

ARTICLE II. INTERPRETATION

Section 1. Interpretation

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

Section 2. General Rules of Construction

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

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

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Section 3. Definitions

1. **Administrative Subdivision:** Any division of unplatted land in which not more than three (3) tracts will be created, including any remainder proposed to be retained by the owner and which does not follow the preliminary/final plat procedure in compliance with the requirements of Article IV, Section 13.
2. **Alley:** A passage or way affording generally a means of vehicular access to abutting properties and not intended for general traffic circulation.
3. **Applicant:** The owner of land proposed to be subdivided, or his/her legal representative. Consent shall be required from the legal owner of the premises.
4. **Block:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.
5. **Bond:** Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the County. All bonds shall be approved by the County wherever a bond is required by these regulations.
6. **Building:** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.
7. **Building Setback Line:** A line or lines indicating the distance from the property line behind which all enclosed portions of the building, including porches which have a roof, must be located.
8. **Cartway:** The portion of the street right-of-way designed for vehicular traffic, measured from back of curb to back of curb where curbs exist. Where curbing does not exist, edge of pavement to edge of pavement.
9. **Commission, County:** The County Commission of Greene County, Missouri.
10. **Common Area:** Land which is dedicated or reserved by any owner(s) for private use by residents of the subdivision, such as, but not limited to, recreation areas, green areas and community centers.
11. **Condominium:** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

12. **Cul-de-sac:** A street having one end open to traffic and being terminated at the other end by a vehicular turnaround.
13. **Curb and Gutter:** A border of concrete or asphalt along the edge of a street which protects the edge of the pavement and channels the flow of storm water runoff.
14. **Density:** Calculated by dividing number of lots into area to be subdivided excluding road rights-of-way
15. **Developer:** Any person, firm, partnership, corporation, or other entity acting as a unit, subdividing or proposing to subdivide land as herein defined.
16. **Director:** Greene County Planning Director.
17. **Drainage Easement:** An easement for use as a drainageway for storm water runoff, and for constructing and maintaining such drainageways, channels, storm sewers, storm water detention facilities, or other drainage works on, over, under, or across a tract of land together with all appurtenances necessary for the proper conveyance or storage of storm water runoff together with all and singular rights, privileges, appurtenances thereto belonging or in anywise appurtenant. Maintenance of drainage easements and drainage facilities located within such easement, is the responsibility of the property owner. No alteration of grades may be made within drainage easements without the written approval of the County.
18. **Easement:** A grant by the property owner for the public or private use of land for specific purposes as noted on the plat or administrative subdivision.
19. **Engineer:** A registered professional engineer in the State of Missouri.
20. **Frontage:** Lot width requirement measured at lot line abutting road right-of-way.
21. **Frontage - Cul-de-sac:** Lot width measured at building setback line. Setback line may be greater than minimum required for district to meet minimum width.
22. **Grid North:** Reference for north based on the Geographic Reference System of Greene County, Missouri, based on the Missouri Coordinate System of 1983, Central Zone.
23. **Improvements:** Physical, construction or changes, such as clearing, grading, street surfacing, curbs and gutters, survey markers, sidewalks, crosswalks, culverts, bridges, water and sanitary and storm sewer lines, and other utilities.

- 1 24. **Ingress/egress Easement:** A grant by the property owner to a specific
2 public agency or private entity of the right to cross over a tract of land.
- 3
- 4 25. **Legal Representative:** A licensed attorney, an individual appointed by
5 the court to administer the affairs of an individual (copy to be supplied to
6 the Department), individual holding Power of Attorney (copy to be
7 supplied to the Department), individual(s) who have been designated by a
8 notarized statement to act on the behalf of the property owner (copy to be
9 provided to the Department).
- 10
- 11 26. **Lot:** A parcel of land identified by a number on a subdivision plat or
12 survey recorded in accordance with these regulations. A condominium
13 unit shall be considered a lot for the purpose of these regulations.
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- 15 27. **Lot, Corner:** A lot located at the intersection of and abutting on two or
16 more streets.
- 17
- 18 28. **Lot, Double Frontage:** A lot which has two non-intersecting sides
19 abutting on two or more streets.
- 20
- 21 29. **Lot, Footprint:** A lot which is defined by the physical shape of the
22 foundation of a structure.
- 23
- 24 30. **Lot Split:** A subdivision of a lot into two or more parcels.
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- 26 31. **Pedestrian Way:** A right-of-way, dedicated to or set aside for public use,
27 which cuts across a block to facilitate pedestrian access to adjacent
28 streets and properties.
- 29
- 30 32. **Planning Board:** Greene County Planning Board .
- 31
- 32 33. **Plat - Final:** The final plan or drawing and any accompanying required
33 data or information which is submitted to the Planning Board for final
34 approval of a proposed subdivision and recording with the County
35 Recorder of Deeds.
- 36
- 37 34. **Plat - Preliminary:** The preliminary or tentative plan, map or drawing on
38 which the layout and design of a proposed subdivision is submitted to the
39 Planning Board for consideration and tentative approval.
- 40
- 41 35. **Property Description:** Descriptions of a lot, tract or parcel by metes and
42 bounds, by reference to a plat or by reference to government survey.
- 43
- 44 36. **Public Sewer:** Any sewer or wastewater system or part of such a
45 system, which is owned, maintained and operated by an incorporated
46 area of Greene County or Greene County itself.
- 47
- 48 37. **Regulations:** The Subdivision Regulations of Greene County, Missouri.
- 49
- 50

