicant.
6. Place the public notice within a local newspaper of general circulation that is published at least (15) calendar days prior to public hearing.
7. Application fee as defined by the adopted fee schedule.

#### **C. Construction Plans for Required Improvements**

1. Five (5) copies of the street plans.
2. Five (5) copies of the drainage plans.
3. One (1) copy of the final plat.

4. One (1) copy of the signed construction plan submittal form signed by preparer and applicant(s).

5. **Other Required Plans**

The number of copies to be submitted will be specified by the Planning Administrator.

**D. Final Plat**

1. Three (3) paper copies of the final plat.

2. One (1) copy of the signed final plat submittal form signed by preparer and applicant(s).

3. Application fee (administrative approval) as provided by the adopted fee schedule.

4. After obtaining approval by the Planning Department, submit:

a. Four (4) paper copies for recording, addressing, and dissemination.

b. One (1) copy in an electronic format acceptable to the Taney County Assessor's Office.

## **Section 2. Sketch Plan**

The sketch plan is intended to be conceptual in nature and, while accuracy and legibility are essential, the submission of detailed finished plans are discouraged. Rather, the material should provide sufficient information to determine general compliance with the Development Guidance Code and the Subdivision Regulations. The sketch plan shall be prepared by a qualified professional in accordance with this article.

- A.** Applicants are encouraged to discuss possible development sites and issues with the Planning Administrator and/or staff prior to the submission of a sketch plan.
- B.** The sketch plan may be drawn to an exact or approximate scale. The sketch plan minimum drawing size shall be 24 x 36 inches. The following items shall be included on the sketch plan:
  - 1. Approximate boundary of the property showing approximate dimensions.
  - 2. Location map at a scale of 1" = 2000 feet to the inch showing:
    - a. Section, Township and Range
    - b. Quarter section lines.
    - c. Major roads within and adjacent to the section.
    - d. Major roads and streets labeled.
    - e. Location of subdivision, shaded.
  - 3. Approximate north arrow and scale.
  - 4. Existing topographic and physical features within five hundred (500) feet of the site, including the following:
    - a. Topographic contours at a maximum interval of ten feet.
    - b. Drainage ways and water bodies.
    - c. Floodplains.
    - d. Sinkholes, springs, caves, and other significant karst features.
  - 5. Existing streets on and adjacent to the site including width of rights-of-way.
  - 6. Proposed street layout.
  - 7. Proposed lot layout showing approximate frontage dimension of each lot.

8. Development notes, including the following:
    - a. Proposed means of wastewater treatment and disposal.
    - b. Proposed water supply and supplier.
    - c. Other proposed utilities such as electricity, natural gas, etc., and name of supplier.
  9. Name and address of consultant.
- C.** The sketch plan shall be reviewed by the Planning Commission in consultation with the Planning Staff during the next available Concept Hearing. The sketch plan shall be reviewed for the following criteria:
1. Compliance with the Taney County Master Plan.
  2. Compliance with the Taney County Development Guidance Code.
  3. Compliance with the Taney County Subdivision Regulations and Road Standards.
  4. Compliance with regulations and policies concerning environmental factors such as floodplain areas, drainage ways, downstream flooding, sinkholes, caves, etc as found within the Taney County Development Guidance Code and the Floodplain Management Ordinance.
- D.** The Planning Administrator may submit the plan for the review and comment of other agencies and departments as is deemed necessary.
- E.** The sketch plan

### **Section 3. Preliminary Plat**

The preliminary plat is intended to be the development guide. It is more detailed in nature than the sketch plan and shall provide sufficient information that affirms the development's compliance with the Development Guidance Code and the Subdivision Regulations. The preliminary plat shall be prepared in accordance with this article.

#### **A. Submittal of the Preliminary Plat**

The preliminary plat and the engineer's report Article 6, Section 1, shall be filed with the Planning Department at least fourteen (14) days prior to the Planning Commission Public Hearing.

#### **B. Preliminary Plat Requirements**

1. The preliminary plat shall conform to the sketch plan as modified by sketch plan comments.
2. The subdivision layout shall conform to the Subdivision Regulations and Master Plan.
3. The preliminary plat drawing size shall be 24" x 36". To allow a complete drawing on one page the Planning Administrator may approve 36" x 48" or larger administratively.
4. The preliminary plat shall be drawn to a convenient scale no greater than one hundred (100) feet to the inch which is an increment of ten (10). To allow a complete drawing on one page the Planning Administrator may administratively approve a scale other than increments of ten (10).
5. The following information shall be shown on the preliminary plat:
  - a. Proposed subdivision name located at the top of the plat.
  - b. Name(s) and address(es) of all owners of the tract and the authorized agent(s), if applicable.
  - c. Date of preliminary plat submittal.
  - d. North arrow based upon grid north and graphic scale.
  - e. Property description of area to be preliminary platted based upon boundary survey prepared by a registered land surveyor.

- f. A listing of the following information:
  - total acreage of the development
  - total number of lots
  - proposed land use
  - smallest lot with lot number and area
  - largest lot with lot number and area
- g. Location map at a scale of 1" = 2,000 feet to the inch showing:
  - 1. Section, township, range.
  - 2. Quarter section lines.
  - 3. Major roads within and adjacent to section.
  - 4. Major roads and Streets labeled.
  - 5. Location of subdivision, shaded.
- h. Property boundary based upon a survey prepared by a registered land surveyor.
- i. Floodplain boundaries as indicated on the FEMA Flood Insurance Rate Maps (FIRM)
- j. Topographic contours at maximum vertical intervals of ten (10) feet except for steeply sloping land where other intervals may be required as determined by the sketch plan review.

Source of datum shall be one of the following:

- 1. National Geodetic Vertical Datum (NGVD) 1929,
  - 2. North American Vertical Datum 1998,
  - 3. Missouri Department of Transportation,
  - 4. Other acceptable and recognized references.
- k. Existing and physical features, including drainage ways and water bodies; sinkholes, springs, caves, other significant karst features; other physical features which may affect the proposed development.
  - l. The names of all owners of all immediately adjacent unplatted land and the names of all proposed or existing subdivisions immediately adjacent to the plat boundaries.

