

ARTICLE I. TITLE, INTENT, DEFINITIONS

Section 1. Title

These Regulations, in pursuance of the authority granted by the Legislature of the State of Missouri in Chapter 64 of the 1978 Missouri Revised Statutes, shall be known as the “Greene County Zoning Regulations” and shall be cited as such. The map portion of these Regulations may be cited separately as the “Greene County Zoning Map.”

Section 2. The Purpose and Legislative Intent

- A. In pursuance to the above act Greene County, Missouri, as provided by said statutes purposes:
1. To secure safety from fire, panic, and other dangers;
 2. To provide adequate light and air;
 3. To prevent the overcrowding of land;
 4. To avoid undue concentration of population;
 5. To facilitate provision of adequate facilities for transportation, water, sewage, schools, parks, and other public requirements;
 6. To promote a more homogeneous relationship of land within unincorporated Greene County;
 7. To protect property values;
 8. To regulate the use of the land and to promote the orderly development of the County in accordance with the Comprehensive Development Plan of Greene County as adopted by the Planning Board and approved by the County Commission; and
 9. To effectuate the use of other accepted purposes of zoning.

Section 3. Definitions, Interpretations, Standards

A. General Rules of Construction

1. 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.
2. Where words have not been defined, the standard dictionary definition shall prevail.
3. Where there is doubt, the Planning Director shall have the right of interpretation. In construing the meaning of the Regulations, the following rules shall apply:
 - a. Words used in the present tense shall also include the future sense.
 - 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.
 - g. Except where specified otherwise, the provisions of the Regulations shall be construed to mean the minimum standards and requirements adopted in pursuit of the purposes of the Regulations.

B. Definitions

1. Accessory Use or Structure

A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

2. Administrative Officer

The zoning inspector, planning director, or any other Greene County official charged with the administration of zoning controls.

3. Agriculture

a. The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for parking, treating, or storing the produce;

b. Provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

c. Animal feeding operations must conform to the Missouri Department of Natural Resources regulations pertaining to Waste Water Management and Odor control.

4. Alley

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

5. Animal, Dangerous

Any animal that, by its nature or design, presents a physical danger. Specifically, this includes predators and carnivores plus any venomous or oversized animal or any other animal so designated by the Greene County Planning Board. See Article IV, Section 23 Household Pets.

6. Apartment Hotel

A facility offering transient lodging accommodation to the general public and where rooms or suites may include kitchen facilities and sitting rooms in addition to the bedroom.

7. Basement

a. A story whose floor is more than twelve (12) inches, but not more than half of the story height below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half below such level).

b. A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement, and as a half-story for purposes of side yard determination.

8. Beginning of Construction

The incorporation of labor and material for the purpose of placing or erecting a building or structure.

9. Billboard or Signboard

Any structure or portion thereof, situated on private premises, on which lettered, figured or pictorial matter is displayed for advertising purposes, other than the name and occupation of the user of the premises or the structure of the business conducted thereon or the products primarily sold or manufactured thereon.

10. **Board**
The Board of Zoning Adjustment of Greene County, Missouri.
11. **Board, Planning**
County Planning Board of Greene County, Missouri.
12. **Boarding House, see Lodging House**
13. **Building**
Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.
14. **Building Administrator**
The public official designated by the Greene County Commission to issue building permits and carry out such inspections as required by the normal functions of the Building Department.
15. **Building, Height of**
The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and the ridge for gable, hip or gambrel roofs.
16. **Building, Nonconforming**
A legally existing building which fails to comply with the regulations set forth in the Regulations applicable to the zone in which this building is located.
17. **Building, Principal**
A building or buildings in which the principal use of the building site is conducted. In any residential district any dwelling shall be deemed to be the principal building on the building site.
18. **Bulk Limitations (Floor Area Ratio)**
The number of square feet of floor area which is permitted for each square foot of lot area.
19. **Business Area**
Any zoning district designated for office, government and institutional, commercial, and industrial use.
20. **Cellar**
A story the floor of which is more than one-half (1/2) of its story height below the average contact ground level at the exterior walls of the building. A cellar shall be counted as a story, for the purposes of height regulations, only if used for dwelling purposes.
21. **Change in Use**
A change from one land use to another, or a change in intensity of use, e.g., from one type of equipment to another type which makes more noise, etc.

