

# **RULES FOR LAND SUBDIVISION FOR DEVELOPMENT AND CONSTRUCTION**



**COLE COUNTY, MISSOURI**

**1999**

Effective September 1, 1999

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## SECTION I SCOPE AND PURPOSE

1.1: SCOPE AND LEGAL AUTHORITY: For the purpose of present and future development of the County of Cole and for the promotion of the public health, safety, and welfare of persons living within the territory governed, the provisions and regulations hereinafter contained shall govern the subdivision and platting of lands lying within the area of jurisdiction of the County of Cole, Missouri.

The rules and regulations governing plats and subdivision of land contained herein shall apply within the County as permitted by Section 64.800 - 64.840 RSMo. 1996 or their successors. In the event of overlapping jurisdiction within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between the County and the other municipality or municipalities concerned, within thirty (30) days, unless the matter is under litigation. Except in the case of re-subdivision, these regulations shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Cole County Recorder of Deeds prior to June 1, 1977, nor is it intended by these regulations to repeal, annul, or in any way impair or interfere with existing provisions of other laws or orders except those specifically repealed by, or in conflict with these regulations, or with restrictive covenants running with the land, and shall not abrogate Section 137.185 RSMo. 1996 or their successors. Where these regulations impose a greater restriction upon the land than is imposed or required by such existing provisions of law, order, contract, or deed, the provisions of these regulations shall control.

However, preexisting, platted and recorded subdivisions shall be subject to these regulations insofar as building permit requirements (Section 4.7) and sanitary sewer requirements (Section 5.11) are concerned for any new building(s) on such existing lot(s) where no building(s) existed at the effective date of these regulations.

Additionally, no street or road will be accepted into the Cole County Highway System for maintenance unless they are constructed in full compliance with these regulations.

1.2: TITLE: These regulations shall be known, referred to, and cited as "THE RULES FOR LAND SUBDIVISION OF COLE COUNTY, MISSOURI" and are generally referred to herein as "Regulations".

1.3: APPLICATION OF ORDER: No existing parcel of land may be subdivided into two or more lots or tracts for the purpose of transferring ownership unless a Final Plat of the subdivision has been approved according to the requirements and provisions of these regulations and recorded in the office of the Cole County Recorder of Deeds except as provided for under section 3.2 instances when a plat will not be required of these regulations. **Any land transfer less than 5 acres recorded in Cole County must state the acreage being transferred.**

1.4: INTENT AND PURPOSE: These regulations are intended for the purpose of providing adequate services and utilities, safe convenient access, a desirable and attractive living environment through good subdivision design, and utilizing development standards directed toward reasonable costs for initial development and continuing maintenance, including the following:

1. The proper location and width of streets, building lines, open spaces, recreational areas and public lands.
2. The avoidance of hazardous conditions and congestion of vehicular traffic.
3. The extent to which and the manner in which streets are to be graded and improved, and the extent to which water, sewer, storm water and other utility services are to be provided.
4. The provisions of adequate space for traffic, utility facilities and access of emergency apparatus. Also, for control of the number, spacing, type, and design of access points to existing or future streets, for width, depth, and area of lots.

1.5: INTERPRETATION: These regulations are intended as MINIMUM REQUIREMENTS to provide for the coordinated, efficient, and economic development of the County, to insure the adequacy of street and utility facilities, and to promote the public health, safety, and welfare. If any other provision of law relates to any matter covered herein, the regulation providing the higher standard shall apply.

## **SECTION II DEFINITIONS**

2.1: **GENERAL STATEMENT:** Words used in the present tense shall include the future; the singular number shall include the plural and the plural and singular; the word "building" shall include the word "structure;" the word "shall" is mandatory; and the word "may" is permissive.

2.2: **DEFINITIONS:** For the purpose of these regulations, the terms used herein are defined as follows:

Accessory Building. A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use. These may include by are not limited to garages, outbuildings, kennels or sheds.

Accessory Structure. A subordinate structure, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

Accessory Use. A subordinate use, which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

Agricultural Building. A structure utilized to store farm implements, hay, feed, grain, or other agricultural or horticultural products or to house poultry, livestock or other farm animals. Such structure shall no include habitable or occupiable spaces, spaces in which agricultural products are processed, treated or packaged, nor shall an agricultural building be a place of occupancy by the general public.

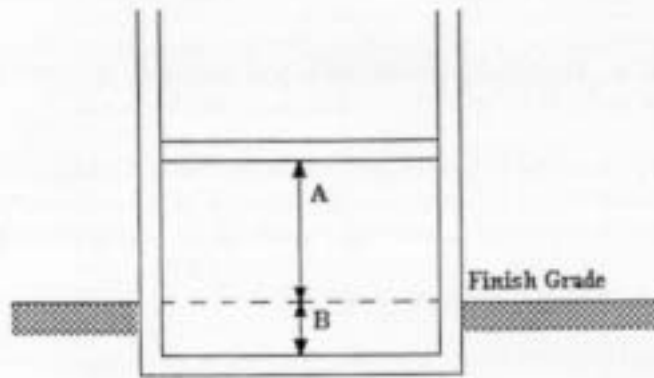
Alley. A right-of-way which affords a secondary means of access to abutting property.

Apartment Building. A building designed for or occupied exclusively by two or more families residing in separate living units.

Area, Gross. The entire area within the boundary lines of the territory proposed for subdivision, including the area to be dedicated for street and alley rights-of-way and public use.

Area, Net. The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for street and alley rights-of-way and public use.

Basement. A story having part but not more than one-half of its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for dwelling purposes other than by a janitor employed on the premises.



BASEMENT: When "A" is greater than "B"

**Benchmark.** A definite point of known elevation and location and of more or less permanent character.

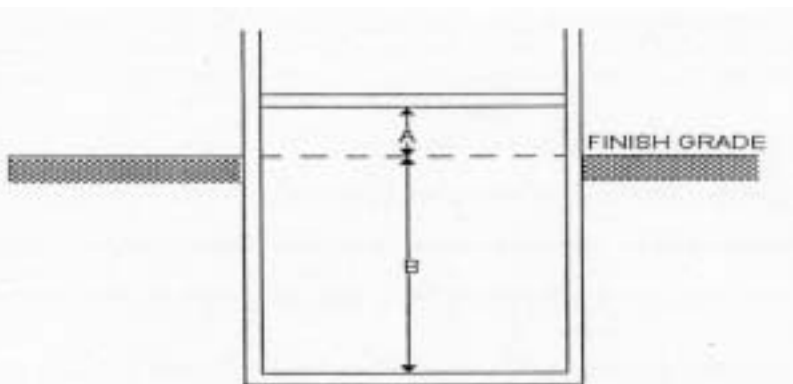
**Block.** A piece or parcel of land entirely bounded by public or private highways or streets, except alleys.

**Buildable Width.** The width of the lot remaining usable for construction between side building restriction lines.

**Building.** An enclosed structure, anchored to permanent foundation and having exterior or party walls and a roof, designed for the shelter of persons, animals, or property.

**Building Line.** A line or lines on a plat, designating the area adjacent to the street right-of-way and/or lot lines inside of which no building or structure may be erected.

**Cellar.** That part of a building having more than one-half of its height below the average grade of the adjoining ground.



CELLAR: WHEN "B" IS GREATER THAN "A" OR WHEN "B" IS EQUAL TO "A"

**City.** Means City of Jefferson City, Missouri.

Commission. The Planning Commission of Cole County.

Common Open Space. Open space area within or related to a developed site, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may at times contain complementary recreational structures and improvements for the use and enjoyment of residents and owners of the development, as may be approved under a planned-unit or similar plan.

Condominium Development. A development in which individual ownership in fee is restricted to that which is within the walls or designated bounds of a unit, and collective ownership applies to all other land and facilities beyond the individual units. A residential structure in a condominium development is: (1) a single family dwelling unit; (2) a two-family dwelling units; or (3) a multiple dwelling if the structure contains three or more dwelling units. For further explanation, see definitions below and RSMo. 448.

County. Cole County, Missouri.

County Commission. The administrative body for Cole County, Missouri.

County Highway Engineer. A professional engineer, registered in the State of Missouri, designated by the County Commission to perform professional engineering services for the County.

Court. An open space more than one-half surrounded by buildings.

Director of Planning. The Director of Planning of the County, or his authorized representative.

Director of Public Works. The Director of Public Works of the County, or his authorized representative.

Duplex. Same as Dwelling, Two Family.

Dwelling. Any building or portion thereof, which is designed and used exclusively for residential purposes.

Dwelling, Single Family. A single building designed as one dwelling unit to be occupied exclusively by one family.

Dwelling, Two Family. A single building designed as two dwelling units to be occupied exclusively by two families.

Dwelling, Multiple. A single building designed as three or more dwelling units to be occupied exclusively by three or more families.

Dwelling Unit. One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.

Easement. A grant by the property owner to the public, a corporation a utility company or persons, over a specific tract of land for a specific use or purpose.

Engineer. A professional engineer registered in the State of Missouri, performing services for the owner.

Fence. A structure for enclosure or screening, provided however, the following shall not be considered as fences under this definition:

- a. A fenced enclosure which is completely covered by a roof.
- b. Protective screens or bars over windows, doors and other openings attached securely to the walls of a building and not extending more than three inches from the wall to which they are attached.
- c. Any structure located in a completely enclosed building.

Floor Area. The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.

Frontage. All the property on one side of a street or highway between two intersecting streets (crossing or terminating) or for a distance of 400 feet on either side of a proposed building or structure, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street, but not including property more than 400 feet distant on either side of a proposed building or structure.

Grade. The slope of a surface specified in percent and shown on a surface profile plan as required herein.

Improvement. Refers to site grading, street work, and utilities (including water, sewer, electric, gas, cable, and storm water) to be installed or agreed to be installed by the owner on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision. Includes the furnishing of all materials, equipment, work, and services such as engineering, staking, and supervision, necessary to construct all improvements required in Section V of these regulations or any other improvements that may be provided by the owner.

Improvement Plans. The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed both in, or in conjunction with, the proposed subdivision.

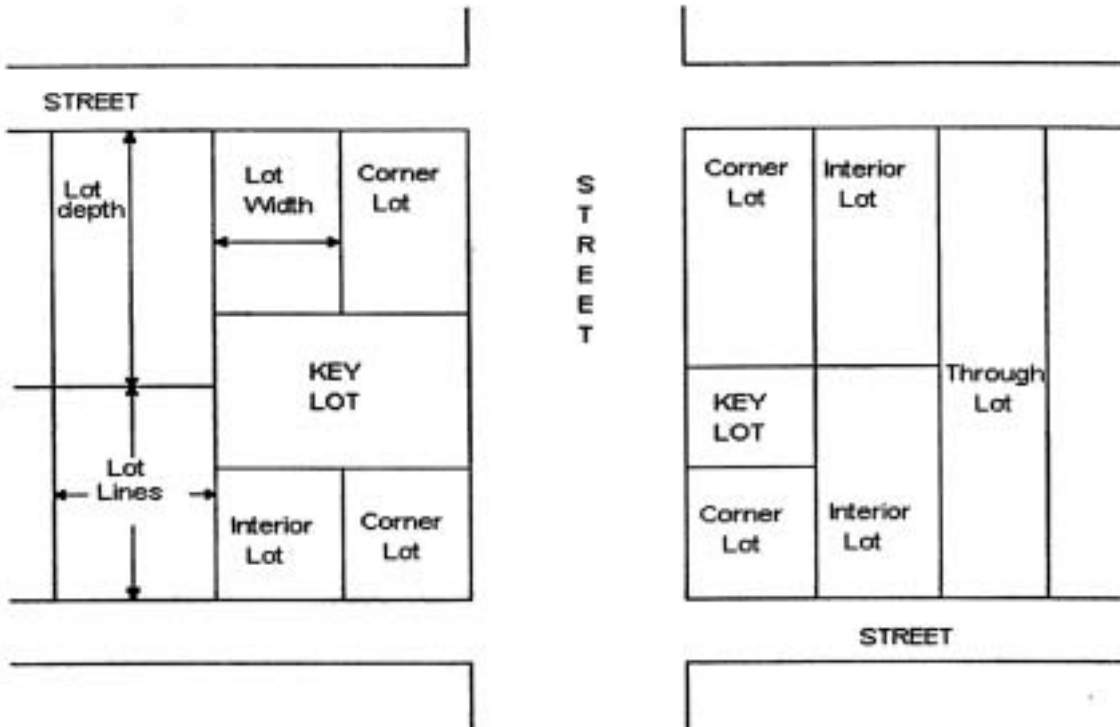
Initial Date of Review. The initial date of review shall be the first regularly scheduled Planning Commission meeting at which a plat or improvement plan is reviewed.