- m. The location and dimensions of all street rights-of-way, utility easements, drainage easements, or other easements existing within or adjacent to the tract boundaries, as well as the distance from the centerline of adjacent streets to the plat boundaries.
  - n. The location and dimensions of all existing streets, roads, transportation facilities, utilities, water courses, storm drainage facilities, and other significant features within one hundred (100) feet of any part of the property proposed for subdivision.
  - o. The approximate location and extent of existing structure and tree masses within the property boundaries.
  - p. The full plan of development, including the following information:
    - 1. the location of all proposed streets, roads, rights-of-way, easements, parks, playgrounds, and other public areas and facilities, water supply, wastewater facilities, and proposed lot lines,
    - 2. the approximate dimensions of all lots with lots numbered in an orderly manner,
    - 3. all other areas designated for pertinent facilities, public use or proposed to be dedicated or reserved for future public use. All such areas shall be labeled.
6. Where the preliminary plat covers only a part of the subdivider's entire holdings, a sketch of the proposed future street system of the unsubmitted part shall be furnished. The street system of the submitted part will be considered in light of adjustments and connections with the future streets in the unsubmitted portion.

**C. Fee for Preliminary Plat**

Refer to the fee schedule established by rule of the Taney County Commission upon the recommendation of the Planning Commission for the current fee.

## **Section 4. Engineer’s Report**

NOTE: Where maps and schematic plans are required in the engineer’s report, the required information may be shown on the preliminary plat if the necessary level of detail can be clearly shown.

A report signed and sealed by a registered engineer shall be submitted with the preliminary plat. The report shall include the following items:

### **A. Stormwater Drainage**

1. Drainage basin map(s) showing site boundary and off-site drainage areas upstream of the site.
2. A tabulation of the drainage area and estimated peak flow for each off-site area draining onto the site. Peak flows shall be estimated assuming fully developed conditions in the drainage basin.
3. A schematic layout of the proposed stormwater drainage system including proposed modifications to floodplains or floodways, detention facilities, drainage channels, storm drains, location of inlets, and other principal components of the proposed drainage system.
4. A brief narrative of the proposed stormwater management plan, including a schematic layout of the sediment and erosion control measures and best management practices (BMPs) to be utilized for stormwater quality, where required.
5. Location and size of drainage structures or constrictions located within five hundred (500) feet [downstream] of the site. Location and size of structure greater than five hundred (500) feet from the site may be required if they can reasonably be expected to affect the site.
6. **Dentention**
  - a. identify downstream areas with flooding problems (to a point where additional runoff from the development no longer can be expected to have a significant impact).
  - b. preliminary storage volume computations.

### **B. Water Supply and Supplier**

1. **Public Supply** – Identify the water supplier and state any limitations which the supplier may have in serving the proposed development including fire protection needs, if applicable.



2. **Private Supply** – If wells are proposed, the type of wells proposed as described in 10 CSR 23-1.030 shall be specified. The approximate location of non-community and community wells and a schematic plan of the proposed distribution system shall be shown on the preliminary plat. Proposed plans for using shared private wells shall be described.
- C. Type of gas supply and name, address and telephone number of supplier, if applicable. Where propane tanks are proposed on individual lots, it is not necessary to name the supplier.
- D. Electrical supply and name, address and telephone number of supplier.
- E. Name, address and telephone number of telephone, cable television and other proposed utility suppliers.
- F. **Wastewater Disposal**
  1. Subdivisions that are to be serviced by on-site wastewater treatment systems and are seven (7) lots or greater, where each of the lots is less than five (5) acres in size shall be reviewed by the Missouri Department of Natural Resources. Missouri Department of Natural Resources approval must be received by the Planning Department prior to the Planning Commission Concept Hearing.
  2. Major Subdivisions not requiring Missouri Department of Natural Resources approval shall include, at a minimum, the following information within the engineer’s report that is submitted to the Taney County Planning Department:
    - a. A map showing soil types as shown on the USDA Soil Survey for Taney County, Missouri superimposed on the site plan.
    - b. A listing of soil types occurring on the site along with limitations noted in the soil survey.
    - c. Location of any soil pits or boring which have been taken on the site, along with the logs and description of the findings.

NOTE: Where the soil survey indicates particularly severe conditions, the Department may require that soil pits be taken on all or any portion of the proposed lots before the preliminary plat can be recommended for approval.
    - d. A map showing the underlying geologic formation(s) superimposed on the site plan.

- e. A map showing the location of any existing private or abandoned wells within one hundred (100) feet of the site, and any public wells within six hundred (300) feet of the site.
- f. A brief narrative describing the limitations of the site and measures proposed to address the limitations, such as setbacks from sinkholes, faults, etc. and possible alternative on-site wastewater treatment systems.

**G. Traffic Analysis / Street Capacity.**

- 1. Estimated trips per day for each outlet from the proposed developments in vehicles per day must be stated.
- 2. The types of traffic expected and the effects on the existing roads must be described.
- 3. The traffic investigation must extend from the development to the nearest arterial. Existing traffic counts may be estimated from a study of the area served by the subject road, or by actually counting vehicles consistent with good engineering practice.
- 4. The proposed and existing road system must be evaluated as to its capacity. Offsite improvements may be required by the Planning Commission depending on effects that additional traffic from the development will have on the existing adjacent road system.
- 5. Each proposed street must be listed by name and classification. The proposed right-of-way and design specifications must also be listed.

**H.** A copy of the preliminary plat reduced to 8-1/2” X 11” sheet size.

**I. Planning Data:**

- 1. Area of development utilized by road right-of-way.
- 2. Area of development dedicated to open space.
- 3. Development density excluding right-of-way.
- 4. Area of the smallest lot.
- 5. Area of the largest lot.
- 6. Schematic diagram showing significant natural features such as a stand of trees, sinkholes, rock outcroppings, springs, etc.

## **Section 5. Final Plat**

### **A. Final Plat Requirements**

1. The final plat shall be drawn to a convenient scale no greater than one hundred (100) feet to the inch or less than ten (10) feet to the inch. The scale used for the plat shall be an increment of ten (10). The use of other scales must be approved by the Planning Administrator.
2. Final plat sheet size shall be in compliance with the requirements of the Taney County Recorder of Deeds. If the final plat is drawn on more than one (1) sheet, a key map showing the location of the various sections shall be placed on each sheet. More than one (1) sheet for the final plat must be approved by the Planning Administrator.
3. When the name of the final plat is different from that of the approved preliminary plat, the preliminary plat name shall be shown on the final plat.
4. State Plane Coordinate requirements. The property being subdivided shall be tied to the Geographic Reference System of Taney County, Missouri, based on the Missouri Coordinate System of 1983, Central Zone. The final plat shall show state plane coordinates on all controlling corners of the parent tract boundary being subdivided, either directly or by means of a table. Determination of state plane coordinates and the publication of same shall comply with 4 CSR 30-16.050.