22. **Cluster Development**

- a. A development approach in which building lots may be reduced in size and buildings sited closer together, usually in groups or clusters, provided that the total development density does not exceed that which could be constructed on the site under conventional zoning and subdivision regulations.
- b. The additional land that remains undeveloped is then preserved as open space and recreational land.

23. **Commercial**

Relating to the sale of goods or services. Commercial uses on a property shall be defined as any of the following activities:

- a. Products or services are produced, rendered, or sold on the property for monetary gain;
- b. An office is kept on the property for the use of operating a business on the same property, on a separate property, or online; or
- c. Materials, equipment, products, or other items are stored on the property, or transit through the property, for the use of a business on the same property, on a separate property, or online.

Commercial uses and activities shall be permitted only in zoning districts that allow them. For commercial uses in other districts, see **Home Occupation**. The agricultural uses permitted in Article V of these Regulations shall not be considered commercial.

24. **Commercial Feed Lot**

Any livestock or poultry feeding operation that is carried out over short periods of time in buildings or unvegetated lots, for the purposes of fattening livestock or poultry immediately prior to shipment to market.

25. **Commercial Vehicle**

Any vehicle designed, maintained, or used primarily for the transportation of property or persons for hire.

26. **Commercial Motor Vehicle, Large**

- a. A commercial motor vehicle designed and regularly used for carrying more than sixteen (16) passengers, including the driver but not including a vehicle used for public school transportation;
- b. A commercial motor vehicle licensed for more than eighteen thousand (18,000) pounds; or
- c. A panel truck regularly used for the carrying of freight or merchandise in the regular course of business, regularly advertising the name of a commercial business, and/or regularly used for responding to calls for service in the regular course of business.
- d. Examples include but are not limited to:

Semi-truck and trailer, box truck, dump truck, or panel truck.

27. **Commercial Trailer, Large**

A trailer licensed for more than ten thousand (10,000) pounds.

28. **Compensation**

The receiving of goods, services, or money in exchange for, or as a result of, a service performed.

29. **Comprehensive Development Plan**
- The official goals, objectives, and policies related to the future development of Greene County, Missouri.
30. **Concentrated Animal Feed Operation (CAFO)**
- A feeding operation that confines animals for at least 45 (24-hour) days in a 12-month period and has no grass or vegetation in the confinement area during the normal growing season.
31. **Conditional Use Permit**, see **Special Use Permit**
32. **Condominium**
- Multi-family dwelling units intended for sale as individual single-family dwelling units, providing for absolute ownership of the unit itself and an undivided interest in the common elements, which are jointly owned by all condominium owners within the development.
33. **Convalescent Home**
- A convalescent home, a nursing home, or a rest home is a home for the aged, recuperating, chronically ill, or incurable persons, in which two (2) or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury.
34. **Commission, County**
- The County Commission of Greene County, Missouri.
35. **Court**
- An open, unoccupied, and unobstructed space, other than a yard, on the same lot with a building or group of buildings.
36. **Court, Outer**
- A court which extends directly to, and opens for, its full length on a street or other permanent open space or yard at least twenty-five (25) feet wide.
37. **Day Care Operations**
- a. Day Care Home: A home where not more than ten (10) children are kept, in addition to those residing on the premises, subject to state licensing requirements.
 - b. Day Care Center: A commercial business where eleven (11) or more children are kept, subject to state licensing requirements.

38. **District**

- a. A portion of the territory of Greene County within which certain uniform regulations and requirements or various combinations thereof apply.
- b. The term Agricultural District shall mean any A-1 or A-R District;
- c. The term Residential District shall mean any RR-1, MH-1, UR-1, R-1, R-2, R-3, or R-4 District;
- d. The term Office District shall mean any O-1 or O-2 District;
- e. The term Commercial District shall mean any C-1, C-2, or C-3 District;
- f. The term Manufacturing District shall mean any M-1 or M-2 District; and
- g. The term PAD shall mean any Plot Assignment District.

39. **District, More Restricted or Less Restricted**

Each of the districts in the following listing shall be more restricted than any of the other districts succeeding it, and each shall be less restricted than any of the other districts preceding it: A-1, A-R, RR-1, MH-1, R-1, UR-1, R-2, R-3, R-4, O-1, O-2, C-1, C-2, C-3, M-1, M-2, PAD.

