

**Exhibit A**  
**UDO Article 3 Revisions**

*Article 3 shall be deleted in its entirety and replaced with the following:*

**ARTICLE 3. - PERMITS AND CERTIFICATES OF OCCUPANCY**

**DIVISION I. - GENERAL PERMIT REQUIREMENTS**

**Sec. 3.110. - Purpose and intent.**

It is the intent of this article to set forth the permits that are required for the development of property in the City and the regulations governing the application for, consideration of, and issuance of permits. This article will allow a person developing property to determine when a permit is required and what information must be submitted and what criteria will be used by the City to determine if the permit shall be issued. This article also sets forth the procedures that must be followed if the applicant desires to appeal the non-issuance or revocation of a permit.

**Sec. 3.120. - List of permits and certificates.**

The following chart contains a list of the possible permits and certificates that may be required for the development of property in the City. The "purpose" column is only for descriptive guidance to the reader. A determination of whether a permit is required for the development of property is made on a case-by-case basis, based upon the requirements of this chapter.

Type of Permit or Certificate	Purpose
Land Disturbance Permit Division II	Grading, excavation or any activity precedent to development of land for any use other than agricultural use.
Site Development Permit Division IV	Infrastructure construction for a proposed development.
Building Permit Division V	Construction or expansion of any building or structure.
Special Use Permit Division VI	Uses not allowed by right because of their unique impact on adjoining uses of land but with specific requirements may be allowed in certain areas and which are subject to individualized consideration and public hearings.
Temporary Traffic Control Permit Division VII	Allow activity within the City right-of-way that impacts the flow of vehicular or pedestrian traffic.
Right-of-Way Permit Division VIII	Opening or excavation, or any act incident thereto, in the public right-of-way.
Sign Permit Division IX	Installation or construction of any sign regulated under the Code, except those specifically exempted.

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Certificate of Occupancy Division X	Occupation of a building.
Special Event Permit Division XI	Occurrence of a special event at a specific time and location under specified conditions.
Floodplain Development Permit Division XII	Construction of a building, structure or any development within a floodplain zone.
Historic Preservation Certificate of Appropriateness Division XIII	Demolition, moving or material change to an historic structure, new construction in an historic district, or signage for an historic building or district.
Hazmat Permit Division XIV	Storage, transporting, siting, dispensing using or handling of hazardous materials in accordance with amended Section 2701.4 of the current International Fire Code or any future amendments thereto.
Burning Permit Division XV	Kindling or maintaining an open fire or a fire on any public street, alley, road or other public or private ground.
Blasting Permit Division XVI	Manufacturing, storage, handling, sale or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects within Chapter 33 of the current International Fire Code or any future amendments thereto.

Sec. 3.130. - Action on permit applications.

A. Permit requirement.

A permit application shall be submitted to the City for each permit that is required by this article. The contents and submission requirements for each permit shall be as set forth, or referenced in this article. Upon submission of a complete permit application, the City will consider the permit application based on the approval criteria set forth in the applicable division of this article, and may issue the permit if all applicable criteria are satisfied by the applicant.

1. The applicant is responsible for meeting all applicable regulations and obtaining all required local, state, federal and/or private agency permits, including, but not limited to, Missouri Department of Natural Resources (MDNR), Missouri Department of Transportation (MoDOT), Federal Emergency Management Agency (FEMA), US Army Corps of Engineers (USCOE), railroads, and any adjacent municipalities. No work will be accepted by the City that has not been accepted or approved as satisfactory by the governing agency.

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2. Nothing in this section shall be deemed to supersede permitting requirements imposed by any law, rule or regulation of other federal, state or local agencies, or of the City. In the event of conflict between these requirements and any other such law, rule or regulation, the more restrictive laws, rules or regulations shall apply.

**B. Revocation of a permit.**

**1. Grounds of revocation.**

The City official that issued the permit, when it appears to such official that one or more of the following conditions is present, may revoke a permit in writing:

- a. There is departure from the plans, specifications or conditions referred to in the permit or that were the basis for the issuance of the permit;
- b. The permit was procured by fraud, misrepresentation or a false statement;
- c. The permit was issued by mistake;
- d. Activities taken, pursuant to the permit, violate the provisions of any City Code;
- e. There exist emergency conditions that present imminent danger to life or property that require revocation of the permit.

**2. Notice.**

Notice of the revocation shall be mailed to the permittee's last known address on the day the permit is revoked and shall be posted in a prominent location on the property by the City official that issued the permit. The notice shall state the grounds for the revocation. Once notice of revocation has been served or posted, no further activities or use of the property authorized by the permit shall proceed.

**Sec. 3.140. - Appeals.**

An applicant may appeal the non-issuance of a permit, and a permit holder may appeal the revocation of a validly issued permit, pursuant to the appeal procedures specified for each type of permit below. If the appeal process is not specified for a type of permit in this UDO, the Board of Zoning Adjustment (BZA) shall hear the appeal.