- 1 38. **Replat:** A final plan or drawing and any accompanying required data,
2 the purpose of which is to re-subdivide lots, revise lot lines, easements or
3 other features on a previously recorded subdivision plat, subject to
4 administrative approval.
- 5
- 6 39. **Right-of-way:** Area dedicated to provide for streets and roads.
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- 8 40. **Sanitary Sewer Easement:** An easement for the purpose of
9 constructing and maintaining a sanitary sewer together with all and
10 singular rights, privileges, appurtenances, and immunities thereto
11 belonging, or in anywise appertaining.
- 12
- 13 41. **Sidewalk:** A walk for pedestrians at the side of a street.
- 14
- 15 42. **Sketch Plan** A drawing of the proposed layout for a tentative
16 development as set forth in Article IV, Section 4.
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- 18 43. **Street:** The full width between the property lines bounding every way of
19 whatever nature for the purpose of vehicular traffic, whether designed as
20 a street, highway, freeway, expressway, thoroughfare, parkway, road,
21 avenue, boulevard, lane, place, circle or however otherwise designed.
- 22
- 23 44. **Street Median:** Area separating opposing lanes of traffic which may
24 consist of, but is not limited to, open space or concrete structures.
- 25
- 26 45. **Street Classification:** Streets and roads are classified by function
27 according to relative importance, and design standards are related to
28 functional classification. These classifications are as follows:
- 29
- 30 (a) **Arterial - Major, Primary or Principal:** A street or highway
31 primarily intended to provide for high volume, moderate speed and
32 extended trip length traffic movement between major activity
33 centers, with access to abutting property subordinate to major
34 traffic movement.
- 35
- 36 (b) **Arterial - Minor or Secondary:** A street which interconnects with
37 and augments the major arterial system. The secondary arterial is
38 primarily intended to provide for moderate volume, moderate
39 speed, and short to moderate trip length while providing partially
40 controlled access to abutting property.
- 41
- 42 (c) **Collector:** A street which collects and distributes traffic to and
43 from local and arterial street systems. The collector is primarily
44 intended to provide for low to moderate volume, low speed and
45 short length trips while providing access to abutting property.
- 46
- 47 (d) **Cul-de-Sac or Dead-End Street:** A minor street with only one
48 outlet.
- 49
- 50 (e) **Expressway:** A street or highway with partially controlled access

limited to intersections with public streets. The expressway is primarily intended to provide for high volume, moderate to high speed extended inter/intra city traffic between major activity centers with minimal impairment to movement.

(f) **Freeway:** A divided highway with fully controlled access limited to grade-separated interchanges constructed at major thoroughfares. A freeway is primarily intended to provide for high volume, high speed intercity traffic movements.

(g) **Local:** A street primarily providing direct access to abutting property and designed to accommodate low volume, low speed traffic.

(h) **Marginal Access Street or Service Road:** A minor street which is parallel and adjacent to an arterial street and which provides access to abutting properties and protection from through traffic.

46. **Street, Private:** Street under private ownership, control and maintenance. Requires covenants approved by office of the Greene County Counselor to provide for maintenance.

47. **Subdivision:** The division of any tract of land into two or more tracts, any of which contains less than 10 acres or which involves public street dedication.

48. **Surveyor:** A registered land surveyor in the State of Missouri.

49. **Tract:** A defined area of land.

50. **Urban Service Area:** Areas surrounding cities, towns or villages, which are expected to connect to public sanitary sewer system and public water supply system as development occurs within the area. The expected area for development may be drawn on a map, but if topography allows, extension of services can expand beyond with appropriate political subdivision approval. Example: The City of Springfield grants an exception to the Urban Service Area by action of City Council.

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

Section 4. Conflict with Public and Private Provisions

- A. Public Provisions - These regulations are not intended to interfere with, abrogate or annul any other County Commission Order, rule or regulation, statute or other provision of law. Where any provision of these regulations imposes restrictions, which differ from those imposed by any other provision of these regulations or any other County Commission Order, rule, or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards, shall control.
- B. Private Provisions - These regulations are not intended to abrogate any easement, covenant or any other private agreement, or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant or private agreement, or restriction impose duties and obligations more restrictive or higher standards than the requirements of these regulations, or the determinations of the Planning Board or the County Commission in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.
- C. Separability - If any part or provision of these regulations or application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Board hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.
- D. Saving Provision - These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the County, except as shall be expressly provided for in these regulations.

Section 5. Effective Date and Reservations

These subdivision regulations shall become effective upon the recommendation of the Greene County Planning Board and adoption by the County Commission of Greene County, Missouri.

Section 6. Amendments

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

Section 7. Conditions

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

Section 8. Resubdivision of Land

- A. Procedure for Resubdivision - For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivision, such parcel shall be approved by the Planning Board by the same procedure, rules and regulations as for a subdivision.
- B. Procedure for Subdivisions Where Future Resubdivision is Indicated - Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land, and there are indications that such lots will eventually be resubdivided into smaller building sites, the Planning Board may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

Section 9. Vacation of Plats

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

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

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