40. **Dwelling**

Any building or portion thereof designed or used exclusively for residential occupancy of one (1) or more persons, including one-family, two-family, and multi-family dwellings, but not including tents, travel trailers, boarding, rooming houses, tourist courts, hotels, or motels.

41. **Dwelling, Mobile Home**, see **Mobile Home** or **Manufactured Home**

42. **Dwelling, Multi-Family (Household)**

A dwelling or portion thereof designed, arranged, or occupied as a residence by three (3) or more families or housekeeping units having separate quarters and living independently of each other.

43. **Dwelling, Single-Family (Household)**

A detached building containing one (1) dwelling unit, for residence purposes by one (1) family or housekeeping unit, provided, however, notwithstanding any other provisions of this Code to the contrary, a group home shall be included within the definition of a single-family dwelling.

44. **Dwelling, Two-Family (Household)**

A building designed exclusively for residence purposes by two (2) families or housekeeping units living independently of each other.

45. **Dwelling Unit**

One (1) or more rooms in a dwelling designed for occupancy by one (1) family or housekeeping unit for living and sleeping purposes and having kitchen or kitchenette facilities.

46. **Essential Services**

The erection, construction, alteration, or maintenance by public or private utility or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including poles, wires, transformation and regulation stations, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, street and area lighting facilities, hydrants, and other similar equipment and accessories thereof; reasonably necessary for the furnishing of adequate services by such public or private utilities or municipal or other governmental agencies, or for the public health and safety or general welfare, but not including bridges.

47. **Establishment**

An economic unit, generally at a single physical location, where business is conducted or service or industrial operations performed.

48. **Family**

Two (2) or more persons living together and related by blood, marriage, or adoption, who share a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel, or fraternity or sorority house.

49. **Flood Plain**

Lands in Greene County which would be susceptible to inundation, taking into account any flood control and defense works provided, based on information available from the Soil Conservation Service, U. S. Army Corps of Engineers, or other appropriate official agency.

50. **Garage, Private**

A detached accessory building or a portion of the principal building used only for the storage of self-propelled passenger vehicles or trailers by the families or household resident upon the premises; provided that, except on farms, such garage shall not be used for the storage of more than one (1) commercial vehicle rated for greater than a one-and-a-half (1½) ton capacity per family or household resident upon the premises.

51. **Garage, Public**

A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair, or refinishing of self-propelled vehicles or trailers; except a structure or part thereof used only for storage or display of self-propelled passenger vehicles, but not for transients, and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired, or hired.

52. **Garden Apartment**

A building containing three (3) or more dwelling units and rising to no more than three (3) stories, in which each dwelling unit has outside access at ground level.

53. **Grade, Curb**

The elevation of the top of the face of the curb as fixed by the County building codes.

54. **Group Home, Residential**

A single-family detached dwelling in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

55. **Home Occupation**

Any occupation or commercial activity carried on by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof and which is conducted in accordance with Article IV, Section 22 Home Occupations.

56. **Hospital**

A building or portion thereof used for the accommodation of sick, injured, or infirm persons.

57. **Hotel**

A building or group of buildings under one (1) ownership containing six (6) or more sleeping rooms occupied, intended, or designed to be occupied as the more or less temporary abiding place of persons who are lodged there, with or without meals for compensation, but not including trailer court, recreation vehicle park, hospital, asylum, orphanage, or buildings where persons are housed under a restraint.

58. **Household or Housekeeping Unit**

One (1) or more related or unrelated persons living together as a single housekeeping unit in a dwelling unit.

59. **Industry**

Storage, repair, manufacture, preparation, or treatment of any article, substance, or any commodity for commercial use.

60. **Inspector**

Inspector of building, buildings, zoning, and land use.

61. **Institutional Uses**

Those uses organized, established, used, or intended to be used for the promotion of public, religious, educational, charitable, cultural, social, or philanthropic activities normally operated on a non-profit basis.

62. **Junk or Salvage Yard**

A place where waste, discarded or salvaged materials, inoperative or wrecked motor vehicles and their parts, inoperative machinery, or trailers and their parts are dismantled, stored, bought, sold, exchanged, bailed, packed, disassembled, or handled, including all auto salvage yards, wrecking yards, house wrecking yards, used lumber yards, and place or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvage material incidental to manufacturing operations.

