

2019

City of West Plains Development Guide

PREPARED BY: THE BUILDING DEPARTMENT
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CITY OF WEST PLAINS | 1910 Holiday Lane, West Plains Missouri

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Table of Contents

Introduction.....	1
Annexation Process	2
Voluntary Annexations:	2
Fees and Processing:.....	2
Involuntary Annexations:	2
Zoning Revision Process	2
Overview:.....	2
Zoning Questions and Answers:	2
Where should I go to find out the zoning classification of my property and what uses are permitted? ..	2
What if the zoning district currently designated for my property does not allow the use I want?	2
How do I re-zone property?	3
How long will the re-zoning process take?	3
Will there be public hearings? Do I need to attend and make a presentation?	3
What factors will be considered by the Planning and Zoning Commission and City Council when reviewing my re-zoning application?.....	3
How does the City obtain public input?	4
How should I prepare for the public hearing?.....	4
My re-zoning was approved, what next?	4
My re-zoning was denied, what next?	4
Sec. 50-32. - Procedure for appeals.....	4
Fees and Processing:.....	5
Conditional Use Permits:	5
How do I obtain a Conditional Use Permit?	5
What is required to complete a “Site Plan”?.....	5
Fees and Processing:.....	5
Planned Unit Development:	6
What’s the procedure for getting a PUD approved in West Plains?	6
What information is required for a PUD Development Plan?	6
What additional information will be required to secure final approval?.....	8
Visual Buffers and Screening:	9
Off-Street Parking:.....	10
Variances:	11
What standards must be satisfied for a variance to be legally granted?	11

Platting, Land Subdivision Process	12
Overview:.....	12
Subdivision Questions and Answers:.....	14
I have property zoned for the use I want. What do I do now?	14
What is a subdivision plat?	14
What information is required to submit a preliminary and final plat?	14
ARTICLE III. - PLAT PROCEDURES	14
Sec. 40-58. - Preliminary considerations.	14
Sec. 40-59. - Requirements for preliminary plat.	14
Sec. 40-60. - Filing of preliminary plats.	16
Sec. 40-61. - Improvements after submission of preliminary plat; approval of final plat.....	16
Sec. 40-62. - Final plat.....	17
Sec. 40-63. - Improvement plans and specifications.	18
ARTICLE IV. - DESIGN AND DEVELOPMENT STANDARDS.....	19
Sec. 40-85. - General standards.....	19
Sec. 40-86. - Street design.	19
Sec. 40-87. - Blocks.	21
Sec. 40-88. - Lots.....	21
Sec. 40-89. - Easements.....	22
Sec. 40-90. - Public use areas.	22
Sec. 40-91. - Topography, natural vegetation and flooding.....	22
ARTICLE V. - IMPROVEMENTS	23
Sec. 40-111. - Inspections.....	23
Sec. 40-112. - Performance guarantee.....	23
Sec. 40-113. - Street construction.	23
Sec. 40-114. - Curbs and gutters.....	24
Sec. 40-115. - Sidewalks.	24
Sec. 40-116. - Sewage disposal and water supply.	24
Sec. 40-117. - Storm drainage.	25
Sec. 40-118. - Public utilities.....	25
Sec. 40-119. - Street lighting.....	26
Sec. 40-120. - Landscape development.....	26
Sec. 40-121. - Monuments and markers.	26
Sec. 40-122. - Privately developed facilities.....	26

Sec. 40-123. - Cluster development.	26
Sec. 40-124. - Commercial, industrial and multifamily developments.....	27
Storm Water/Flood Control Process	28
Sec. 46-455. - Purpose.	28
Sec. 32-2. - Stormwater management in newly developed areas.....	28
Land Development Permit:.....	28
Chapter 46, Article V, Division 3, Sec. 46-457. - Requirements.....	28
How much will I have to pay if the City requires a fee-in-lieu payment and when must I pay it?.....	29
What other storm water management documentation must I provide when developing in West Plains?	29
Floodplain Development Permit:	29
Building Permit Process	30
Staff.....	30
Current Codes Observed	30
City of West Plains Code of Ordinances	30
What you will need to obtain a building permit.....	31
Required inspections and Scheduling.....	32
Required Inspections	32
Adopted Code Amendments	33
International Building Code.....	33
Working Hours, Moving of Buildings and Sewer Connection.....	34
Exhibits.....	34
Miscellaneous Processes	37
Vacation of Easement and Right-Of-Way:.....	37
What is the purpose of an easement or right-of-way vacation?.....	37
Can I use an easement without the vacation process?	37
When and where can a property owner submit a request to vacate an easement or public right-of- way?.....	37
Can I vacate a franchised utility easement through the platting process?	37
Sign Permits:	37
What are the requirements for constructing a sign?	37
What are the permit fees for signs and how long does the process take?.....	37
Property Addressing:	38
Accessory Structures and Uses:.....	38

Driveway or Sidewalk Construction:.....38

Business License:38

Appendix.....39

 CITY OF WEST PLAINS DEPARTMENT CONTACT INFORMATION40

 SUMMARY OF DEVELOPMENT ASSOCIATED FEES.....41

 Sec. 18-33. Charges for permits.....42

 Signs43

LEGAL NOTICE PAYMENT AGREEMENT44

PROCEDURE FOR ANNEXATION.....45

 TO THE CITY OF WEST PLAINS, MISSOURI45

 PETITION FROM PROPERTY OWNERS REQUESTING ANNEXATION.....46

 TO THE CITY OF WEST PLAINS, MISSOURI46

 UTILITY SERVICES AND FACILITIES AND ANNEXATION AGREEMENT47

 IRREVOCABLE VOLUNTARY PETITION AND CONSENT TO ANNEXATION OF LAND55

 PROCEDURE FOR REZONE57

 APPLICATION FOR REZONING OF REAL ESTATE58

 APPLICATION FOR PLANNED UNIT DEVELOPMENT.....59

 APPLICATION FOR CONDITIONAL USE PERMIT60

 ATTACHMENT A.....62

 ATTACHMENT B63

Building Permit Application65

 Electrical & Mechanical Spec. Sheet.....66

PROCEDURE FOR PETITION TO VACATE68

PETITION TO VACATE.....69

Certification Application.....71

AFFIDAVIT OF EXEMPTION FOR WORKERS’ COMPENSATION INSURANCE PURSUANT TO § 287.061,
RSMo72

 Affidavit of Exemption for Workers’ Compensation Insurance Applicable Statutory Provisions and
 Guidelines to be followed.....72

STREET STANDARDS.....74

Introduction

We are pleased to provide the first comprehensive guide to development regulations in the City of West Plains. The guide is a description, a “how-to” book, and a road map to illustrate the paths through the development approval process. It will tell you enough about development processes in the City so that readers can see how the process works from start to finish. Our goal in this effort is to clarify the development process to assist developers so they can avoid confusion and wasted efforts that add to the cost of development.

What is development? The way the City of West Plains views development, it can be anything from the simplest fence installation or a sign permit to the most complicated, multi-million dollar project. In either case, the same regulatory process is used. We want the process to be “user-friendly”, a process that flows smoothly and in which there are no surprises.

In using the Guide, it’s helpful to remember that, although various processes can be started simultaneously, the process areas run in sequence. Generally, you want to make sure that you have proper zoning that allows the use you want on your property, and after that, you need to plat the property so that individual parcels may be sold. Development plans are required when the subdivision involves the construction and dedication of improvements. Then, if you are going to do extensive site work, plans must be approved that involve storm water and flood control issues. If you are going to build a building on the property, many codes and ordinances apply before, during, and after completion of the building. The Guide also has a “Miscellaneous Processes” chapter for those actions, like the vacation of easements or right-of-way, which require review and approval by the City Council, but are beyond the usual development steps.

Our intention is for this Guide to be understandable to the first-time user and of value to the expert. We realize the important role you play in developing the City. We are here to see that the development process meets certain basic standards that are in everyone’s best interest. We are committed to making sure that the rules and standards are applied fairly and consistently. We want the approval process to be clear and as user-friendly as we can make it!

Development Process	Department
Annexation	Building Department/City Clerk
Zoning (Including PUD’s, Conditional Use Permits & Variances)	Building Department/City Clerk
Subdivisions - Development Plan review	Building Department/City Clerk
Storm Water/Flood Control	Storm Water Department
Building Permits (Including Residential and Commercial Permits)	Building Department
Vacations	Building Department
Property Addressing	GIS Department
Accessory Structures and Uses	Building Department
Driveway or Sidewalk Construction	Street Department

Annexation Process

Voluntary Annexations:

Property owners desiring to annex real estate into the City of West Plains must submit a signed and notarized petition to the City Clerk for review by the Planning and Zoning Commission and City Council (see Appendix). The property proposed for annexation must be “contiguous and compact” to the existing corporate limits of the City. State law does not specify a length or percentage of the tract’s boundary that must abut the City for voluntary (owner-initiated) annexations. The City will publish a notice at least fifteen (15) days before the scheduled public hearing. The hearing must be accomplished not more than sixty (60) days after a valid petition is received.

Zoning of the annexed property will also be considered at the public hearing. Unless otherwise requested by the property owner, all newly annexed land will be zoned R-1 Single-Family or a district designation that conforms to the goals, objectives, or policies of the Comprehensive Plan.

Fees and Processing: No charge for processing the petition. Actual cost of legal notice.

Involuntary Annexations:

Involuntary annexations are city-initiated. The process for completing an involuntary annexation is very complicated, involving the development of a “Plan of Intent,” a review and consent by the Howell County Circuit Court, extensive notification/public hearing requirements, and separate elections by City and area residents. Involuntary annexations are procedurally complex and may require up to 5 years to finalize the action.

Zoning Revision Process

Overview:

Zoning establishes the types and range of land uses permitted on specific tracts of land in West Plains. Zoning also regulates the minimum size of developable lots; the intensity of development, and the height structures may reach, as well as signage restrictions, landscaping, and parking requirements.

West Plains has eleven (11) distinct zoning districts and one overlay district broadly grouped into residential, agricultural, commercial, medical and manufacturing classifications. The zoning code also provides for “Planned Unit Development” areas where developers may establish their own, unique zoning district with approval by the City Council. Specific information regarding each district is contained in the City of West Plains Code of Ordinances Chapter 50 Zoning, Article IV Districts.

Zoning Questions and Answers:

Where should I go to find out the zoning classification of my property and what uses are permitted?

The Building Department or GIS Department is your central point of contact for information regarding zoning and the re-zoning process. You may address questions to the Building Official or GIS Coordinator. See Contact List in Appendix.

What if the zoning district currently designated for my property does not allow the use I want?

In this instance, the owner may consider a re-zoning request, a “Conditional Use Permit” in certain cases, or a Planned Unit Development. In some instances it may be preferable to acquire property that already has the appropriate zoning.

How do I re-zone property?

You must have a financial, contractual, or proprietary interest in the property to apply for a re-zoning. The first step is to complete the “Application for Re-zoning of Real Estate” (see Appendix) and return it to the Building Department/City Clerk no later than 5:00 P.M. of the second Tuesday of the month in order to be considered the following month. It is highly recommended, but not mandatory, that you discuss the proposed re-zoning with the Building Department/City Clerk prior to filing the request and paying the required non-refundable fee. See fee schedule.

How long will the re-zoning process take?

On average, the re-zoning process takes, on average, eight (8) weeks to complete. Figure 1 illustrates the timing of the process for the typical case. Completed applications must be submitted with a non-refundable fee and an advertising fee (checks to be payable to the West Plains Daily News). Notice must be published in the West Plains Daily Quill (WPDQ) at least fifteen (15) days before the Planning and Zoning’s public hearing.

Will there be public hearings? Do I need to attend and make a presentation?

Yes, the re-zoning case will involve one hearing. The hearing will be before the Planning and Zoning Commission. The Commission will make a recommendation to the City Council to approve, deny, or modify the request. Ultimately, the City Council will decide the final disposition of your case. Your attendance and participation at the public hearing is not mandatory, but it is recommended to address questions or concerns expressed.

What factors will be considered by the Planning and Zoning Commission and City Council when reviewing my re-zoning application?

These factors are listed in the West Plains Zoning Code:

1. Whether the proposed re-zoning is consistent with the intent of the West Plains Comprehensive Plan and related plans, as amended;
2. Whether there are any changed or changing conditions in the neighborhood affected that make the re-zoning necessary and desirable from an overall Building Department perspective;
3. Whether the range of permitted uses in the proposed district classification are compatible with the uses permitted in the immediate vicinity;
4. Whether adequate utility service and facilities exist or can be reasonably provided to serve the uses permitted if re-zoned;
5. Whether the proposed uses would have an adverse impact on vehicular or pedestrian safety;
6. Whether the re-zoning would correct an error in the application of zoning controls as applied to the subject property;
7. Whether a reasonably viable economic use of the subject property will be precluded if the proposed re-zoning is denied;
8. Other relevant information submitted at the public hearing, such as the recommendations of City staff and other professionals as well as existing neighborhood resident reaction.

How does the City obtain public input?

The Building Department will mail notice to all property owners within 300 feet of the subject property in addition to the public notice printed in the newspaper. If thirty (30) percent of the property owners within that area designated for written notice (excluding streets and other right-of-way) sign and duly notarize a protest petition, the City Council must approve the re-zoning with a two thirds (2/3) majority vote from five council persons. If the Commission recommends denial a two thirds (2/3) majority vote of Council is required to approve a re- zoning.

How should I prepare for the public hearing?

First and foremost presentations should be brief and concise. Most presentations should not exceed five (5) minutes. You should describe any impacts (positive or negative) that would be created if the re-zoning were approved. Do not repeat facts/opinions others have already stated. Make sure that any presentation materials used are available for inclusion in the official record. Finally, describe any efforts made to discuss the request with nearby property owners or to mitigate any potential adverse impacts.

My re-zoning was approved, what next?

The zoning classification of your lot changes the moment City Council adopts the re-zoning ordinance. If you are going to need a building permit, check to see if your land is platted. The zoning ordinance limits one building per lot. All lots in proposed developments, except PUDs, must have access to a public right-of-way.

My re-zoning was denied, what next?

Applications for re-zoning a specific piece of property, once denied, may be resubmitted for consideration when new information becomes available.

Sec. 50-32. - Procedure for appeals.

- (a) Appeals to the board of adjustments on any matter over which the board is specifically granted jurisdiction may be taken by any person aggrieved or by any officer, department or any board or bureau of the city by any decision of the building and zoning official. Such appeal shall be taken within 30 days of such decision by filing with the building and zoning official and with the board a notice of appeal specifying the grounds thereof. The building and zoning official shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from is taken.
- (b) An appeal stays all proceedings in furtherance of the action appealed from, unless the building and zoning official certifies to the board, after the notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by proper legal action.
- (c) The board shall fix a reasonable time for the hearing of the appeal, give not less than 15 days' public notice thereof in a newspaper of general circulation as well as due notice to the parties in interest, and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.
- (d) A fee in an amount as provided in the city fee schedule shall be paid to the city clerk at the time the application for appeal is filed and a receipt obtained therefor, which shall be delivered to the mayor. The person requesting the appeal shall pay all publication costs to the newspaper advertising the notice of public hearing, and a receipt obtained therefor shall be delivered to the city clerk. All fees received under this subsection by the city clerk shall be paid over to the credit of the city's general revenue fund.

Fees and Processing: Actual cost of legal notice.

Conditional Use Permits:

Conditional Use Permits provide the opportunity for the Planning and Zoning Commission and City Council to exercise discretionary approval with conditions for specifically identified uses that may not otherwise be allowed in a given district. Several zoning districts list uses that may be permitted as conditional uses, (i.e. convenience stores in the C-1 Neighborhood Commercial). The purpose of the conditions is to minimize any adverse effects from the development of a given use on neighboring properties. Approval of a Conditional Use Permit is not a re-zoning, although the process is similar with notification and public hearing requirements.