5. The following information shall be shown on the final plat:
- a. Name of the subdivision. The name shall not duplicate the name of any existing subdivision as recorded in the Taney County Registry
  - b. Date of plat submittal.
  - c. Name(s) and address(es) of owner and developer(s).
  - d. Prominent north arrow based on grid north.
  - e. A listing of the following information:
    - total acreage of the development
    - the acreage of each isolated portion, if applicable
    - total numbers of lots
    - area and number of the smallest lot
    - area and number of the largest lot
    - date preliminary plat was approved \*
    - Book and page number of the source of title to the property as contained in the records of the Recorder of Deeds.

\* on a replat use the date the final plat was recorded
  - f. Lot numbers in consecutive order, with reasonable continuity between blocks. Where preliminary plats are recorded in phases, lot numbers shall begin with lot number one (1) in each phase.
  - g. Multiple phase subdivisions shall be named in succession, i.e. 1<sup>st</sup> addition, 2<sup>nd</sup> addition, etcetera.
  - h. Dimensions for all lot lines. Bearings for all lot lines except where lots are parallel with the centerline of adjoining streets or a series of lot lines are parallel with one another. It will be assumed that street centerline and lot lines are same bearing unless specifically noted otherwise.  
  
Dimensions shall be shown to the nearest one-hundredth (1/100) of a foot. Bearings shall be shown to the nearest second of an arc. Bearings shall be based upon grid north as established by the Missouri Coordinate System of 1983, Central Zone.
  - i. Ownership of all unplatted land immediately adjacent to the development.
  - j. Names of all adjoining platted subdivisions.

- k. Lot lines and lot numbers for adjoining platted lots. Broken or half tone lines shall be used.
- l. Location map at a scale of 1" = 2,000 feet to the inch.
  - 1. section, township, range
  - 2. quarter section lines
  - 3. major roads within and adjacent to section
  - 4. major roads and streets labeled
  - 5. location of subdivision, shaded
- m. Total width of existing rights-of-way and dimension from right-of-way line to centerline of right-of-way.
- n. Width of any additional right-of-way to be dedicated.
- o. Dimensions of existing or proposed easements or other land to be dedicated to the public or community use.
- p. Boundary lines with dimensions and bearings which provide a survey of the tract in compliance with the standards as set forth by the State of Missouri.
- q. Location of all existing and recorded streets and road rights-of-way that intersect the tract boundaries.
- r. Complete curve data for all curves included in the plat including radius, central angle, tangent, arc length, long chord length and long chord bearing.
- s. Street centerlines with dimensions and bearings.
- t. Street names and right-of-way. Right-of-way widths must conform with the Taney County Road Standards. Street names shall comply with the 9-1-1 addressing network.
- u. Location, description, and reference datum for at least one permanent benchmark, on or near site.
- v. Location of all permanent and semi-permanent monuments, including material, type and surveyor's registration number. (Notes regarding location and elevation are acceptable.)
- w. All required easements labeled as to their intended purpose.
- x. Right-of-way triangles for street intersections.
- y. All building setback lines.

- z. Limits of all special districts such as the one hundred (100) year floodplain.
  - aa. Minimum floor elevations for lots adjacent to drainage easements. Floor elevations shall be based upon the referenced subdivision benchmark and shall be shown in a table labeled “Minimum floor elevations for stormwater”. The surveyor may add the following note: “These elevations are shown as required by Taney County and provided by...(insert name of registered engineer) who determined the elevations.”
  - bb. Minimum floor elevations for gravity sanitary sewer service where required by the municipality or the Regional sewer District.
  - cc. Any amendments required by the Planning Commission.
  - dd. Notes: Please refer to the Appendix for examples which can be modified as necessary
6. The following certificates, where applicable, shall be shown on the plat: (Please refer to appendix for examples which may be modified as necessary.)
- a. Surveyor’s Declaration, with seal, by a registered land surveyor to the effect that the survey and plat are accurate. (See Appendix)
  - b. All owners of property that are included within the plat shall sign the final plat.
  - c. A Statement of Dedication creating the subdivision and dedicating the streets; easements for their intended purpose; other common areas; and acknowledgment of the same. (See Appendix)
  - d. Certificate of Approval by Executive Secretary of the Planning Commission. (See Appendix)
  - e. Certificate of Taney County 911 Administrator.
  - f. Acknowledgment of Notary Public with name printed under signature.
  - f. Dual jurisdiction plats. In the event a portion of a plat is within the corporate boundaries of a city, town, or village within Taney County, a statement of approval from the city, town, or village will be required.

7. The final plat will be accompanied by:
  - a. Restrictive covenants governing the use and maintenance of all common areas, improvements, and facilities if applicable, in a form acceptable to the Planning Administrator in consultation with the Taney County Counselor.
  - b. A security agreement (see Appendix B for standard agreement) executed by a state or federally chartered bank of savings and loan, a corporate surety which shall:
    1. Run or be made payable to the County.
    2. Be in an amount determined by the County, based upon the recommendation of the Road and Bridge Administrator and the Planning Administrator, to be sufficient to complete the improvements and installation in compliance with these regulations.
    3. Specify the time for the completion of the required improvements. Such time shall be satisfactory to the County. When the improvements have been completed and approved by the County, the guarantee shall be released and returned. When a portion of the required improvements have been completed and approved by the County, a portion of the bond commensurate with the cost of the improvement may be released and returned. The County may require engineer's certification or other inspection and certification necessary to satisfy the County that the improvements have been constructed substantially in accordance with plans and specifications.

**B. Fee for the Final Plat**

Refer to the fee schedule established by rule of the Taney County Commission upon the recommendation of the Planning Commission for the current fee.

## **ARTICLE 7. Plat Approval Process**

### **Section 1. Preliminary Plat Approval**

#### **A. Planning Commission Review**

1. The Planning Commission will review the preliminary plat to determine if it meets the standards as set forth in these regulations. The Planning Commission may also discuss the plan with appropriate officials of municipalities nearest to the subdivision. The Planning Commission may table the preliminary plat to their next scheduled meeting but shall not table for a longer period except upon request of the developer.
2. **Preliminary Approval**
  - a. After the Planning Commission has reviewed the preliminary plat, the report of the Taney County Planning Administrator, any municipal protests or recommendations, testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required amendments. The Planning Commission shall approve, amend, or deny the preliminary plat at the regular meeting of the Planning Commission. The Planning Administrator shall specify in writing to the developer or developers legal agent, the action taken by the Planning Commission including any amendments which will be required prior to filing a final plat, or the reasons for denial.
  - b. **Public Improvements** – The Planning Commission may require that all public improvements be installed and dedicated prior to the recording of the plat. If the Planning Commission does not require that all public improvements be installed and dedicated prior to signing of the subdivision plat by the Planning Administrator of Taney County, the developer shall establish an appropriate security to guarantee the completion of the required improvements per the requirements of Article 9, Section 6 of these Subdivision Regulations.