63. **Kennel, Commercial**

Any lot, building, structure, enclosure, or premises where four (4) or more dogs over six (6) months of age are kept for commercial purposes, including boarding, breeding, wholesale, and retail sales of goods or animals, or the rendering of services for profit, or any facility which is classified as a regulated business by the Department of Agriculture. See Article IV, Section 23 Household Pets, Animals, and Livestock.

64. **Kennel, Private**

A shelter at or adjoining a private residence where more than four (4), but less than ten (10) dogs over six (6) months of age are bred and/or kept for hunting, training, and exhibition for organized shows, field-working and/or obedience trials, or for the enjoyment of an identifiable species of dog or cat with no wholesaling of animals. See Article IV, Section 23 Household Pets, Animals, and Livestock.

65. **Land Use Plan**

The long-range plan for the desirable use of land in Greene County as officially adopted, and as amended from time to time, by the Planning Board; the purpose of such plan being, among other purposes, to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing community needs, in the appropriate subdividing and development of undeveloped land, and in the acquisition of rights-of-way or sites for such public facilities as streets, parks, schools, and other public buildings.

66. **Loading Space**

An off-street space or berth on the same lot with the building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

67. **Lodging House**

A building other than a hotel with more than two (2) but not more than ten (10) guest rooms where lodging with or without meals is provided for compensation.

68. **Lot**

A parcel of land identified by a number on a subdivision plat or survey recorded in accordance with these Regulations.

69. **Lot Area**

The computed area within the lot lines.

70. **Lot, Corner**

A lot located at the intersection of, and abutting on, two (2) or more streets.

71. **Lot Depth**

The mean horizontal distance between the front and rear lot lines.

72. **Lot, Double Frontage or Through**

A lot which has two (2) non-intersecting sides abutting on two (2) or more streets.

73. **Lot, Interior**

A lot other than a corner lot.

74. **Lot Lines**

The property lines bounding the lot as defined herein.

75. **Lot Line, Front**

The front of a lot shall be considered to be that side of the lot which fronts on a street. On corner lots, the side of least dimension fronting said street shall be the front. If said corner lot has equal frontage on two (2) or more streets, the lot shall be considered to front on that street on which the greatest number of lots front.

76. **Lot Line, Rear**

The lot line opposite and most distant from the front lot line.

77. **Lot Line, Side**
- Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
78. **Lot Line, Street or Alley**
- A lot line separating the lot from a street or alley.
79. **Lot, Wedge Shaped**
- A lot situated so that the front of the lot is either wider or narrower than the rear of the lot.
80. **Lot Width**
- The mean distance between side lot lines, which shall be measured parallel to the front lot line and through any portion of a building erected or to be erected.
81. **Lot of Record**
- Herein designated as a separate and distinct parcel on a legally recorded subdivision plat or a legally recorded deed filed in the office of the Recorder of Deeds of Greene County, Missouri, prior to February 14, 1978.
82. **Major or Secondary Highway, see Street Classification**
83. **Manufactured Home**
- A factory-built structure that is manufactured or constructed under the authority of 42 United States Code Section 5401; it is built on a permanent chassis and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. Any reference in these Regulations to manufactured homes shall also include mobile homes. For residential structures built to American National Standards Institute (ANSI) A119.5 standard, see **Park Model Home**.
84. **Maximum Coverage**
- The maximum amount of land that may be covered by buildings on any lot.
85. **Mean Lot Elevation**
- The average elevation of a single lot.
86. **Mobile Food Establishment**
- An operation permitted by the Springfield-Greene County Health Department preparing, packaging, serving, or otherwise providing food for human consumption that operates from a movable vehicle, portable structure, or pushcart, whether on a site as a temporary or permanent use, subject to all applicable parking regulations.
87. **Mobile Home**
- A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. In many cases, mobile homes were built to a voluntary industry standard of ANSI – A119.1 Standards for Mobile Homes. A travel trailer is not to be considered a mobile home.

88. **Mobile Home Park**

A site containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured houses and that may include services and facilities for the residents. Mobile Home Park sites must be platted in accordance with Greene County Subdivision Regulations.

89. **Mobile Home Subdivision**

A subdivision of single-family dwelling units that meets all the requirements set forth in the Greene County Subdivision Regulations. The principal feature that sets this subdivision apart from conventional subdivisions is that this subdivision is designed primarily, although not necessarily exclusively, for mobile homes or modular dwellings. Each lot is privately owned and the residential use of the land is regulated by County subdivision regulations and whatever deed restrictions or private covenants may be required by the subdivision developer. These dwellings are to be set up as permanent structures.