How do I obtain a Conditional Use Permit?

Once you have determined that a Conditional Use Permit (CUP) is needed, the first step is to complete an application (see Appendix). The application requires a site plan and other material necessary to show conformance with the Planning and Zoning Code. You will be asked to address in writing how the proposed conditional use will comply with the standards for Conditional Use Permits pertaining to relevant district regulations (lot coverage, setbacks, parking, etc.), potential traffic impact and utility service capacity. You will also be required to consider the potential impact of the development on the character of the neighboring property values.

The completed application will be reviewed by the Planning and Zoning Commission and acted upon by City Council. Conditions for approval may only be added to mitigate those adverse impacts resulting from the proposed use and not to resolve problems that existed prior to the establishment of the conditional use.

What is required to complete a "Site Plan"?

Site Plans are sketches or drawings of the tract where the proposed conditional use will be located showing:

- (1) The location and size of buildings, outdoor advertising and improvements on the lots;
- (2) The location, size and arrangement of curb cuts, driveways, parking and loading areas;
- (3) The proposed storm drainage, landscaping, planting and grading changes;
- (4) The proposed utility lines and easements;
- (5) The proposed dedications or vacations;
- (6) The existing utilities lines;
- (7) The existing and proposed contours lines;
- (8) The zoning district and land use requirements, including delineation of any floodplain areas;
- (9) Location of fencing on property; and
- (10) Permits required by state or any other governing body.

The Building Department can provide maps and other information to assist in the preparation of required Site Plans.

Fees and Processing: See attached Fee Schedule, plus actual cost of legal notice payable to the WPDQ.

Planned Unit Development:

The Planned Unit Development (PUD) provision of the West Plains Planning and Zoning Code is intended to encourage more creative, flexible, and imaginative land development than is feasible under conventional zoning regulations. In essence, under a PUD approved by City Council, a developer can create his own zoning district to match the needs of his project.

What's the procedure for getting a PUD approved in West Plains?

A developer interested in pursuing a PUD should first meet with the Building Department and other City department heads to discuss their project. It is extremely helpful though not required for the developer to provide a sketch plan drawn with sufficient detail to permit proper initial evaluation and troubleshooting. The feedback received at this meeting can save many hours of effort during the evaluation of the preliminary (optional) and final development plans. An application for PUD is required (see Appendix) along with payment of a processing and advertising fee.

Following the sketch plan review, developers may submit for review by the Planning and Zoning Commission a preliminary development plan that describes the basic concept, character, and nature of the entire PUD District. The preliminary development plan provides more detail and precision than the sketch plan, yet does not contain the engineering drawings and landscape plan required for the final development plan. The advantage of using the preliminary development plan step is that investors can proceed with the expense of preparing a final development plan with a high degree of confidence that it will be approved.

Submittal of the final development plan constitutes the last required step. The content of the final development plan is the same as for the preliminary development plan with the addition of a survey (a plat may also be required), landscape plan, copies of any restrictive covenants, engineered construction plans for infrastructure, and other recordation documents described in the Planning and Zoning Code.

What information is required for a PUD Development Plan?

1. Applications for planned unit development shall be processed pursuant to a three-step review process. This procedure shall include the following:
 - (1) Pre-application conference.
 - a. Not less than 45 days before preparing and submitting the preliminary proposal to the planning commission, the developer and/or his engineer shall consult with the planning commission representative, while the proposal is in sketch form, to ascertain the location of proposed highways, primary or secondary thoroughfares, collector streets, parkways, parks, playgrounds, school sites and other community facilities or planned developments and to acquaint himself with the planning commission's requirements. During the pre-application proceedings the general features of the planned unit development, its layout, facilities, and required improvements shall be determined to the extent necessary for the preparation of the preliminary planned unit development proposal. Pre-application proceedings shall be properly documented by minutes of conferences and memoranda, as may be necessary, and copies of such documentation shall be furnished to the developer.
 - b. The city shall have the right to schedule any other meetings necessary to ensure that the planned unit development is compatible with the principles of the comprehensive plan. It shall be the responsibility of the city to schedule such meetings to include the developer and/or his engineer.

(2) Preliminary proposal. The developer shall prepare and submit to the planning commission a preliminary proposal of the proposed planned unit development which shall conform to the requirements set forth in this subsection at least 30 days prior to the meeting of the planning commission at which time action is desired. The proposal shall be prepared by and shall bear the seal of a registered engineer or land surveyor as applicable by state law. At a minimum, the following information shall be included in the proposal:

- a. Document quantity. Each application for a planned unit development shall be accompanied with ten complete sets of proposal documents.
- b. Required scale. The scale shall be 100 feet to the inch. The vertical scale of street and sewer profiles shall be ten feet or less to the inch.
- c. Name. The proposal shall contain the proposed name of the planned unit development, which shall not duplicate or closely approximate the name of any other planned unit development or subdivision in the city or any other planned unit development or subdivision in the county.
- d. Designation. The proposal shall contain the tract designation according to real estate records of the recorder of the county.
- e. Owners of record. The proposal shall contain the names and addresses of the owners of record, the developer and the engineer or land surveyor, as applicable.
- f. Abutting owners. The proposal shall contain the names of owners of record of adjacent parcels of land, including those across an adjacent public street; also, the current land use and zoning for such parcels.
- g. Boundary lines. The proposal shall contain the boundary lines, accurate in scale, of the proposed development.
- h. Streets and other features. The proposal shall contain the location, widths and names of all existing or platted streets or other public ways within or adjacent to the proposed development, and other important features, such as existing permanent buildings, large trees and watercourses; railroad lines; corporation and township lines; electric and utility lines, etc.
- i. Existing utilities. The proposal shall contain the existing sewers, water mains, culverts and other underground structures within the proposed development and immediately adjacent thereto with the pipe sizes and grades indicated.
- j. Proposed design for street, drainage, building, etc. The proposal shall contain the following:
 - i. The layout names and widths of proposed streets, alleys and easements.
 - ii. The location and approximate size of catch basins, retention basins, culverts and other drainage structures.
 - iii. The proposed location of all buildings, common use areas, landscaping features and recreational facilities.
 - iv. Proposed street names shall be established to the satisfaction of the planning commission representative and approval obtained from the local U.S. Postmaster and shall not duplicate or closely approximate any existing or platted street names in the city, except extensions of existing streets.
- k. Written concept plan. The written plan should include, but not be limited to, any supporting material describing the overall concept of the proposed development; the uses included and any limitations upon uses; building types; provisions for maintenance

of common use areas where applicable; any proposed agreement, dedications or easements; any proposed private covenants and restrictions; and any other information pertinent to a determination of compliance with this article. Additionally, the written concept plan must include a section detailing the public benefits of the planned unit development proposal.

- I. Zoning. The proposal shall contain the zoning boundary lines, if any; proposed uses of property, and proposed building setback lines.
- m. Other information. The proposal shall contain the north point, scale, date, and title. Both magnetic north and true north shall be indicated with the declination also shown.

What additional information will be required to secure final approval?

(1) Purpose. The purpose of zero-lot-line construction is to permit a procedure for development which will result in improved living and working environments; which will promote more economic subdivision layout; which will encourage a variety of types of residential dwellings; which will encourage ingenuity and originality in total subdivision and individual site design; and which can preserve open space to serve recreational, scenic and public service purposes and other purposes related thereto, within the densities established by the zoning district in which zero-lot-line construction is permitted.

(2) Zero side yard. The side yard setback in any residential district may be zero on one side of the lot, provided that:

- a. The lot adjacent to that side yard is also owned by the applicant at the time of initial construction and the minimum side yard setback for such adjacent lot is either zero or not less than ten feet;
- b. The adjacent side yard setback is perpetually maintained free and clear of any obstructions other than a three-foot eave encroachment, normal landscaping, patios, garden walls or fences unless it is a zero side yard;
- c. The wall located at the zero side yard setback is constructed with easily maintained, solid material without windows;
- d. No portion of the dwelling or architectural features project over any property lines; and
- e. The zero side yard is not adjacent to a public or private street or alley right-of-way.

(3) Zero rear yard. The rear yard setback in any residential district may be zero, provided that:

- a. The lot adjacent to that rear yard is also owned by the applicant or proof of consent is provided from the adjacent lot owner at the time of initial construction and the minimum rear yard setback satisfies the rear yard setback requirements of the zoning district; however, in no case shall the minimum rear yard be less than ten feet unless it is zero;
- b. The adjacent rear yard setback is perpetually maintained free and clear of any obstructions other than a three-foot eave encroachment, swimming pools, normal landscaping, patios, garden walls or fences unless it is a zero rear yard;
- c. The wall located at the zero rear yard setback is constructed with easily maintained, solid material without windows;
- d. No portions of the dwelling or architectural features project over any property lines; and

e. The zero rear yard is not adjacent to a public or private street or alley right-of-way.

- (4) Location of zero yards. In residential districts, no lot may have both a zero side yard and a zero rear yard.
- (5) Recording of maintenance and use easements. Appropriate maintenance and use easements shall be included in the deed or deeds for all affected properties.
- (6) Placement of zero yard wall. The zero side or rear yard wall shall be placed precisely on the lot (property line) with a perpetual maintenance easement on the adjacent lot.
- (7) Application and review. Before construction of a zero-lot-line dwelling commences, an application, accompanied by a precise plan, shall be submitted and conditionally approved by the planning commission prior to issuance of building permits for the dwelling. Such plan shall delineate all structures proposed for initial construction. The planning commission, after review, may approve, conditionally approve, or deny the precise plan. In its review, the planning commission shall consider placement of all structures, building material and finishing of the wall constructed along the side or rear lot line.

Fees and Processing: Actual cost of legal notice payable to the WPDQ.

Visual Buffers and Screening:

- (1) Intent. To provide minimum separation and screening of dissimilar uses on properties adjacent to each other; to minimize adverse visual effects of commercial and industrial land uses on the surrounding property; and to buffer land uses in dissimilar zoning districts which have a detrimental visual effect on each other. In instance of a parcel’s rezoning or change in use to residential, any existing adjacent higher intensity uses shall not be subject to buffer and screening requirements set forth in this section.
- (2) Buffer Plans Required. A buffer plan shall be submitted with all applications for a change in land use or for site plan approval. Buffers shall be located on the site for which approval is requested. The buffer plan shall show in detail the layout of the proposed development including the arrangement of buildings, parking areas, permanent open spaces, and the location of proposed buildings and of existing or proposed buildings on adjacent properties. The plan shall also show the location of proposed buffers including a detailed description or sketch of such buffer materials to be used.
- (3) Approval of Buffer Plan. The city building official shall review and approve buffer plans. Appeals of the building official’s determination shall be made to the planning commission.
- (4) Required Buffers:

Buffer Type	Fence Height (ft)*	Preserved Width (ft) From Structure to Neighboring Use
C-1 Zone / Residential	6	20
C-2 Zone / Residential	6	30
C-3 Zone / Residential	6	20
C-4 Zone / Residential		10

M-1 Zone / Residential	6	50
M-2 Zone / Residential	8	100
C Zones / M Zones	4	30

*The height of fence within the buffer shall conform to the requirements of Sec. 50-113 (a)

(5) Screening Design Requirements.

- a. Except where otherwise allowed by this chapter, any fence or wall shall be opaque so as to prevent the passage of light and debris, and shall be constructed of decay resistant wood or materials to ensure the longevity of the structure.
- b. Unfinished concrete block shall not be permitted.
- c. The height of a fence or wall shall not exceed eight (8) feet in height, except as allowed by other sections of this chapter.
- d. Any area between the property line and the fence or wall shall be maintained as an open area in conformance with city codes.
- e. The height of a fence or wall shall be measured from the finished grade at the base of the structure to the top of the fence or wall, but shall not include columns or posts.
- f. The construction and maintenance responsibility shall be placed on the applicant for site development of the higher intensity use.
- g. The requirement of screening will be triggered upon the development of the site of the higher intensity use even if the residentially zoned adjacent property is undeveloped.

(6) Variances. The Planning & Zoning Commission may approve variances from these requirements at the request of the developer if all of the following findings are made:

- a. The variance would be in keeping with the overall character of the area.
- b. The variance would not be contrary in the purpose and intent of these regulations.
- c. The variance would not be detrimental to existing or proposed surrounding uses.
- d. The variance would serve public purposes to a degree equal to or greater than the standards replaced.

Off-Street Parking:

The provision of off-street parking is a requirement for new development in West Plains. A parking space is defined as an area consisting of at least two hundred (200) square feet in area, excluding drives or aisles providing access to the parking from a public right-of-way. All parking areas must be paved.

How do I determine how much parking I will need to satisfy the zoning ordinance?

West Plains Code of Ordinances, Chapter 50, Article V Off Street Parking and Loading, provides a listing of the rules and regulations used to determine the amount of required off-street parking. Ultimately, the

Codes Administrator will make this determination based on his review of your building plans and the content of the Planning and Zoning Code. However, some of the more common standards include:

1. Residential single-family and duplex development – Two spaces for each unit.
2. Multi-family development – Two (2) spaces per unit.
3. Hotel/motels – One space for each sleeping room, plus any accessory uses like restaurants, lounges, meeting rooms, etc.
4. Business or professional offices – One space for each three hundred (300) square feet of building area.
5. Retail – One space for each three hundred (300) square feet of building area.
6. Manufacturing – One (1) space per employee and 1 space per 5,000 square feet.

Variances:

The Board of Adjustment is authorized to grant variances when the strict enforcement of the zoning ordinance will result in an “unnecessary hardship” for the property owner. Variances may be granted for:

1. A variance from the applicable bulk regulations for buildings and structures, including maximum height, lot coverage, and required yard areas.
2. A variance from the applicable minimum requirements for lot size, width, depth, or setback distances.
3. A variance from the applicable off-street parking requirements.
4. A variance from the applicable open space, landscaping and buffer area requirements.

What standards must be satisfied for a variance to be legally granted?

The Board of Adjustment must find:

That there are special circumstances or conditions applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood, and that the circumstances or conditions are such that the strict application of the provisions of the zoning ordinance will create an unnecessary economic hardship by depriving the applicant of the reasonable use of the land or building; and

1. That any person having an interest in the property has not created the alleged hardship; and
2. That the purpose of the variance is not based exclusively on a desire to enhance the value of the property, or increase return or income; and
3. That the granting of such variance will not be detrimental to the public welfare or substantially or permanently injurious to the property or improvements in such zoning or neighborhood areas in which the property is located; and
4. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose, and will not alter the essential character of the neighborhood; and
5. That the literal enforcement and strict application of the provisions of this Article will result in an unnecessary hardship inconsistent with the general provisions and intent of this Article and that in granting such variance the spirit of the Article will be preserved and substantial justice done.

Fees and Processing: See attached Fee Schedule.