**DIVISION II. - LAND DISTURBANCE PERMIT**

**Sec. 3.210. - Land disturbance permit—When required.**

A Land Disturbance Permit is required for any public or private entity that intends to cause or causes a condition that allows for erosion or movement of sediment from the site. Any disturbance of land shall be provided with adequate erosion and sediment control to protect public infrastructure, adjacent properties, streams and surface waters from being polluted with sediment and silt.

**Sec. 3.220. - Land disturbance permit—Application, content and submission requirements.**

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- A. Applications for a Land Disturbance Permit shall be submitted to the City and shall contain the following:
  - 1. An erosion and sediment control plan.
  - 2. A Stormwater Pollution Prevention Plan (SWPPP), if the land disturbance is greater than one acre.
  - 3. An application fee.
  - 4. A copy of the MDNR permit, if required.

**Sec. 3.230. - Land disturbance permit—Exemption.**

A land disturbance permit shall not be required for the following activities:

- A. Any grading or excavation for a basement, footing, retaining wall, or other structure on a single lot authorized by a valid full building permit.
- B. Any land disturbance activity of 2000 square feet or less.
- C. Public landfills.
- D. Agricultural activities in connection with the production, harvesting, storage, drying, or raising of agricultural products and livestock.
- E. Mining, quarrying, excavating, processing, and/or stockpiling of rock, sand, aggregate or clay where established and provided for by law.

**Sec. 3.240. - Land disturbance permit—Consideration.**

The land disturbance permit application shall be considered by the Director and may be issued if it appears that the standards set forth in the Design & Construction Manual (DCM) applicable to land disturbance permits have been satisfied by the applicant. The Director may grant the permit with conditions.

**Sec. 3.250. - Land disturbance permit—Appeals.**

The non-issuance or revocation of a land disturbance permit may be appealed to the Governing Body through the Public Works Committee (PWC) by filing a written request with the City Clerk within seven days after the City official refuses to issue a permit or after notice of the decision by the City official revoking the permit is mailed to the permittee. The time and place of the hearing on the appeal shall be set by the PWC and held within ten days following the filing of the written request. Notice of the hearing shall be given to the permittee by certified mail at least five days prior to the date set for the hearing. The PWC shall make a recommendation to the Governing Body regarding the appeal at the conclusion of the hearing. The Governing Body shall have 14 days after the hearing to issue its decision on the appeal, at which time the Governing Body shall issue its decision either issuing the permit, reinstating the permit, altering the terms and conditions of the original permit, or revoking the permit. During any appeal to the Governing Body, activities authorized by the permit shall not commence or continue.

**DIVISION III. – NOT USED**

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DIVISION IV. – SITE DEVELOPMENT PERMIT

Sec. 3.405 – Site Development Permit - When Required.

A Site Development Permit is required prior to the start of infrastructure construction for any proposed development that involves the construction of sanitary sewers, storm sewers, detention basins, water lines, streets, sidewalks and pavements or other related public / private improvements. A Site Development Permit may contain sub-permits, including Land Disturbance, Temporary Traffic Control, Right-of-Way, Floodplain Development or Blasting permits.

Sec. 3.410 – Site Development Permit –Application, Content and Submission Requirements

A. Application:

Applications for a Site Development Permit shall be submitted to the City to determine if the infrastructure in the proposed development complies with the design criteria in the DCM and shall contain the following:

1. Engineering plans, as required and described below.
2. Design reports, as required and described below.

B. Engineering Plan Contents:

Specific plan requirements are contained in the sections of the design criteria of the DCM for various types of infrastructure. Minimum general requirements include the following:

1. Cover sheet:

- a. Project title
- b. Vicinity map
- c. Developer’s name, address, phone and fax number, and email address
- d. Design Engineer’s name, address, phone and fax number, and email address
- e. List of drawings (including revision dates)
- f. Utility contact information.

2. Engineering plans:

- a. Title block
- b. General notes
- c. Survey control data
- d. Summary of quantities
- e. Existing utilities, easements, and right-of-way
- f. Utility relocations
- g. Typical sections for streets and their classifications, design and posted speed limits, current and future (20 year) ADTs (Average Daily Traffic) for arterials, rights of way, sidewalks, driveways, pavements, slopes, and other features, as required.
- h. Plan views, profiles and details:
  - i. street, curb, gutter, sidewalks and pavements
  - ii. traffic signals and pavement markings