90. **Modular Home**

Factory-built housing certified as meeting County building codes for modular housing. Once certified by the County Building Department, modular homes shall be subject to the same standards as site-built homes and shall be considered as single-family detached dwellings.

91. **Motel, see Tourist Court**

92. **Non-business Area**

Any area within a residential zoning district, including areas therein, where legal, non-residential uses are present.

93. **Nonconforming Use**

A parcel of land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.

94. **Open Space, Private**

Land which is dedicated or reserved by any owner(s) for private use by residents of the subdivision, such as recreation areas, green areas, and community centers.

95. **Open Space, Public**

Land which is dedicated or reserved by any owner(s) for acquisition for general use by the public, including parks, recreation areas, school sites, or community or public building sites.

96. **Park Model Home**

A park model home, also known as a “recreational park trailer”, is a dwelling unit that has a floor area of four hundred (400) square feet or less and meets the ANSI – A119.5 Park Model Recreational Vehicle Standard. Park models are primarily designed for permanent or semi-permanent installation and are used as residences. An ANSI – A119.5 recreational park trailer is considered a recreational vehicle.

97. **Parking Area, Private**

An open area for the same use as private garages.

98. **Parking Area, Public**

An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for fee, free, or as an accommodation for clients or customers.

99. **Parking Space**

A permanently surfaced area of not less than two hundred (200) square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.

100. **Permitted Uses**

The use of a structure or a tract of land allowed by the use regulations of this ordinance.

101. **Plot Assignment District**

An area with a minimum of three (3) contiguous acres, to be planned, developed, operated, and maintained as a single entity and containing one (1) or more structures, parcels to accommodate industrial, retail, service, commercial, office, residential uses, or a combination of such uses, appurtenant common areas, and accessory uses incidental to the predominant use(s).

102. **Plot Plan**

A graphic representation delineating the outlines of the land included in the Plan and all proposed use locations, drawn to scale in a horizontal plane with accurate dimensions indicating the relation of each use to the adjoining uses and to the boundaries of the property.

103. **Premise**

A premise is any tract of land, consisting of one (1) or more lots, under single or multiple ownership, which operates as a functional unit. When developed, a premise shall also possess one (1) or more of the following criteria:

- a. Shared parking;
- b. Common management;
- c. Common identification;
- d. Common access; or
- e. Shared circulation

104. **Principal use**

The primary or predominant use of any lot.

105. **Private Person**

Any natural person, partnership, or corporation.

106. **Profession**

Architecture, engineering, law, medicine, dentistry, or other activity in which specialized service to clients are performed by persons possessing a degree from a recognized institution of higher learning, demonstrating successful completion of prolonged course of specialized intellectual instruction and study, and also possessing evidence of professional capability, such as membership in a professional society requiring standard of qualifications for admission.

107. **Public Sewer or Wastewater System**

Any sewer or wastewater system or any part of such a system, which is owned, maintained, and operated by an incorporated area of Greene County or Greene County itself.

108. **Regulations**

The Zoning Regulations of Greene County, Missouri.

109. **Restaurant**

An establishment where food and drink are prepared and served for consumption on or off the property. If alcoholic beverages are served, more than fifty (50) percent of gross income must be derived from the sale of food and non-alcoholic beverages, for consumption on the property, for the establishment to be classified a restaurant.

110. **Road, see Street**

111. **Roadside Stand**

A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

112. **Rooming House, see Lodging House**

113. **Sign**

Any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of, an advertisement, announcement, or direction, or is designed to attract the eye by intermittent or repeated motion or illumination.

114. **Sign, Illuminated**

A sign designed to give forth artificial light or to reflect light from one (1) or more sources, natural or artificial.

115. **Sign, Projecting**

A sign erected on the face or outside wall of a building and which projects out at any angle therefrom.

116. **Sign, Temporary**

Signs of the temporary nature used to advertise the premises for sale, rent, lease, or for a political candidate.

117. **Sinkhole**

Any depression in the surface of the ground, with or without collapse of adjacent rock, that provides a means through which surface water can come into contact with subsurface water.

118. **Sinkhole Watershed**

The ground surface area that provides drainage to a sinkhole.