Platting, Land Subdivision Process

Overview:

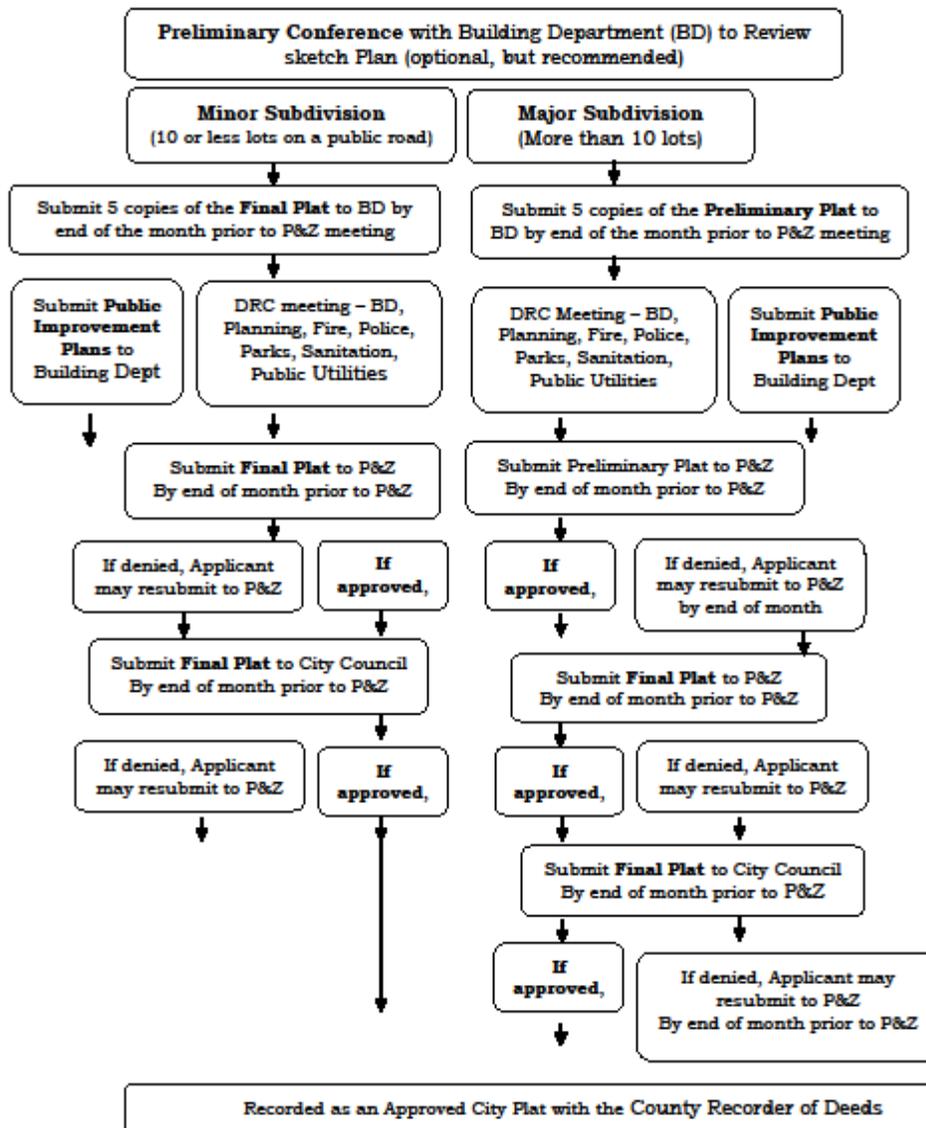
Platting is the process through which raw land is subdivided and ultimately converted to building sites. The manner in which land is subdivided, how streets are designed and built, how utilities are provided, and how lots are laid out will have a long-term effect on the physical character of West Plains and the cost for maintaining public infrastructure. West Plains' Subdivision Code regulates development to ensure that streets, water, electrical and sewerage systems are safe and adequately sized to meet future demand.

In West Plains the approval of a subdivision plat by the Planning and Zoning Commission and City Council is the third of four steps that must be accomplished prior to the issuance of a building permit. The first step, Annexation, brings land into the City. The second step, zoning, identifies classes of acceptable uses for the property. Third, platting divides the property into lots and establishes the types of needed improvements, if any. The fourth step involves the submittal of plans leading to the issuance of a land development permit involving storm water management and erosion control.

West Plains' subdivision regulations recognize minor and major subdivision plats. Major subdivisions, due to their complexity, are required to submit a preliminary and final subdivision plat. Minor subdivisions, those that contain less than ten (10) lots fronting an existing improved public street, are only required to submit a final subdivision plat to secure approval.

The platting process consists of three major segments (see Figure 1). The first is the submission of the plat (preliminary or final) and development plans, if required, and the payment of filing fees; second, technical review by affected City departments, utility companies, etc.; and finally the approval by the Planning and Zoning Commission and City Council. The formal subdivision of land using an approved and recorded plat is required under state and local law when two or more lots are created from a single parcel.

**Figure 1:
SUBDIVISION APPROVAL PROCEDURE**



Subdivision Questions and Answers:

I have property zoned for the use I want. What do I do now?

The next step may be to determine whether filing a subdivision plat is necessary. You will need to prepare a subdivision plat if you intend to subdivide an existing parcel or transfer ownership of a portion of the property in West Plains to another person.

What is a subdivision plat?

A subdivision plat is a map or drawing prepared by a licensed registered surveyor or engineer of the property describing the dimensions and location of lot lines, streets, easements and other features. A plat also establishes the lot, block, and subdivision name used in real estate transactions. Plats are legal documents reviewed by the Planning and Zoning Commission and approved by City Council. A plat is not the property survey or deed required by mortgage companies when selling property.

What information is required to submit a preliminary and final plat?

ARTICLE III. - PLAT PROCEDURES

Sec. 40-58. - Preliminary considerations.

(a) In order to make the most of opportunities related to the subdivision and to conserve time, effort and expense, the owner or subdivider shall consult with the planning commission and other appropriate city officials prior to the preparation of the preliminary plat for the subdivision. The comprehensive plan shall be reviewed to determine how the preliminary plat will relate to the comprehensive plan. Requirements for streets; school and recreation sites; community facilities; shopping centers; sanitation, water supply and drainage; and the relationship to other developments, existing and proposed, in the vicinity, shall be determined by the subdivider and the administrative officer in advance of the preparation of the preliminary plat. (b) The conceptual plan checklist shall be completed and signed by the subdivider and the administrative officer.

Sec. 40-59. - Requirements for preliminary plat.

(a) A preliminary plat shall be provided by the subdivider and shall consist of a location map, which may be prepared by indicating the following data on available maps, showing:

- (1) The boundary line of the proposed subdivision indicated by a solid heavy line and the total approximate acreage involved.
- (2) Subdivision name and location, specifying United States geological survey range and township lines, county, and state.
- (3) Any and all thoroughfares related to the subdivision.
- (4) Existing elementary and secondary schools, parks and playgrounds available for serving the area proposed to be subdivided, and other relevant community facilities.
- (5) Title, scale, north arrow and date.
- (6) Title block.

(b) The preliminary plat shall show the following:

- (1) Proposed name of the subdivision and location.
- (2) Names and addresses of the owner, subdivider, and the state-registered professional engineer and state-registered land surveyor who prepared the plat.
- (3) Streets and rights-of-way on and adjoining the site of the proposed subdivision, showing the names and including roadway widths; approximate gradients; types and width of pavement, curbs, sidewalks, crosswalks, planting strips, and other pertinent data.
- (4) All lot lines adjacent to and abutting the subdivision.
- (5) Layouts of lots, showing approximate dimensions and numbers.
- (6) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semipublic or community purposes.
- (7) Easements, existing and proposed, showing locations, widths and purposes.
- (8) Building setback or front yard lines and dimensions.
- (9) Location and size of nearest water main, sanitary sewer, storm sewer, and other pertinent utilities, including flow capacities and/or pressures.
- (10) Location, type and approximate size of utilities to be installed.
- (11) A boundary survey of the tract to be subdivided, completed in accordance with the standards for property boundary surveys adopted by the state board for architects, professional engineers and land surveyors and with the current minimum standards for property boundary surveys as promulgated by the state department of natural resources.
- (12) Contours at vertical intervals of two feet. Base elevation information shall be based on the city's benchmarks referencing NAVD 88 elevations.
- (13) Identify the limits and size of the watershed area for stormwater runoff entering the subdivision, including the area of subdivision.
- (14) Location of existing structures.
- (15) A preliminary outline of the deed restrictions that would be placed upon the subdivision.
- (16) Landscaping plans and proposed limits on the location and intensity of signs, advertising, and off-street parking for a proposed subdivision for industrial or commercial use.
- (17) Scale, north arrow and date.
- (18) The zoning district, including delineation of any floodplain areas.

(c) The preliminary plat of the subdivision shall be drawn on Mylar film to a scale of 50 feet to one inch, or 100 feet to one inch; provided, however, that if the resulting drawing would be over 36 inches in the shortest dimension, a scale as recommended by the administrative officer may be used. All drawings are to be prepared and presented on 24-inch by 36-inch sheets.

Sec. 40-60. - Filing of preliminary plats.

A subdivider desiring approval of a plat of a subdivision shall complete the application for subdivision therefor to the planning commission. Such application shall be accompanied by the information, requirements and plans set forth in section 40-59, all in accordance with the following requirements:

- (1) Subdividers shall submit for review to the administrative officer subdivision plats as further described in this article. Submission of a subdivision preliminary plat shall constitute formal filing of a plat with the city; however, a final plat shall be required in accordance with this article. As far as may be practical on the basis of the plat, the administrative officer will in writing advise the subdivider and planning commission as promptly as possible of the extent to which the proposed subdivision conforms to the design standards in this chapter and will discuss possible modifications if necessary to secure conformance. After reaching preliminary conclusions regarding the proposed subdivision as provided, the subdivider shall prepare and submit a preliminary plat, together with any necessary supplementary information, including the completed and signed preliminary plat checklist.
- (2) Five copies of a preliminary plat, including a vicinity sketch of the proposed subdivision, shall be filed with the administrative officer at least ten days prior to a meeting of the planning commission at which consideration is requested.
- (3) Within the time required for three regular meetings after submission of the preliminary plat, the planning commission shall indicate its approval, disapproval, or approval with conditions. If disapproved, the reasons for disapproval shall be stated in writing. If approved with conditions, these conditions shall be stated in writing. In its review the planning commission shall submit the proposed plat to the public works department, city engineering department, city building inspection department, county road department, and/or the state highway department for consideration and report and may further submit copies of the plat to the state health department, school board, or any other interested city, county, state or federal independent agency for consultation and advice. Approval, approval with conditions, or disapproval of the preliminary plat by the planning commission shall be noted, both on the preliminary plat and planning commission records.
- (4) Failure of the planning commission to act on the preliminary plat within the time required for three regular meetings will be deemed approval of the preliminary plat.
- (5) The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within one year of such approval, unless an extension of time is applied for and granted by the planning commission.

Sec. 40-61. - Improvements after submission of preliminary plat; approval of final plat.

- (a) After the preliminary plat is approved, the subdivider shall complete all plans and specifications for improvements that are required under this chapter before submitting the final plat. The final plat need not encompass the entire area represented by the preliminary plat but shall not be less than one block containing at least four lots. These improvements must be constructed in accordance with the approved plans and specifications and to the approval of the city engineer prior to submittal of the final plat, or, if the subdivision is constructed in phases, the administrative officer may allow the submittal of a final plat for each phase, provided a performance guarantee is given to the city for completion of improvements for the entire subdivision.

- (b)The final plat shall conform substantially to the preliminary plat, as approved, and it shall represent the required improvements as they have been built.
- (c)At least ten business days prior to the meeting at which it is to be considered, the subdivider shall submit five copies of the final plat to the administrative officer as agent for the planning commission. One copy must be an original drawing on Mylar film.
- (d)The planning commission shall approve or disapprove the final plat within 60 days after its submission. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the planning commission. Upon approval, the planning commission shall submit the plat to the city council for approval by ordinance.
- (e)Approval of the final plat by the city council shall provide for the acceptance by the public of the dedication of any street or other public way or ground. A certificate of acceptance of dedication shall be adopted by the city council and attached to copies of the approved plat before filing and recording.
- (f)When the plat has been approved by the city council, the original shall be retained by the administrative officer, with the approval of the city council certified thereon, for filing with the county recorder as the official plat of record. One copy containing the certification of the city council shall be returned to the subdivider for his records. One copy each shall go to the planning commission, the tax assessor, the city utility office, the city engineering department, the city building inspection department and the city clerk for their records.

Sec. 40-62. - Final plat.

The final plat shall be provided by the subdivider and shall meet the following specifications:

- (1)The final plat may include all or only a part of the preliminary plat which has received approval.
- (2)The original drawing of the final plat shall be drawn on Mylar film to a scale of 50 feet to one inch, provided that, if the resulting drawing would be greater than 36 inches in the shortest direction, a scale up to 100 feet to one inch may be used. All drawings are to be prepared and presented on 24-inch by 36-inch sheets. Four black or blue line prints shall be submitted with the original final plat. The original final plat and prints filed with the city shall bear the official stamp attesting to the fact of the recording as approved.
- (3)All elevations shall be referenced to the NAVD 88 datum, and the reference shall be clearly stated on any plans or drawings showing such datum, provided benchmarks are located within a reasonable distance.
- (4)All dimensions shall be shown in feet and decimals of a foot.
- (5)The title shall be placed in the lower right corner, and a suitable borderline shall be placed on all tracings, with a margin of not less than one-half inch on all sides.
- (6)The following basic information shall be shown, and all surveys for a final plat shall be made under the active and personal direction of a state-registered land surveyor:
 - a. A boundary survey of the tract to be included on the final plat shall be completed in accordance with the standards for property boundary surveys adopted by the state board for architects, professional engineers and land surveyors and with the current minimum standards for property boundary surveys as promulgated by the state department of natural resources.

- b. Accurate distance and directions to the nearest established street corner or official monuments. Reference corners shall be accurately described on the final plat.
- c. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract, shown by heavy solid lines.
- d. Accurate metes and bounds description of the boundary and the included area to the nearest 0.01 of an acre.
- e. Rights-of-way of streets, easements, and other right-of-way and property lines of lots and other tracts with accurate dimensions, bearings and curve data, including radii, arcs and chords, points of tangency and central angles.
- f. Name and right-of-way for each street or other right-of-way.
- g. Location, dimensions and purposes of any easement shown by light, dashed lines.
- h. Number to identify each lot or site.
- i. Purpose for which sites, other than residential lots, are dedicated or reserved.
- j. Building setback or front yard lines and dimensions.
- k. Location, type of material and size of all monuments and lot markers.
- l. Names of owners and mortgagees accepting the plat, with the owner personally signing all plans or drawings.
- m. Reference to recorded subdivision plats of adjoining platted land by recorded name, date and number, shown by medium dashed and two dotted lines.
- n. Restrictions of all types which run with the land and become covenants in the deeds for lots. Restriction lines shall be shown by medium dashed lines.
- o. Title, north arrow, scale and date.
- p. Declaration by a state-registered land surveyor with registration number and seal affixed to all documents of the final plat.
- q. Declaration by a state-registered land surveyor stating that all lots conform to the requirements of the zoning district in which it is located.
- r. Certificate of dedication of all public areas.
- s. Certificate that all taxes due have been paid.
- t. Certificate for approval by the planning commission.
- u. Certificate for approval by the city council.

[Sec. 40-63. - Improvement plans and specifications.](#)

The final plat submission to the city council shall be preceded by the submission of plans and specifications for the improvements required under Article IV of this chapter pertaining to improvements. The plans and profiles of all streets, storm and sanitary sewers, water lines, and drainage structures, together with

drainage area, shall be prepared on standard plan and profile sheets and shall bear the seal and signature of the state-registered professional engineer responsible for their preparation. A cross section of the proposed streets shall be included showing the widths of roadways, location and width of sidewalks and the location of underground utilities. The plans shall show the lines of all proposed sidewalks and the location of all proposed streetlights. The plans, cross sections, and specifications for the proposed improvements shall be submitted to and approved by the administrative officer prior to submission to the city council with the final plat. Five black or blue line prints of the improvement plans and specifications shall be submitted and approved prior to construction. After the completion of the construction of the improvements, a set of Mylar film reproducible prints showing the as-built details and changes, if any, shall be filed with the engineer/administrative officer.