Land Surveyor. A land surveyor registered in the State of Missouri.

Landscaped Area. An area that is permanently devoted and maintained to the growing of shrubbery, grass and other plant material.

Line, Lot. The outboundary of the platted lot.

Line, Property. The outboundary of all contiguous land owned by a person(s).



Loading Space. A space within the main building or on the same lot for the standing, loading, or unloading of trucks, having a minimum area of 540 square feet, a minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance of at least 14.5 feet.

Lot. A parcel of land intended to be separately owned, rented, developed, or otherwise used as a unit for a dwelling.

Lot Area. The total horizontal area within the boundaries of a lot, exclusive of any land designated for the street or alley purposes.

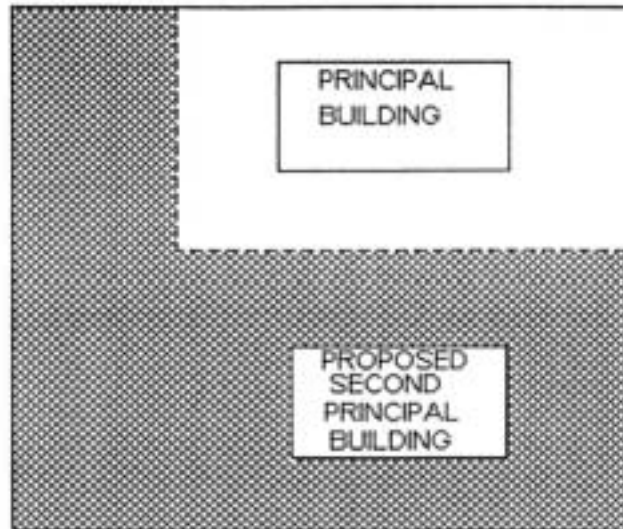
Lot, Corner. A lot abutting upon two or more streets at their intersections.

Lot, Depth. The mean horizontal distance from the front and rear lot lines.

Lot, Double Frontage. A lot having a frontage on two non-intersecting roads, as distinguished from a corner lot.

Lot, Interior. A lot other than a corner lot.

The creation of a second lot as described by the shaded area in this diagram is prohibited.



Lot Line, Front. The boundary line between a lot and the street right-of-way of which it fronts.

Lot Line, Rear. The lot lines or lot lines most nearly parallel to and most remote from the front lot line.

Lot Line, Side. Any lot boundary line not a front or rear line thereof. A sideline may be a party lot line, a line bordering on an alley.

Lot of Record. A lot or parcel of land, the plat or deed of which has been recorded in the office of the Recorder of Deeds of Cole County, Missouri, prior to the original adoption date of these regulations (June 1, 1977).

Lot, Through. An interior lot having frontage on two (2) streets.

Lot, Width. The horizontal distance between sidelines, measured along the front setback line.

Manufactured Homes. A transportable structure built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

Manufactured Home Court. An area where two or more inhabited mobile homes or trailers can be or are intended to be parked on a tract or parcel of property. Except as outlined later in Section 4.7.

Modular Dwelling. A factory-fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to include major assemblies and does not include prefabricated panels, trusses and other prefabricated sub-elements, which are to be incorporated into a structure at the site.

Monuments. Purpose: To prescribe the approved type of monumentation to be used on property boundary surveys.

1. General requirement for permanent and semi-permanent monument: The surveyor shall select a type of monument providing a degree of permanency consistent with that of the adjacent terrain and physical features and as required by these standards. All monuments shall be solid and free from movement. They shall be set in ground at least to the depth of the minimum length given unless they are encased in concrete. With the exception of drill holes and cut crosses, the precise position of the corner shall be marked by a point on a cap and the cap shall be inscribed with the registration number of the land surveyor in responsible charge, or the corporate registration number of name of the company.
2. Permanent monument shall be selected from the following:
  - a. Concrete monuments consisting of reinforced concrete at least four inches (4") square or in diameter and no less than twenty-four inches (24") in length with its precise position marked by a point on a brass or aluminum cap not less than one and one-half inch (1-1/2") in diameter;
  - b. Commercial cast iron or aluminum survey markers no less than twenty-four inches (24") in length. Non-ferrous markers shall have ceramic magnets attached to aid in recovery;
  - c. Steel, coated steel, or aluminum rod markers not less than five-eighths inch (5/8") in diameter iron pipe markers not less than three-quarter inches (3/4") inside diameter and not less than twenty-four inches (24") in length. These monuments shall have a permanently attached cap of the same metal or of a dissimilar metal if the metals are insulated with plastic insert to reduce corrosion. Non-ferrous rod markers shall have ceramic magnets attached to aid in recovery;
  - d. Brass or aluminum disk shall not less than two inches (2") in diameter, countersunk and well cemented in a drill hole in either solid rock or concrete. Ceramic magnets shall be attached or installed with the disk to aid in recovery.
3. Semi-permanent monument shall be selected from the following:

- a. Iron pipe markers not less than three-fourths inches (3/4") outside diameter at least eighteen inches (18") in length and having plastic or metal cap.
  - b. Steel or aluminum rod markers not less than one-half inch (1/2") in diameter and not less than eighteen inches (18") in length and having a plastic or aluminum cap.
4. Installation of Survey Monuments. All monuments will be installed in accordance with these standards and according to installation details approved by the local governing body that take into account local conditions.
  5. Existing Survey Monuments. Existing monuments shall be evaluated for permanency by the surveyor. In no instance shall the surveyor be required by these standards to remove existing monuments unless the installation of a new monument is necessary to preserve the position of the corner.
  6. When it is impractical to set a required monument, a witness monument shall be set. It should be placed five feet (5') or more away from the point and preferably at an even foot. Witness monument less than five feet (5') from the point must be clearly identified and shown on the plat. The location of the witness monument should be along a line of the survey or a prolongation of such line.

Multi-family Dwelling. Same as Dwelling, Multiple.

Open Area. That part of a lot not covered by a building or drive area.

Operating Authority. A municipality, sewer or water district, corporation, partnership, utility or other entity which is responsible for maintenance and/or operation of a Sanitary Sewer, Water, Electric, Gas or other similar facility within the County of Cole.

Owner. An individual, firm, association, co-partnership, trust, corporation or syndicate, or agent of any of them, having sufficient proprietary interest in any land sought to be subdivided to commence and maintain proceedings to subdivide land under the provisions of this regulation.

Parking Space. A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile not less than nine feet wide and twenty feet long, together with a driveway connecting the parking space with a street, road or alley and permitting ingress or egress of that automobile without the necessity of moving any other automobiles. The last stipulation of this definition requiring the ingress or egress of an automobile without the necessity of moving any other automobile is not applicable to parking spaces provided for single family and two family dwellings.

Paving Season. March 15 – December 15 inclusive.

Planning Office. The office designated by the County Commission as the Planning Director's

Office.

Plat. A map, plan or layout of a subdivision indicating to scale the location and boundaries of individual properties prepared by Registered Land Surveyor.

Plat, Final. A map of land subdivision prepared in suitable form for filing of record with necessary affidavits, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, placement of utility easements, public areas and other dimensions of land.

Plat, Preliminary. Preliminary engineering maps, drawings, or charts and supportive material indicating the proposed layout of the subdivision.

Practical Difficulties. The term may include, but not necessarily be limited to difficulties caused by parcel size, shape, narrowness, shallowness, topography, physical surroundings or other special circumstance, and the special circumstance is peculiar to the premises and does not generally apply to other lands in similar developments in the county and, further, the circumstance would prevent the applicant from using or developing the property in a manner equivalent to the use or development occurring on neighboring properties in the same development.

Premises. A lot together with all buildings and structures thereon.

Right-of-Way. A dedication of land to be used generally for streets, alleys, or other public uses, wherein the owner gives up his rights to the property as long as it is being used for the dedicated purpose. Right-of-way is also a land measurement term meaning the distance between lot property lines which generally contains not only the street pavement, but also the sidewalks, grass area, and underground and sometimes above-ground utilities.

Roadbed. The entire improved portion of the street, including shoulders, parking lanes, travel way, curbs, and gutters which lie between the right-of-way lines.

Roads, Collector. Collector roads receive the traffic from several local roads, and carry this traffic to major roads. Collector roads will also function as service to abutting properties in addition to transferring traffic to major roads. The number and weight of loads on a collector will be more frequent than on local roads, but not as critical as those on major roads. (See Exhibit "A")

Roads, Local. The primary function of local roads is to service the abutting property. It can be anticipated that, except for local construction vehicles, the through traffic will be insignificant and that the average vehicle will not exceed the weight of personal automobiles. (See Exhibit "A")

Roads, Major. Major roads may be intersected by both collector roads and local roads. The primary function of major roads is to carry traffic to or through commercial area, residential areas, or to major state highways. Although some may be permitted, service to abutting

property should be limited to the greatest extent possible. (See Exhibit “A”)

Rural Setting. Any land division greater than 5 acres.

Semi-Public. A place in which the services rendered or operations performed are of public nature although the establishment is not operated or owned by a public agency. Example: Salvation Army, YMCA.

Street. A public right-of-way which affords the principal means of access to abutting property.

Street Centerline. The street centerline is a line running between and parallel with the street sidelines.

Street Line. A dividing line between a lot and a contiguous street, also known as the Right of Way line.

Street, Cul-de-Sac. A short, minor local street, having only one end open for vehicular traffic and the other permanently ended by a turn-around for vehicles.

Street, Dead End. Local streets similar to cul-de-sacs except that they terminate abruptly with no turn-around area at their closed end. Stub streets, planned for future continuation, are not considered to be dead end streets, and must provide temporary turnaround areas that shall meet the requirements of the County Highway Engineer for design, maintenance, and removal.

Structure. Anything man-made which is constructed, installed or erected in a fixed location above or below ground level, or attached to anything having a fixed location on the ground. Among other things, structures include buildings, walls, fences, and signs.

Structural Alteration. Any change, other than incidental repairs, in the supporting members of the building, such as bearing wall, columns, beams or girders.

Subdivider. See OWNER.

Subdivision. The division of a lot, tract, or parcel of land into two (2) or more smaller lots, tracts, or parcels for the purpose of building, development or transfer of ownership, and/or the dedication or establishment of a road or street or public way.

a) Minor Subdivision. Any subdivision containing not more than five (5) lots and not involving any new streets or roads or extension of sanitary or storm drainage facilities.

b) Major Subdivision. Any subdivision not classified as a minor subdivision.

Town House. A building that has one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a masonry party wall or walls extending from the basement floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.

Trailer or Manufactured Home. See Manufactured Home.

Trailer or Manufactured Home Court. See Manufactured Home Court.

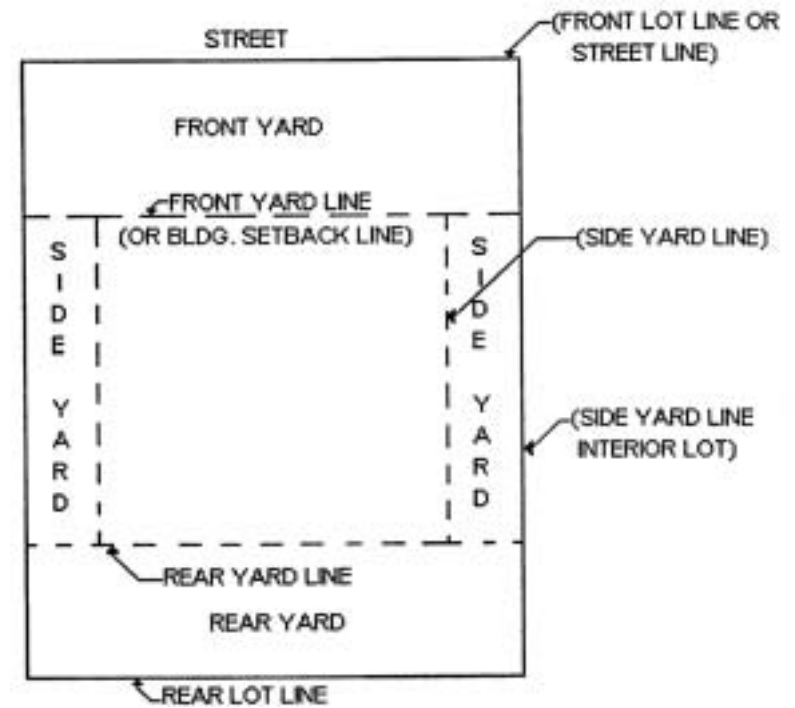
Unenclosed Storage. An area outside of a building which is used for the storage of usable goods and materials.