## **Section 2. Preliminary Plat Appeal of Denial**

- A.** In the event the Planning Commission does not approve the request for a preliminary plat, the applicant may appeal to the Board of Adjustment for approval.
- B.** Within thirty (30) days after the denial of a preliminary plat, the owner/ applicant and/or representative shall submit a written request to the Planning Administrator, appealing the denial to the Board of Adjustment, requesting to be placed on the next available Board of Adjustment agenda. Submittal deadlines shall comply with calendar of submittals for public hearings.
- C.** The applicant and/or representative must be present to provide testimony and answer questions with regard to the appeal.
- D.** The applicant’s appeal shall contain clear and concise language and the preliminary plat and any easements or other encumbrances of record.
- E.** The Board of Adjustment shall hold a public hearing on the preliminary plat and shall review any recommendations from agencies or officials, testimony and exhibits submitted at the previous public hearing.
  - 1. If approved, the Board of Adjustment shall express its approval and state the conditions of approval, if any, and instruct the Planning Administrator to follow final plat procedures culminating in the recording of the final plat when all requirements have been met.
  - 2. If denied, the Board of Adjustment shall express its disapproval and its reasons therefore and instruct the Planning Administrator to notify applicant of the Board’s determinations.
  - 3. In any case, a notation of the action taken and the reason therefore shall be entered into the records of the Board of Adjustment.
- F.** If approved by the Board of Adjustment, the Planning Administrator shall follow all final plat procedures before the plat can be recorded.
- G.** If the request is disapproved, the applicant may appeal to the Circuit Court within ninety (90) days after the Board of Adjustment action.
- H.** Fee for Board of Adjustment appeal.

Refer to fee schedule adopted by the Taney County Planning Commission for current fee.

### **Section 3. Construction Plans**

- A.** Construction plans for all required improvements must be completed and approved by the various agencies having jurisdiction before the final plat can be recorded.
- B.** All construction plans shall initially be submitted to the Planning Department. The Planning Department shall distribute the plans to the appropriate reviewing agency. After comments are received from the reviewing agencies, revised plans may be re-submitted directly to the reviewing agency.
- C.** The reviewing agency shall notify the Planning Administrator in writing when the construction plans have been approved.
- D.** Street and road plans shall meet the requirements of the Taney County Road Standards and must be approved by the appropriate Taney County or Special Road District.
- E.** The sanitary sewer plans shall meet the requirements of the municipality providing sewer service to the development and shall be reviewed and approved as prescribed by the municipality.
- F.** Grading, sediment and erosion control plans, and stormwater drainage plans shall meet the requirements of the Taney County Development Guidance Code.

#### **Section 4. Final Plat Approval**

- A.** The final plat shall substantially conform to the approved preliminary plat.
- B.** The final plat shall be submitted to the Planning Department for approval and subsequent recording.
- C.** The Administrator may either approve the final plat, require changes in writing, or refer the final plat to the Planning Commission. Required changes shall be forwarded to both the developer and surveyor in writing. (See Section 5 for final plat review procedures.)
- D.** The developer has the right to appeal the Administrator’s decision to the Planning Commission. The appeal must be filed thirty (30) days prior to the regular Planning Commission hearing.
- E.** A final plat shall be recorded within two (2) years of the date of approval of the preliminary plat. The final plat may be submitted in phases with each phase covering a portion of the approved preliminary plat. If the final plat is submitted in successive phases the developer will have one year after each phase to record the final plat for the next phase.
- F.** The Planning Commission in its discretion may grant an extension of the time for plat submission if it finds that the conditions on which the preliminary plat was approved have not changed substantially. The Planning Commission may require changes in the final plat to reflect changes in the regulations or changes in factors upon which the approval of the preliminary plat was based.

## **Section 5. Final Plat Review Procedure**

- A.** Three (3) paper copies (Refer to Article 6, Section 1)
- B.** County’s submittal form.
- C.** Administrative review fee. All other fees paid upon approval for final plat submittal. Replats – also submit recording fee.
- D. Review of Plat**
  - 1. The department may distribute the plat to various governmental and utility companies for comment.
  - 2. The department staff will review for compliance with the Subdivision Regulations.
  - 3. Reviews will be sent via fax, e-mail or mail to owner(s) / developer(s) and consultant.
  - 4. Consultant is to resubmit three (3) paper copies of the plat reflecting the required changes. The Department will re-review the plat and notify owner(s) / developer(s) and consultant of any additional changes required.
  - 5. When the plat is found to be in conformance with all requirements of all reviews, the owner(s) / developer (s) and consultant are notified that they may submit one four (4) paper copies.
  - 6. Before a plat may be recorded, all real estate taxes due on December 31<sup>st</sup> of prior calendar year (assessment year) must be paid. The certificate must be signed by the Taney County Collector of Revenue before the plat can be recorded.
- E.** To record a plat prior to the acceptance of all public improvements the developer shall either install all of the required improvements or establish a Performance Bond and a Maintenance Bond from a qualified insurance or bonding company to guarantee the cost for the completion of the required public improvements per the requirements of the *Security for Public Improvements* Section of the Taney County Road Standards.
- F.** Covenants shall be required for subdivisions which have common area(s) and shall be approved by the Taney County Counselor prior to the recording of the subdivision plat.

## **Section 6. Replatting**

- A.** A replat shall follow the same procedures as a final plat.
- B.** A replat shall be required in order to change any feature on a subdivision lot including, but not limited to
  - 1. an easement,
  - 2. setback line,
  - 3. lot line,
  - 4. increase / decrease number of lots.

It is anticipated that recently recorded final plats will have an approximate fifteen (15) day review time.

- C.** A replat which creates more than six (6) tracts shall require review as a new plat.
- D.** A replat which requires construction of public improvements including, but not limited to
  - 1. roads,
  - 2. sewer mains,
  - 3. gas / water / electric main distribution lines,
- E.** Replats may reference recorded lot numbers within the subdivision or may utilize a boundary survey.
- F.** Fee for replat.