ARTICLE IV. - DESIGN AND DEVELOPMENT STANDARDS

Sec. 40-85. - General standards.

- (a) The subdivision plan shall conform to design standards that will encourage good development patterns and particularly to the principles and standards which are incorporated in the comprehensive plan. The streets, drainage rights-of-way, school sites, public parks, playgrounds, and other public facilities shown on the officially adopted comprehensive plan or official map shall be considered in the decision to approve or disapprove subdivision plats.
- (b) All constructions plans for improvements shall conform to the standard details for construction of streets, sanitary sewers, storm sewers, and water lines attached to Ordinance No. 3577 adopted on December 22, 1997 and made a part of this chapter. See Appendix.

Sec. 40-86. - Street design.

- (a) The street and alley layout of the subdivision shall provide access to all lots and parcels of land within the subdivision. Street jogs of less than 125 feet are not allowed. Cul-de-sacs shall not exceed 500 feet in length, unless necessitated by site topography and approved by the city engineer.
- (b) Local or neighborhood streets shall be designed so as to discourage through traffic.
- (c) Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
- (d) Certain proposed streets, where appropriate, shall be extended to the boundary of the tract to be subdivided so as to provide for normal circulation of traffic with adjacent existing or future subdivisions or developed areas.
- (e) Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley shall be platted to the prescribed width within the proposed subdivision.
- (f) Reserve strips controlling access to streets shall be prohibited except where such control is definitely placed in the city council under conditions approved by the planning commission.
- (g) Widths of arterial, collector, and local street rights-of-way and alley rights-of-way shall conform to the widths specified in the standard street details, attached to Ordinance No. 3577 adopted on December 22, 1997 and made a part of this chapter. These widths may be increased or decreased or varied in unusual circumstances by the planning commission and the city engineer. See Appendix.

- (h) The minimum right-of-way of local or neighborhood streets, including marginal access streets and culs-de-sac, shall be 50 feet with deed covenants providing the city the right to use, for street, sidewalk or utility purposes, an additional five feet of right-of-way on either side of the street. All culs-de-sac shall terminate in a circular right-of-way with a minimum diameter of 100 feet under normal conditions or other arrangement for the turning of all vehicles conveniently within the right-of-way.
- (i) Subdivisions that adjoin or include existing streets that do not conform to the required widths shall dedicate additional right-of-way width along either or both sides of the street.
- (j) Streets shall be laid out so as to intersect as nearly at right angles as possible.
- (k) If the smaller angle of intersection of two streets is less than 60 degrees, the radius of the arc of the intersection of the property lines shall be as deemed advisable by the city engineer and approved by the planning commission.
- (l) Intersection of more than two streets at one point is not allowed.
- (m) Where parkways or special types of streets are involved, the planning commission may apply special standards to be followed in the design of such parkways or streets.
- (n) Whenever the subdivision contains or is adjacent to a railroad right-of-way or a highway designated as a "limited access highway" by the appropriate highway authorities, provision shall be made for a marginal access street or a parallel street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.
- (o) Horizontal visibility on curved streets and vertical visibility on all streets shall be maintained along the centerlines as follows:
 - (1) Arterial streets: 500 feet.
 - (2) Collector streets: 300 feet.
 - (3) Local streets: 150 feet.
- (p) Horizontal curvature measured along the centerline shall have a minimum radius as follows:
 - (1) Arterial streets: 500 feet.
 - (2) Collector streets and parkways: 300 feet.
 - (3) Local or neighborhood streets: 150 feet.
 - (4) For hillside areas:
 - a. Arterial streets: 300 feet.
 - b. Collector streets: 150 feet.
 - c. Local or neighborhood streets: 100 feet.
- (q) All changes in grades shall be connected by vertical curves of sufficient radii to provide smooth transitions and required sight distances.

(r) Between reverse curves on arterial streets there shall be a tangent of not less than 100 feet, and on collector and local streets such tangent shall be not less than 40 feet. For hillside areas, between reverse curves on arterial streets there shall be a tangent of not less than 50 feet, and on collector streets such tangents shall not be less than 20 feet.

(s) Maximum grades for streets shall be as follows:

(1) Arterial streets: not greater than six percent or approved by the city engineer and the planning commission.

(2) Other streets and alleys: not greater than ten percent or as approved by the city engineer and the planning commission.

(t) The minimum grade of any street gutter shall not be less than 0.75 of one percent.

(u) No street shall have a name which will duplicate or so nearly duplicate as to be confused with the name of an existing street, unless the proposed street is an extension of or in alignment with an existing street, in which case the duplication shall be mandatory.

(v) Dead-end alleys shall be avoided where possible, but if unavoidable shall be provided with adequate turnaround facilities at the dead end, as determined by the city engineer and approved by the planning commission.

(w) No street shall be designed to be the primary conveyance of stormwater.

Sec. 40-87. - Blocks.

(a) Blocks in a subdivision shall not normally exceed 1,250 feet in length, unless unusual circumstances justify greater length.

(b) Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a limited access highway, arterial street or railroad right-of-way.

(c) No other specific rule is made concerning the shape of blocks, but blocks shall fit easily into the overall plan of the subdivision, and their design must evidence consideration of lot planning, traffic flow and public areas.

(d) Within blocks of over 700 feet in length, the planning commission may require, at or near the middle of the block, a public walk connecting adjacent streets or other public areas, shopping centers, etc. Width of the right-of-way for such walks shall be at least ten feet and shall be intended for the use of pedestrians only. For hillside areas, this requirement may be modified to meet topographical conditions.

Sec. 40-88. - Lots.

(a) All lots in a subdivision shall abut on a street or place.

(b) Sidelines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots shall be avoided. For hillside areas, sidelines of lots shall be located so as to provide the most suitable building site.

(c) Double frontage lots shall not be platted, except that where desired along arterial streets, lots may face on an interior street and back on such thoroughfares. In that event, a planting strip or a planting screen,

at least 20 feet in width, shall be provided along the rear of the lot. For hillside areas, double frontage lots may be permitted when indicated by the character of the topography.

- (d) Minimum lot areas, widths and building setback lines shall be as provided in chapter 50 for the district in which the subdivision is located within the incorporated area of the city, except that where a water main supply system or a sanitary sewer system is not available, the lot area necessary to install a private water supply or sewage disposal system on the lot and the minimum lot area shall be in accordance with the department of public health and welfare of the state division of health.
- (e) Corner residential lots shall be wider than normal to permit appropriate setbacks from both streets.

Sec. 40-89. - Easements.

- (a) Where alleys are not provided in a subdivision, easements for utilities shall be provided. Such easements shall have a minimum width of 15 feet, and where located along interior lot lines, one-half the width shall be taken from each lot. Before determining the location of easements, the plan shall be discussed with the local utility companies to ensure the proper placing for the installation of services. For hillside areas where a cut or fill slope extends beyond the right-of-way of a street, a slope easement shall be provided of sufficient width to permit necessary maintenance of the slope.
- (b) Whenever a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a drainage easement which shall be for the purpose of widening, improving or protecting the stream. The width of the drainage easement shall be adequate for any necessary channel relocations and straightening and shall be reviewed by the city engineer and shall relate as closely as possible to the requirements of the comprehensive plan. Parallel streets or parkways may be required in connection therewith.

Sec. 40-90. - Public use areas.

Where sites for parks, schools, playgrounds, or other public use areas as shown in the comprehensive plan are located within the subdivision area, the city council shall require that such areas be so designated on the final plat. Within one year after the approval of the final plat, the authority having jurisdiction shall acquire the designated land or commence proceedings to acquire it by condemnation, otherwise the owner may make any other permitted use of the site, as permitted by the zoning district within which it lies.

Sec. 40-91. - Topography, natural vegetation and flooding.

- (a) In the subdividing of any land within the jurisdiction, due regard shall be shown for all natural features, such as tree growth, watercourses, or other similar elements, which, if preserved, would add attractiveness to the proposed development.
- (b) The natural topography shall be retained wherever possible in order to reduce excessive runoff onto adjoining property and to avoid extensive regrading of the site.
- (c) Floor elevations of all buildings shall be carefully studied in relation to existing topography, proposed street grades, existing 12-inch and over caliper trees, and other pertinent site features.
- (d) Consideration shall be given to varying the setback line required in the zoning district where the subdivision is proposed in order to retain, wherever possible, existing topography, rock formations, and large trees.

- (e) The planning commission shall consider withholding approval where there is a question as to the suitability of a lot for its intended use due to factors such as rock formations, flood conditions, or similar circumstances.

ARTICLE V. - IMPROVEMENTS

Sec. 40-111. - Inspections.

- (a) All public improvements proposed to be made under this chapter shall be inspected during the course of construction by the city engineer or a duly designated representative of the city.
- (b) When the subdivider submits a plat to the planning commission, he shall remit the fees for a preliminary plat and for a final plat in amounts provided in the city fee schedule.

Sec. 40-112. - Performance guarantee.

A performance guarantee shall be required from the subdivider for the purpose of ensuring completion of all improvements within the subdivision. The performance guarantee shall be in the amount of the city engineer's estimate for the cost of the improvements not constructed. The performance guarantee shall run to the city council and shall be with good and sufficient surety satisfactory to the city council and as approved by its attorney, conditioned on the installation of the required improvements within two years after the approval of the final plat. Filing of the actual bonds or other securities shall not be required until after the final plat approval, but sufficient information concerning the form of guarantee to be used shall be submitted with the final plat documents to permit the city council's approval at that time.

Sec. 40-113. - Street construction.

- (a) Streets in a subdivision shall be completed in accordance with the plans, profiles, specifications and cross sections prepared for the subdivider by a state-registered professional engineer and approved by the city engineer.
- (b) The streets shall be surfaced to a minimum width according to the type of street, as specified in standard street details, attached to Ordinance No. 3577 adopted on December 22, 1997 and made a part of this chapter. See Appendix.
- (c) The streets shall be graded, surfaced and improved to the dimensions required by the cross sections, and work shall be performed in the manner prescribed to by the city engineer. Streets shall be surfaced to a minimum width of 29 feet back to back of curbs. Grading for street improvements shall not create soil slopes exceeding a vertical rise of one foot for each three feet of horizontal distance unless retaining walls are to be provided.
- (d) Prior to the construction of street or alley pavements, adequate surface and subsurface, if required, drainage facilities shall be installed by the subdivider. Pipes used for drainage purposes shall be of corrugated metal, reinforced concrete or HDPE pipe with material and installation to meet the requirements of the current applicable MoDOT Construction Specifications. Other MoDOT-approved pipe groups may be substituted if approved by the city engineer. Minimum diameters of pipe to be used shall be as follows:
 - (1) Roadway cross drains: 15 inches.
 - (2) Entrance cross drains: 15 inches.
 - (3) Perforated under drains: six inches.

- (e) Declaration from a state-registered professional engineer in a manner acceptable to the city engineer that all construction is completed in accordance with the specific conditions in the agreement for improvements and the accepted plan and specifications is required before a street can be dedicated for public use. When changes from the accepted plans and specifications become necessary during construction, written approval from the city engineer shall be secured prior to the execution of such changes.
- (f) Adequate provision for the maintenance of all street improvements shall be made by dedication to and acceptance for maintenance by the city council.

Sec. 40-114. - Curbs and gutters.

- (a) Curbs and gutters are required for all streets in a subdivision.
- (b) Curbs and gutters shall be constructed in conjunction with the street pavements on all streets and shall be of Portland cement concrete at least 30 inches wide and not less than six inches thick where the curb abuts the street pavement, in accordance with the standard street details attached to Ordinance No. 3577 adopted on December 22, 1997. See Appendix.
- (c) Curb construction for concrete pavements may be integral, and roll-type curbs may be permitted where the distance between the back of the curb and the nearest sidewalk is at least three feet in residential and collector streets.
- (d) All plans for the installation of the curb and gutter shall be approved by the city engineer and the planning commission.

Sec. 40-115. - Sidewalks.

- (a) Sidewalks on each side of a street shall be provided within a subdivision when the subdivision averages 3.5 lots or more per gross acre. Sidewalks shall be of Portland cement concrete with a minimum thickness of four inches on a four-inch gravel or crushed stone base and a minimum width of four feet, and the edge of walks shall be adjacent to the property line. For hillside areas, the subdivider shall provide a sidewalk on at least one side of the street.
- (b) Crosswalks within the blocks shall be improved with a four-foot walk of either Portland cement concrete four inches thick or a four-inch compacted aggregate base. The base shall be extended beyond the sidewalk on either side to a distance equal to the depth of the base.
- (c) If for any reason sidewalks are not provided, the street grade shall be completed so that additional grading would not be necessary for any future provision of sidewalks, and a performance guarantee shall be provided.
- (d) Curb ramps in accordance with the standard street details, attached to Ordinance No. 3577 and made part of this chapter, shall be provided at all intersections and crosswalks. See Appendix.

Sec. 40-116. - Sewage disposal and water supply.

- (a) The subdivider shall provide for the disposal of sewage in the subdivision by a public collection system. In all cases, the subdivider shall construct a sanitary sewer system which shall connect to the public sewer system of the city or a sewer district and shall provide a connection to each lot.
- (b) The subdivider shall provide the subdivision with a source of water for domestic use by a complete water main supply system which shall be connected to the public water system of the city or rural water district and shall provide a connection to each lot. All water mains shall be sized in accordance with

current requirements of the city utilities department. Fire hydrants shall be furnished by the developer and shall not be spaced over 600 feet apart.

- (c) Plans and specifications for sewage disposal and a water supply shall be prepared for the subdivider by a state-registered professional engineer in accordance with the requirements of the state department of natural resources and the city engineer.
- (d) The subdivider shall furnish the city a complete set of engineering reports, plans and specifications; completed permit applications; and permit fees required by the state department of natural resources prior to commencement of construction of the improvements. The city will make the submittal to the state department of natural resources.

Sec. 40-117. - Storm drainage.

- (a) Adequate surface and subsurface drainageways for the removal of stormwater shall be provided by the subdivider. The extent to which storm drainage facilities shall be required shall be based upon an analysis of need prepared for the subdivider by a state-registered professional engineer. The computing stormwater runoff, using the one-hour rainfall to be expected at a five-year frequency, times of concentration, soil infiltration rates, and other variable factors to be used in the analysis shall be discussed with and approved by the city engineer during the preliminary consideration of the subdivision.
- (b) A storm sewer system, which shall be separate and independent of the sanitary sewer system, with surface inlets, shall be provided by the subdivider in all cases where curb and gutter is to be installed and whenever the available evidence indicates that such a system is necessary due to the inadequacy of the natural surface drainage.
- (c) Distance from streams or main drainage channels. Any person proposing to locate a structure or a use within 100 feet of any stream or main drainage channel shall include a statement by a state-registered professional engineer, based on a study of the watershed area, and the professional engineer, based on a study of the watershed area and the probable runoff, that the structure or use in the location proposed will leave adequate space for the flow of floodwater; provided, however, that no building shall be permitted within 50 feet of the top of the bank of any stream or main drainage channel.
- (d) The subdivider shall furnish the city a complete set of engineering reports, plans and specifications for approval by the city engineer.

Sec. 40-118. - Public utilities.

- (a) The subdivider shall make provisions for the installation of telephone and electric service with the appropriate agency. The installation of telephone and electric shall be made in accordance with all applicable local, state and federal regulations.
- (b) All utility lines shall be installed within properly dedicated easements and public rights-of-way.
- (c) All excavations for public utilities made across paved areas shall be properly repaired in accordance with the standard street details attached to Ordinance No. 3577 adopted on December 22, 1997 and made part of this chapter. See Appendix.