Unnecessary hardship. A hardship which is unnecessary in the sense that the preservation of the spirit and intent of this chapter does not depend on the denial of the variance.

Utility Easement. The land legally designated for the installation, access and maintenance of sewer, water, gas, electric, telephone, or other utility services necessary or advantageous to properly serve the public, or provide for the health, safety, welfare, or enjoyment of the public.

Widening Strips. A strip or strips of land, which is dedicated to the County for road right-of-way in order to comply with minimum right-of-way requirements.

Yard. An open space, other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.



Yard, Front. A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, Rear. A yard across the full width of the lot between a principal building and the rear lot line.

Yard, Side. A yard between the main building and the sideline of the lot, and extending entirely from the front yard to the rear yard line.

Yard Width and Depth. The shortest horizontal distance from a lot line to the main building.

### **SECTION III GENERAL REQUIREMENTS**

3.1: APPROVAL BY PLANNING COMMISSION, PROTEST BY MUNICIPALITIES: No plat or subdivision of land in the unincorporated areas of Cole County shall be recorded in the office of the Recorder of Deeds of Cole County unless and until approved by the Planning Commission. (RsMo. 64.070 and RsMo. 64.245). If the Planning Commission does not approve, amend or reject the plat within thirty (30) days from the initial date of review by the Commission, it may be deemed approved and the Commission shall certify such facts upon the plat. The Commission will inform the applicant of the reasons for its actions in writing within five (5) working days. The County Public Works Director shall transmit copies of all Preliminary and Final Plats to any municipality of which the proposed development is within one and one-half (1-1/2) miles of corporate limits of that municipality, no later than fourteen (14) calendar days prior to the County Planning Commission meeting of which the plats are submitted for consideration.

If, however, such plat be amended or rejected by the Planning Commission, or if the Council or Board of Trustees of any municipality files with the Planning Commission a certified copy of a resolution of such Council or Board protesting against the action of the Planning Commission approving any such plat of any land lying within one and one-half (1-1/2) miles of the limits of the incorporated area of such municipality, or as prescribed by the State Statutes, such approval shall be deemed overruled. Such plat may then be approved by a unanimous vote of the County Commission, and the reasons for the approval or failure to approve such plat shall be spread upon the records of the County Commission and certified to the Planning Commission.

3.2: INSTANCES WHEN PLAT WILL NOT BE REQUIRED: The Director of Planning may at his discretion issue at no costs to the owner a Subdivision Exemption Certificate and no plat is required in any of the following instances:

1. The transfer or sale of parcels of land between owners of adjoining and contiguous land, so long as the transfer does not create a new lot or parcel. This instance is to be used to straighten out property lines, or to sell remaining remnants of property. RsMo. 137.185 Requires surveys in this case.
2. The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets, easements or access.
3. The conveyance of land for roads, streets or other public purposes or grants or conveyance relating to the vacation of land impressed with a public use.
4. Conveyances made to correct descriptions in prior conveyances.
5. The transfer of a parcel of property which has been created by a governmental public road right-of-way splitting the property. Dedication of Right Of Way is required.
6. The transfer of land by an owner which contains five (5) acres or more so long as the

transfer does not create a new lot, tract or parcel of less than five (5) acres (this includes any remnant).

No land transfer which creates a new tract, lot or parcel shall be filed for record or recorded in the office of the Recorder of Deeds of Cole County, Missouri, unless and until an exemption certificate approval has been endorsed thereon by the County Planning Director. All property transfers must include acreage of property being transferred. (RsMo. 137.185)

**3.3 SUITABILITY OF LAND FOR SUBDIVISION DEVELOPMENT:** Land unsuitable for subdivision development due to drainage, flood hazard area, or any other conditions constituting significant danger to health, life, or property shall not be approved for subdivision development unless the owner presents evidence or data satisfactory to the Commission establishing that the methods proposed to meet any such conditions are adequate to avoid significant danger to health, life, or property.

**3.4 REVIEW OF PLATS BY OTHER AGENCIES:** At the option of the Planning Director and/or the Planning Commission, proposed plats may be submitted to various agencies and utility companies for review and comment. The applicant shall be informed whenever possible of the comments seven (7) days prior to the meeting at which approval is requested.

**3.5 ADMINISTRATION:** These regulations shall be administered by the Planning Director designated by the County Commission.

**SECTION IV  
PROCESS AND SPECIFICATIONS**

4.1 **FILING FEES:** The following schedule of fees is hereby adopted; such fees are to be paid by all persons or corporations submitting plats for approval by the Planning Commission and shall be computed to the nearest dollar.

**FOR SINGLE FAMILY RESIDENTIAL SUBDIVISIONS**

<u>Basic Fee</u>	<u>Plus</u>	<u>a Fee per Lot of</u>
\$30.00	+	\$3.00

**FOR MULTIPLE-FAMILY RESIDENTIAL SUBDIVISIONS**

<u>Basic Fee</u>	<u>Plus</u>	<u>a Fee per Lot of</u>
\$50.00	+	\$5.00

**FOR COMMERCIAL AND INDUSTRIAL SUBDIVISIONS**

<u>Basic Fee</u>	<u>Plus</u>	<u>a Fee per Acre of</u>
\$50.00	+	\$25.00

**MAXIMUM FEE:** \$500.00

This fee shall be paid at the time the preliminary plat is submitted to the Planning Commission and shall apply to the review of a preliminary sketch plan and review of the preliminary plat. Payment for final plat, shall be made when submitted. If a preliminary plat and one final plat section is submitted at the same time, a one time fee is charged.

4.2 **MINOR SUBDIVISION:** A person seeking to subdivide land, as a "Minor Subdivision" shall file a written statement with the Planning Office indicating the nature of the transaction. If it is determined that such transaction qualifies as a "Minor Subdivision", the owner shall not be required to file the preliminary plat and may proceed directly with the preparation of a final plat, as prescribed herein.

4.3 **PRELIMINARY PLAT, (MAJOR) CONTENTS AND SUBMISSION PROCEDURE:** An owner who intends to subdivide land into lots for the purpose of sale and/or development or to dedicate land for roads, streets, alleys, parks or other public use, shall have prepared by a registered surveyor and a registered engineer if applicable, a preliminary plat of the land within the subdivision, or the section or tract thereof to be developed first prior to developing the land. As additional sections or tracts of the subdivision are desired to be developed, a preliminary plat of each section or tract shall be filed and all of the provisions of this regulation shall be observed.

**When the Planning Commission requests, a Sketch Plat may be required. This sketch or draft will be required when several sections are conceivable. The purpose is to see how the road systems will interconnect between sections and adjacent properties for orderly development.**

CONTENT: The preliminary plat shall be drawn to scale of not more than 100 feet to the inch and shall show or be accompanied by the following information:

1. The north point and scale.
2. The location of all existing property lines, adjoining roads, streets, alleys, water courses, storm and sanitary sewers, water mains, gas mains, culverts or other underground structures and all existing or proposed easements and other existing pertinent features within the area to be subdivided.
3. The name of all adjoining subdivisions, lot numbers (property owners within 150 feet of the proposed subdivision).
4. The proposed lot layout, location, width, and approximate grade of all roads, streets, alleys, and land use.
5. The title under which the subdivision is to be recorded, the name of the owners of same, including the names of the officers of any corporate owner, and the name of the registered surveyor platting the tract of land to be subdivided.
6. A partial map of the County (County Road Map, City Street or County Plat Map) upon which shall be drawn the correct location of the proposed subdivision, its boundaries and road and/or street layout.
7. Contours shall be required for the proposed layout and shall be on an interval of not more than five (5) feet where ground slope is regular. Such information is sufficient for planning purposes or on an interval of not more than two (2) feet where land is irregular or there is a need for more detailed data. On Rural and Low Density Subdivision, ten (10) foot contour intervals may be utilized provided sufficient detail is shown for layout and review purposes.
8. The location and direction of drainage of all watercourses and natural drainage channels, including acreage of watershed drainage into each storm drainage inlet.
9. The proposed location of sanitary sewers.
10. All proposed public areas.
11. Each street identified by its proposed street name.
12. The location of all-existing and proposed utility lines and fire hydrants, and service line

crossings.

13. The 100-year flood hazard boundaries as shown on the FLOOD MAPS on file with the Director of Planning.
14. Check list indicating that all of these items have been completed or are not applicable (Exhibit D).
15. A copy of the County Assessment Maps with the most current parcel information within ¼ mile of the property being reviewed.

**SUBMISSION PROCEDURE:** The owner shall submit three (3) prints (file, city, return) of the preliminary plat to the Office of Planning twenty (20) days before the meeting at which approval is requested. All prints shall be transmitted to the Director of Public Works.

At the next regularly scheduled meeting, the Commission shall review the preliminary plat and notify the owner of the date, time and place of the Commission meeting so that the owner may appear and be heard.

Within thirty (30) days from the initial date of review by the Planning Commission, the Commission shall act upon the plat and approve, conditionally approve or reject same.

The County Planning Commission, through the Director of Planning, shall submit a written report of its action on the preliminary plat to the owner and the County Commission, indicating whether the plat was approved, conditionally approved or rejected within five (5) working days.

If the Commission conditionally approves the preliminary plat, it shall state in writing any revisions, modifications, additions or deletions required of the owner by the Statues of Missouri or these regulations before a final plat may be approved. Such revisions, modifications, additions or deletions to the preliminary plat may relate:

1. to the width or alignment of streets or roadways,
2. to the type, capacity and location of sanitary sewer or storm sewer facilities
3. to the location and capacity of all public utility facilities,
4. To the location, width and purpose of easements appearing on the preliminary plat or required by the County for public use,
5. lot sizes or lot layout, and
6. To such other matters as, in the opinion of the Commission, may be in the public interest.

If the County Planning Commission does not report upon the preliminary plat within thirty (30) days from the initial date of review by the Commission, it may then be deemed approved by the County

Planning Commission and the Commission shall certify the fact upon the plat.

Approval of the preliminary plat shall authorize the owner to prepare the final plat and complete engineering designs, subject to the provisions of these regulations, but such approval shall not constitute an approval of the plat for purposes of recordation, or for the sales and/or development of any tract or parcel of land within the area represented by the preliminary plat. Revise and update preliminary plat to show current changes.

**4.4 IMPROVEMENT PLANS, CONTENT AND SUBMISSION PROCEDURE:** An owner who intends to subdivide land into lots for the purpose of sale and/or development or to dedicate land for roads, streets, alleys, parks, or other public use, shall after preliminary plat approval have prepared by a registered professional engineer complete improvement plans for the proposed subdivision, or the section or tract thereof to be developed first prior to developing the land. This requirement is for all subdivisions, whether publicly or privately maintained.

As additional sections or tracts of the subdivision are desired to be developed and after preliminary plat approval, complete improvement plan of each section or tract shall be filed and all of the provisions of this regulation shall be observed.