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- iii. sidewalks and associated ADA ramp details
  - iv. storm sewers
  - v. detention facilities
  - vi. sanitary sewers
  - vii. water lines
  - i. A temporary traffic control plan shall be in accordance with Section 3000 of the DCM and will be reviewed and approved by the City Traffic Engineer or their designee.
  - j. Permanent signing and marking plan
  - k. Drainage area map, mass grading plan, and a master drainage plan for the entire development in accordance with the requirements in Section 5600 of the DCM.
  - l. Erosion and sediment control plan for the entire development in accordance with the requirements in Sections 5100 and 2100 of the DCM.
3. All infrastructure shall have its own unique stationing and/or coordinates.
  4. All drawings, except detail sheets, shall be drawn to an acceptable standard engineering scale and shall include a bar scale.
  5. The City's Standard Details, necessary to complete the Improvements, shall be incorporated into the plans.
  6. Plans shall include at least two written benchmark descriptions and elevations, based on USGS (NAD83) or the City's datum.
  7. Minimum font size on all plans shall be 0.125 inch on full size plans.
  8. Appropriate line weights shall be used according to generally accepted drafting standards.
  9. All plans should be oriented so that north is to the top (up) or to the left of the sheet and shall include a north arrow.
  10. Legend shall be included showing line weights, symbols, abbreviations, etc.
  11. Aerial backgrounds and imagery shall not be allowed, unless approved.
  12. Oil and Gas Wells and Undermined Areas
    - a. Engineering plans for any proposed development shall show the surveyed location of any oil or gas well or undermined area within the development.
    - b. Documentation of compliance with the Revised Statutes of Missouri, and the Code of State Regulations shall be provided with the engineering submittal for any oil or gas wells that are plugged and abandoned within the development.
    - c. Monumentation of Plugged and Abandoned Oil and Gas Wells
      - i. The permanent markers shall be placed at all plugged and abandoned oil and gas wells located under pavement in

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compliance with this section and the Unified Development Ordinance.

- ii. The permanent marker shall be a "Mark-it" concrete/bench marker Model C/M-SS-3 1/4 B (3 1/4 inch flat/dome top by 3 inch split stem brass marker), with magnet, or an approved equal approved by MDNR.
- iii. The permanent marker shall be stamped with the identifying number for the well, as issued by MDNR.

C. Design Reports (as applicable):

- 1. Stormwater Study (detention and / or retention system)
  - i. General information and methodology used
  - ii. Existing conditions analysis
  - iii. Proposed conditions analysis
  - iv. Future conditions analysis (if applicable)
  - v. Conclusions and recommendations
  - vi. Figures, maps and exhibits (as appropriate)
  - vii. Supporting calculations
- 2. Sanitary Sewer Analysis
  - i. Sanitary sewer system calculations for a 50-year rainfall event including hydraulic grade line.
  - ii. Include all drainage areas upstream of the proposed site including future build-out upstream.
  - iii. Include all drainage areas downstream of the proposed site including future build-out downstream. Final point of analysis downstream of the site shall be determined following a consultation with City staff, based on an assessment of the downstream conditions.
- 3. Water System Analysis
  - i. A physical test of specific fire hydrants and / or modeling of the system may be required to ensure adequate flows are available for the proposed development.
  - ii. An analysis of future development may be required to ensure the water main sizing is adequate to provide proposed and future water flows.
- 4. Traffic Impact Studies shall be as directed by the City Traffic Engineer and shall be performed by an engineer with specific experience and knowledge in traffic engineering.
- 5. Soil or geotechnical reports, if applicable to the design of any element of the proposed improvements, shall be performed by an engineer with specific experience and knowledge of soil testing and geotechnical engineering.
- 6. Alternate pavement designs: If an alternate pavement design is proposed by the design professional, the following shall apply:

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- i. The City shall provide specific design parameters for inclusion in the calculations.
- ii. The City shall require soil testing and subsequent geotechnical reports which demonstrate the alternate pavement design is at least as adequate as the standard design.
- iii. The City shall require collection of soil samples at locations and frequency which are appropriate for the area.

**D. Submissions:**

- 1. Two sets of sealed engineering drawings on 24" x 36" paper and one (1) digital file in multi-page pdf format for the initial submittal. Three full-size and one (1) digital file in multi-page pdf format for final distribution of the approved plans. One set to be stamped and returned to the Contractor upon approval and payment of fees.
- 2. One copy of each of the following, as applicable:
  - a. Design reports, as required.
  - b. SWPPP for project sites greater than 1.0 acres.
  - c. Engineer's Opinion of Probable Construction Costs (EOPCC).

This shall be an itemized list by quantity to include all materials, labor, and equipment necessary to complete the entire project and shall be submitted as a separate document. The EOPCC shall include, but not be limited to the following items:

    - 1. Public Infrastructure:
      - a) Sidewalks, streets, pavements, street signage and lighting, traffic signals, sanitary system, storm water system, and water system.
      - b) Grading / excavation work
      - c) Offsite public improvements
      - d) Erosion and sediment control devices and final site restoration activities
      - e) Detention/retention facilities
      - f) Traffic control
      - g) All other work required to complete the project
    - 2. Private Infrastructure:
      - a) Water service line larger than 2" in diameter, valves, hydrants, and backflow preventer with vault, if outside the building.
      - b) Storm water piping 6" and larger, structures, and detention/retention facilities
      - c) Detention/retention basins



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- d) Erosion and sediment control devices and final site restoration activities
  - e) Private street construction, including parking lots, drive approaches and sidewalks.
  - f) Site grading / excavation
  - g) Retaining wall structures designed to facilitate site grading
  - h) Private sanitary sewer laterals, wyes, cleanouts, and connection of the building stub to the public main
  - i) Traffic control devices
- d. All applicable local, state, federal and private agency permits.
3. Separate (proposed) off-site easement documents as required for easements not dedicated on a plat.
4. An ArcGIS compatible point shapefile adjusted to the State Plane "Grid" Coordinate System (NAD 1983 Missouri West FIPS 2403 feet) depicting:
- a. the center of each sewer manhole structure
  - b. the termination of each sanitary sewer service
  - c. the location of each water main valve
  - d. the location of each water main fitting (bend, tee, etc.)