Sec. 40-119. - Street lighting.

Streetlights shall be provided in a subdivision, and all lights shall conform in size, location and density with current city utility standards and city codes on file with the city engineer.

Sec. 40-120. - Landscape development.

(a) All unpaved or otherwise unimproved areas within the public rights-of-way or public use areas in a subdivision shall be graded and seeded in a manner approved by the city engineer.

(b) All residential lots shall have an appropriate cover of undisturbed existing vegetation, seeding, fresh-cut sod, plugs or spot sod.

Sec. 40-121. - Monuments and markers.

(a) Permanent monuments in a subdivision shall be set as follows:

(1) At the intersection of all lines forming angles in the boundary of the subdivision.

(2) At the intersection of street property lines.

(3) In slope areas at principal changes in alignment in the boundary of the subdivision.

(b) Markers shall be set, unless otherwise located by a monument, as follows:

(1) At all points where lot lines intersect street right-of-way lines and at the beginning and end of all curves along street property lines.

(2) At all angles in the lot property lines. (3) At all other lot corners.

(c) Monumentation shall be in accordance with the standards for property boundary surveys adopted by the state board for architects, professional engineers, and land surveyors and with the current minimum standards for property boundary surveys as promulgated by the state department of natural resources.

(d) Monuments and markers shall be provided by the subdivider and so placed that the center point shall coincide with the intersection of lines to be marked and the top level with the surface of the surrounding ground after final grading.

Sec. 40-122. - Privately developed facilities.

(a) Where the subdivision cannot be served by city utilities and is to contain sewers, sewage treatment facilities, a water supply system, park areas, or other physical facilities which will not be maintained by existing public agencies, provision shall be made by trust agreement, which is a part of the deed restrictions and which is acceptable to the proper public agencies for jurisdiction over the continuous maintenance, supervision, operation and reconstruction of such facilities by the lot owners in the subdivision. Other restrictions not inconsistent or in conflict with this chapter or the city may also be included.

(b) The subdivider is required to install utilities adequate to his immediate needs. The city at its option could agree with the subdivider to pay cost of materials of utilities where the increased need might demand construction to meet the future community growth.

Sec. 40-123. - Cluster development.

In order to promote the health and general welfare and to preserve and make available open space, the planning commission may grant a subdivider the right to vary the residential density within a tract to be

developed, leaving a substantial area free of building lots. The right to vary the density shall, however, be subject to the following conditions:

- (1) An overall plan of the entire tract showing roads, lot lines, lot areas, easements, encumbrances, and other relevant data shall be submitted in accordance with this chapter.
- (2) Overall density shall not exceed that of the zoning district in which the land occurs. The houses in the proposed subdivision shall be grouped in clusters. The minimum lot areas shall be no less than two-thirds of the minimum normally required in the zoning district in which the land occurs.
- (3) When a subdivider has designed special groups of dwellings and garages, the planning commission, after inspecting plans and elevations, may grant smaller lot minimum sizes than those in subsection (2) of this section, provided that the sanitary systems are approved by the city engineer, that the overall density does not exceed that permitted in the zoning district in which the land occurs, or that the layout is not detrimental to the health and general welfare of the community.
- (4) The balance of the land not contained in the lots or within the road rights-of-way shall be contiguous and of such condition, size and shape as to be usable for recreation. Such land shall be held in corporate ownership by the owners of lots within the development, and the subdivider shall incorporate into the deeds of all property within the development a clause giving to the owners an interest in such open land which shall be used for recreational purposes only. No structure, save those incidental to the recreational use, shall be permitted thereon.

Sec. 40-124. - Commercial, industrial and multifamily developments.

A development plan involving commercial, and mixed land use shall be submitted to the planning commission for approval. This includes any special developments, such as shopping centers, mobile home parks, apartment units, industrial sites or recreation areas. The plan shall be drawn to scale and presented on 11-inch by 17-inch sheets. A boundary survey certified by a state-registered land surveyor may be required or be a part of the development plan. The plan shall show the following:

- (1) The location and size of buildings, outdoor advertising and improvements on the lots;
- (2) The location, size and arrangement of curb cuts, driveways, parking and loading areas;
- (3) The proposed storm drainage, landscaping, planting and grading changes;
- (4) The proposed utility lines and easements;
- (5) The proposed dedications or vacations;
- (6) The existing utilities lines;
- (7) The existing and proposed contours lines;
- (8) The zoning district and land use requirements, including delineation of any floodplain areas;
- (9) Location of fencing on property; and
- (10) Permits required by state or any other governing body.

Storm Water/Flood Control Process

The City of West Plains has adopted regulations pertaining to storm water management and soil erosion control. The regulations are found in Chapter 46, Article V, Division 3 of the West Plains City Code and govern all discharges of storm water resulting from existing or proposed land development of a certain size, whether or not a subdivision is required. The rules also address erosion control measures to prevent the degradation of area water resources. No building permits may be issued for a project unless the developer, public or private, has complied with these regulations. "Land Development" and "Floodplain Development" Permits are required. Developers must submit a storm water improvement plan, stream buffer plan (if applicable) and an erosion and sediment control plan if the project site equals or exceeds the minimum area standard.

The full text of the regulations may be viewed at <http://www.westplains.net>.

Sec. 46-455. - Purpose.

The purpose of this division is to establish controls on activities related to land disturbance through the following objectives:

- (1) To protect the quality of local streams, lakes, and other bodies of water from the effects of increased erosion and sediment discharge.
- (2) To protect the welfare of individuals and their property by reducing the amount of sediment that leaves land disturbance sites.
- (3) To protect the environment and aquatic habitat of fish and other species.
- (4) To reduce the need for maintenance of storm sewers and ditches as well as the dredging of lakes and ponds.

Sec. 32-2. - Stormwater management in newly developed areas.

It is the intent and policy of the city and the city engineer is hereby directed to require all persons applying to the city for approval of subdivision plats to include in such application a study indicating that:

- (1) Stormwater discharged from the new development will be controlled in such a manner that the developed peak runoff does not exceed the undeveloped peak runoff;
- (2) Detention of stormwater on commercial developments exceeding two acres in area and on residential developments exceeding five acres in area and smaller areas of development will be provided, if inadequate sewers exist downstream; and
- (3) All pipe sizing shall be for the total tributary peak runoff with no allowance for any detention facilities.

Land Development Permit:

When are Land Development Permits required and what information must be submitted?

Chapter 46, Article V, Division 3, Sec. 46-457. - Requirements.

- (a) The city shall administer and enforce this division with the issuance of ESC permits. Requirements and guidance for the ESC permit are contained within the most current edition of the erosion and sediment control manual with a supplemental erosion and sediment control field manual.

- (b) Before conducting land-disturbance activities that are equal to or greater than one acre, or are part of a larger common plan of development or sale that will disturb one or more acres over the life of the project within the city limits, an ESC permit must be obtained.
- (c) Before conducting land-disturbance activities when installing utilities with 1,000 feet or more of length within the city limits, an ESC permit must be obtained.
- (d) Before conducting land-disturbance activities located within 100 feet of a drainageway within the city limits, an ESC permit must be obtained.
- (e) Before conducting excavation of 50 or more cubic yards of material, not related to the building of a detached single-family residential unit within the city limits, an ESC permit must be obtained.
- (f) Land-disturbance activities less than one acre in size in the city may require erosion and sediment control measures if the stormwater coordinator deems it necessary to prevent sediment and erosion from occurring.
- (g) Erosion and sediment control manual with a supplemental erosion and sediment control field manual may be updated and expanded from time to time at the discretion of the city based on improvements in engineering, science, monitoring, and local maintenance experience.
- (h) In addition to the requirements set forth by the city, all other local, state, and federal permits, ordinances, laws, and regulations relating to land disturbance must be followed. Any construction or land-disturbance activity that will result in the disturbance of one acre or more must obtain a land disturbance permit from the state department of natural resources.

How much will I have to pay if the City requires a fee-in-lieu payment and when must I pay it?
Fees are shown in the appendix of the most current version of the erosion and sediment control manual.

What other storm water management documentation must I provide when developing in West Plains?

Developers are also required to provide an erosion and sediment control plan, as described in Chapter 46, Article V, Division 3, Sec. 46-457 of the West Plains City Code. The Department of Natural Resources (DNR) already requires the submission of this type of plan for projects that disturb an area equal to or greater than one (1) acre. Grading, erosion/sediment control practices, and waterway crossings must follow the design criteria set forth in the most recent version of the DNR field guide "Protecting Water Quality".

Floodplain Development Permit:

The issuance of floodplain development permits is required in areas that were platted before the passage of West Plains' Storm Water and Flood Control Ordinance. An application for a floodplain development permit must include as a minimum:

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

- (1) Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
- (2) Identify and describe the work to be covered by the floodplain development permit;

- (3) Indicate the use or occupancy for which the proposed work is intended;
- (4) Indicate the assessed value of the structure and the fair market value of the improvement;
- (5) Specify whether development is located in designated flood fringe or floodway;
- (6) Identify the existing base flood elevation and the elevation of the proposed development;
- (7) Give such other information as reasonably may be required by the floodplain administrator;
- (8) Be accompanied by plans and specifications for proposed construction; and
- (9) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

Other information required can be found in Chapter 46, Article V, Division 3, of the West Plains City Code.

The lowest floor of any new building located in a designated A zone or AE zone must be elevated to or above two (2) foot above base elevation.

Building Permit Process

General Information

Staff

Dustin Harrison- Building Inspector

Phone (417) 256-7176

Fax (417) 256-1880

Current Codes Observed

- 2012 ICC International Building Code
- 2012 ICC International Residential Code
- 2012 ICC International Mechanical Code
- 2012 ICC International Plumbing Code
- 2012 ICC International Fire Code
- 2012 ICC Electrical Code
- 2011 National Electrical Code as referenced in the ICC Electrical Code
- 2012 ICC International Property Maintenance Code

City of West Plains Code of Ordinances

General

1. A permit is required to construct, alter, repair, move, demolish, or to change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the appropriate Code of Ordinances of the City of West Plains. Portable storage buildings under 120 sq. ft., fences, and other items as listed exempt in the appropriate Code do not require a permit.

2. Construction documents must be submitted with a completed permit application and approved prior to a permit being issued.
3. Permits for construction shall be issued only if all other regulations and zoning restrictions are complied with as required by the City of West Plains Code of Ordinances.
4. An elevation certificate will be required for construction in a floodplain at the time of permit application.
5. Excavation permits are required for all excavation in the City right-of-way.
6. All commercial projects shall be reviewed for storm water issues by Planning Department prior to issuing a permit. Any development requiring more than 1 acre will also require a land disturbance permit. For more information please contact the Planning Department at (417) 256-7176.
7. Construction may not commence until all permits have been issued.
8. Permit holders are responsible for obtaining all required inspections. Please phone (417) 256-7176 for inspections. A two-hour minimum notice is requested to insure proper inspection coordination.
9. All contractors and/or subcontractors are required to obtain a City of West Plains Business License prior to performing any work. Please contact the Finance Department at (417) 256-7176 for further information.

What you will need to obtain a building permit.

1. Two complete sets of plans will need to be submitted for residential construction and three sets are required for commercial projects. An additional set of civil drawings is also required for storm water review by Planning Department. There is also a mechanical and electrical specs. sheet what will need to be completed and submitted with residential projects. Construction documents for commercial projects are required to be signed, sealed, and dated by the appropriate design professional in accordance with RsMO Chapter 327, Missouri Law Regulating the Practice of Architecture, Professional Engineering and Land Surveying.
2. Plot Plan- must show lot dimensions, building footprint with dimensions, and dimensions from building to property lines and all other buildings on the property.
3. Foundation Plan- show footing, foundation walls, beam and pier locations with dimensions. Also show frost walls where applicable.
4. Floor Plan- identify and dimension all rooms and include and dimension all doors and windows.
5. Wall Section- show typical wall section from footing through roof and label all materials and provide spacing.
6. Elevations- provide elevation view of at least two sides, four side views however is preferred.
7. Commercial construction will also require civil, structural, electrical, mechanical and plumbing plans, as well as all material specifications to be submitted.
8. Proof of ownership or a notarized permission letter from the current owner will be required for construction on all newly purchased property that has not yet been recorded with the Howell County Recorder of Deeds.

9. A copy of the manufacturer's installation instructions is required to be provided for all prefabricated fireplaces.
10. A completed permit application must accompany all construction documents.
11. Sign permit applications for attached signs must be accompanied by an elevation view of the building with sign location and dimensions shown as well as the dimension of the building fronting on a street, Complete plans, including a site plan showing all other detached signs on the property, must be provided for all detached signs. Detached signs over ten feet in height are required to be designed by a State of Missouri Registered Engineer.
12. Manufacturer's installation instructions are required to be provided for all premanufactured swimming pools, hot tubs or spas. A site plan showing location of the pool with dimensions is also required for pool permits.
13. All suspended slabs are required to be designed by a State of Missouri Registered Engineer.

Required inspections and Scheduling

Required Inspections

Please phone the Building Department @ (417) 256-7176 to schedule inspections. Please schedule inspections a minimum of twenty four (24) hours in advance and do not proceed with any further work until the required inspections have been conducted and approved.

Below are examples of the required inspections and when to call for inspection. Some circumstances might require Special inspections or other inspections not listed. Please check with the inspector to see if any other inspections are required. The permit card and the approved plans are required to remain on the job site and must be present to receive inspections.

Footing- Once excavation and footing forming is complete and prior to any placement of concrete.

Foundation- Upon completion of all forming and the required steel is in place and prior to any placement of concrete.

Under-Slab Plumbing- After all building drain piping and water piping (if applicable) is complete and the required pressure test is on.

Rough Framing, Electrical, Mechanical and Plumbing- Once all work is complete, required pressure test is on, and prior to placement of any insulation or drywall.

Suspended Slab- Inspection shall be done after all forming and required steel reinforcement is in place.

Electric Service or Temp. Electric- After meter base, panel or disconnect, mast or underground conduit and or wiring is installed and ready to energize. Burial depths for underground services must be inspected prior to backfilling.

Sewer or Water Connection- This inspection is made once all piping is installed and prior to backfilling.

Occupancy- Prior to occupying building or structure.

Final- Whenever all construction, final grading, testing or other unfinished items are completed and the building is finished. The required construction deposit will only be returned after this inspection is approved under a valid permit.

Demolition- After the demolition is complete, an inspection is required to make sure sewer connection is capped and final grading is completed.

NOTE: The disposal of demolition waste is regulated by the Missouri Dept. of Natural Resources under Chapter 260, RSMo. Demolition waste must be disposed of in accordance with this Statute. Please contact the DNR in regards to any possible hazardous waste and disposal.

Adopted Code Amendments

International Building Code

101.1 Title is hereby amended by inserting the words "City of West Plains, Missouri".

105.2 Work exempt from permit. Change the following for Building:

1. Portable storage buildings not exceeding 120 square feet or playhouses.
2. Fences
3. Roof covering, siding, painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.

105.5 Expiration. Every permit issued, except demolition which is valid for (3) three months, shall be valid for one year after issuance unless work authorized by the permit is not commenced within 180 days after it's issuance, or if the authorized work is suspended or abandoned for a period of 180 days after the time the work is commenced. At that time the permit would become void and re-application would need to be made. A one-time, one-year extension of a valid permit may be obtained at a cost of one half of the original permit fee.