**CONTENT:** The improvement plans shall be prepared on a good quality mylar (4 mil double matte) measuring 24" X 36" and shall show and contain the following information:

1. Title page, which shall include key map showing the relationship of the area to be subdivided to the tract and which shall reflect areas of the tract previously subdivided, plus adjacent streets.
2. North arrow and graphic scale.
3. One or more benchmarks, U.S.G.S. or M.H.T.D. to which the subdivision is referenced. No assumed elevations will be accepted.
4. Title block showing name and complete address of owner and engineering firm, as well as the engineer's seal and signature, name and section of subdivision.
5. List of standards and specifications followed citing volume, section, page, or other references.
6. Paving detail conforming to COLE COUNTY STANDARD SPECIFICATIONS. Refer to EXHIBIT "A".
7. Plan and profiles of roads, streets, and sewers, scale not more than one (1) inch equal 100 feet (1"=100') horizontal and one (1) inch equal 10 feet (1"=10') vertical.
8. Sanitary Sewer Plans shall include space for Missouri Department of Natural Resources Construction and Operating Permit Numbers along with space for approval by the

Operating Authority.

9. Road and Street Plans shall include space for approval by the Director of Public Works.
10. EROSION AND SEDIMENT CONTROL PLAN: It is the developers responsibility to acquire and implement an erosion and sediment control plan. This plan shall be in accordance with requirements of the Missouri Department of Natural Resources. This Department of Natural Resources permit shall be presented to the Director of Planning prior to approval of street plans.
11. STORM WATER RUNOFF: It is the developers responsibility to control the additional storm water runoff leaving the developing property. The developer must submit to the Department of Public Works calculations showing the increase in storm water runoff and indicate how the additional water shall be handled. For further requirements, please refer to the Cole County Regulation on Storm Water Runoff.

SUBMISSION PROCEDURE: After preliminary plat approval, the owner shall submit to the Office of Planning, two (2) prints of complete improvement plans for the proposed development prepared by a registered professional engineer. Sanitary Sewer Facilities must be reviewed and approved by the Operating Authority prior to being considered for review and/or approval. If the Director of Public Works has not acted on the improvement plans within 30 days, the Planning Commission shall then act on the plans within ten (10) days thereafter. (Improvement plans must be submitted with a mylar set for signatures).

4.5 FINAL PLAT, CONTENTS, SUBMISSION PROCEDURE: An owner who intends to subdivide land into lots for the purpose of sale and/or development or to dedicate land for roads, streets, alleys, parks, or other public use, shall after preliminary plat approval have prepared by a registered surveyor a final plat of the land within the subdivision, or the section or tract thereof to be developed first prior to developing the land.

As additional sections or tracts of the subdivision are desired to be developed and after preliminary plat approval, a final plat of each section or tract shall be filed and all of the provisions of this regulation shall be observed.

CONTENTS: A final plat of the subdivision, or section or tract thereof, shall be prepared on a good quality mylar (4 mil double matte) measuring 24" X 36" or 24" X 18" drawn to a scale of not more than one hundred (100) feet to the inch and shall contain, or be accompanied by the following information:

1. The title under which the land is to be recorded; if the plat is of a section, phase or tract of a subdivision the identification by section or tract number.

2. The names of the owner or owners of the land platted and, if the owner is a corporation, the names of the officers thereof.
3. The names and registration number of the surveyor, registered in Missouri and certification that the boundaries and monuments have been made in accordance with the current Missouri Minimum Standards for Property Boundary Surveys.
4. Title block in lower right hand corner showing names and complete address of owner, engineering firm, engineer's seal, signature, name and section of subdivision.
5. The north point and scale.
6. The exterior boundaries of the land platted.
7. A location map and key (on first page if more than one sheet) taken from the current county road map in sufficient detail to clearly identify its boundaries and street layout in relationship to the surrounding area and roadways.
8. The right-of-way width and names of all roads and/or streets. Private ingress/egress easement shall be a minimum of 40'. This easement shall also be utility easement when one does not previously exist.
9. The location of existing buildings and sanitary sewage facilities and wells on the land platted and adjacent property's.
10. The boundaries of all areas to be dedicated for public use, and the manner in which the areas are to be used.
11. The names of all property owners, subdivision names and lot numbers within 150 feet of the platted land shown by dashed lines.
12. In the event there are intersecting roads, streets, or alleys on the plat, the angle of departure from one road, street, or alley to another except where the angle of departure is either 90 degrees or 180 degrees.
13. The dimensions of the lots and numbers (letters in re-subdivisions) of all lots on the plat.
14. A standard indicating the location of all building lines.
15. The location and dimensions of all utility easements, if any, on the plat.
16. All linear and angular dimensions of all roads, streets, alleys, lots, utility easements, sanitary sewer, and surface water drainage easements, or other areas on the plat, and such linear dimensions shall be expressed in feet and decimals of a foot.
17. All radii, arcs, chords, points, tangencies, and central angles for all curves and rounded

corners on the plat.

18. The location and description of all monuments, roads, streets, alleys, lots, or other area corners, intersections, and all perimeter corners or angle points shall be marked with a suitable durable monument as defined in Section 2.2.
19. The 100-year flood hazard boundaries shown on FLOOD maps on file with the Director of Planning. The surveyor is to establish a permanent benchmark at an accessible convenient location in the platted area for use in determining floor elevations.
20. The form for dedication to public use of areas identified as right-of-way for roads, streets, alleys, parkways, parks, sanitary sewer easements, surface water easements, and public utility easements, and all other areas intended for public use, with appropriate spaces for the signatures of the owner or owners, trustee, mortgagee or mortgagees, if any, of the land platted.
21. In the event subdivision is to have privately maintained streets, sanitary sewers or other privately maintained facilities, evidence of the methods for controlling and maintaining each facility shall be submitted with the final plat.
22. If the roads or streets in a subdivision are not to be paved, as set forth in EXHIBIT "A", the plat shall have imprinted thereon at a conspicuous place, in large bold face type the following:

**"THE RULES FOR LAND SUBDIVISION OF COLE COUNTY DO NOT REQUIRE THE ROADS OR STREETS IN RURAL OR LOW DENSITY SUBDIVISIONS TO BE PAVED AND THE OWNER HAS ELECTED NOT TO PAVE SAID ROADS OR STREETS. THEREFORE THE COUNTY OF COLE WILL NOT MAINTAIN SAID STREETS OR ROADS AT PUBLIC EXPENSE."**
23. All restrictive covenants appearing upon and applying to any lots on the final plat shall be signed by the owner or owners, trustee, and mortgagee or mortgagees, if any, of the lots. If restrictive covenants are attached to the subdivision, a note so stating shall be added to the plat with the book and page of where the covenants are recorded.
24. A signature block for the approval, including the date of approval, of the Director of Planning and the Chairman of the Commission shall be provided.
25. A signature block for the Recorder, including day, time, book & page.
26. Check list indicating that all of these items have been completed or are not applicable (Exhibit E).
27. A copy of the County Assessment Maps with the most current parcel information within ¼ mile of the property being reviewed.

28. A Floodplain Development Plan must be filed and approved. Improvement Plans (street, stormwater & sewer) must be submitted and approved prior to recording of the final plat.

**SUBMISSION PROCEDURE:** Within six (6) months, or such time as per written request by the owner and approval by the Commission, from the date of approval of the preliminary plat of a subdivision, or section or tract thereof, the owner shall cause a final plat to be prepared by a registered surveyor and to submit three (3) prints of said plat to the Office of Planning. These copies shall be submitted no later than twenty (20) days before the meeting at which approval is requested.

If the owner fails to file with the Commission the final plat within the time above mentioned, the Commission shall, by written report, vacate and set aside its previous report approving the preliminary plat. A copy of such report shall be sent to the owner and the Cole County Commission. The report shall be final and unappealable.

The submission of the final plat shall be accompanied by two (2) prints of the proposed design of all roads, streets, sanitary and storm sewers, and any other necessary appurtenances, drawn to a scale of not more than one hundred (100) feet to the inch horizontal and ten (10) feet to the inch vertical and in accordance with the current standards and specifications on file with the Cole County Department of Public Works and/or other agencies having jurisdiction over the proposed improvements.

At the next regularly scheduled meeting, the Commission shall review the final plat, and notify the owner of the date, time and place of the Commission meeting so that the owner may appear and be heard.

Within thirty (30) days from the initial date of review by the Planning Commission, the Commission shall act upon the final plat and approve, amend or reject same.

The Commission shall submit a written report of its action on the final plat and improvement plans to the owner and the County Commission along with a copy of the plat indicating whether the plat was approved, amended or rejected within five (5) working days.

If the Planning Commission does not report upon the final plat within thirty (30) days from the initial date of review by the Commission, it may then be deemed approved by the County Planning Commission and the Commission shall certify the fact upon the plat.

If the County Planning Commission approves the final plat, it shall endorse its approval on both prints thereof, retain one print and transmit one to the owner. In addition, the owner shall submit to the Director of Planning the original drawing on 4 mil double matte mylar (along with a check for the recording fees) and one (1) archives quality reproducible copy, also 4 mil double matte mylar, of the final plat as approved. The original shall be transmitted to the Recorder of Deeds by the Planning Department for recording when all the necessary signatures have been affixed.

If the owner fails to file the final plat with the Director of Planning for recordation within six (6) months, or within such additional time as the owner in writing may request and the Planning Commission may allow, from the date of approval of the final plat, the plat shall be set aside and become void.

4.6 RECORDING: No subdivision plat or replat shall be filed for record or recorded in the Office of the Recorder of Deeds of Cole County, Missouri, unless and until the approval of the Chairman of the Planning Commission and the Planning Director is endorsed thereon. No lot shall be sold, rented, developed, or otherwise used as a unit until the subdivision plat or replat has been approved and filed for record in the Office of the Recorder of Deeds of Cole County, Missouri.

4.7 CONSTRUCTION PERMIT: No building, mobile home, or other structure including barn, silo, and machine shed shall be constructed, erected on, or placed on land and occupied, in the unincorporated area of Cole County, Missouri until a construction permit or exemption certificate, respectively, shall have been issued by the Director of Planning. Electric service from an electric utility or cooperative shall not be provided to structures until a construction permit or an exemption certificate has been obtained and displayed near the point where service is to be provided. Once electric service has been provided, it shall not be discontinued for the sole reason of failure to obtain an occupancy permit from the Director of Planning.

Should an owner wish to place more than one dwelling on a building lot, the development shall be approved as an innovative development or re-platted as multiple lots. Under normal circumstances only one dwelling will be allowed on each lot.

Upon receipt from the owner of a written application for a permit on forms furnished by the Cole County Planning Commission, the Director of Planning or his authorized representative shall, within seven (7) working days thereafter, inspect the property to determine if adequate sewer services are available to the property and if the setback requirements established by Cole County have been observed. The permit to construct the building shall be issued within said seven (7) working day period provided all necessary Sewer Permits have been obtained following site review.

**A setback inspection will not be performed on lots less than five (5) acres until all lot corners have been properly marked.**

If any permit hereunder is not issued, the Planning Director shall furnish to the Applicant written specific reasons for not issuing said permit within said seven (7) working day period. The owner may at any time thereafter correct any defects noted by the Planning Director and submit a new written application and the Planning Director shall again inspect the premises and follow the same procedure as set out for the original application.

All driveways shall be inspected by Cole County and meet current regulations. No further permits shall be issued to any person that has not complied with the County requirements. Once the deficiencies have been corrected, new permits can be issued. (See Exhibit C).

All persons or corporations submitting an application shall pay an application fee for a construction permit to defray the costs of inspections and administration expenses.