Refer to fee schedule adopted by the Taney County Commission for the current fee.

## **Section 7. Lot Splits**

- A.** Lot splits and / or re-assembly of a lot or lots shall be filed as replats.
- B.** Lot split(s) in recorded subdivisions may reference recorded lot number(s) or may utilize a boundary survey.

## **ARTICLE 8. REQUIRED IMPROVEMENTS**

### **Section 1. Monuments and Markers for Major Subdivisions (More than six (6) lots)**

- A.** Monuments shall be placed in accordance with State of Missouri minimum standards for property boundary surveys.

### **Section 2. Streets**

- A.** Unless otherwise approved by the Planning Commission, all streets shall be public streets.
- B.** Public streets shall be designed and constructed in accordance with the Taney County Road Standards.
- C.** The street layout shall conform to the Taney County Master Plan and the Taney County Road Standards.
- D.** Where the proposed subdivision adjoins an existing County road, additional right-of-way shall be dedicated on the final plat. The width of the additional right-of-way shall be determined per the requirements of the Taney County Road Standards.

#### **E. Street Names**

1. Proposed streets which are continuations of, or in alignment with, existing named streets shall bear the names of such existing streets, unless otherwise approved by the Taney County 911 Office.
2. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing or platted street.
3. All names of streets proposed by the developer shall be approved or disapproved by the Taney County 911 Office in accordance with this Resolution.

#### **F. Private Streets**

1. Private streets shall be permitted only with the approval of the Planning Commission.
2. Where private streets are permitted, the restrictive covenants must contain provisions to assure maintenance of the streets, sidewalks, and other common improvements. Restrictive covenants must be approved by the Planning Administrator and must be recorded with the final plat.

3. Only local streets may be designated as private streets.
4. Private streets shall be constructed in accordance with Taney County Road Standards. Any private street located within an ingress / egress / utility and drainage easement shall have the same width as the right-of-way provided for local streets in the Taney County Road Standards.

**G. Driveway**

- a. For administrative minor subdivision a private driveway, exempt from any construction standards, will be allowed to serve no more than two (2) tracts which have no public road frontage.
- b. Driveways providing sole access to tracts, without public road frontage, shall be located within a recorded ingress / egress easement with a minimum width of fifty (50) feet.
- c. All new driveway approaches that directly access any County roads shall be installed per Taney County Road Standards.
- d. All commercial or industrial tracts of land shall be served by a public road.
- e. A joint driveway that serves no more than two (2) tracts must have a sign that meets the requirements of the Taney County Road & Bridge Department. Signs shall be paid for by the developer but shall be installed by the Taney County Road & Bridge Department.
- f. The Taney County Road & Bridge Department must review proposals that directly access any County roads.

**Section 3. Wastewater Disposal**

- A. Subdivisions proposed with lots, any of which contain less than two (2) acres shall be connected to a public or central sewer collection system.
- B. Wastewater disposal systems shall be provided in accordance with the approved engineering report and a construction permit must be obtained from the applicable wastewater system permitting entity (i.e. MoDNR, Taney County Regional Sewer District or Missouri State Department of Health and Senior Services / Taney County Planning Department).

#### **Section 4. Water Supply**

- A.** The subdivision shall be provided with a complete water supply and distribution system, connected to a municipal water supply, public water supply district, community water supply or a single well and distribution system meeting the requirements of the Missouri Department of Natural Resources and Missouri Department of Health and Senior Services.
- B.** Where the water supply is adequate for use with fire hydrants, fire hydrants shall be required at intervals no greater than six hundred (600) feet.

#### **Section 5. Storm Drainage**

##### **A. Storm Drainage System**

Subdivisions shall be provided with a storm drainage system consisting of natural watercourses, constructed drainage channels, storm drain inlets and piping, bridges and culverts, capable of:

- 1. Conveying stormwater runoff through the subdivision without unreasonable risk of damage to structures, roads and utilities due to inundation by floodwaters or erosion of the soil by floodwaters;

##### **B. Stormwater Detention**

Construction of buildings, parking lots, and other impervious surfaces results in an increase in both the rate and volume of runoff, which may create harmful effects on properties downstream. In order to minimize these effects, stormwater detention may be required.

##### **C. Erosion and Sediment Control**

Measures shall be provided to minimize erosion and discharge of sediment through the design of erosion and sediment controls designed in accordance with the provisions of the Taney County Development Guidance Code.

##### **D. Best Management Practices for Water Quality Protection**

Best Management Practices (BMPs) for water quality protection shall be provided in watersheds as required by the County. Water quality protection measures shall be designed in accordance with the Taney County Development Guidance Code.

- E.** Drainage easements shall be provided encompassing all land inundated by the runoff from a storm having a 100-year recurrence interval under fully developed conditions. All components of the storm drainage system, including detention basins, shall be contained in a drainage easement.



## **Section 6. Security for Public Improvements**

Installation of required public improvements in a development or any phase of a development shall be required or guaranteed by any one of the following methods:

- A.** The developer shall install all of the required improvements prior to the approval and subsequent recording of a final plat.
- B.** The Planning Commission shall require that all public improvements be installed and dedicated prior to the Planning Administrator authorizing the recording of the final plat.
- C. Security for Public Improvements**

Should the Planning Commission determine it to be unreasonable to require the permit recipient to comply with all of the requirements of these Regulations with respect to the installation and dedication of all public improvements before the filing of the final plat, the permit recipient shall establish a Performance Bond from a qualified insurance or bonding company, an Irrevocable Letter of Credit from a certified lending institution or cash bond, utilizing a form approved for use by the Planning Department to guarantee the cost for the completion of the required public improvements. The amount of the security shall be established by the following method:

- 1. The permit recipient shall submit detail plans and drawings of the development(s) with an itemized cost estimate for public improvements (see Table 1 for standard cost estimate form), the amount of security to guarantee the completion of the required public improvements shall be established by the Planning Administrator in an amount sufficient to pay the estimated cost of the required public improvements plus ten percent (10%).

## **Section 7. Performance by the County of Developer's Obligations**

Should the developer fail to perform the developer's obligation to construct and correct defects in public improvements as required by the Taney County Road Standards, the Taney County Subdivision Regulations, the Taney County Development Guidance Code or any other County regulations or requirements, the County may liquidate any performance security in the County's possession and use the proceeds to construct or correct the improvements in whole or in part as the County in its sole discretion deems appropriate.