Site Development Permit applications, contents and submissions that are inactive for a period of one (1) year from the date of last correspondence from the City will expire. They may be granted an extension up to one (1) year, at the discretion of the Director, based upon consideration of the following criteria:

- A. Significant changes to the design specifications or other City codes.
- B. Changes to the Engineering Plan Review and Inspection (EPRI) Fee.

**Sec. 3.415 - Site Development Permit - Issuance**

The Site Development Permit will be issued once the following has occurred:

- A. Engineering plans have been approved by the Director or their designee.
- B. The EPRI fee has been paid.
- C. Verification that the contractor / developer has obtained a business license from the City.
- D. Verification that the contractor / developer has submitted a proper certificate of insurance to City. Insurance amounts shall be as set forth in the standard insurance and indemnification requirements.
- E. Deposits, if applicable, have been deposited with the City.

Approval of plans does not relieve the contractor / developer from complying with the requirements set forth in the DCM.

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Partial approval of the engineering plans may be granted at the sole discretion of the Director.

The design engineer whose seal appears on the engineering plans shall have the ultimate responsibility of ensuring that the engineering complies with the design criteria in the DCM.

Resubmission of approved engineering plans will be required for re-review and re-approval if construction has not commenced within one (1) year from the date of plan approval.

The EPRI Fees shall be calculated using the EOPCC or the contract amount from the project contract documents. This must be an itemized list of unit prices and quantities that includes all materials, labor, equipment and incidental work necessary to complete the entire project. The fee percentage can be found in the City's Schedule of Fees adopted by the City Council.

The contractor and all subcontractors shall maintain a current set of City-approved, stamped engineering plans on the site at all times. City inspector may, at their discretion, issue a stop work order until approved plans are available at the site.

**Sec. 3.420 – Site Development Permit – Changes in the Work**

All proposed changes must be submitted in writing by the design engineer to the Director or their designee. Written approval by the Director shall be received by the inspector prior to implementing the change. Any change in the work made without the consent of the Director shall be subject to removal by the contractor / developer at no cost to the City.

**Sec. 3.425 - Site Development Permit - Construction Commencement**

Construction shall commence after the following requirements have been met:

- A. A site development permit has been issued.
- B. The assigned City inspector has been notified by the contractor of their desire to commence construction and a preconstruction meeting / conference has been held.
- C. All executed and recorded permanent easements (including offsite easements), but not dedicated by plat, and executed temporary construction easements have been submitted to and accepted by the City.
- D. All applicable permits (i.e. temporary traffic control, floodplain development, MDNR land disturbance, environmental, etc.) have been obtained.
- E. Pre-Construction Submittals
  1. Final shop drawings that have been submitted by the contractor to the design engineer and reviewed and stamped approved by the design engineer.
  2. Design engineer shall submit copies of approved material submittals to the City at least 14 days prior to installation.
    - a. Mix design testing shall be less than 12 months old.

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- b. Material placed in the field shall match the catalog cuts, certifications, shop drawings, or any other approved submittal and shall be from a supplier or manufacturer providing materials to the site.
- F. Written verification from a financial institution may be required from the contractor / developer of their ability to obtain a maintenance bond or other form of security acceptable to the City.
- G. When required by law as determined by the Director and the City Attorney, a suitable payment bond in a form approved by the City Attorney shall be furnished to the City of Lee's Summit guaranteeing that the contractor and surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to City to pay for labor, materials, and equipment furnished by subcontractors, suppliers or other claimants for use in constructing improvements, both on and off site, for the development. Upon request of any person or entity appearing to be a potential beneficiary of the payment bond, contractor shall promptly furnish a copy of the bond or shall permit a copy to be made.

**Sec. 3.430 - Site Development Permit - Hours of Work, Weekend or Holiday Work**

- A. Normal working hours for the City inspectors are between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday.
- B. Legal holidays observed by the City are New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day including the following Friday, Christmas and a holiday before or after Christmas Day. The actual days off for these holidays may vary and in certain situations, additional days may be a part of the amount of time granted as an official holiday by the City.
- C. The City shall be compensated by the contractor / developer for inspection services required for work performed prior to 7:00 a.m., between 12:00 p.m. and 1:00 p.m., and after 4:00 p.m. on normal workdays; and on Saturdays, Sundays, and legal holidays. Compensation for inspection services shall be at an appropriate overtime rate, as shown on the Schedule of Fees, based upon the following time frames:
  - 1. Normal work days - time actually worked, minimum one hour.
  - 2. Saturday, Sunday, Holidays - time actually worked (door to door), minimum four (4) hours.
- D. Request to work overtime on a normal workday shall be made directly to the inspector by 12:00 noon of that day. Request for an inspector to work overtime on Saturdays and Sundays shall be made by 3:00 p.m. on the Thursday before. Request for an inspector to work overtime on legal holidays shall be made five (5) working days in advance. Requests will be accommodated if possible based on availability of inspector.