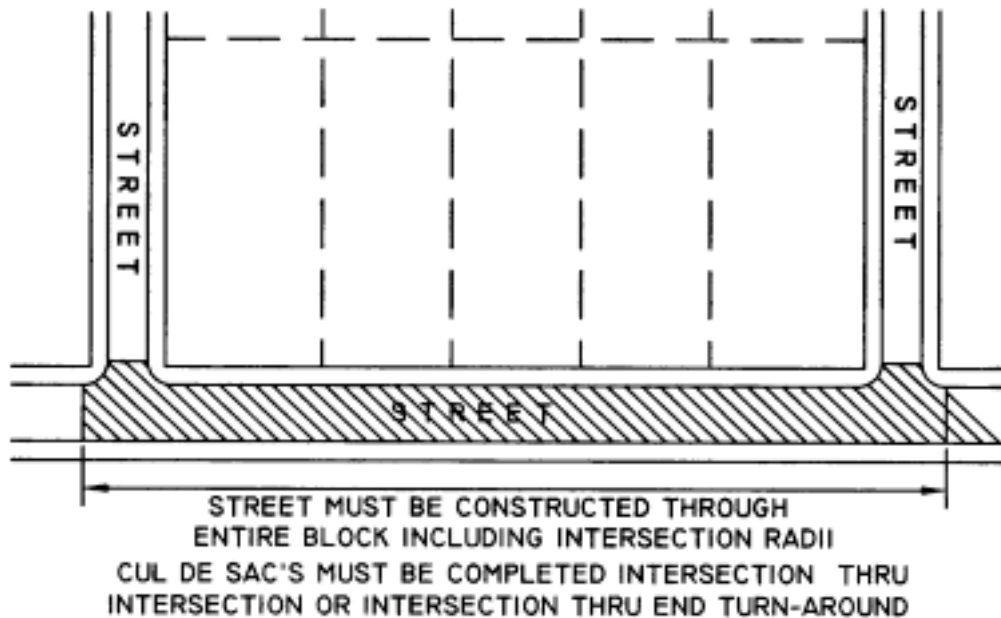
Sanitary Sewer Facilities shall be inspected and certified by the appropriate Operating Authority prior to the issuance of an occupancy permit.

Under certain conditions more than one mobile home may be placed on one parcel or piece of

property. These conditions are as follows: the mobile homes are more than 200 feet from other inhabitable structures, have individual sanitary sewer service, water service and electric service. Under no condition may more than three mobile homes be placed on a property without the filing of a plat for Manufactured Home/Travel Trailer Park.

#### 4.8 CONSTRUCTION OF STREETS AND ALLEYS (FOR PUBLIC MAINTENANCE)

1. The Planning Department shall not issue a building permit for any structure to be placed on a lot in a recorded subdivision until the streets and alleys have been constructed throughout the entire block in which the lot is located, properly connecting the frontage to the County's street system in at least one direction. (i.e. the entire street in front of the house to be built shall be paved through intersecting streets both left and right of the lot.) During the non-paving season (December 15 through March 15), a permit may be issued if a cash escrow or irrevocable letter of credit, equal to the cost of the construction of the entire street, is posted in lieu of the street paving and if a temporary granular driving surface is provided to the structure.



2. When a street is constructed as provided in subsection (1) above and is not constructed through to an intersection, a paved temporary turnaround shall be constructed. In case of a corner, the street shall be constructed along the front of the lot and through the radius on the side of the lot and shall provide a proper connection to the County's street system in at least one direction.
3. Upon completion of the paving of all streets in the subdivision section, the developer shall request in writing, acceptance of the street by the Department of Public Works for maintenance.
4. Monuments as described in Section 4.7 shall be installed and adequately referenced to facilitate future replacement. Control point monument locations shall be verified or re-established after street paving has been completed and prior to acceptance of the street for maintenance by the County.
5. The developer shall be held responsible for any and all defective workmanship for a period of one year from the date of the acceptance of the improvements described therein.
6. The developer shall be required to provide or cause to be provided adequate water main lines and fire hydrants for fire protection in the subdivision. Water main lines shall be a minimum of six (6) inches in diameter. Larger water main lines shall be installed according to Water Company or Water District standards if determined necessary by said Company or District.

4.9 VACATION OF SUBDIVISIONS: Whenever any person or corporation may desire to vacate any subdivision located within the unincorporated area of Cole County or part thereof in which he shall be the legal owner of all of the lots or may desire to vacate any lot, such person or corporation may petition the County Commission giving a distinct description of the property to be vacated and the names of the persons to be affected thereby; which petition shall be filed together with a public notice of the tendency of the petition with the Planning Department. Upon approval of the submitted public notice, the petitioner shall publish said approved notice in a newspaper having general circulation in Cole County, Missouri, a minimum of two (2) insertions over a fourteen (14) day period. If no opposition were made to said petition, the County Commission may vacate the same by order with such restriction as they may deem for the public good. If opposition were made, said petition shall be set down for public hearing before the County Commission. No vacation shall take place unless the comments of the Planning Commission has been obtained and filed with said petition.

4.10 INNOVATIVE DEVELOPMENTS: Townhouse, condominiums, zero lot lines subdivisions and other unusual development ideas shall be reviewed on a case by case situation and be considered Innovative Developments and done on a case by case basis. The Planning Commission shall request additional information be provided in these situations, this may include building layouts, restrictions, covenants, bylaws, etc.

## **SECTION V DESIGN STANDARD/IMPROVEMENTS**

5.1 RESIDENTIAL LOT DESIGN STANDARDS: The following standards are regarded as guidelines for desirable development. The size, shape, and orientation of lots shall be designed to provide desirable building sites logically related to topography, natural features and streets. Due regard shall be given to natural features such as large trees, unusual rock formations, water courses, and sites which have historical significance, scenic views, and similar assets, the preservation of which would add attractiveness and value to the subdivision. The following minimum standards are set forth as guides to these goals:

1. Where additional widening strips are dedicated on existing streets, calculations of the area or a lot should not include widening strips in determining the gross area of the lot. Dedicated widening strips shall be required for all proposed subdivisions that front along a county road.
2. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, soil conditions, steepness of terrain, flood conditions, or other adverse natural physical conditions, the Commission may, after adequate investigation, withhold approval of such lots until engineering studies are presented to the Commission which establish that the method proposed to meet any such condition is adequate to avoid significant danger to health, life, or property.
3. Alleys or loading courts must be provided in business blocks, except in unusual cases. Alleys are optional in residential districts, but are undesirable except where alleys of adjoining subdivisions would be closed off from access by the failure to provide alleys in new subdivisions.
4. Driveways/Entrances: All driveways/entrances shall have adequate site distances determined by the speed of the road being entered. See Exhibit "C".
5. EXHIBITS "A" & "B" which are attached hereto and made a part of hereof, summarize the design standards and improvements to be observed in subdivision development.

5.2 BLOCKS: Blocks shall be designed so as to provide good circulation of traffic.

1. Lengths: Refer to Exhibit "A"
2. Width: Blocks shall be wide enough to allow two tiers of lots with sufficient depth to provide an adequate building site on each lot except as consistent with street design standards as set forth.

3. Street layout shall take into account future access to adjacent properties. In no case shall access to adjacent properties be denied by narrow tracts of land retained by the developer. The final decision on locations of access to adjacent property shall be at the discretion of the Planning Commission and the County Engineer and will be based on the County Master Plan and the County Thoroughfare Plan.

5.3 LOT DIMENSIONS, SHAPES AND POSITION: The size, shape, orientation, and dimensions of lots shall be appropriate for the location and physical character of the proposed subdivision and for the type of development contemplated. Building lines shall be shown on all lots intended for residential use, and shall not be less than the setback required by EXHIBIT "A".

1. Depth: Excessive depth in relation to width shall be avoided. (Minimum is 3:1)
2. Street Access: Each proposed lot shall front upon a public right-of-way in urban and residential areas (medium and high density). In rural locations (low and rural density only), each proposed lot may front on an ingress/egress/utility easement. (Forty-foot (40) minimum width except for existing easements, which cannot be enlarged).
3. Width: Lots for residential purposes shall have sufficient width at the building setback lines to permit compliance with side yard or distance requirements of the applicable regulations and still be adequate for a building of practicable width. The minimum lot width required for a lot fronting on a circular turn-around shall be measured along a line tangent to the building setback line at a point midway between the side lot lines. The minimum width allowed at the building set back line in cul-de-sac should be sixty (60) feet.
4. Through Lot: Lots with double frontage and reversed frontage shall be avoided, except where necessary to provide separation of development from traffic arteries, or as otherwise required by topography or similar conditions.
5. Side Lot Lines: Side lot lines shall be at right angles to straight streets and radial to curved streets, except when said radial lot lines detract from desirability of the lot, in which event some deviation may be allowed.
6. Corner Lots: Corner lots for residential use shall be platted to permit compliance with the yard and setback requirements for the applicable regulations. The right-of- way radius on corner lots shall be a minimum of 20 feet, or in the case of a straight line, the intersection of the projected lot lines.
7. Building Setback Lines: When lots abut a state or county road, the front building setback line shall not be less than twenty-five (25) feet from the nearest edge of the existing road right-of-way, or fifty-five (55) feet from an existing roadway centerline whichever distance is the greatest. (See Exhibit "A")
8. The following additional building setback line requirements must also be observed:
  - a) Lot fronting on two non-intersecting streets, a front building setback line must be

provided on both streets.

- b) On corner lots there must be a front building setback line on both streets.
- c) No sign, fence, wall, shrub, or other obstruction to vision exceeding three (3) feet in height above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points thirty (30) feet distance from the intersection of the street right-of-way lines.

9. The following exceptions may be made to the building setback line requirements:

- a) Where, on the effective date of this regulation, forty percent (40%) or more of a frontage was occupied by two or more buildings, then the front building setback line is established in the following manner:

Where the building furthestmost from the street provides a front building setback line not more than ten (10) feet deeper than the building closest to the street, then the front building setback line for the frontage is and remains an average of the then existing front building setback lines.

Where this (1) is not the case and a lot is within 100 feet of a building on each side, then the front building setback line is a line drawn from the closest front corners of these adjacent buildings.

Whether neither (1) or (2) is the case, and the lot is within 100 feet of an existing building on one side only, then the front building setback line is the same as that of the existing adjacent building.

- 10. Any accessory building closer than ten (10) feet to a main building shall be provided with the same building setback line requirements as that of the main building.
- 11. In rural settings all accessory buildings shall not be erected closer than ten (10) feet to a side and rear lot lines, and must be located at least fifty-five (55) feet from the centerline of the road. No structure shall be located on or over an easement.
- 12. Open areas shall constitute a minimum of thirty percent (30%) of every lot.

**5.4 NON-RESIDENTIAL SUBDIVISION (COMMERCIAL AND INDUSTRIAL):** In addition to the standards of this regulation which are appropriate to the platting of all subdivisions, the owner shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated. The following standards shall, therefore, be observed:

- 1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

2. Street right-of-way and pavement shall be adequate to accommodate the type of volume of traffic anticipated.
3. Block Length: Refer to EXHIBIT "A".
4. Every effort shall be made to protect adjacent residential areas from the proposed non-residential subdivision, including the provisions of extra depth in parcels adjacent to an existing or potential residential development, and provision for a permanently landscaped buffer strip where indicated by the Planning Commission. The Commission may impose special requirements with respect to streets, curbs, gutters, streetlights, street trees, sidewalks, and the installation of public utilities, including water, sewer, and storm water drainage and other improvements to meet special needs.
5. Streets carrying non-residential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent residential areas, and shall not be connected to streets intended for predominantly residential traffic.

#### 5.5 RIGHT-OF-WAY AND UTILITY EASEMENT REQUIREMENTS:

GENERAL STANDARDS: Streets shall conform to existing topography as nearly as possible. Streets shall intersect, as nearly as possible, at right angles. Street jogs with centerline offsets of more than five feet and less than 125 feet are prohibited. Streets will not be approved which are subject to flooding or frequent inundation.

The system of streets designated for the subdivision, except in unusual cases, must connect with any streets already dedicated in adjacent subdivisions; and where no adjacent connections are platted, must in general be the reasonable projection of streets in adjacent tracts, and must continue to the boundaries of the tract subdivided, so that other subdivisions may connect therewith.

#### STREET RIGHT-OF-WAY AND UTILITY EASEMENT REQUIREMENTS:

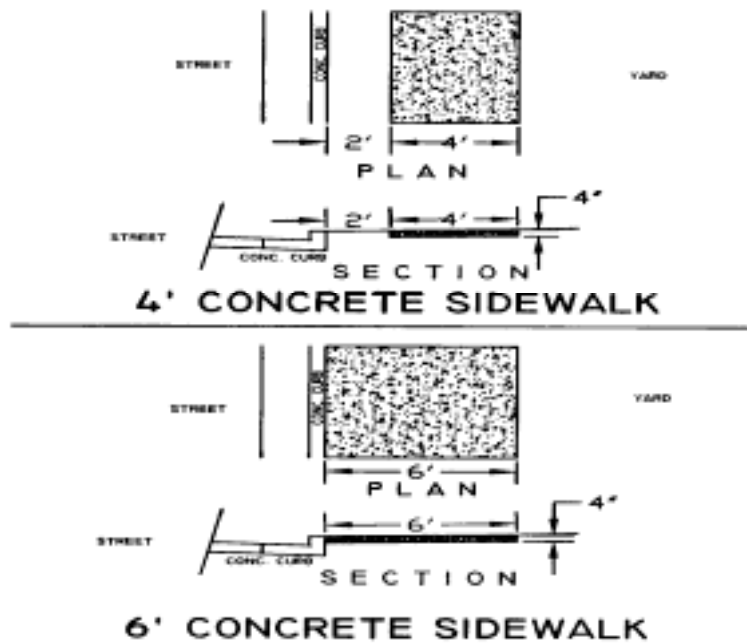
1. Major Roads: Refer to EXHIBIT "A".
2. Collector Roads: Refer to EXHIBIT "A".
3. Local Roads: Refer to EXHIBIT "A".