- A.** The developer is to pay all costs if defective. Notwithstanding the amount of the Subdivision Performance Bond, Irrevocable Letter of Credit or cash bond, the owner of the subdivision shall pay all costs that Taney County actually incurs in designing and constructing improvements or correcting defects in any improvements the developer is required to install pursuant to the Taney County

Subdivision Regulations but which the developer fails to design, construct or maintain free from defects in accordance with the Road Standards. If the amount of money is insufficient to pay all such costs, the developer shall reimburse the County for the remainder within thirty (30) days of the County sending a bill for the balance due.

- B.** The attorney’s fees are to be paid. Should Taney County be required to institute proceedings in court in order to collect any sum due under these Subdivision Regulations or to enforce the provisions of the developer’s subdivision Performance Bond, Letter of Credit, cash bond or to collect on the security pledged in support of said bond or letter of credit, the County shall be entitled to collect reasonable attorney’s fees it incurs, regardless of whether the attorney is engaged by the County on a part or full-time basis.

### **Section 8. Maintenance**

The recipient of any permit, or his successor, shall be responsible for maintaining all common areas, improvements, or facilities required by either these Regulations or the Taney County Road Standards, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, stormwater detention basins and drainage easements, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed. If common open space, common improvements, stormwater detention basins, drainage easements, or any streets or roads are not dedicated to and accepted for public use by the County Commission, they shall be protected by legal arrangements, such as restrictive covenants recorded in the Taney County Recorder of Deeds Office, in the form acceptable to the Planning Commission and County Counselor sufficient to assure their maintenance and preservation by a homeowner's association for whatever purpose they are intended. Covenants or other legal arrangements shall specify ownership of the common space and common improvements shall be in a homeowner's association condominium association, the method of maintenance, responsibility for maintenance; maintenance assessment, taxes and insurance, guarantees that any association formed to own and maintain common open space and common improvements will not be dissolved without the prior consent of the County, and any other specifications deemed necessary by the Planning Commission and County Counselor.

### **Section 9. Acceptance of Improvements**

- A.** Improvements shall be constructed in accordance with the approved plans and specifications.
- B.** Upon completion of the improvements and written approval by the Taney County Road and Bridge Administrator for road and paving improvements located in public road rights-of-way or private road easements and for drainage improvements located on public or private property; and owners of the various utility services provided in the subdivision, the developer may petition the County Commission for acceptance of the public improvements.
- C.** County maintenance of public streets shall commence only after acceptance by the County Commission.
- D.** Record plans and electronic media copy of design plans in a format acceptable to the Planning Administrator shall be filed with the Administrator prior to acceptance of the improvements by the County Commission.

## **ARTICLE 9. SUBDIVISION DESIGN CRITERIA**

### **Section 1. Compliance with the Road Standards and the Master Plan**

- A.** The subdivision layout shall conform to both the requirements of the Taney County Road Standards and the Master Plan. Wherever a tract to be subdivided embraces any part of a highway, arterial or collector street so designated on site plan, such part of such public way shall be platted by the developer in the location and at the width indicated in the plan.

### **Section 2. Streets**

**A. General**

1. New streets shall be considered in their relation to existing platted or planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of land to be served by the proposed streets.
2. Local streets shall be designed so as to encourage traffic calming through residential neighborhoods. Collector and higher classification streets must be designed to meet maximum traffic movement.
3. Extension and / or continuation of arterial and collector streets into and from adjoining properties.
4. Access to abutting properties should be required. The Planning staff will review all available data relating to a proposal and determine all street / road extensions to adjacent undeveloped properties.
5. The distance between center lines of streets opening into the opposite sides of an existing or proposed street shall be not less than one hundred fifty (150) feet for local residential or as dictated by the Taney County Road Standards, depending upon street classification.

**B. Cul-de-sacs**

1. Cul-de-sacs shall be permitted only on local streets.
2. Cul-de-sacs shall be designed in accordance with the Taney County Road Standards.

**C. Alignment**

1. Horizontal and vertical alignment of streets shall be designed in accordance with the Taney County Road Standards.
  - a. Minimum right-of-way widths and width of paving shall be as specified in the Taney County Road Standards.
  - b. Additional street right-of-way widths may be required by the Planning Commission or by the Planning Administrator on Subdivisions.
    1. The subdivision fronts on a street which is presently below the minimum street width standards established either in the Taney County Road Standards or herein.

**D. Street Paving**

1. Street pavement thickness, design, criteria, and material specifications shall be as set forth in the Taney County Road Standards.

**E. Street Intersections**

1. Street intersections shall be designed in accordance with the Taney County Road Standards.
2. Intersections involving the junction of more than two (2) streets shall be reviewed on a case-by-case basis.
3. Additional right-of-way shall be provided at street intersections as specified in the Taney County Road Standards.

**Section 3. Lots**

- A. Requirements for lot size and road frontage have been established for residential and commercial properties in Taney County. These requirements vary depending on factors such as availability of sewer and public water. Refer to the Lot Size and Frontage Table below:

**TABLE 1**  
Lot Size and Frontage Requirements

<b>Area Measurements</b>	<b>Lot Area Public / Central Sewer</b>	<b>Lot Area On-Site Wastewater System</b>	<b>Minimum Frontage</b>
<b>Single-Family Dwelling*</b>	<b>8,000 Square Feet</b>	<b>2 Acres</b>	<b>70 Feet</b>
<b>Duplex* (Two-Family Dwelling)</b>	<b>8,000 Square Feet</b>	<b>2 Acres* *With an on-site wastewater system for each dwelling unit</b>	<b>70 Feet</b>
<b>Multi-Family Dwelling*</b>	<b>3,000 Square Feet / Dwelling Unit</b>	<b>---</b>	<b>70 Feet</b>
<b>Commercial Use*</b>	<b>8,000 Square feet</b>	<b>2 Acres</b>	<b>70 Feet</b>

<b>Multi- Family Well</b>	<b>Missouri Department of Natural Resources Approval</b>
<b>Community Wells</b>	<b>Missouri Department of Natural Resources Approval</b>

( Note: Road frontage calculations for cul-de-sacs and sharp curves shall be at the setback line.)