**Sec. 3.435 – Site Development Permit – Safety**

The Contractor / Developer is responsible for complying with all applicable OSHA requirements. The City assumes absolutely no oversight responsibility over these requirements.

**Sec. 3.440 - Site Development Permit - Protection of Existing Facilities**

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All construction operations in the vicinity of existing facilities shall be performed with care to prevent damage or obstruction to these facilities. If damage or obstruction occurs, repairs or adjustments shall be made in a manner and period approved by the Director and any damaged or obstructed facility shall be repaired with new materials and restored to its original condition, at no cost to the City.

**Sec. 3.445 - Site Development Permit - Site Clean Up**

The contractor / developer shall frequently clean up all refuse, rubbish, scrap materials, and debris created as a result of his operations, so that at all times the work site and adjacent disturbed areas shall present a neat, orderly, and workmanlike appearance in accordance with Chapter 16 of the Code of Ordinances. Upon completion of the work, the contractor / developer shall remove from the site and any occupied adjoining property, all plants, building, rubbish, unused materials, form lumber, and other materials belonging to him or his subcontractor. Burning of waste material is prohibited. The contractor / developer will restore the work site and adjacent disturbed areas to the condition existing before work began as a minimum. Any costs incurred by the City due to failure by the contractor / developer to clean up to the City's satisfaction will be charged to the account of the contractor / developer or his surety.

**Sec. 3.450 – Site Development Permit – Damages**

The contractor / developer hereby expressly binds himself or itself to indemnify and hold harmless the City and its officers and employees against all suits or actions of every kind and nature brought or which may be brought, or sustained by any person, firm, or corporation, or persons, firms or corporations, in connection with or on account of the contractor / developer's work or in consequence of any negligence in connection with same, or on account of any poor workmanship, or on account of any act of commission or omission of the contractor / developer or his, its, or their agent or employees, or for any cause arising during the course of construction.

**Sec. 3.455 – Site Development Permit - Restoration of Property**

The City will not accept any construction wherein public or private property has not been restored to a condition at least equal to its condition before commencement of construction. All streets, roads and highways shall be restored as required by the City or the agency concerned with the highway in question. Work performed on private property shall be confined to the easements obtained and the area shall be properly vegetated (according to Section 2150 of the DCM), landscaping restored and all damaged improvements replaced or restored.

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Sec. 3.460 – Site Development permit – Site Abandonment

A project site shall be deemed abandoned if no substantial work to complete the improvements has been performed for a period of at least sixty (60) days and as further defined in Article 7, Division IV of the UDO.

Sec. 3.465 – Site Development Permit - Authority of City to Stop Work

All construction work may be stopped at any time by the Director when, in the opinion of the Director, the workmanship, materials used, or procedures of work do not meet the requirements or comply with the City codes, ordinances, specifications, and procedures for such work.

Sec. 3.470 – Site Development Permit - Record Drawings

- A. Record drawings, including “as-graded” plans, must include results of a post construction survey and shall be accepted by the City. The post construction survey date shall not precede the issuance of any partial acceptance of work and shall include the following:
1. Final street grades at intervals determined by the design engineer and approved by the City.
  2. Final elevations of all sanitary and storm sewer lines and structures including pipe inverts and structure top elevations including hydraulic grade line revisions and calculations, if requested by the City.
  3. Final adjusted stationing and/or coordinates of all streets, sanitary and storm sewer structures, service line connections, and water line valves and hydrants.
  4. As-graded contours as shown on the grading and drainage plans (master drainage plan) including as-graded contours of any detention basin and elevations of all associated stormwater structures and associated appurtenances (including as-built storage volumes of the basin).
  5. Actual materials used.
  6. Record drawings shall not include any future improvements.
- B. All easements or right-of-way revised during construction must be noted on the record plans and recorded easement documents must be submitted.
- C. Electronic files of record drawings must be received by the City before final acceptance of any public improvement project.
- D. Submittals shall consist of one full set of all project record drawings on 24” x 36” paper and one (1) digital file in multi-page pdf format.
- E. Record drawings must include a signed engineer's certification stating that the drawings conform to construction records and post construction survey information and shall be dated and stamped “Record Drawing”.

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- F. An ArcGIS compatible point shape file adjusted to the State Plane “Grid” Coordinate System (NAD 1983 Missouri West FIPS 2403 feet) depicting:
1. The center of each sewer manhole structure.
  2. The termination of each sanitary sewer service.
  3. The location of each water main valve.
  4. The location of each water main fitting (bend, tee, etc.).

**Sec. 3.475 – Site Development Permit - Substantial Completion and Final Acceptance**

**A. Substantial Completion**

A certificate of substantial completion will be issued upon satisfactory completion of the improvements to a point where they can be used for their intended purposes. At that time, a punch list of items remaining to be completed prior to final acceptance will be provided to the contractor / developer.

