

## **Stone County Zoning Regulations**

Amendments current through April 19 2011

### **ARTICLE 24, ROAD, STREET, COMMON OPEN SPACE AND COMMON IMPROVEMENT REGULATIONS**

**Section 1, General Provisions.** The provisions of this Article shall apply to all developments in which the following features are held in common ownership by a property owners' association or by persons or entities owning property within a development.

A. All lands in common open space, not a part of individual lots, designed for the mutual benefit of a group of persons owning property within a development, where such lands are not dedicated to or conveyed for public use whether or not such lands are required by the provisions of this Article, and

B. All private streets, driveways, parking facilities and buildings or portions thereof, as may be provided for the common use, benefit and/or enjoyment of the occupants of the development; whether or not such improvements are required by the provisions of this Article.

#### **Section 2, Condominium Property Act.**

All lands and improvements as set forth in Section 1 above shall be established and maintained according to the provisions of the Condominium Property Act, Chapter 448 of the Revised Statutes of Missouri, or subsequent amendments, except where the Planning & Zoning Commission determines that the provisions of this Article can otherwise be satisfied.

#### **Section 3, Subdivision Approval Required.**

All subdivision of property containing common open space and common improvements shall originally be classified as a major subdivision and subject to review according to the provisions of the Subdivision Regulations. Amendments or revisions to an improved subdivision plat containing a common open space and common improvements may be classified as a minor subdivision according to the provisions of the County's Subdivision Regulations.

#### **Section 4, Property Owner's Association.**

Roads, streets, common open space and common improvements shall be protected by legal arrangements, satisfactory to the Planning & Zoning Commission and County Commission sufficient to assure their maintenance and preservation for whatever purpose they are intended. Covenants or other legal arrangements shall specify:

- A. ownership of the common open space and common improvements;
- B. method of maintenance,

## **Stone County Zoning Regulations**

Amendments current through April 19 2011

- C. responsibility for maintenance; maintenance taxes and insurance coverage in form and amount determined by the Planning & Zoning Commission;
- D. compulsory membership and compulsory assessment provisions;
- E. guarantees that any association formed to own and maintain common open space, and common improvements will not be dissolved without the consent of the County; and
- F. any other specifications deemed necessary by the Planning & Zoning Commission and the County Commission.

### **Section 5, Covenants, Rules and By-laws.**

The County Commission shall review and discretionarily approve the restrictive covenants, rules and bylaws of the lot or unit ownership, as prepared according to the provisions of this Article and Chapter 448 of the Revised Statutes of Missouri. This approval shall be obtained before any final plat is recorded or final site plan approved. Such documents, once approved, shall become part of the recorded subdivision plat or approved site plan.

### **Section 6, Maintenance of Roads, Streets, Common Open Space and Common Improvements.**

A. If the Planning & Zoning Commission and the County Commission determine that the public interest requires assurance concerning adequate maintenance of common open space areas and improvements, the Planning & Zoning Commission and County Commission may require that the restrictive covenants, rules and by-laws creating the lot or unit ownership shall provide that if the lot or unit owners establish and maintain such roads, streets, common open space, improvements, or any successor lot or unit owners, shall at any time after establishment of the development fail to maintain the roads, streets, common open space/improvements in reasonable order and condition according to the provisions of the approved plans,

1. The County may serve notice in writing upon such lot or unit owners.
2. The notice shall describe how the lot or unit ownership has failed to maintain the common open space/improvements in reasonable condition, and shall require that such deficiencies of maintenance be remedied within thirty (30) days thereof, and
3. Hearing shall be held within twenty (20) days of notice.

B. At such hearing the County Commission may modify the terms of the original notice concerning the deficiencies and may grant an extension of time to remedy these deficiencies.

## Stone County Zoning Regulations

Amendments current through April 19 2011

C. If said deficiencies are not corrected, the County may enter upon said common open space and maintain the same for one (1) year in order to preserve the taxable values of the properties within the development and to prevent the common open space/improvement from becoming a public nuisance.

D. Said entry and maintenance shall not grant the public any rights to use the common open space/improvements unless the owners voluntarily dedicate the same to the public and such dedication is accepted by the County.

E. Before the expiration of said one (1) year period and upon its initiative or upon the request of the lot or unit owners theretofore responsible for the maintenance of the common open space/improvements, the County Commission shall call a public hearing upon notice in writing to such organization or to owners of the lot or unit ownership. At said hearing, the lot or unit owners shall show cause why such maintenance by the County shall not, at the election of the County Commission, continue for a succeeding one (1) year period.

F. If the County Commission determines that said lot or unit ownership is ready and able to maintain the common open space/improvements in reasonable condition, the County shall cease to maintain the common open space/improvements at the end of said one (1) year period or at any earlier date prescribed by the County Commission.

G. If the County Commission determines that such organization is not ready and able to maintain the common open space/improvements in a reasonable condition, the County Commission may, at its discretion, continue to maintain the common open space and/or improvements during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

H. The rules and bylaws creating the lot or unit ownership shall further provide that the County's cost of maintenance, including cost of insurance, shall be assessed ratably against the individual properties within the development that have a right of enjoyment of the common open space and/or improvements. This assessment:

1. Shall become a charge on said properties,
2. The charges shall be due and payable by the owners of said properties within thirty (30) days after the receipt of same.
3. The assessments shall constitute a lien against all properties within the lot or unit ownership.

## **Stone County Zoning Regulations**

Amendments current through April 19 2011

### **Section 7, Maintenance Responsibility**

- A. Except as provided in Section 6, the County shall not be responsible for the maintenance of any common open space/improvements required by this Article.
- B. Initial maintenance of the common open space/improvements within a development shall be the responsibility of the developer.
1. The restrictive covenants, rules and bylaws of the lot or unit ownership may prescribe a method for transfer of maintenance responsibility to a duly constituted property owner's association.
  2. In the event no method for transfer or maintenance responsibility is prescribed, the developer shall retain this responsibility until fifty (50) percent of the development has been sold to the lot or unit owners or other clients.
  3. When at least fifty (50) percent of the development has been sold, the established lot or unit ownership, comprised of the development's lot or unit owners shall be deeded the common open space/improvements and such owners shall become fully responsible for its maintenance and upkeep.
- C. The maintenance responsibilities of the developer listed in Section 4 shall be specifically indicated in a letter of agreement between the developer and the County. The developer shall submit said letter to the Planning & Zoning Commission at the time of final plat review.