113.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Misdemeanor, punishable by a fine of not more than \$500.00, or by imprisonment not exceeding 90 days; or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

114.3 Unlawful Continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not less than \$50.00 or more than \$500.00.

1805.2.1 Frost protection. Except where erected on solid rock or otherwise protected from frost, foundation wall piers and other permanent supports of all permanent buildings and structures shall extend below the frost line of the locality, and spread footings of adequate size shall be provided where necessary to properly distribute the load within the allowable load-bearing value of the soil. Alternatively, such structures shall be supported on piles where solid earth or rock is not available. Footings shall not bear on frozen soils unless such frozen condition is of a permanent character.

Working Hours, Moving of Buildings and Sewer Connection

Working Hours

The erection excavation, demolition, alteration or repair of any building in any residential district is limited between the hours of 7:00 a.m. and 9:00 p.m. except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Official and Police Department.

Moving of Buildings

Any person desiring to move any structure over, along or through the public streets or thoroughfares of the city shall obtain a permit from the city engineer.

Sewer Connection

No permit required by this Chapter shall be issued and no sewer connection made until the plumber shall have paid to the City, the appropriate fee in the attached fee schedule.

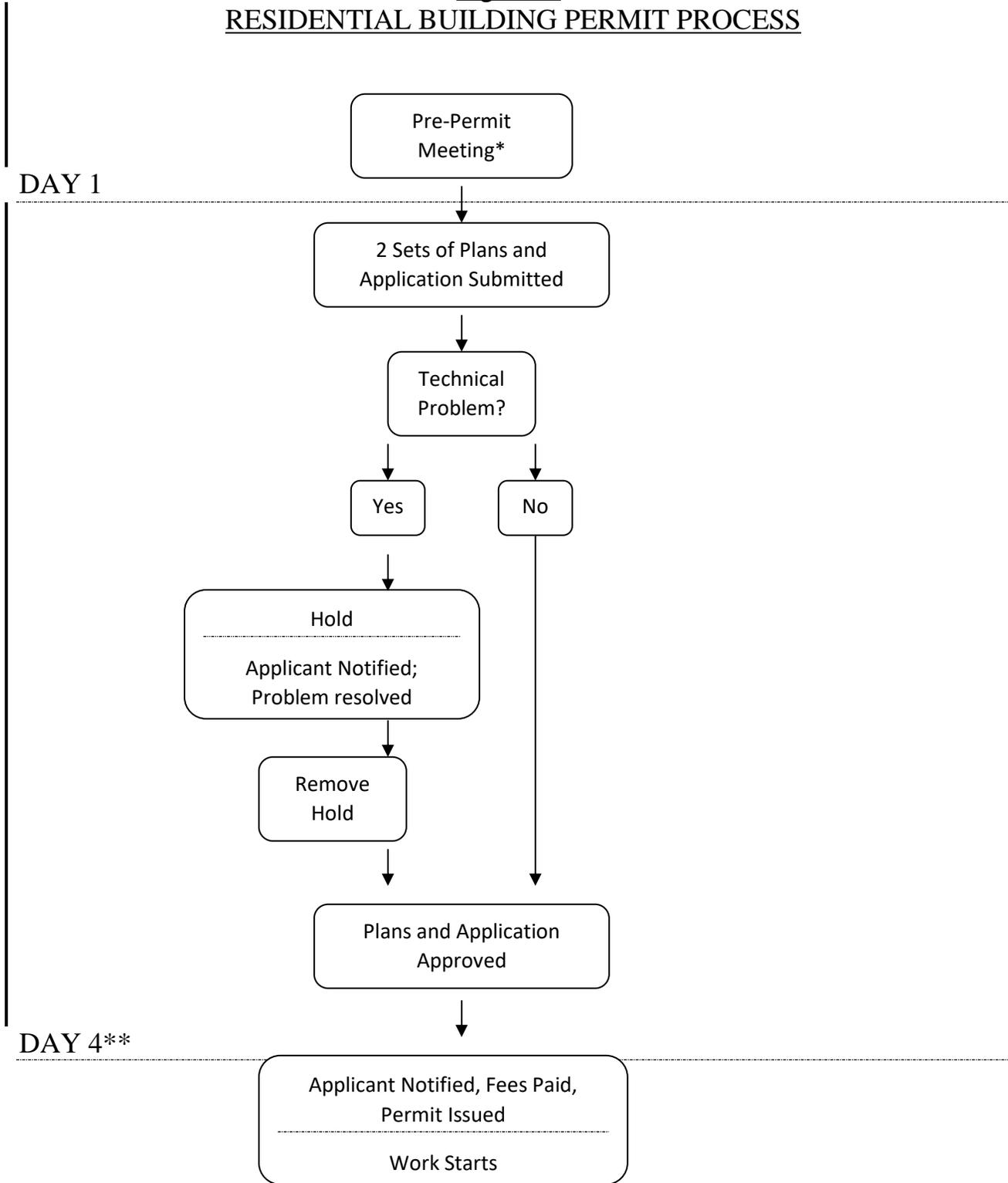
Exhibits

See attached exhibits for plan requirements, window, addressing, decks and residential electric.

Building permitting is the process through which the City ensures compliance with all codes and ordinances relative to the construction of buildings and structures. Obtaining a building permit may be viewed as the last step in the overall development sequence following annexation, zoning, subdivision, and storm water/flood control management processes. You must obtain a building permit to construct or alter any structure in the City, excluding fences. Cosmetic redecoration, such as painting, carpeting, wallpapering, etc., does not require the issuance of a permit. No permit is required when replacing roof shingles. Please refer to the appendix for a sample application.

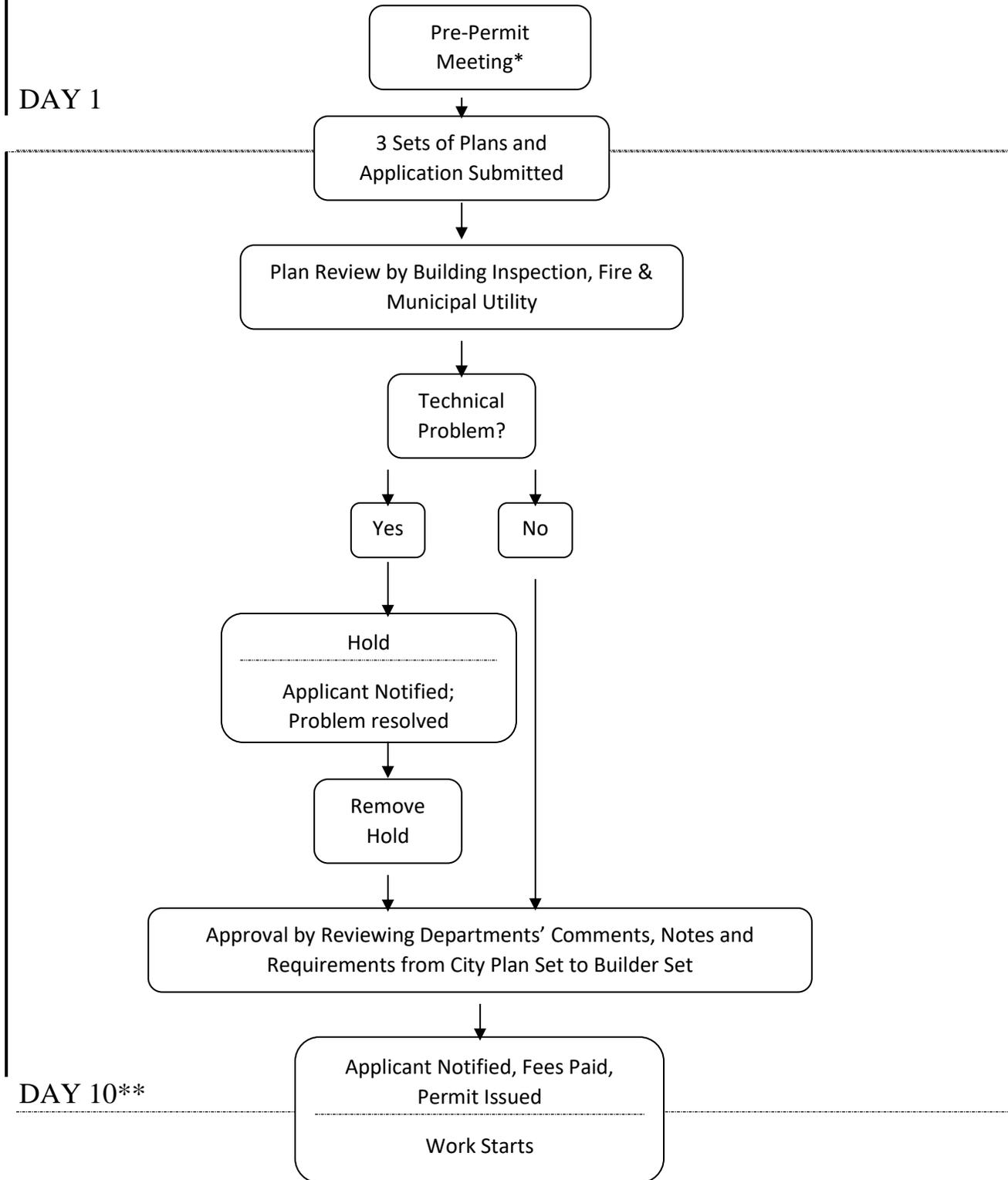
There are two classes or types of construction permits, residential and commercial. Single family and duplex structures are reviewed as “residential” while multi-family, office, retail, warehouse, and industrial buildings are considered to be “commercial”. In each case, the process begins with the completion of an application and the submittal of construction plans along with the payment of permit fees. The process is concluded once the plans are approved by the scheduling of periodic inspections of the work in progress and the final approval at its completion. Please refer to the attached flow charts.

**Figure 2:
RESIDENTIAL BUILDING PERMIT PROCESS**



* When requested by Applicant
 ** Working days, if plan set is complete

Figure 3
COMMERCIAL BUILDING PERMIT PROCESS



* When requested by Applicant
 ** Working days, if plan set is complete

Miscellaneous Processes

Vacation of Easement and Right-Of-Way:

An easement is a right granted by a property owner for limited use of the owner's property without transferring ownership. Easements are used to accommodate the construction and maintenance of public or private utilities, drainage, and/or site access. Right-of-ways are dedicated for public use and become public property, usually through the subdivision process, for alley, road and utility purposes. An owner must request a vacation (the partial or complete relinquishment of the right to access and use the property) in order to regain full use of the dedicated property.

What is the purpose of an easement or right-of-way vacation?

A vacation relinquishes the City's and franchised utility companies' interest in all or a portion of the previously dedicated easement or right-of-way, thereby giving a property owner more usable area. The City can only vacate those easements or rights-of-way that were granted to the City. A property owner may only request a vacation of easements or right-of-way that directly abut property owned by the applicant.

Can I use an easement without the vacation process?

Construction of any private improvement within an easement is generally prohibited if it will block access to the easement for construction or maintenance purposes. Some improvements, such as installing a fence, landscaping, construction of retaining walls, etc. may be undertaken in an easement. Potential improvements may, however, be subject to alteration or removal without compensation to the property owner if deemed necessary by the city or utility company.

When and where can a property owner submit a request to vacate an easement or public right-of-way?

A property owner seeking a vacation of an easement or right-of-way must file a written request, usually in the form of a letter, on or before the 20th of the month prior. Requests are normally submitted to the City Clerk. City and utility personnel will review the request at the Development Review Committee meeting. The Planning and Zoning Commission will recommend and the City Council will ultimately approve or deny the vacation. Actual cost of publishing legal description will be charged.

Can I vacate a franchised utility easement through the platting process?

No. Franchised utility easements must be vacated through the appropriate utility company.

Sign Permits:

What are the requirements for constructing a sign?

Chapter 34 of the West Plains City Code regulates the type, number, size, height, and location of signs based on the zoning district and street frontage. Billboards are limited to certain locations along Highways 63, Business Route 63, and Highway 160. To request a sign permit, the applicant must complete an application (the same used for building permits), provide a site plan showing the proposed sign location, and provide a sketch or drawing of the sign face with dimensions and height.

What are the permit fees for signs and how long does the process take?

Sign fees are calculated in the same manner as building permits. It generally takes two working days for the permit to be issued depending on the work load. See Fee Schedule in Appendix.

Property Addressing:

An address must be assigned to a property prior to the issuance of a building permit. Addresses may be obtained through the GIS Department upon submission of a site plan in an approved subdivision.

Accessory Structures and Uses:

Accessory structures and uses are, by definition, secondary to the primary structure or use. Accessory structures such as sheds, garages, gazebos, green houses, etc. require the issuance of a building permit to erect or install. Accessory structures must be located on a site consistent with the required setbacks established for the respective zoning district and the standards contained in the Division.

Driveway or Sidewalk Construction:

The construction, reconstruction, maintenance, alteration, removal or placement of any curb, gutter, driveway, utility line or other concrete work on public property requires the issuance of a right of way permit and the collection of a \$ 25.00 fee. All work within the right-of-way must be inspected by the Street Department before work is covered.

Business License:

Most businesses in West Plains, excluding certain professional occupations specifically exempted under Chapter 71, Section 71.620 RSMo., require the issuance of an annual City business license. Licenses are issued through the Finance Department for a non-refundable processing fee of \$ 30.00. A penalty of ten (10) percent is levied when the annual business license is not renewed before August 1st of each year. Renewal of a Business license is \$30.00 a year plus \$10.00 for late fee. Licenses are not transferable to another business and may not be transferred to another location in West Plains by the same licensed business. A business applying for a license must provide copies of the following documents, if applicable:

1. The Missouri Retail Sales Tax License;
 2. Worker's Compensation Certificate of Insurance for construction companies with employees or a waiver from this requirement if not required by the State;
 3. Food establishments must have a Howell County Health Department Operating Permit.
- Please refer to the appendix for a copy of the Business License Application.

Appendix

CITY OF WEST PLAINS DEPARTMENT CONTACT INFORMATION

City Clerk Mallory Snodgras	mallory.snodgras@westplains.net	417-256-7176
Street Department Brian Mitchell	brian.mitchell@westplains.net	417-256-7176
Building Department Dustin Harrison	dustin.harrison@westplains.net	417-256-7176
Electric Department Jeff Hanshaw	jhanshaw@westplains.net	417-256-7170
GIS Department Melanie Barnett	melanie.barnett@westplains.net	417-256-7170
Planning Department Will Atkinson Trent Courtney Michael McMahon	will.atkinson@westplains.net rightofway@westplains.net stormwater@westplains.net	417-256-7170 417-256-7170 417-256-7170
Water/Sewer Department Terry Danahy	watersewersup@westplains.net	417-256-7170
Utility Counter	cashier@westplains.net	417-256-7176
Business License Anita Snethern	reception@westplains.net	417-256-7176
Sanitation Brent Lidgard	brent.lidgard@westplains.net	417-256-7176

SUMMARY OF DEVELOPMENT ASSOCIATED FEES

108.7 Fee schedule.

Sec. 18-33. Charges for permits.

(a) Building permits, remodeling permits, plumbing permits and house moving permits. There shall be charges for building permits, remodeling permits, plumbing permits, and house moving permits as follows:

(1) Residential.

a. Base fee up to 1,000 square feet, minimum	\$100.00
b. All over 1,000 square feet (\$7.50 per 100 square feet), per square foot	0.075
c. Detached garage/storage building:	
Base fee up to 150 square feet	25.00
All over 150 square feet (per square foot)	0.010
d. Base plumbing fee, minimum:	
Residential	40.00
Commercial	75.00
e. Water outlets, each	1.00
f. Hot water heater, each	2.00

(2) Commercial and industrial.

a. Plan review fee	50.00
b. Base fee up to 1,500 square feet, minimum	150.00
c. Next 3,500 square feet (10.00 per 100 square feet), per square foot	0.10
d. Next 10,000 square feet (6.50 per 100 square feet), per square foot	0.065
e. All over 15,000 square feet (3.00 per 100 square feet), per square foot	0.03

(3) Plumbing fees. Same as residential except for special plumbing requirements (i.e., two-inch meters; actual cost to city for material and installation).