Items to be completed prior to issuance of a certificate of substantial completion shall include, but not limited to, the following:

1. An acceptable as-graded master drainage plan (including detention basin).
2. All required letters of authorization from MDNR.
3. Completion of all required testing of constructed Improvements, including, but not limited to, water line bacteriological tests, hydrostatic tests, backflow valve tests, vacuum tests, mandrel tests, infiltration / exfiltration tests, tone test for tracer wire, etc.
4. Completion of video inspection by the City or approved subcontractor.
5. Any conditions required in a development agreement or letter of credit.
6. Proper vegetation or stabilization of all disturbed areas.
7. All street and traffic control signage.

**B. Punch List**

The contractor / developer has 30 days from the issuance of the certificate of substantial completion to complete all punch list work (i.e. gutter buddy removal, proper vegetation or erosion control measures, minor infrastructure repairs, etc.) on the project and submit the following items to the Director:

1. Maintenance Security
  - a. A suitable maintenance bond, cash deposit, certified check, or other acceptable form of maintenance security for 50% of the total construction cost, for a period of three years after substantial completion, shall be furnished to the City guaranteeing the materials and

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installation / workmanship of the construction involved in the public improvement project.

- b. The maintenance bond, or other form of maintenance security, shall be for all public streets (including subgrade), storm sewers, sanitary sewers, water lines, sidewalks, street signs, traffic signals and all other public infrastructure.
  - c. If more than one contractor performs work on any infrastructure item, a separate bond must be provided by each contractor for their portion of the work.
  - d. The warranty period for all bonds will begin at the time of issuance of the certificate of substantial completion by the City for all improvements.
  - e. No project shall be accepted by the City prior to the submittal and acceptance of the maintenance bond(s) by the Director.
2. An executed final affidavit and agreement.
  3. Record drawings – electronic files.
  4. Compensation for inspector overtime, when applicable.
  5. A copy of the engineer’s as-built survey notes and the engineer’s inspection record notes, if requested by the City.
  6. A suitable performance bond for restoration and revegetation in accordance with the adopted Policy for Acceptance of Revegetation Performance Bonds, if such restoration and revegetation items are not expected to be completed at final acceptance.

In the event all work is not complete and all items submitted within 30 days, additional building permits may not be issued and inspections on any building permits issued for any building within the property described on the certificate of substantial completion may be suspended at the discretion of the City.

**C. Final Acceptance**

A certificate of final acceptance for the project will be issued when all requirements are fully met. A certificate of final acceptance must be obtained prior to issuance of a certificate of occupancy for any building within the property described on the certificate of substantial completion. A temporary certificate of occupancy may be issued prior to final acceptance, at the discretion of the City, provided a certificate of substantial completion has been issued. A performance bond for restoration and revegetation may be accepted at final acceptance in lieu of final completion of such restoration and revegetation, in accordance with the adopted Policy for Acceptance of Revegetation Performance Bonds.

**D. Warranty Period**

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The City will re-inspect the public improvements prior to the expiration of the warranty period. Any defects noted as a result of this re-inspection shall be corrected within a time period specified by the City at the contractor / developer's expense upon written notification by the City. A written copy of the final inspection report will be forwarded to the contractor / developer.

**Sec. 3.480 – Site Development Permit - Partial Acceptance of Work**

The City reserves the right to accept and make use of any completed section of the work without obligating the City to accept the remainder of the work or any portion thereof. However, the warranty period for the accepted section shall not start until the City has issued a certificate of substantial completion for the entire project.

**Sec. 3.485 – Site Development Permit - Work Not Meeting Minimum Specifications**

Any completed item of work not meeting the requirements of these specifications shall normally be removed and replaced. If the Director determines it is not feasible or necessary to remove substandard items of work, then such items shall be accepted as a lesser product and the contractor / developer shall place an appropriate amount of funds as determined by the Director, in a deposit account to compensate the City for additional maintenance that would be expected for the life of the product.

**DIVISION V. - BUILDING PERMIT**

**Sec. 3.510. - Building permit—When required.**

No building or structure regulated by the Building Code (Chapter 7, Article II of the City Code) shall be erected, constructed, enlarged, altered, repaired, remodeled, moved, converted or demolished within the City unless a separate permit for each building or structure has first been obtained from the City, pursuant to the requirements contained in the city building code and all other applicable city ordinances and regulations.

**Sec. 3.520. - Building permit—Application, content and submission requirements.**

Applications for building permits shall be submitted to the City on the form required by the Building Code (Chapter 7, Article II of the City Code).

**Sec. 3.530. - Building permit—Consideration.**

Building permit applications shall be considered by the Director and a building permit may be issued if it is determined that all applicable requirements of the Building Code (Chapter 7, Article II of the City Code), and all other applicable City codes, ordinances and regulations have been satisfied.

**Sec. 3.540 - Building Permit for Foundation Only**



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No foundation shall be constructed without first obtaining, at a minimum, a building permit for foundation only from the City in accordance with the current building code. No building permit for foundation only will be issued before the following has occurred:

- A. The following facilities, if required by approved engineering plans, are complete as indicated:
  - 1. The sanitary sewer serving the development is substantially complete. Substantial completion of the sanitary sewer shall include substantial completion of any off-site or outfall sewer serving the development. Any new sewer main serving the building site must be completely connected to the existing system and must be operational.
  - 2. A substantially complete street network (including all associated street and traffic control signage) serving the development, unless otherwise approved by the Director and the Fire Department.