4. Stub and Cul-de-sac Roads: All cul-de-sac and stub roads shall have a minimum right-of-way of fifty (50) feet and shall terminate with a turn-around having a minimum right-of-way radius of 50 feet. A temporary turn-around may be permitted on stub streets less than 250 feet in length which are to be extended in the future. When "Hammerhead Turnarounds" are approved, the right-of-way will be modified to fit around the modified turnaround.
5. In subdivisions with no through streets, a 55-foot pavement radius and a 65-foot right-of-way radius will be required on at least one cul-de-sac, in order to facilitate school bus circulation.
6. Alleys: Refer to EXHIBIT "A".
7. Utility Easements: Utility easements, where required, shall be at least fifteen (15) feet wide. Easements of adequate width shall be provided for open drainage channels, where required. Electric, cable television, and telephone distribution lines shall be installed underground in all residential subdivisions. An exception is those overhead electric lines necessary to extend power to the perimeter of the subdivision and in rural locations as approved by the Commission. Cable switching enclosures, pad-mounted transformers, and service pedestals may also be installed above ground. The developer shall submit to be reviewed by and commented on by all utility companies installing utilities in the subdivision prior to approval of final plat.

#### MINIMUM PAVEMENT WIDTHS:

8. Major Roads shall be constructed not less than thirty- seven (37) feet from face of curb to face of curb. In the case of a major road, the owner shall take up requiring an improvement different than thirty-seven (37) feet, the matter of financial or other arrangements for installing wider pavements at the time with the County Highway Engineer. The width of the road may be reduced, with permission to thirty-two (32) feet if there are no residential or commercial drives and no parking allowed on the road.
9. Collector Roads shall be constructed not less than thirty-two (32) feet from face of curb to face to curb. In the case of a collector road, the owner shall take up requiring an improvement different than thirty- two (32) feet, the matter of financial and other arrangements for constructing wider pavements at the time with the County Highway Engineer. The width of the road may be reduced with permission to twenty-eight (28) feet if there is no parking allowed on the road.
10. Local Roads: Refer to EXHIBIT "A".
11. Stub and Cul-de-sac Roads shall be constructed to the same standards as local roads and in addition thereto shall terminate with a turn-around area or hammerhead. Also see STREET RIGHT-OF-WAY AND UTILITY EASEMENT REQUIREMENTS.
12. Alleys and Service Drives: Eighteen- (18) feet minimum.

13. Sidewalks: Sidewalks may be installed on any street. (County will assume no responsibility for maintenance).



14. Stormwater drainage easements: easements are required, as needed for the maintenance of existing or relocate drainage ditches. The developer is responsible to show calculations on the size of all drainage ways and how they are to be constructed.

5.6 ROAD GRADES: The grades of roads shall not exceed the following; except, where unusual or exceptional conditions exist, the Planning Commission may modify these requirements:

1. Major Roads: 10.0 percent.
2. Collector Roads: 12.0 percent.
3. Local Roads: 15.0 percent.
4. Stubs and Cul-de-sac Roads: 13.0 percent.
5. Alleys: 18.0 percent.
6. Cul-de-sacs: 8.0 percent.
7. Minimum Grade: In no event shall the minimum grade be less than 0.5 percent.

5.7 STREET NAME SIGNS AND STREET NAMES:

1. Formal written acceptance of streets by the County Commission shall be required prior to the installation of street signs by the County. Street signs will not be changed from public to private until formal written acceptance.
2. Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as that of the existing one.
3. Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersecting street shall apply to the cul-de-sac. When more than one (1) cul-de-sac street comes off a street, the first cul-de-sac shall be named for the intersecting street and the remaining cul-de-sac streets shall be named otherwise.
4. To avoid duplication and confusion, the Planning Commission prior to such names being assigned or used shall approve the proposed names of all streets.

5.8 STREET CONSTRUCTION: All roads and streets, public or private, shall be graded and fully constructed in accordance with the design standards and standard specifications of the Cole County Department of Public Works, summary of which is set forth in EXHIBITS "A" and "B". Actual construction of street facilities and improvements may commence prior to final plat approval, if the detailed improvement plans have been approved by the Director of Public Works and the County Highway Engineer, provided that such facilities and improvements are inspected throughout their construction. Final plat approval will be contingent in part upon acceptable compliance with County improvement and facility standards.

1. IMPROVEMENT OF EXISTING STREETS: For any development fronting on an existing road or street, it shall be the responsibility of the owner to improve the road or street to such extent as may be determined by the Planning Commission and the County Highway Engineer to the centerline of the road or street, and if curbs are to be installed, the owner shall only be obligated to install the curbs on the owner's side of the road or street.

DESIGNATION OF PRIVATE STREETS: For any subdivision having private streets which received final plat approval after January 1, 1987, the developer must construct a sign at all entrances of the subdivision, within fifty (50) feet of the centerline of the road, which shall state: **PRIVATE STREETS MAINTAINED BY PROPERTY OWNERS**. It is responsibility of the developer to install these signs where they are easily visible to anyone entering the subdivision to maintain them. The minimum size for each sign shall be 12 inches high by 18 inches wide with two (2) inch high letters. There shall also be a sufficient contrast in the coloring of the sign background as compared to the message lettering. No building permits shall be issued until all the requirements of this section are met.

5.9 MONUMENTS REQUIRED: Sufficient permanent and distinguished monuments shall be accurately placed throughout the subdivision so that street alignments and lot layout may be traced with accuracy. Such monuments shall be installed per Section 2.2 of these regulations. The location of such monuments shall be indicated on the final plat. All Points of Curvature, Points of Intersection, Points of Tangency, Boundary Corners, Lot Corners, and Vertical Elevations necessary to insure proper drainage will be required.

5.10 STORM SEWERS AND OTHER DRAINAGE APPURTENANCES: In addition to the installation of curbs and gutters along the streets as required by these regulations, storm sewers shall be required. Such systems will be equipped with adequate basins, inlets and outlets, and shall be constructed in accordance with the applicable provisions of the Cole County "Standard Specifications for Street and Road Construction". The storm water drainage system shall be separate and independent of the sanitary sewer system. All stormwater shall be discharged at an adequate natural discharge point. The design of drainage improvements shall be coordinated to the extent possible with the present and probable future improvements so as to form part of an integrated system. Storm Drainage facilities located within subdivided lots and common land areas shall be the maintenance responsibility of the abutting property owners or subdivision trustees. The County Highway Engineer and Planning Director shall approve the plans and specifications for the disposing of storm water.

5.11 SANITARY SEWERS: All buildings, structures and uses land in the subdivided area of Cole County shall hereafter be equipped with an adequate, safe, and sanitary disposal system of all human, domestic, and industrial wastes. For purposes of this regulation, disposal of sewage or other liquidated wastes shall conform to the methods outlined herein:

Where a public sanitary sewer system is reasonably accessible in the opinion of the Planning Commission, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including a lateral connection for each lot. Such systems and connections shall comply with the rules and regulations of the Missouri Department of Natural Resources and Missouri Clean Water Commission. Verification of the service shall be provided at the time of submission of the Preliminary Plat.

Where a public sanitary sewer system is not reasonably accessible, in the opinion of the Planning Commission, but where the plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the Missouri Department of Natural Resources, the owner shall install sewers in conformity with such plans. Where immediate connection is not possible, and until such connection with the sewer system in the district can be made, the use of private sewage treatment facilities may be permitted, provided such disposal facilities are installed and maintained in accordance with the rules, regulations, and requirements of the governing body of Cole County and the Missouri Department of Health. Where no sewers are accessible and no plans for a sewer system have been prepared and approved, the owner shall either install a sewage collection and disposal system in accordance with the requirements of the preceding paragraph, or individual disposal devices may be installed on each lot within the subdivision; provided that no individual disposal system should be permitted unless the lots to be served have sufficient area to allow adequate soil absorption for onsite sewage disposal. The Planning Commission may modify lot area requirements in relation to soil conditions and other pertinent facts and findings in any

particular subdivision. All such individual devices and systems shall be constructed and maintained in accordance with the regulations and requirements of the Missouri Department of Natural Resources and the Missouri Department of Health.

Cole County has regulations regarding the installation of On-Site Sewer Systems constructed in the county. These regulations are in place of the Department of Health regulations established in January 1996.

5.12 WATER SUPPLY AND UTILITY SERVICES: Where a public water supply main is reasonably accessible, in the judgment of the Planning Commission, the subdivision shall be provided with a complete water distribution system adequate to serve the area being platted, including a connection for each lot and appropriately spaced fire hydrants. Water main lines shall be a minimum of six (6) inches in diameter. Larger water main lines shall be installed according to Water Company or Water District standards if determined necessary by the Company or District. All fire hydrants shall be a Type 3-outlet model installed on a 6-inch water main. Fire hydrants shall be placed at intervals of not more than one thousand (1000) feet except in commercial and industrial areas where they shall not exceed three hundred (300) feet. In no case shall there exist on lots of less than three (3) acres in area, individual water systems unless a public water system is not reasonably accessible in the judgment of the Planning Commission. Four (4) copies of plans indicating the placement of water lines and fire hydrants shall be submitted to the Planning Director Office and will be available to the appropriate fire district or department for their use. Enforcement of fire flow regulations shall be the responsibility of the fire districts.

**Developer and utilities shall strive to install crossings** under the proposed street prior to paving where sub-surface conditions prevent pushing of service lines under the completed pavement. Sewer laterals shall also be stubbed in prior to street paving if the sewer main is located on street right-of-way. All such service connections shall be extended at least two (2) feet beyond the edge of pavement and shall be adequately referenced and marked for future use. All such services shall be installed in accordance with applicable rules and regulations.

#### 5.13 OFF-STREET PARKING AND LOADING REQUIREMENTS:

1. OFF STREET PARKING: Off-street parking spaces shall be provided in all subdivisions and developments as follows:
  - a) Single family, two (2) family and multi-family dwellings including mobile homes - two (2) spaces per dwelling unit. When the developer chooses to widen the street (36' minimum) to allow for on-street parking on both sides of the street, the parking requirement may be reduced to one and one half (1 ½) spaces per dwelling unit.
  - b) Retail, office, commercial, manufacturing, or industrial uses - one (1) space for each 300 square feet of floor space, plus space to accommodate all trucks and other vehicles used in connection therewith.
  - c) Hotel or Motel - five (5) parking spaces plus one space for each sleeping room or suite.

- d) Schools - for high schools, colleges, and universities, ten (10) spaces per classroom; for elementary school, two (2) spaces per classroom.
  - e) Warehouse, wholesale, or similar establishment - one (1) space for each 2000 square feet of floor area.
  - f) All nonresidential buildings, except those specified above - one (1) space for each 300 square feet of floor area.
  - g) The parking spaces required for residential buildings shall be located on the same lot with the building. The parking spaces for other building or uses may be located on an area within 300 feet of said building. Where the required parking spaces are not located on the same lot as the building, the usage of the lot or tract upon which said parking spaces are located shall be restricted by an instrument of record describing the premises for which said parking is provided and assuring the retention of such parking so long as required.
2. OFF-STREET LOADING SPACE: When a building is constructed, which may be anticipated to be used for manufacturing, industrial, wholesale, or any other uses which may be expected to ship or receive goods by truck during periods of normal operation, one (1) or more off- street loading spaces will be provided. If the building use may require more than one (1) truck on the premises at the same time, space shall be provided for each truck. If the off-street loading space is located in a manner that a truck must back directly from a street into a loading space, a maneuvering space of not less than 50 feet shall be provided on the lot on which the building is located.