(4) Remodeling and renovations of existing facilities.

a. Base fee	50.00
b. Plus three percent of estimated cost.	

(5) House moving.

a. Base fee, minimum	50.00
b. Plus actual cost to city to accommodate the move.	

(b) Mechanical. The following mechanical fees will be applicable in all cases:

(1) New heating, ventilation, and air conditioning work, per ton	5.00
(2) Replacing existing heating, ventilation, air conditioning work, per ton	5.00

Sec. 18-33. Charges for permits.

(a) Building permits, remodeling permits, plumbing permits and house moving permits. There shall be charges for building permits, remodeling permits, plumbing permits, and house moving permits as follows:

(1) Residential.

- a. Base fee up to 1,000 square feet, minimum \$100.00
- b. All over 1,000 square feet (\$7.50 per 100 square feet), per square foot 0.075
- c. Detached garage/storage building:
 - Base fee up to 150 square feet 25.00
 - All over 150 square feet (per square feet) 0.010
- d. Base plumbing fee, minimum:
 - Residential 40.00
 - Commercial 75.00
- e. Water outlets, each 1.00
- f. Hot water heater, each 2.00

(2) Commercial and industrial.

- a. Plan review fee 50.00
- b. Base fee up to 1,500 square feet, minimum 150.00
- c. Next 3,500 square feet (10.00 per 100 square feet), per square foot 0.10
- d. Next 10,000 square feet (6.50 per 100 square feet), per square foot 0.065
- e. All over 15,000 square feet (3.00 per 100 square feet), per square foot 0.03

(3) Plumbing fees.

- a. Same as residential except for special plumbing requirements (i.e., two-inch meters; actual cost to city for material and installation).

(4) Remodeling and renovations of existing facilities.

- a. Base fee 50.00
- b. Plus three percent of estimated cost.

(5) House moving.

- a. Base fee, minimum 50.00
- b. Plus actual cost to city to accommodate the move.

(b) Mechanical.

The following mechanical fees will be applicable in all cases:

- (1) New heating, ventilation, and air conditioning work, per ton 5.00
- (2) Replacing existing heating, ventilation, air conditioning work, per ton 5.00

Signs

Cost of the permit shall be as follows:

- (1) For each portable sign, \$10.00;
- (2) For each sign 40 square feet and under, \$25.00;
- (3) For each sign 41 through 128 square feet, \$50.00;
- (4) For each sign 129 through 250 square feet, \$75.00; and
- (5) For each sign greater than 250 square feet, \$100.00.

LEGAL NOTICE PAYMENT AGREEMENT

I have requested that the matter listed below be brought up for possible approval at an upcoming City Council meeting. I understand that before this can be addressed by the Council, a legal notice must be printed in the local newspaper. I also understand that if this is approved, Howell County recording fees may be incurred.

I agree to reimburse the City for both legal notice and recording fees, if applicable. I also understand that approval of my request by the City Council, if granted, will be contingent upon the payment of all applicable fees.

Matter to be Addressed:

Signature of Applicant	Date
------------------------	------

Printed Name of Applicant

Witness (City Representative)

PROCEDURE FOR ANNEXATION
TO THE CITY OF WEST PLAINS, MISSOURI

Deadline	Description	Cost
Citizen – By 20 th of the Month Prior	Petition for Annexation signed by all property owners. Include a legal description and aerial map from the Assessor’s office indicating area to be annexed	Legal description (By private Surveyor if required)
City	Send a copy of the legal notice to the Assessor’s office to verify the legal description. (See note #1 below)	None
City – 7 days prior to Planning Commission	Publish legal notice in the Quill	Actual cost of legal description.
1 st Thursday after 2 nd Wednesday	Planning Commission Public Hearing and Meeting for recommendation to council. Citizen should be present to answer questions.	None
3 rd Monday of same month	Council Meeting – 1 st and 2 nd Reading of Ordinance. Citizen should be present to answer questions.	None
City – Same week	Send Ordinance to Recorder’s office	Recording Fee
City – Same week	Send copy of Ordinance to Citizen	None

Note:

1. Copies of deeds are available at the Assessor’s office if needed. Depending on area to be annexed, a certified legal survey might be required. Assessor’s office will plot area to be annexed from property owner’s legal descriptions to be submitted with an annexation petition form.

PETITION FROM PROPERTY OWNERS REQUESTING ANNEXATION

TO THE CITY OF WEST PLAINS, MISSOURI

Petition Requesting Annexation to the City of West Plains. We, the Undersigned

_____ and _____.

Hereinafter referred to as the Petitioners present our petition to the Planning Commission and the City Council of the City of West Plains state and allege as follows:

1. That we are the owners of all fee interest of record in the real estate in Howell County, Missouri, described in Exhibit "A" attached.
2. That the said real estate is not now a part of any incorporated municipality.
3. That the said real estate is contiguous to the existing corporate limits of the City of West Plains, Missouri.
4. That we request that the said real estate be annex to, and be included within the corporate limits of the City of West Plains, Missouri, as authorized by the provisions of Section 71.012, RSMo 1978.
5. That we request the City Council of the City of West Plains to cause the required notice to be published and to conduct the public hearing required by law and to thereafter adopt an ordinance extending the limits of the City of West Plains to include the above described real estate.
6. That we agree to pay the actual cost of all public notices and recording fees.
7. We request a zone designation of _____.

We understand that the three year requirement for furnishing municipal services found in Section 71.015, RSMo, does not apply to an annexation under this procedure. Attach additional sheets if necessary.

Mailing Address

Dated _____

/s/ _____

/s/ _____

STATE OF MISSOURI)

COUNTY OF HOWELL)

On this _____ day of _____, 20____, before me personally appeared _____

And _____, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in _____, Missouri, the day and year first above written.

My term expires _____

/s/ _____

Notary Public

UTILITY SERVICES AND FACILITIES AND ANNEXATION AGREEMENT

THIS AGREEMENT is made and entered into this 23 day of October, 2017 by and between _____
_____ referred to collectively as **APPLICANT**, and the CITY OF WEST PLAINS,
Missouri, a municipal corporation, referred to as West Plains or City.

WITNESSETH

WHEREAS, **APPLICANT** desires to connect a sewer and/or water line and facility to the sewer and/or water system of West Plains; and,

WHEREAS, pursuant to Ordinance 3699, West Plains is authorized to enter into contracts to provide city services beyond the city limits of West Plains; and,

WHEREAS, the provision of water safe for human consumption and the safe and adequate disposal of waste water and sewage, within close proximity of West Plains, is a continuing concern to West Plains in protecting the public health, safety and welfare of the residents of the City of West Plains; and,

WHEREAS, **APPLICANT** desires to annex to West Plains the property, as it becomes contiguous to West Plains, more particularly described on attached **Exhibit A**, made a part of this agreement (such property is referred to as “the property”); and,

WHEREAS, it is to the mutual benefit of the parties to enter into the following agreement; and

WHEREAS, **APPLICANT** acknowledges that, during the term of this Agreement, the property will be subject to all ordinances, resolutions, and other regulations of West Plains, as they may be amended from time to time.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE AND THE FOLLOWING COVENENTS, IT IS AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

- 1) **APPLICANT** agrees that the subject of this Agreement is the provision of water only and not sewage services and any references in this Agreement to sewer lines or services shall be void.
- 2) **APPLICANT** agrees that all sewers and/or water lines and the connection to the City sewer and/or water systems, collectively referred to herein as “Improvements”, are **APPLICANT** responsibility to design and construct.

- 3) **APPLICANT** agrees to convey all public sewer and water facilities, easements and appurtenances covered by this Agreement to West Plains free and clear of all liens and encumbrances or other obligations. Said conveyance shall be by appropriate document, and shall be sufficient, in the opinion of West Plains, to convey marketable title of record, as set forth in Title Standard 4 of the Missouri Bar. If requested by City, **APPLICANT** shall provide a binder of title insurance showing clear title of record.
- 4) **APPLICANT** shall be responsible for the maintenance of any private sewer and/or water line or connection serving the subject property. West Plains shall be solely responsible for the maintenance of any public sewer facilities and all appurtenances, after the conveyance of same by **APPLICANT**
- 5) **APPLICANT** agrees to design, engineer, and construct said Improvements in accordance with the technical specifications for Public Improvement Projects, on file in the Office of the City Engineer of West Plains.
- 6) **APPLICANT** agrees to provide, allow, and permit, West Plains, by and through its Engineering Department or designee, to inspect, observe, and oversee the construction of said water lines and/or gravity sewer and appurtenances, in order to ascertain and determine that said public improvement standards are in compliance.
- 7) Any new or existing structures, facilities or users connected to the sewer and/or water line, or system, shall pay to West Plains, a hook-up fee as outlined and provided for in the City of West Plains Municipal Code, along with any amendments, changes or modifications. Any new uses, facilities or structures requesting connection to the sewer and/or water system must receive approval for connection to the line from the City of West Plains and the Department of Natural Resources and pay a hook-up fee, both as outlined in the City of West Plains Municipal Code, along with any amendments, changes or modifications thereto. Both West Plains and **APPLICANT** agree that lack of adequate line capacity or treatment plant capacity or failure of the DNR to approve hook-up are sufficient and adequate reasons for rejection of hook-up by the City of West Plains. The DNR Permit shall be provided to the City of West Plains prior to construction of any extensions.
- 8) The user fee to be charged new or existing facilities, structures or other users of the sewer and/or water line or system shall be adopted by West Plains for water and/or sanitary sewer users (outside the city limits) as passed and adopted by the West Plains City Council in the City of West Plains Municipal Code, along with any amendments, changes or modifications thereto.
- 9) a) **APPLICANT** agrees to petition West Plains for voluntary annexation into the City limits of all property covered by this Agreement as soon as the property becomes contiguous to the City limits or at the first opportunity that annexation becomes possible. A copy of the petition for voluntary annexation is attached as **Exhibit B**, and the original petition for voluntary annexation shall be held in escrow until the property becomes contiguous to the City limits or at the first opportunity that annexation becomes possible. For purposes of this provision, contiguous shall mean and include the touching of any City property to any of **APPLICANT** property, including touching at a single point, or touching by virtue of a

highway, railroad line, trail, pipeline or other strip of real property. At such time that the property becomes contiguous to the City limits or at the first opportunity that annexation becomes possible, the petition for voluntary annexation will be formally presented to the governing body for the City of West Plains and the annexation process will begin.

- b) **APPLICANT** agrees to waive any rights which might otherwise exist to file a written objection to the annexation. Should any objection to the annexation be filed by **APPLICANT** the City of West Plains shall have full authority to discontinue sewer and/or water services to the entire property.
- c) If **APPLICANT** sells any parcel within the subject property prior to its annexation into the City limits, **APPLICANT** shall notify the City of such pending sale, shall inform the prospective purchaser of the requirements of this section, shall include in the sales contract adequate provisions for requiring voluntary annexation in the future at the time the parcel to be sold is contiguous to the City limits, and shall, at closing, provide City with a Petition for Voluntary Annexation signed by the purchaser.
- d) West Plains will not provide water to or accept wastewater from any development located on property for which **APPLICANT** has not provided to the City a signed Petition for Voluntary Annexation at the time the property becomes contiguous (as defined herein) to the City limits or at the first opportunity that annexation becomes possible.

10) This Agreement remains in effect as long as the subject property remains in use.

11) **APPLICANT** agrees that no other property owners or developments will be allowed to connect with the sewer and/or water lines covered by this Agreement without first entering into an agreement with West Plains or annexing their property into the City limits and paying a hook-up fee as outlined in the City of West Plains Municipal Code, along with any amendments, changes or modifications thereto.

12) **APPLICANT** agrees to comply with all aspects of any landscaping ordinance in effect at the time of approval of this Agreement. **APPLICANT** understands that compliance with a landscaping ordinance might involve fees, charges and deposits. Non-compliance with a landscaping ordinance is sufficient grounds for termination of this Agreement by West Plains.

13) **APPLICANT** agrees all structures constructed on the subject property after the date of this agreement will be in compliance with the latest version of the Building Officials and Code Administrators International, Inc. (BOCA), including any and all amendments, that has been adopted by the City of West Plains. No work is to be done until building plans have been submitted and approved by all necessary city departments and all necessary permits have been issued. **APPLICANT** understands that compliance with the BOCA Building Code involves compliance with the following:

- a) City might require certain plan submittals to be sealed by a Missouri registered architect and/or engineer.
- b) Project approval must be obtained from the City of West Plains.

- c) Payment of Building Permit Fees (set by ordinance) must be made upon issuance of the Permits.
- d) **APPLICANT** must allow and permit the City of West Plains, by and through its Building Regulation Department, to inspect, observe, and oversee the construction of all structures to ascertain and require compliance with BOCA and City Code requirements.
- e) **APPLICANT** must notify the West Plains Building Regulation Department a minimum of twenty-four (24) hours in advance of any required inspections. **APPLICANT** will be provided with a list of required inspections.

Non-compliance with the City of West Plains Building Code requirements is sufficient grounds for termination of this Agreement by the City of West Plains.

- 14) **APPLICANT** agrees to construct and operate all facilities on the subject property in compliance with the latest adopted version of the West Plains Health Code. **APPLICANT** agrees to provide, allow and permit, the City of West Plains, by and through its Health Department, to inspect, observe, and oversee the construction, installation and operation of all health related facilities. **APPLICANT** understands that compliance with the Health Code requires periodic, unannounced inspections of the premises including restaurants, food preparation and serving areas, pools and spas, lodging, or any facility where the general public may congregate, and that failure to comply with said regulations may result in closure of the affected facility until such time as corrective actions are approved.
- 15) **APPLICANT** agrees to execute, promptly upon request of West Plains, any and all surveys and other documents necessary to effect the annexation of the property and the other provisions of this Agreement.
- 16) **APPLICANT** agrees not to sign any other petition for annexation of the property or any petition for an annexation election relating to the property, except upon request by West Plains.
- 17) **APPLICANT** agrees to provide, at **APPLICANT'** expense, legal documents, surveys, engineering work, newspaper publication, maps, and reports determined by West Plains to be necessary to accomplish the annexation.
- 18) The parties recognize that it is the intent and desire of **APPLICANT** to develop the property in a manner generally consistent with the zoning regulations of the City. The property will be annexed as unzoned, and will be zoned appropriately by the City in accordance with City's Land Use Plan. If specific zoning types are requested by **APPLICANT**, **APPLICANT** shall provide an acceptable Land Use Plan to the Planning and Zoning Department of the City of West Plains as part of the Zoning Application. Said Land Use Plan shall, at a minimum, provide acreage and square footage of each parcel or lot, the planned use of each parcel or lot, and the requested zoning of each parcel or lot.
- 19) **APPLICANT** agrees that the design, improvement, construction, development, and use of the property shall be in conformance with, and that **APPLICANT** shall comply with, all City

ordinances and resolutions including, without limitation, ordinances and resolutions pertaining to subdivision, zoning, storm drainage, soil and sediment control, land disturbance requirements, utilities, and flood control.

