

ARTICLE III. ADMINISTRATION

Section 1. Variations and Exceptions

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- A. General - Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, it may approve variations or exceptions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided, the Planning Board shall not recommend variations unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
 - (4) The variation will not in any manner vary the provisions of the Zoning Order or Comprehensive Plan and will not be in conflict with the intent of the subdivision regulations.
- B. Conditions - In recommending variations and exceptions, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- C. Procedures - A petition for any such variation shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Board. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

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Section 2. Records

- A. The Planning Director shall maintain an accurate record of all subdivisions and supplementary data pertaining to same and of the findings, decisions, and recommendations in relation to such subdivision, which records shall be maintained in the office of the Planning Director.

- B. The Planning Director shall report all administrative approvals to the Planning Board on a monthly basis.

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2 **Section 3. Enforcement, Violations and Penalties**
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4 A. General
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- 6 (1) Violations of these regulations shall constitute a misdemeanor as
7 provided in Chapter 64.295, RSMo.
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9 (2) It shall be the duty of the Planning Director of the Planning Board
10 to enforce these regulations and to bring to the attention of the
11 County Prosecuting Attorney any violations or lack of compliance
12 herewith.
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14 (3) No property description of any subdivision governed by these
15 regulations shall be entitled to be recorded in the County
16 Recorder's Office or have any validity until it shall have been
17 approved in the manner prescribed herein. In the event any such
18 unapproved property description is recorded, proceedings shall be
19 instituted to have such plat or deed declared invalid.
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21 (4) No owner or agent of the owner of any parcel of land shall transfer
22 or sell any land by reference to, exhibition of, or by use of a
23 subdivision description nor shall any person purchase such land
24 before such subdivision description has been approved by the
25 Planning Board, in accordance with these regulations, and filed
26 with the Greene County Recorder of Deeds.
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28 (5) The subdivision of any lot or any parcel of land by the use of metes
29 and bounds description for the purpose of sale, transfer, or lease
30 with the intent of evading these regulations, shall not be permitted.
31 All such described subdivisions shall be subject to all of the
32 requirements contained in these regulations.
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34 (6) Permits. The Building Regulations Department shall not issue any
35 building permits for the construction of any building or structure
36 except where a subdivision description has been approved in the
37 manner prescribed herein.
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- 39 B. Violations and Penalties - Any person, firm or corporation who fails to
40 comply with, or violates any of these regulations shall be subject to a fine
41 of not more than \$1,000.00 (one thousand dollars) or imprisonment in the
42 county jail for a period not exceeding one (1) year, or both, such fine and
43 imprisonments, pursuant to the provisions of Section 64.295 of the
44 Revised Statutes of the State of Missouri.
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C. Civil Enforcement - Appropriate actions and proceedings may be taken by law or in equity pursuant to Section 64.295, Revised Statutes of Missouri, to prevent any violation of these regulations; to prevent unlawful construction; to recover damages; to restrain; to correct or abate a violation; to prevent illegal occupancy of a building, structure or premises. These remedies shall be in addition to the penalties described above.