119. **Site Plan, see Plot Plan**

120. **Special Exception**

A means whereby the Board of Adjustment may grant a deviation from the requirements of the Regulations in specific cases, but only as provided by the Regulations. See Article XXVI, Section 8 Conditional Use and Special Exceptions.

121. **Special Use Permit (Conditional Use Permit)**

The Conditional Use Permit, also known as a Special Use Permit, is a means whereby the Board (of Zoning Adjustment) may grant permission for a use that is listed as a conditional use in the Regulations. The Board (of Zoning Adjustment) must review the application and determine whether specific conditions for protection of the area and maintenance of the character of the district are incorporated in the plans for the proposed use. Conditional Use Permit approvals by the Board (of Zoning Adjustment) may be for a specified time period on a case by case basis. It is not necessary to show practical difficulty or hardship, as the permit is not asking for permission to violate the Regulations, but rather, it must be shown that the proposed use is included in the list of conditional uses of the district and that adequate safeguards are specifically included in the plans to insure that the use will not be in any way a detriment to the locality. See Article XXVI, Section 8 Conditional Use and Special Exceptions.

122. **Stable, Private**

An accessory building for the keeping of no more than four (4) horses, donkeys, mules, or ponies owned by the person living on the premises, and for which no remuneration is received.

123. **Stable, Public**

Any stable for the housing of horses, donkeys, mules, and ponies operated for remuneration, hire, sale, or stabling, whether or not it is owned by persons residing on the premises

124. **Story**

That portion within a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

125. **Story, First**

The lowest story or the ground story of any building, the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building, except any basement or cellar used for residence purposes, which shall be deemed the first story.

126. **Story, Half**

A partial story under a gable, hip, or gambrel roof, the wall plates of which are not more than four (4) feet above the floor of such story on at least two (2) opposite exterior walls, and which has an average height of not more than eight (8) feet, covering a floor area of not more than seventy-five (75) percent of the area of the floor on the story next below.

127. **Street**

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

128. **Street Classification**

Streets and roads are classified by function, according to relative importance, and design standards are related to these functional classifications, which are as follows:

- a. Primary arterials or expressways are facilities devoted entirely to traffic movement, performing little or no land service function, and should have some access control.
 - 1) Freeways have full access control and separation of all conflicting traffic movements, such as the interstate highway system or other freeways connecting large population centers carrying heavy volumes of traffic for long distances.

- 2) Parkways are usually located within a park or park-like green area, and are restricted to non-commercial vehicles.
 - 3) Other expressways are generally divided highways with some grade separated interchanges, some cross streets not carried across the median, and the other intersections controlled by signals or stop signs, such as primary state highways.
- b. Secondary arterials are facilities which bring traffic to and from primary arterials and accommodate major movements and traffic not served by primary arterials. Designed mainly for through traffic, secondary arterials may also perform some land service functions, particularly in low density agricultural areas. Typical secondary arterials are secondary state highways and primary county roads.
 - c. Collectors are streets which serve internal traffic movements within an area, such as a subdivision, and connect the area with the arterial system such as secondary county highways (farm roads). They do not handle long through trips, but connect small communities and developed areas and provide a land service function. Direct frontage of single-family lots on collectors is normally discouraged.
 - d. Local or land access streets have the sole function of providing access to immediately adjacent land, whether industrial, commercial, or residential.
 - e. Minor local or land access streets are streets whose length is limited by design as a loop or cul-de-sac, which will not be extended into adjacent development, normally serving not more than fifteen (15) dwelling units on a cul-de-sac or thirty (30) dwelling units on a loop.
129. **Street, Intersecting**
- Any street which adjoins another street at an angle, whether or not it crosses the other.
130. **Structural Alteration**
- Any change in the structural members of a building such as walls, columns, beams, or girders.
131. **Structure**
- Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground (not including sidewalks, driveways, and similar improved areas).
132. **Tavern**
- An establishment where fifty (50) percent or more of the gross income is derived from the sale of alcoholic beverages by the drink, for the consumption on the property, and where the serving of food and non-alcoholic beverages, for consumption on the property, and the sale of package liquors, may be accessory uses.
133. **Tea Room**
- An establishment used primarily for the serving of non-alcoholic beverages by the drink, for consumption on the premise, with the sale of food for consumption on the premises as accessory to the primary use.
134. **Thoroughfare Plan**
- The official thoroughfare plan as adopted and as amended from time to time by Greene County, Missouri, establishing the general location and official right-of-way width of the major and secondary highways and thoroughfares in Greene County, on file in the offices of the Recorder of Deeds, and the Planning Board of Greene County, Missouri.
135. **Tourist Court**
- An area containing one (1) or more buildings designated or intended to be used as temporary living and sleeping facilities of one (1) or more transient persons, not containing individual kitchen facilities.