Exception: For a single commercial site (single building/single lot) a building permit will be allowed following issuance of a site development permit, provided there is no impact to any other users. A certificate of substantial completion shall be issued prior to any certificate of occupancy.

No water or sanitary sewer service lines shall be permitted to connect to the public mains until the mains are substantially complete.

- B. Erosion and sediment control has been installed according to the current regulations and according to Sections 2150 and 5100 of the DCM.
- C. If required by Section 5600, the as-graded record drawing(s) of the development's master drainage plan have been submitted to and accepted by the Director.
- D. Conditions of all development agreements covering the development are met, if applicable.

**Sec. 3.550- Full Building Permit**

All permits for buildings or structures are issued by the City in accordance with the current building code. No full building permit will be issued before:

- A. A certificate of substantial completion for all public infrastructure has been executed.

Exception: For a single commercial site (single building / single lot), a building permit will be allowed following issuance of a site development permit, provided there is no impact to any other users. A certificate of substantial completion shall be issued prior to any certificate of occupancy.
- B. Erosion and sediment control has been installed according to current regulations and according to Sections 2150 and 5100 of this DCM.
- C. If required by Section 5600, the as-graded record drawing(s) of the development's master drainage plan have been submitted and accepted by the Director.

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D. Conditions of all development agreements covering the development are met, if applicable.

Sec. 3.560. - Building permit—Appeals.

All appeals from non-issuance of a building permit application or revocation of a building permit shall be as set forth in the Building Code (Chapter 7, Article II of the City Code).

DIVISION VI. - SPECIAL USE PERMIT

(See Article 6, Division III)

DIVISION VII – TEMPORARY TRAFFIC CONTROL PERMIT

All activity within the City right-of-way that impacts the flow of vehicular or pedestrian traffic shall be in accordance with the City Right-of-Way Management Ordinance. As stated in the ordinance, temporary traffic control permits shall be required from the Public Works Department.

DIVISION VIII. - RIGHT-OF-WAY PERMIT

All activity within the City right-of-way shall be in accordance with the City Right-of-Way Management Ordinance. As stated in the ordinance, a right-of-way permit shall be required from the Public Works Department.

DIVISION IX. - SIGN PERMIT

(See Article 9)

DIVISION X. - CERTIFICATE OF OCCUPANCY

Sec. 3.1010. - Certificate of occupancy—When required.

No new or existing building or structure shall be occupied or used and no change in the use of an existing building or structure shall occur within the City until a certificate of occupancy (temporary and final), certifying that such building or use complies with all regulations of this chapter and other applicable provisions of the City Code, has been issued by the Code Official pursuant to the Building Code (Chapter 7, Article II of the City Code).

Sec. 3.1020. - Certificate of occupancy—Consideration.

The request shall be considered by the Code Official and may be granted if found to satisfy the criteria set forth in the Building Code (Chapter 7, Article II of the City Code) and other related issues as required by other applicable City departments.

Sec. 3.1030. - Certificate of occupancy—Appeals.

All appeals for non-issuance of a certificate of occupancy request or revocation of a certificate of occupancy shall be as set forth in the Building Code (Chapter 7, Article II of the City Code).

Sec. 3.1040. - Certificate of occupancy—Records.

A record of all certificates of occupancy shall be kept on file in the office of the Code Official.

Sec. 3.1050. - Certificate of occupancy—Connection with sewer system.

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Except where some other method of handling liquid waste has been specifically approved by the City / County, no certificate of occupancy shall be issued by the Code Official for any building or use until the property has been connected with a public sanitary sewer system that has been approved for public use by the Director.

Sec. 3.1060. - Certificate of occupancy—Parking.

Prior to issuance of a certificate of occupancy for a new building or structure or change in use of an existing building or structure, all parking requirements, as specified in Article 8, Division II of this chapter for the new use, shall be met or otherwise approved by the Director.

DIVISION XI. - SPECIAL EVENT PERMIT

(See Article 6, Division V)

DIVISION XII. - FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit from the City Engineer is required for all development within a regulatory floodplain. Regulatory floodplains are defined on the Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA). Copies of maps and additional floodplain information are available through the Public Works Engineering Division.

(See Article 5, Division II)

DIVISION XIII. - HISTORIC PRESERVATION CERTIFICATE OF APPROPRIATENESS

(See Article 5, Division III)

DIVISION XIV. - HAZMAT PERMIT

See currently adopted edition of the International Fire Code in the Code of Ordinances of the City.

DIVISION XV. - BURNING PERMIT

See currently adopted edition of the International Fire Code in the Code of Ordinances of the City.

DIVISION XVI. - BLASTING PERMIT

No contractor / developer or person using explosives will conduct blasting within the City limits, without first obtaining a permit from the City.