\*Please refer to the Taney County Development Guidance Code for definitions of each of these terms

- B. All land included within the plat boundary shall be designated as a (1) a lot, (2) dedicated to and accepted by the governmental authority, (3) or designated for a particular use with covenants approved by the Taney County Counselor to insure continued maintenance.
- C. Building setback requirements shall conform to the minimum standards established in the Taney County Development Guidance Code

#### **Section 4. Easements and Alleys**

- A.** An ingress / egress easement with a minimum width of fifty (50) feet shall be recorded.
  - 1. An ingress / egress easement shall be allowed to serve no more than two (2) tracts which have no public road frontage.
- B.** Drainage easements shall be required.
- C.** Utility easements shall be labeled as to their usage on all recorded documents. Utilities include but are not limited to sewer, gas, water, electric and communications.
- D.** Miscellaneous easements such as sign, conservation, greenway, recreation, and environmental easements will be designated as desired and / or required.
- E.** Sanitary sewer and utility easements shall extend where necessary to adjacent properties.

## **APPENDIX A. ADMINISTRATIVE MINOR SUBDIVISION CERTIFICATIONS and ENDORSEMENTS**

### **Certificate of Ownership**

\_\_\_\_\_ and \_\_\_\_\_, (single, husband and wife, corporate officer / other) hereby certify that I/we are the sole owner(s) of the property described hereon, which is within the subdivision regulation jurisdiction of the County of Taney, and that I/we freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as easements or deficient Right of Way, except those specifically indicated as private, and that I/we will maintain all such areas until the offer of dedication is accepted by the appropriate public authority.

\_\_\_\_\_  
(Owner Signature) – Print name underneath line

\_\_\_\_\_  
(Owner Signature) – Print name underneath line

\_\_\_\_\_  
(Title – if appropriate)

\_\_\_\_\_  
(Title – if appropriate)

### **Acknowledgment**

STATE OF MISSOURI)  
SS  
COUNTY OF TANEY)

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, to me personally known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

In witness whereof, I have hereunto set my hand and affixed my official seal at my office in said County and State and day and year last written above.

\_\_\_\_\_  
(Notary Public) – Print name underneath line



### Acknowledgment for Corporation

STATE OF MISSOURI)  
SS

COUNTY OF TANEY)

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, and \_\_\_\_\_, to me personally known, who duly sworn, did say that they are the president and secretary respectively of \_\_\_\_\_ corporation, a \_\_\_\_\_(State)\_\_\_\_ Corporation and that the seal to be affixed to the foregoing instrument is the corporate seal of said corporation and that the foregoing instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and that said \_\_\_\_\_ and \_\_\_\_\_ acknowledge said instrument to be the free act and deed of said corporation.

In witness whereof, I have hereunto set my hand and affixed my official seal at my office in said County and State and day and year last written above.

\_\_\_\_\_  
(Notary Public) – Print name underneath line

### Surveyor’s Declaration

Known all men by these presents:

That I, \_\_\_\_\_, do hereby declare that this plat was prepared under my personal supervision from an actual survey of the land herein described, prepared by \_\_\_\_\_, dated \_\_\_\_\_ and signed by \_\_\_\_\_, L.S. NO. \_\_\_\_\_, and that the corner monuments and lot corner pins shown herein were placed under the personal supervision of \_\_\_\_\_, L.S. No. \_\_\_\_\_, in accordance with the current “Missouri Minimum Standards for Property Boundary surveys and the subdivision regulations of Taney County, Missouri.

\_\_\_\_\_  
(Name) – Print name underneath line

\_\_\_\_\_  
(MO. L.S. NO.)

\_\_\_\_\_  
Date

### **Certificate of Approval**

**I hereby certify that the minor subdivision shown on this plat has been approved by the Taney County Planning Commission. This plat does not violate the provisions of the Taney County Development Guidance Code or the Taney County Subdivision Regulations.**

\_\_\_\_\_  
**(Planning Commission Chairman) – Print name  
underneath line**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**(Planning Administrator) – Print name  
underneath line**

\_\_\_\_\_  
**Date**

### **Certificate of Taney County 911 Administrator**

**I hereby certify that the minor subdivision shown on this plat has been approved by the Taney County 911 Administrator**

\_\_\_\_\_  
**(911 Administrator) – Print name underneath line**

\_\_\_\_\_  
**Date**

## **APPENDIX B. MAJOR SUBDIVISION CERTIFICATIONS and ENDORSEMENTS**

### **Certificate of Ownership**

\_\_\_\_\_ and \_\_\_\_\_, (single, husband and wife, corporate officer / other) hereby certify that I/we are the sole owner(s) of the property described hereon, which is within the subdivision regulation jurisdiction of the County of Taney, and that I/we freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space, and easements, except those specifically indicated as private, and all streets and other improvements shown on this plat have been installed or completed or that their installation or completion (within 24 months after the date below) has been assured by the posting of a performance bond or other sufficient surety, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority.

(If covenants or restrictions are proposed) **Restrictions and/or Covenants recorded in Book\_\_\_ Page \_\_\_, in the Taney County Recorder's Office**

\_\_\_\_\_  
(Owner Signature) – Print name underneath line

\_\_\_\_\_  
(Owner Signature) – Print name underneath line

\_\_\_\_\_  
(Title – if appropriate)

\_\_\_\_\_  
(Title – if appropriate)

### **Acknowledgment**

STATE OF MISSOURI  
SS  
COUNTY OF TANEY)

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, to me personally known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

In witness whereof, I have hereunto set my hand and affixed my official seal at my office in said County and State and day and year last written above.

\_\_\_\_\_  
(Notary Public) – Print name underneath line

### Acknowledgment for Corporation

STATE OF MISSOURI)  
SS

COUNTY OF TANEY)

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, and \_\_\_\_\_, to me personally known, who duly sworn, did say that they are the president and secretary respectively of \_\_\_\_\_ corporation, a \_\_\_\_\_ (State) \_\_\_\_\_ Corporation and that the seal to be affixed to the foregoing instrument is the corporate seal of said corporation and that the foregoing instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and that said \_\_\_\_\_ and \_\_\_\_\_ acknowledge said instrument to be the free act and deed of said corporation.

In witness whereof, I have hereunto set my hand and affixed my official seal at my office in said County and State and day and year last written above.

\_\_\_\_\_  
(Notary Public) – Print name underneath line

### Surveyor’s Declaration

Known all men by these presents:

That I, \_\_\_\_\_, do hereby declare that this plat was prepared under my personal supervision from an actual survey of the land herein described, prepared by \_\_\_\_\_, dated \_\_\_\_\_ and signed by \_\_\_\_\_, L.S. NO. \_\_\_\_\_, and that the corner monuments and lot corner pins shown herein were placed under the personal supervision of \_\_\_\_\_, L.S. No. \_\_\_\_\_, in accordance with the current “Missouri Minimum Standards for Property Boundary surveys and the subdivision regulations of Taney County, Missouri.