5.14 INSPECTION: Prior to starting any of the improvements covered by this Section and after approval thereof, the owner shall notify the Planning Director twenty-four (24) hours prior to beginning any such construction and each of the phases of construction mentioned in this section. The inspection is required to assure compliance with the plans and specifications as approved by the Planning Director. If the owner shall fail to notify the Planning Director concerning such construction, it shall be the responsibility of the owner at his cost to furnish proof that such construction complies with County Plans and Specifications and these regulations.

The County Highway Engineer, or his duly authorized representative, shall make a minimum three-(3) inspections of all road or street construction as follows:

- 1st Inspection - To check compaction of sub-grade before sub-base or base is applied. Driving over the sub-grade with a fully loaded tandem axle dump truck shall complete this inspection. If the sub-grade deflects, the sub-grade shall not pass the inspection.
- 2nd Inspection - To check base courses for compaction, material, sizes, thickness', etc., before prime coat or surfacing is applied, if required. Driving over the base with a fully loaded tandem axle dump truck shall complete the inspection. If the base deflects, the base shall not pass the inspection.
- 3rd Inspection – To verify thickness of pavement during placement operation.

Sanitary Sewer Facilities shall require inspection by the appropriate Operating Authority. It is the

sole responsibility of the owner to notify the Operating Authority twenty-four (24) hours prior to starting any Sanitary Sewer Construction.

5.15 CONSTRUCTION AND INTERIM MAINTENANCE: Where the subdivision contains streets, sewers, sewage treatment plants, water supply systems or other facilities that are necessary or desirable for the welfare of the area and are common use or benefit, construction of said facilities shall be in accordance with the requirements of the Cole County Department of Public Works or other public agencies having jurisdiction. If operation and maintenance of said facilities by an existing public agency is anticipated, and a maintenance agreement or trust indenture in accordance with Section 5.16 has not been required, and the public agency has not or cannot assume the responsibility for operation and maintenance of said facilities, the owner shall provide for the proper and continuous operation and maintenance of such facilities and perform such services as would normally be provided by the public agency.

5.16 MAINTENANCE OF IMPROVEMENT: Unless the owner will request that the County Commission hereafter by Court Order provide for the maintenance of improvements within an approved subdivision, the owner shall submit to the Planning Director a maintenance agreement, a trust indenture, or other similar instrument setting forth the person, corporation, trustees, or other agency responsible for the assessment as well as the collection of the monies necessary for the maintenance of all improvements within the subdivision and the methods of collection of said monies.

The County of Cole will accept only paved roads and/or streets for maintenance within an approved subdivision as follows:

1. Standard Street Acceptance Policy for Roads or Streets within Approved Subdivision:

- a) All roads and/or streets shall be graded and fully constructed in accordance with the design standards and specifications of the Cole County Department of Public Works, a brief summary of which is set forth in EXHIBITS "A" and "B". The County of Cole WILL NOT accept any unpaved roads or streets into its Highway System.
- b) Upon completion of all roads and/or streets in the platted subdivision, the owner will write a letter to the Cole County Highway Engineer stating that the roads and/or streets are ready to be inspected by the County for the one-year interim maintenance period.
- c) The only exception will be, if a short section of a road or street is build with a cul-de-sac which only serves a small area of that subdivision and that road or street can not be extended through the subdivision, the County will inspect that road or street without the other streets being built as platted in that subdivision section. The County Highway Engineer or his representative will field inspect said roads and/or streets to verify that they have been built to County requirements.
- d) A letter of reply will be written to the owner stating that the roads and/or streets are, or are not, built to Cole County Standards and Specifications.

1. If the roads and/or streets are not built to said standards or specifications, the letter will state the deficiencies shown by the inspection.
  2. After deficiencies have been repaired or proper improvements have been made, the owner will write another letter stating that the roads and/or streets are ready for re-inspection.
- e) When all the roads and/or streets the platted subdivision section have been approved, the County Highway Engineer will prepare a Court Order stating that said roads and/or streets are accepted on an interim period of one (1) year for snow removal. Snow removal shall commence at the date of the approved Court Order and shall be performed during the interim period at the convenience of the Cole County Department of Public Works. The Court Order is subject to final approval by the Cole County Commission. During the one- (1) year interim period the owner will be responsible for the right-of-way, driving surface, and drainage problems that may occur. At the end of the one- (1) year interim period the County Highway Engineer will re-inspect all roads and/or streets to verify that said road and/or streets are still in compliance with Cole County Standards and Specifications:
1. If said roads and/or streets are not in compliance with the standards and specifications, a letter will be written to the owner stating the deficiencies shown by the inspection.
  2. After the deficiencies have been corrected or proper improvements have been made, the owner will write a letter to the County Highway Engineer stating the road and/or streets are ready to be re- inspected.
  3. When all roads and/or streets in the platted subdivision section have been approved, the County Highway Engineer will prepare a final Court Order stating that all roads and/or streets are accepted into the County Highway System. The Court Order is subject to final approval by the Cole County Commission.

2. Standard Street Acceptance Policy for Other Roads and Streets:

The County Commission may accept all other roads and streets for maintenance when construction has been completed in accordance with these rules and regulations and the requirements of Section 228.010 through 228.090 **R.S.Mo. 1996** or their successors have been fulfilled.

## SECTION VI INNOVATIVE DEVELOPMENT

These regulations may be referred to as the “Innovative Development Planning”

6.1 The purpose of the Innovative Development Districts and the procedures to be followed are:

- Purpose – It is the purpose of this district to provide an opportunity for modern and imaginative architectural design and site arrangement. The Innovative Development should be carefully planned combination of residential, commercial, public and semi-public uses or some of these uses.
- Required Plans – General
  1. Approved Final Plan Required. Before land is used or a Building Permit is issued in an Innovative Development a Final Plan shall be approved by the Commission. Acceptance of the Commission’s report recommending approval of a Final Plan shall constitute Commission approval. Approval of a Preliminary Plan should precede the submission of a Final Plan for area where there are alternative development approaches, where development information is incomplete, and/or for large areas which will be developed in stages.
  2. Approval Process. A plan for the use and development of a tract of land located in an Innovative Development shall be submitted to the Planning Commission for Study and recommendation. The Commission shall have sixty (60) days to recommend approval or rejection of the plan, with or without modification; otherwise the plan is deemed approved by the Commission, except that the Commission, with the consent of the applicant, may extend the sixty- (60) day period. The Commission’s decision on a plan may be appealed to the County Commission provided, however, such appeal shall be filed with the County Clerk within fifteen (15) days of the Commission’s decision on a plan and, further provided, a decision of the commission on a Preliminary or Final Plan shall not be reversed except by a unanimous vote of all members of the County Commission. If substantial changes are made to the plan, as a result of County Commission action, the County Commission may refer the plan to the Commission for further study and recommendation.
  3. Submission Requirements. The applicant shall submit five prints and one permanent, reproducible copy of each Preliminary or Final Plan for which approval is requested. This submission shall be made to the Director of Planning in accordance with the time schedule established by the Commission and shall be accompanied by a check payable to the “Cole County Planning” in the amount established by the County Commission.
  4. General Standards for Review of Preliminary Plans. Before approving a Preliminary Plan for any Innovative Development, the Commission or, in the case of an appeal, the County Commission shall determine that:
    - a. Adequate utilities, access roads, drainage and/or other necessary facilities will be provided.
    - b. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

- c. The Commission or, in the case of an appeal, the County commission shall further determine that the proposed development will not:
  1. Be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  2. Impede the normal and orderly development and improvement of surrounding property.

6.2 Review of Preliminary Planned District Site Plans and Decision. The Commission shall review the conformity of the proposed development as shown on the Innovative Development Site Plan with the General Standards for Review of Preliminary Plans, specific requirements of the Innovative Development, and recognized principles of land use planning and civic design. The Commission may approve, approve with conditions or deny the Preliminary Plan. The Commission or, in the case of an appeal, the County Commission may impose conditions which relate to such things as use; buffer zones; landscaping; setbacks; the size; type and arrangement of buildings; the operation of the proposed development; the location and arrangement of parking areas and drives; and other factors the Commission deems as being essential to the sound development of the area and for the protection of adjacent areas.

6.3 Design Standards. Required yards, off-street parking, density of development, building types and the heights of buildings, fences and signs shall be as determined by the Commission or the County Commission in the plan review process as described in subsection (5) above. The yards, parking, density and height of structures as shown on the approved Final Plan shall prevail over conflicting requirements of this chapter.

1. Content of the Preliminary Plan – The Preliminary Plan for all Innovative Development shall show:
  - a. The scale and north point.
  - b. Boundaries of the property to be developed.
  - c. The names of the owners of the property and the individual or firm responsible for the preparation of the Preliminary Plan.
  - d. The locations type and size of structures, on properties within 200 feet of the boundaries of the property.
  - e. Acreage of the property to be included in the Innovative Development.
  - f. Existing contours on an interval of not more than five (5) feet where ground slope is regular and such information is sufficient for the planning purposes or on an interval of not more than two (2) feet where land is irregular or there is a needs for detailed data.
  - g. The location and direction of drainage of all watercourses and drainage plan with sufficient information to indicate the intent of the owner.
  - h. The location of existing and proposed sanitary sewers.
  - i. The proposed size, location, height, use and arrangement of all buildings except single family dwellings; the location and capacity of off-street

parking areas, entrance and exit driveways and their relationship to existing and proposed streets; building lines; easements; common land and open space; and proposed streets, alleys and pedestrian ways. The location of buildings with respect to each other and lot lines; number of floors and approximate height of all proposed buildings and structures, accessory and main; or major excavations. The locations should be drawn to scale but full dimensioning is not required on the preliminary plan for a large-scale project, which is to be accomplished in stages.

- j. Proposed landscaping and buffer zones.
  - k. Provide for the dedication of any right-of-way for the widening, extension, or connection of major streets.
  - l. Date and signature lines for execution by the Commission Chairman and the Director of planning to show the date of Plan approval.
  - m. Proposed contours on an interval not less than five (5) feet. In critical areas the contours will be required on a closer interval.
  - n. A copy of the County Assessment Maps with the most current parcel information within 1250' of the property being reviewed.
2. Final Plan – The standards for review, design standards and the review and decision procedures for Final Plans shall be identical to those for Preliminary Plans. The approved Final Plan shall be binding upon the owners, their heirs and assigns until such time as the County may release such limitation on the use of the subject property, under the procedures provided herein. The Final Plan for all Planned Districts shall show:
- a. All required Preliminary Plan information.
  - b. The seal of an Architect or Engineer registered to practice in Missouri.
  - c. An approved drainage and grading plan which complies with the Storm Water Drainage Regulations.
  - d. An approved set of street plans.
  - e. The proposed arrangement of off-street parking stalls.
  - f. The general configuration, height size, type and location of all proposed signs, walls and fences.
  - g. By notation or drawing, the architectural style of all buildings.
  - h. The proposed title of the project, owner or owners of the land, and the name of the engineer, architect, designer, or landscape architect, and the developer.
  - i. Location of the project.
  - j. The boundaries of the property involved, the general location of all existing easements and property lines, existing streets, buildings, or waterways, major tree masses and other existing features in or adjoining the project.
  - k. Uses of adjoining properties and names of owners.
  - l. The approximate location and sizes of sanitary and storm sewers, water mains, culverts, and other underground structures, existing and planned, in or near the project.

- m. The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading area, (including number of parking and loading spaces), outdoor lighting systems, storm drainage and sanitary facilities.
- n. The general location of proposed lots, setback lines and easements and proposed reservations for parks, parkways, playgrounds, school sites and open spaces.
- o. The location of buildings with respect to each other and lot lines; number of floors and approximate height of all proposed buildings and structures, accessory and main; or major excavations. The locations should be drawn to scale but full dimensioning is not required on the preliminary plan for the large-scale project, which is to be accomplished in stages. For large developments the planning commission, may at its discretion, allow some flexibility to this for deed restrictions.
- p. For residential structures, the number, sizes, and types of dwelling units.
- q. General location, height, and material of all fences, walls, screen planing and landscaping.
- r. Proposed location and character of non-residential uses, commercial or industrial uses, accessory or main.
- s. General location, character, size and height or orientation of proposed signs.
- t. Date and signature liens for execution by the Commission Chairman and the Director of Planning to show the date the Plan was recommended for approval.
- u. The Final Plan will be approved when it is in accordance with the approved Preliminary Plan and any conditions imposed by the Commission or Commission provided that items (1) through (20) of this subsection are furnished and approved by the Commission.
- v. A copy of the County Assessment Maps with the most current parcel information within 1250' of the property being reviewed.