Sec. 3.1610 Use of Explosives

- A. Blasting shall only be conducted between the hours of 8 a.m. and 8 p.m. Monday through Saturday.
- B. Any contractor / developer or person using explosives within the City limits shall notify the owner or occupant of any residence or business located within a scaled distance of fifty-five from the site of blasting prior to the start of blasting at any new location. The scaled distance shall be determined by dividing the linear distance, in feet from the blast to a specific location, by the square root of the maximum weight of explosives, in pounds, to be detonated in any eight (8) millisecond period. One notification by mail, telephone, printed

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notification posted prominently on the premises or the property of the owner or occupant of the residence or business, or delivered in person to any such owner or occupant.

**Sec. 3.1620 Application Requirements**

- A. Each blasting permit application submitted under this section shall be accompanied by a fee in the amount indicated in the schedule of fees.
- B. The application shall be submitted no less than five (5) days prior to the first use of explosives, unless such use impacts the normal flow of traffic, in which case the application shall be submitted no less than ten (10) days prior thereof.

**Sec. 3.1630 Blasting Permit Application**

The blasting permit application must contain the following:

- A. The name, address and telephone number(s) of the person using explosives.
- B. The name of the individual responsible for the supervision of blasting.
- C. The date or approximate period over which blasting will be conducted.
- D. The location where blasting will take place.
- E. The nature of the project or reason for blasting.
- F. Specific information about the type of explosives to be used and their storage location at the site where used.
- G. An acceptable plan for signage or other means of informing the public of blasting in the proximity to public streets or highways. All street closures or lane reductions must be approved by the City and may require a separate permit.
- H. Proof that the person using explosives is registered with the division of fire safety and that blasting will be conducted by a licensed blaster.
- I. Proof of commercial general liability insurance in the amount as set forth in the standard insurance and indemnification requirements.
- J. Documentation of at least three attempts to contact the owner of any uncontrolled structures within a scaled distance of thirty-five from the blast site in order to conduct a preblast survey of such structures. The scaled distance shall be determined by dividing the linear distance, in feet from the blast to a specific location, by the square root of the maximum weight of explosives, in pounds, to be detonated in any eight (8) millisecond period. A preblast survey is not required if the owner of any such structure does not give permission for a survey to be conducted.

**Sec. 3.1640 Inspection of Blasting Operations**

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Any authorized representative of the City may:

- A. Require that any person using explosives to show proof that he or she is registered with the Division of Fire Safety and blasting is being conducted by an individual that is licensed under the provisions of section 319.306 RSMo.
- B. Request and be allowed access to the site of blasting by the person using explosives and shall be allowed to observe blasting from a safe location as designated by the blaster.
- C. Examine records to be maintained by sections 319.309 RSMo and 319,315 RSMo.
- D. Report suspected violations of 319.300RSMo to 319.345 RSMo to the Missouri Division of Fire Safety.

**Sec. 3.1650 Suspension or Revocation of Blasting Permit**

The City shall have the power to suspend for up to fifteen (15) days or revoke any permit issued under the terms and conditions of this article for any of the following causes:

- A. Any fraud, misrepresentation or false statement contained in the permit application.
- B. Failure to rectify any dangerous condition after being ordered to do so by any authorized representative of the City.
- C. Reported or suspected violations of city or state regulations related to blasting, storage of explosives, use or handling of explosives.
- D. Upon revocation or suspension, no refund of any portion of the license fee shall be made to the permittee and permittee shall cease all blasting operations.

**Sec. 3.1660 Transfer, Assignment, or Sale of Rights Granted Under Permit**

No transfer, assignment, or sale of rights granted under any permit granted under the terms and condition of this article shall be made without prior approval of the Director.

**Sec. 3.1670 Penalty**

Any person who shall violate any provision of this article shall be subject to the penalties in Section 1-13 of the Code of Ordinances.

**Sec. 3.1680 Exemptions**

Any blasting as stated in Section 319.342.7 RSMo.

**Sec. 3.1690 Storage of Explosives**

- A. All storage of explosives, in excess of that amount required for one day's use (day box), requires a permit to be issued by the Fire Department. The day box storage of that amount required for one day's use as approved in the blasting permit application shall be in

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accordance with all city, state, and federal regulations. The Fire Department and the City has adopted the NFPA 495, Explosive Materials Code,. 2001 Edition. This information is available upon request.

- B. A Type 3 magazine shall be a “day box” or portable structure used for the temporary storage of explosives. A type 3 magazine shall be fire resistant, theft resistant, and weather resistant.
- C. The magazine shall be equipped with one steel padlock (which shall not be protected with a steel hood) having at least five tumblers and a case-hardened steel shackle at least 9.5 mm (3/8 in.) in diameter. Doors shall overlap the sides by at least 25.4 mm (1 in.) hinges and hasps shall be attached by welding, riveting or bolting (nuts on inside.)
- D. The magazine shall be constructed of not less than 12-gauge [2.66 mm (0.1046-in.)] steel, lined with at least 12.7-mm (1/2-in.) masonite-type hardboard.
- E. Type 3 magazines containing explosive materials shall be within line-of site vision of a blaster.
- F. Detonators shall be stored in a separate magazine for blasting supplies and shall not be stored with other explosives.