\_\_\_\_\_  
(Name) – Print name underneath line

\_\_\_\_\_  
(MO. L.S. NO.)

\_\_\_\_\_  
Date

### **Certificate of Approval**

**I hereby certify that the major subdivision shown on this plat has been approved by the Taney County Planning Commission. This plat does not violate the provisions of the Taney County Development Guidance Code or the Taney County Subdivision Regulations.**

\_\_\_\_\_  
**(Planning Commission Chairman) – Print name  
underneath line**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**(Planning Administrator) – Print name  
underneath line**

\_\_\_\_\_  
**Date**

### **Certificate of Taney County 911 Administrator**

**I hereby certify that the major subdivision shown on this plat has been approved by the Taney County 911 Administrator**

\_\_\_\_\_  
**(911 Administrator) – Print name underneath line**

\_\_\_\_\_  
**Date**

## APPENDIX C. ITEMIZED COST ESTIMATE FOR PUBLIC IMPROVEMENTS

\_\_\_\_\_  
**Subdivision Name**

\_\_\_\_\_  
**Final Plat File Code**

ITEM	QUANTITY	UNITS	AMOUNT
Temporary gravel const. Entrance and upkeep		EA	
Straw / hay bale dike		LF	
Sediment basin		LS	
(List other initial sediment controls)			
Detention basin grading		LS	
Detention basin outlet structure		LS	
Detention basin trickle channel		LF	
Seed & mulch sediment/detention basin berms		AC	
Rough grade streets		LF	
Rough grade lots		LS	
Rough grade drainage channel, (Line A, 1,etc)		LF	
Sanitary sewer mains, off-site		LF	
Sanitary sewer mains, on-site		LF	
Sanitary sewer laterals		EA	
Water mains, off-site		LF	

Taney County Subdivision Regulations  
Appendix C – Itemized Cost Estimate for Public Improvements

Water mains, on-site		LF	
Water line service laterals		EA	
Gas main, off-site		LF	
Gas main, on-site		LF	
Gas line service laterals		EA	
Electric facilities, off-site			
Electric facilities, on-site			
Storm sewer Line A			
15" RCP		LF	
Etc, pipe size & type		LF	
Junction Box		EA	
SS-6 inlet		EA	
DI-1 inlet		EA	
XX" Flared end section		EA	
Grouted riprap		SF	
Etc for each storm sewer line			
Fine grade subgrade		LF	
Curb & gutter		LF	
Aggregate base course		LF	
Asphalt base course		LF	
Asphalt surface course		LF	
Initial Double Coat Chip & Seal surface		LF	
Final Double Coat Chip & Seal surface		LF	
Concrete pavement		LF	
Sidewalks		LF	
Backfill curbs			
Seed & mulch right-of-way		LF	
Seed & mulch lots		LS	

Taney County Subdivision Regulations  
 Appendix C – Itemized Cost Estimate for Public Improvements

Remove temporary sediment controls		LS	
Clean out sediment from storm sewers & detention basins		LS	
Re-seeding / erosion repair		LS	
Street Signs			
Street stripping			
TOTAL			

\* Appendix A is subject to revisions  
 \*\* Line items may need to be added to fully define the needed improvements for this format.



**RESOLUTION NUMBER 7-19-12-01**

**RESOLUTION of the  
TANEY COUNTY COMMISSION  
FORSYTH, MISSOURI**

**DATE: July 19, 2012**

**SUBJECT: Adoption of the Subdivision Regulations for Taney County, Missouri**

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**WHEREAS**, Taney County, Missouri desires to coordinate physical development in accordance with its present and future needs; so as to conserve the natural resources of the county, to insure efficient expenditure of public funds and to promote the health, safety, convenience, prosperity and general welfare of its inhabitants, and

**WHEREAS**, the Taney County Planning Commission has held advertised public hearings in order to obtain public input concerning the amendment of the Development Guidance Code for Taney County, Missouri, and

**WHEREAS**, the Taney County Planning Commission has recommended the removal and separation of the subdivision regulations formerly known as Section 5 (Subdivision of Land), Section 6 (Plats) and Appendix H (Requirements for Plats) of the Taney County Development Guidance Code, resulting in the creation of what is to now be cited separately as the "Subdivision Regulations for Taney County, Missouri";

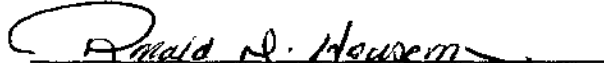
**NOW, THEREFORE, BE IT RESOLVED** by the County Commission of Taney County, Missouri that the Commission approves and adopts the Subdivision Regulations for Taney County, Missouri, in accordance with the requirements of Sections 64.815 through 64.835 of Missouri Revised Statutes; which are attached hereto and incorporated herein by reference. Existing subdivision regulations of the Development Guidance Code of Taney County, Missouri, are repealed and superceded to the extent of their inconsistency with the Subdivision Regulations of Taney County, Missouri adopted this date.

**IT IS FURTHER RESOLVED** that the Subdivision Regulations for Taney County, Missouri adopted hereunder provide penalties for the violation thereof, and authorize said Regulations to be amended from time to time by resolution carried by not less than a majority vote of the full membership of the County Commission of Taney County, Missouri.


**PASSED AND ADOPTED** by a majority vote of the full membership of the County Commission of Taney County, Missouri, on this 19th day of July, 2012.

Done this 19th day of July, 2012, at 9:34 o'clock A.m.

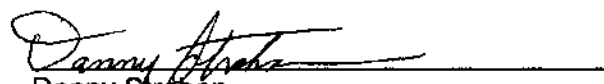
**TANEY COUNTY COMMISSION**

  
\_\_\_\_\_  
Ron Houseman  
Presiding Commissioner

Yes   
Dated: 07/19/2012

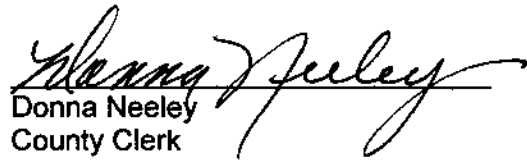
  
\_\_\_\_\_  
Jim Strafuss  
Commissioner, Western District

Yes   
Dated: 07/19/2012

  
\_\_\_\_\_  
Danny Strahan  
Commissioner, Eastern District

Yes   
Dated: 07/19/2012

ATTEST:

  
\_\_\_\_\_  
Donna Neeley  
County Clerk