Compliance with Subdivision Regulations – In the event the proposed development plan involves the subdivision of land, the owner shall follow all applicable procedures, standards and requirements of the Rule for Land Subdivision in Cole County.

- 3. Changes in Plans – In the event the Final Plan is not in accordance with the approved Preliminary Plan, the review and decision on the Final Plan shall be accomplished under the procedures as set forth herein for the review and decisions on the original Preliminary Plan.
- 4. From time to time during the construction, the owner may make minor changes to an approved Final Plan, so long as such changes have been approved by the Director of Planning, or upon denial by the Director of Planning, with the approval of the County Commission. Any other changes to the approved Final Plan shall be accomplished under the procedures as set forth herein for the approval of the original Final Plan.

- Building Permits and Certificate of Occupancy – No Building Permit or Certificate of Occupancy shall be issued for any building or use in an innovative development that is not in accordance with the approved Final Plan

6.4 CONDITIONAL USE: In the Innovative Development District, land may be used after approval of a Final Plan only under the following conditions:

1. Permissive Uses – Land and buildings in an Innovative Development District may be used for residential uses, and any other commercial use which in the opinion of the Commission are ordinarily accepted.
2. Residential Density Standards – The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by housing type. The minimum lot area required by housing type shall be 6,000 square feet for each single family dwelling, 3,000 square feet per family for duplexes, and 1,500 square feet per family for multiple dwellings. Net development area shall be determined by subtracting the area set aside for churches, schools, or other non-residential uses from the gross development area and deducting 20% of the remainder for streets, regardless of the amount of land actually required for streets. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted.
3. Traffic Analysis – In the case of large or complex developments, the Commission may require that a traffic analysis be prepared by a registered professional engineer who is skilled in the science of traffic engineering, indicating the estimated traffic to be generated by the complete development of the project with said estimates shown for the average week, 24-hour period, and for the peak morning and evening hours. The impact of this new traffic on existing traffic in the vicinity of the project shall be appraised and a list submitted of new street construction or new traffic control measures required, if any, to accommodate the estimated traffic increase.
4. Revocation of Permits – No permit shall be issued for any structure in any area covered by a site plan that is required under the provisions of this Section except in conformity to such plan which has been duly approved. The Director of Planning may revoke permits issued under an approved site plan for failure to comply with the approved plans, the conditions attached thereto, or other applicable regulations.
5. Approval and Extension – Approval of a site plan submitted under the provisions of this Section shall expire one (1) year after the date of such approval unless building permits have been obtained for construction in accordance therewith. A single one (1) year extension may be given upon written request by the applicant to the Director of Planning made ninety (90) days before the expiration of the approved site plan. The Director of Planning shall acknowledge the request and

shall make a decision regarding the requested extension within 30 days after receipt of the request.

6. Right of Developer to Continue Project – Subject to the time limits and conditions specified, the rights of an owner or developer to continue a project for which a site plan has been approved shall not be abridged so long as he proceeds toward completion with reasonable care and diligence and in accordance with the terms of the approval.
7. The Director of Planning at his sole discretion may establish additional requirements for preliminary site plans, and in special cases, may waive a particular requirement if, in his opinion, the inclusion of that requirement is not essential to a proper decision on the project. Site plans may be prepared on one or more sheets to show clearly the information required by this article and to facilitate the review and approval of the plan. If prepared on more than one sheet, match lines shall indicate where the several sheets join. Each plan sheet shall reserve a blank space three inches wide and five inches high for the use of the approving authority.

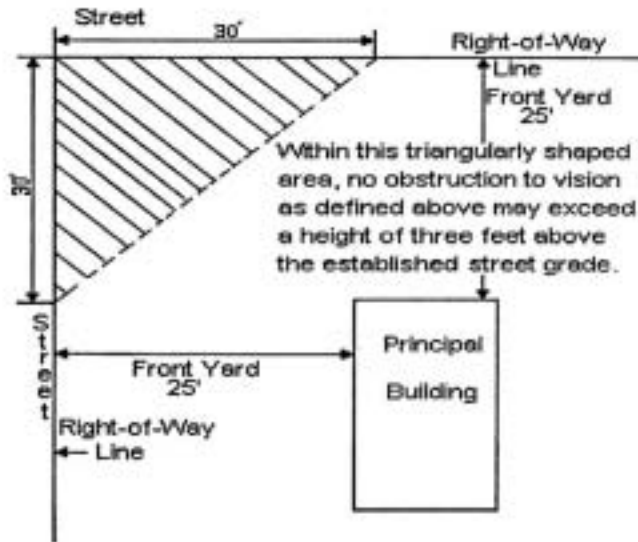
#### 6.5 EXCEPT AS HEREINAFTER PROVIDED:

1. The density and yard regulations of this chapter are minimum regulations for each and every building existing at the effective date of this chapter and for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for more than one building.
2. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot except as otherwise provided in this chapter.
3. No building shall be erected, used, converted, enlarged, or structurally altered unless the premises conform to all offstreet parking and loading regulations of this chapter.

#### 6.6 MINIMUM YARD SETBACKS SHALL BE TWENTY-FIVE (25) FEET FRONT AND AS REQUIRED FOR SIDE AND REAR.

1. The following additional yard requirements shall also be observed:
  - a. On lots fronting on two non-intersecting streets, a front yard shall be provided on both streets.
  - b. On corner lots there shall be a front yard on both streets.

- c. In the Innovative Developments, there may be more than one building on a lot provided that the required yards be maintained around the group of buildings.
  - d. There may be two or more related multi-family units provided that, (a) the required yards be maintained around the group of buildings, and (b) buildings that are parallel or that are within 45° of being parallel be separated by a horizontal distance that is at least equal to the height of the highest building.
  - e. Those parts of existing buildings that violate yard regulations may be repaired and remodeled, but not reconstructed or structurally altered.
  - f. Required front yards shall be devoted entirely to landscaping area except for off-street parking and the necessary paving of driveways and sidewalks to reach parking or loading areas in the side or rear yard.
  - g. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
  - h. The minimum width of side yards for community buildings and other public and semi-public buildings in residential districts shall be twenty-five (25) feet, except where a side yard is adjacent to a commercial or industrial development in which the building is located.
2. No sign, fence, wall, shrub or other obstruction to vision exceeding three (3) feet in height above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points thirty (30) feet distant from the intersection of the street right-of-way lines. On corner lots where either required front yard is less than 25 feet, structures may be erected in the above-described triangle with permission of the Director at his sole discretion. The Director of Planning may permit the placement of trees or pole signs in the triangle if the tree canopy or the sign face will not obstruct vision.



3.

The following exceptions may be made to the yard requirements.

- a. Where, on the effective date of this chapter, 40% or more of a frontage was occupied by two or more buildings, then the front yard is established in the following manner:
  1. Where the building farthest from the street provides a front yard not more than ten (10) feet deeper than the building closest to the street, then the front yard for the frontage is and remains an average of the then existing front yards.
  2. Where this (1) is not the case and a lot is within 100 feet of a building on each side then the front yard is a line drawn from the closest front corners of these adjacent buildings.
  3. Where neither (1) nor (2) is the case, and the lot is within 100 feet of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.
    - a. Sills, eaves, belt courses, window air conditioning units, chimneys, cornices, and ornamental features may project into a required yard a distance not to exceed twenty-four (24) inches. The Director of Planning may permit eaves and overhang features to project into a required yard a distance not to exceed forty-eight (48) inches.
    - b. When so placed as to not obstruct light and ventilation, open fire escapes, fireproof outside stairways, balconies opening upon fire towers, and the ordinary projections of chimneys and flues, may, when permitted by the Director

of Planning, extend into a required rear yard for a distance of not more than three and one-half (3 ½) feet.

4. Open, unenclosed porches (not glassed in) may extend ten (10) feet into a front yard.
5. No side yards are required where dwellings are erected above commercial and industrial structures, except such side yard as may be required for a commercial or industrial building on the side of a lot adjoining a residential development.
6. Accessory buildings and structures may be located in a rear yard but may not occupy more than 30% of a rear yard.
7. Any accessory building or structure closer than ten (10) feet to a main building shall be considered as part of the main building and shall have the same required side and rear yards as the main building.
8. A garage with an alley entrance shall be kept ten (10) feet from the alley line.

**SECTION VII  
AMENDMENTS, PENALTIES, AND VARIANCES**

7.1 AMENDMENTS: The County Planning Commission may change and amend these regulations from time to time, after public hearing, as provided in Section 64.815 R.S.Mo 1996 or their successors.

7.2 PENALTIES: The County Director of Planning or his/her duly authorized representative shall, upon evidence of any violation of these rules, serve an order to cease and desist or correct or remove such violations, such services to be made by registered mail to the owner, general agent, lessee or contractor responsible for or contributing to the violative act. Any owner, general agent, lessee or contractor who, having been served with an order to cease and desist or correct or remove such violations fails to comply with such order within the time limit set forth in the order, or who shall continue to violate any of the regulations contained herein and orders made in connection herewith, shall be guilty of a misdemeanor and the County Prosecutor shall take such action as is provided by law.

7.3 SUBDIVISION PRIOR TO PLANNING: In any platted subdivision laid out and recorded prior to Planning and in fact is partially non-conforming, the Planning Director shall have power at his discretion to establish minimum building setback lines less than that elsewhere provided, if that be necessary to effect conformity with existing buildings.

7.4 VARIANCES: Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development, or contains such topographic conditions or characteristics that the strict application of the requirements contained in this subdivision regulation would impose practical difficulties or particular hardship, the Commission and County Commission may vary or modify any of the requirements of this regulation so that substantial justice may be done and the public interest secured and the general intent of this regulation preserved.

In granting variances, the Commission may require such conditions, as will, in its judgment, secure the objectives of these regulations.

In the event of such a variance, the Commission shall report to the County Commission, disclosing in what respect the petitioner's application for an exception, and facts offered in support thereof, met or failed to meet the aforementioned requirements. The County Commission may affirm, reverse, or modify, in whole or in part, any determination of the Commission. A unanimous vote of all members of the County Commission shall be required to reverse, modify, or amend any determination of the Planning Commission. A majority of the County Commission shall be sufficient to affirm any determination of the Commission.

**SECTION VIII  
ADMINISTRATION**

8.1 GENERAL PROVISION: The Commission shall adopt, amend, and publish rules and instructions for the administration of these regulations to the end that the public be informed and the approval of the plats be expedited.

8.2 ENFORCEMENT: The County Commission shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the adoption of these regulations unless such subdivision or street has been approved in accordance with the provisions of these regulations.

8.3 BOARD OF ADJUSTMENT: A Board of Adjustment shall be appointed to hear appeals from the Planning Commission, as provided by Section 64.840 and 64.870, **R.S.Mo. 1996** or their successors.

**SECTION IX  
SEPARABILITY OF PROVISIONS**

9.1 SEPARABILITY OF PROVISIONS: If any section, clause, paragraph, provision, or portion of these regulations shall be held invalid, or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision, or portion of these regulations.

9.2 These regulations shall be effective on and after the date of adoption by the County Commission of Cole County, Missouri.

9.3 ADOPTED by the County Commission of the County of Cole, State of Missouri, on

COLE COUNTY COMMISSION:

ATTEST:

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Robert Jones  
Presiding Commissioner

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Bill Deeken  
Cole County Clerk

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Michael D. Forck  
Eastern Commissioner

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Eric Peters  
Western Commissioner

EXHIBIT "B"

**"Cole County Standard Specifications for Street and Road Constructions"**

Copies of the Cole County Standard specifications are available through the Cole County Department of Public Works.