136. **Townhouse**

Multi-family dwelling units intended for sale as individual single-family dwelling units, each unit having its own yards (front and rear) and each having its own lot number designated on a recorded subdivision plat.

137. **Traffic Signaling Device**

A sign, device or mechanical contrivance used for the control of motor vehicular and pedestrian movement.

138. **Trailer**

Any portable or mobile vehicle or structure on wheels, skids, or rollers not structurally anchored to a foundation, either self-propelled or propelled by an attached vehicle or other propelling apparatus, which is used or may be used for the conduct of any business, trade, occupation, or use as a selling or advertising device, or for commercial hauling, storage, or conveyance.

139. **Travel Trailer or Recreation Vehicle**

A portable vehicular structure built on a chassis and designed to be used on the highways, either towed or self-propelled, and also designed to be used as a temporary dwelling for travel and recreational purposes. Homes built on a permanent trailer chassis with wheels, often referred to as "tiny homes on wheels," are considered recreational vehicles.

140. **Travel Trailer Parks**

Any tract of land, meeting these Regulations, which is used or offered as a location for two (2) or more travel trailers or similar recreational vehicles for temporary parking and providing primarily overnight or short-term accommodations.

141. **Usable Open Space**

The space on a lot (or exterior balcony or roof surface up to a total of fifty (50) percent of the requirement) which is unoccupied by a principal or accessory building above the finished lot grade, at least seventy-five (75) percent unenclosed and available to the occupants of the building or buildings on the lot.

142. **Use**

The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained. Also see **Change in Use**.

143. **Utility Service Installation**

Any structure or installation by utility company deemed to be necessary for the safe or efficient operation of that utility.

144. **Variance**

A variance is a means whereby relief may be granted from the strict letter of the Regulations where it can be clearly shown that by complying with the Regulations, the owner of the property would suffer practical difficulties or unnecessary hardships. The conditions for granting a variance are stated in Article XXVI Section 13 Administrative Review and Variances.

145. **Watercourse**

A watercourse is land which has conformation so as to give surface water flowing from one (1) tract of land to another tract of land a fixed and determinate course, so as to uniformly discharge it upon the servient tract at a fixed and definite point. It shall include, but shall not be limited to, ravines, swales, sinkholes, or depressions of greater or lesser depth extending from one (1) tract and so situated as to gather up the surface water flowing upon the dominate tract and conduct it along a definite course to a definite point of discharge upon the servient tract. It shall not be deemed to be important that the force of water flowing from one (1) tract of land to another has not been sufficient to wear out a channel or canal having definite, well-marked sides or banks. If the surface water in fact uniformly or habitually flows over a given course, having reasonable limits as to the width of the line of its flow, it shall be considered to have a definite course.

146. **Wholesale Trade**

Establishment or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business uses, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

147. **Yard, Front**

An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward as hereinafter specified.

148. **Yard, Front, Least Depth**

The shortest distance, measured horizontally, between any part of a building on the front lot line.

149. **Yard, Front, Least Depth, How Measured**

Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line), provided, however, that if the proposed location of the right-of-way line of such street as established in the Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated in said Thoroughfare Plan.

150. **Yard, Rear**

An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward.

151. **Yard, Rear, Least Depth, How Measured**

The shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the rear lot line.

152. **Yard, Side**

An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.

153. **Yard, Side, Least Width, How Measured**

Such width shall be measured from the nearest side lot line, and, in case the nearest lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the Thoroughfare Plan.

154. **Zoning Inspector (Enforcement Officer)**

The Building Administrator or his authorized representative, appointed by the County Commission of Greene County, Missouri.

155. **Zoning Map**

The Zoning Map or Maps of Greene County, Missouri, dated together with all amendments subsequently adopted.

156. **Zoning Certificate**

A document issued by the Zoning Inspector authorizing buildings, structures, or uses consistent with the terms of these Regulations and for the purpose of carrying out and enforcing its provisions.