- 20) Nothing contained in this Agreement shall constitute or be interpreted as a repeal of the City's ordinances or resolutions, or as a waiver of the City's legislative, governmental, or police powers to promote and protect the health, safety, and welfare of the City and its inhabitants; nor shall this Agreement prohibit the enactment or increase by the City of any tax or fee.
- 21) In the event the property or any portion is disconnected at **APPLICANT** request, West Plains shall have no obligation to serve the disconnected property or portion and this Agreement shall be void and of no further force and effect as to such property or portion.
- 22) **NONSERVABILITY.** In the event that any one or more of the phrases, sentences, clauses, paragraphs or sections contained in this Agreement, shall be declared invalid by the final and unappealed order, decree or judgment of any court, this entire Agreement shall be invalidated, it being expressly stipulated by the City that it would not have entered into this agreement to provide sewer and/or water services unless each and every clause is in fact valid and enforceable, and unless the provisions of this Agreement are legally effective to cause the property described in Exhibit A to be annexed into the City in accordance with this agreement's terms.
- 23) The parties represent that they will cooperate with one another in accomplishing the terms, conditions, and provisions of the Agreement, and will execute such additional documents as might be necessary to effectuate the same.
- 24) This agreement may be amended by the City and any **APPLICANT** without the consent of any other **APPLICANT** as long as such amendments shall be in writing, shall at the option of either party be recorded in Howell County, Missouri, shall be covenants running with the land, and shall be binding upon all persons or entities having any interest in the property subject to the amendment unless otherwise specified in the amendment. Except as otherwise provided, this Agreement shall not be amended unless approved in writing by all parties.
- 25) This agreement embodies the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement supersedes all previous communications, representations, or agreements, either verbal or written, between the parties. This Agreement can only be modified in writing, signed by both parties and approved by West Plains with passage of an ordinance approving the modification, addendum or amendment.
- 26) **APPLICANT** agrees to indemnify and hold harmless the City and the City's officers, employees, agents, and contractors, from and against all liability, claims, causes of actions, and demands, including attorney's fees and court costs, which arise out of or are in any manner connected with this Agreement or its operation, or with any other annexation or other action determined necessary or desirable by the City in order to effectuate the annexation of the property, or which are in any manner connected with West Plains' enforcement of this Agreement. **APPLICANT** further agrees to investigate, handle, respond to, and to provide defense for and

defend against or at the City's option to pay the attorney's fees and court costs, which arise out of or are in any manner connected with this Agreement or its operation, or with any other annexation or other action determined necessary or desirable by the City in order to effectuate the annexation under this Agreement. **APPLICANT** further agrees to investigate, handle, respond to, and to provide defense for and defend against or at the City's option to pay the attorney's fees for defense counsel of the City's choice for any such liability, claims, or demands.

- 27) As used in this Agreement, the term **APPLICANT** shall include any of the heirs, transferees, successors, or assignees of **APPLICANT** and all such parties shall have the right to enforce this Agreement, and shall be subject to the terms of this Agreement, as if they were the original parties.
- 28) As used in this Agreement, unless otherwise specifically provided, any reference to any provision of any City ordinance, resolution, or policy is intended to refer to any subsequent amendments or revisions and shall be binding upon **APPLICANT**
- 29) This Agreement shall be binding upon and inure to the benefit of the heirs, transferees, successors, and assigns of the parties, and shall constitute covenants running with the land. If **APPLICANT** at its option, sells the subject property, without adequate guarantees for the completion of the water lines, collector sewers, lifts station and force mains, upon consummation of the sale of the property this Agreement is void.
- 30) At the option of City, this Agreement shall be recorded with the Recorder of Howell County, Missouri, at **APPLICANT'** expense.
- 31) Subject to the conditions contained in this agreement, this Agreement may be enforced in any court of competent jurisdiction.
- 32) This Agreement shall be null and void if City fails to approve the annexation of the property.
- 33) **APPLICANT** acknowledges that the annexation and subsequent zoning of the property are subject to the legislative discretion of the West Plains City Council. No assurances of annexation or zoning have been made or relied upon by **APPLICANT**

(CITY SEAL)

JACK PAHLMANN, MAYOR

Attest:

MALLORY SNODGRAS, CITY CLERK

ACKNOWLEDGMENT

STATE OF MISSOURI)
)ss
COUNTY OF HOWELL)

On this ____ day of _____, 20____, before me personally appeared _____ and _____ known to me to be the persons who executed the within Agreement and acknowledged to me they executed the same for the purposes therein stated.

SEAL

Notary Public

My Commission Expires:

ACKNOWLEDGMENT

STATE OF MISSOURI)
)ss
COUNTY OF HOWELL)

On this _____ day of _____, 20____, before me personally appeared Jack Pahlmann, Mayor, and Mallory Snodgras, City Clerk, known to me to be the persons who executed the within Agreement in behalf of the City of West Plains, and acknowledged to me they executed the same for the purposes therein stated.

SEAL

Notary Public

My Commission Expires:

IRREVOCABLE VOLUNTARY PETITION AND CONSENT TO ANNEXATION OF LAND

This irrevocable Petition and Consent to annexation, made this ____ day of _____.

For and in consideration of a certain settlement agreement between the City of West Plains and the undersigned, know all persons by these presents that _____ APPLICANT _____ (hereinafter "owner") being the owner of all the fee interest in the following described real property, does hereby voluntarily and irrevocable petition and consent to annexation of said property into the City of West Plains, Missouri.

The above-described property is not contiguous to the existing corporate limits of the City of West Plains at the date of execution of this agreement. Owner and owner's heirs, legal representatives, successors, and assigns, therefore covenant that they shall cause this petition to be presented to the governing body of the City of West Plains, and do all things necessary to cause such property to be annexed into the City upon delivery of Notice from the West Plains City Administrator to do so. The undersigned, and the undersigned's heirs, legal representatives, successor and assigns covenant not to object to such annexation, and stipulate that this agreement shall stop them individually and severally from making any objection to such annexation.

Failure to consummate annexation at any time shall not cause this Petition and Consent to lapse and the same shall continue in full force and effect until such time as annexation into the City of West Plains is fully and lawfully consummated.

In the event of any breach or default by the owner or owner's heirs, legal representatives, successors or assigns, this Irrevocable Petition and Consent to Annexation shall be enforceable by specific performance and, if litigated, venue shall be proper only in the Circuit Court of Howell County, and the parties expressly waive any rights to venue inconsistent therewith. The owner, heirs, legal representatives, successors and assigns shall hold the City harmless from and shall indemnify the City for any costs and expenses incurred by the City of West Plains in enforcing this agreement, including attorney fees, costs, and all expenses of litigation.

The Irrevocable Petition and Consent to Annexation shall be filed in the records of the Recorder of Deeds for Howell County and shall be deemed to be a covenant running with the land to succeeding owners and shall be deemed to be the Petition and Consent to Annexation of succeeding owners, their heirs, legal representatives, successors, and assigns until annexation is fully lawfully consummated as in this instrument provided.

Owner

ACKNOWLEDGMENT

PROCEDURE FOR REZONE

REVISED MARCH 2007

Deadline	Description	Cost
Citizen – By 20 th of the Month Prior	Petition for Rezone signed by all property owners. Include a legal description and desired zone—should be same a joining zone. Need map showing adjoining properties.	Legal description (By private Surveyor if required)
City – 15 days prior to Planning Commission	Publish legal notice in the Quill	Actual cost of legal description.
1 st Thursday after 2 nd Wednesday	Planning Commission Public Hearing and Meeting for recommendation to council. Citizen should be present to answer questions.	None
3 rd Monday of same month	Council Meeting – 1 st and 2 nd Reading of Ordinance. Citizen should be present to answer questions.	None
City – Same week	Send Ordinance to Recorder’s office	Recording Fee
City – Same week	Send copy of Ordinance to Citizen	None

APPLICATION FOR REZONING OF REAL ESTATE

Submit to:

Building Department

P. O. Box 710

1910 Holiday Lane

West Plains, MO 65775

West Plains, MO 65775

Phone: 417-256-7176

Fax: 417-256-1880

TO THE CITY COUNCIL OF WEST PLAINS, MISSOURI

PETITION TO CHANGE OFFICIAL ZONING MAP FOR THE DESCRIBED REAL ESTATE IN EXHIBIT A, ATTACHED.

FROM ZONE _____ TO ZONE _____

Petitioners state that they are the owners of all fee interests of record in all tracts of real property located within the area described in Exhibit A and that a zone request is made for the following reasons:

WHEREFORE, Petitioners pray that the City Council West Plains, Missouri by its Ordinance change the official zone map for this property. All property owners must sign. We understand that we will be responsible for the publication of the legal notice in the West Plains Daily Quill and recording fees.

The undersigned hereby state they are the legal owner(s) or have a financial or contractual interest in the real estate described herein (legal description must be printed below or attached as an exhibit): _____

Current zoning is: _____

Current land use is: _____

Proposed zoning is: _____

Proposed land use is: _____

Signatures of the owner(s) or those parties with financial or contractual interest in the above described real estates. **(All signatures must be notarized.)**

Type or print name

Signature

Type or print name

Signature

Type or print name

Signature

Subscribed and sworn before me this ___ day of _____ in the year 20____.

Notary Public

APPLICATION FOR PLANNED UNIT DEVELOPMENT

Submit to:

Building Department

P. O. Box 710

1910 Holiday Lane

West Plains, MO 65775

West Plains, MO 65775

Phone: 417-256-7176

Fax: 417-256-1880

Applicant's Name: _____

Address: _____

Phone Number & e-mail: _____

Address of subject property: _____

The undersigned hereby state they are the legal owner(s) or are a legal representative of the legal owner(s) of the following described real estate (legal description must be printed below or attached as an exhibit: _____

Current use of the land: _____

Generally describe the Planned Unit Development proposed for this property: _____

Payment is due to the West Plains Daily Quill for advertising, is when this application is filed.

Signatures of the owner(s) or those parties with financial or contractual interest in the above described real estates. **(All signatures must be notarized.)**

Type or print name

Signature

Type or print name

Signature

Type or print name

Signature

Subscribed and sworn before me this ___ day of _____ in the year _____.

Notary Public

APPLICATION FOR CONDITIONAL USE PERMIT

Submit to: Building Department

P. O. Box 710 1910 Holiday Lane
 West Plains, MO 65775 West Plains, MO 65775
 Phone: 417-256-7176 Fax: 417-256-1880

Name: _____ Date of Application: _____

Company: _____ Cost - \$75 at Time of Application

Location Address: _____ Mailing Address: _____

Reason for Request: _____

Lot Size.	
Side Yard (front, back, side).	
Landscape and Screen Planting Plans attached?	
Zone.	
Height of Structure if applicable.	
Fence:	
Parking Spaces.	
Distance of parking area from residential use (feet).	
Is there a plat or drawing of the development attached?	
Number of principal entrances from major thoroughfare.	
List and attach a copy of other state licenses required.	
Describe outdoor artificial lighting.	
Will there be disposal of liquid or other wastes?	
Will there be sales, storage, repair work, or dismantling on the property?	
What is the principal use of the building?	
How many deliveries per week do you anticipate?	
Will merchandise be sold on the premises?	

How many employees are planned? Do they live on the premises?	
Signage and size.	
How much traffic do you anticipate?	
If day care, is there another day care within 440 ft. to another day care (closest corner to closest corner to another day care)?	
Legal Description attached?	

I hereby certify that the above information is true and correct and understand that there are penalties for false statements from \$10 to \$250 per day for each offense.

Signed: _____

Date: _____

ATTACHMENT A
SITE PLAN CONTENT

1. Approximate location of proposed and existing buildings and other structures, including those on adjoining properties, as well as open spaces, shall be indicated for the proposed conditional use / use variance.
2. Existing or proposed contours at vertical intervals of not more than five (5) feet. Flood plain areas shall be delineated (if relevant to the site).
3. Approximate location of all isolated trees having a trunk diameter of six (6) inches or more, all tree masses, and proposed landscaping / screening plan.
4. An elevation view of the site showing preliminary building form (new construction only).
5. Proposed ingress and egress to the site, including right-of-way and pavement widths for proposed and existing streets.
6. A plan for the provision of storm water drainage management facilities (if required).
7. The location, lighting and type of sign(s) to be used and their relationship to traffic control signs.
8. The location and number of off-street parking spaces.
9. The location of existing utility lines.

ATTACHMENT B
STANDARDS FOR ALL CONDITIONAL USE PERMITS

Sec. 50-633. - Supplementary regulations.

- (a) Supplementary regulations for conditional uses to this chapter and the requirements and procedures therefor shall be as follows:
- (1) Conditional uses and their accessory buildings and uses may be permitted by the planning commission and city council in the districts indicated therein, in accordance with the procedure set forth in this section.
 - (2) Upon receipt of any application for a conditional use by the building inspector, it shall be referred to the planning commission.
 - (3) A fee in an amount as provided in the city fee schedule shall be paid to the city clerk at the time the application is filed, and an additional cost for publication shall be paid to the city clerk prior to the time publication of the notice of public hearing is ordered by the planning commission. All fees received under this subsection by the city clerk shall be paid over to the city to the credit of the city's general revenue fund.
 - (4) The planning commission shall conduct a public hearing after 15 days' notice thereof has been given. Following the hearing and upon an affirmative finding by the planning commission that:
 - a. The proposed conditional use is to be located in a district wherein such use may be permitted;
 - b. The requirements set forth by the planning commission for such conditional use will be met; and
 - c. The conditional use is consistent with the spirit, purpose and intent of the comprehensive community plan, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare.
- (b) The planning commission shall report the results of its study and recommendation to the city council within 60 days following receipt of the application. If no such report has been filed with the city council within this time period, the city council shall be permitted to proceed to process the application. The building official shall inspect the development to ensure compliance with the provisions approved by the planning commission and city council.

Sec. 50-634. - Conditional use requirements.

Conditional use requirements to this chapter shall be as set forth by the planning commission as follows:

- (1) An existing lawful use which is listed as a conditional use, and which is located in a district in which such conditional use may be permitted, shall be considered a conforming use.
- (2) Any expansion of such conditional use involving the enlargement of the buildings, structures and land area devoted to such use shall be subject to the procedure described in this section.
- (3) If the nature of the conditional use involves more than one use, the applicant may apply for a permit for the conditional use which most closely relates to the primary use, provided that the requirements of all related uses are met.
- (4) Substance abuse facilities include buildings, structures, and land, for the residential or outpatient treatment of alcohol and/or other drug abuse:
 - a. If a residential facility, not more than 48 persons shall reside in the building at one time.
 - b. The exterior appearance of the treatment facility shall reasonably conform to the exterior appearance of other dwellings in the vicinity.
 - c. A treatment facility shall not be located closer than 25 feet to any other substance abuse treatment facility.

Building Permit Application

Site Address _____
Owner/Occupant _____ Contractor _____
Address _____ Address _____

Phone _____
 Phone (Other) _____

Phone _____
 Phone (Other) _____

Please indicate the phone number to call when permit is ready for pick-up

This permit will be paid by: Owner Contractor (please check one)

Building Site information:

Subdivision name _____ Lot number _____
Parcel _____ Lot size _____ No. of Dwelling Units _____

Information on Building: (✓ All That Apply)

Type of Improvement: Commercial Residential (1 or 2-Family Dwelling)
 New Building Addition Remodel/Repair or Modification/Alteration
 Attached Garage Detached Garage Finished Basement Attached sign
 Deck Carport Pool Detached sign
 Storage Building Portable storage bldg Other _____
 Electric Service:
 New service Upgrade Existing Service
Amps. _____ Utility Co. _____

System Modifications

Electrical Mechanical Plumbing Water/Sewer Excavation Demolition

Structure information: (✓ All That Apply)

No. of Bedrooms _____ No. of Bathrooms _____ No. of Stories _____
 Basement Crawl Space Finished Basement Garage

Conditions of Permit Application:

All necessary information requested by the Code Official shall be provided to insure for a complete plan review of my proposed project. Approval of construction documents does not release the builder from complying with all codes and ordinances adopted by the City of West Plains. All non-residential construction requires a Missouri-registered Architect and/or Engineers Seal on all plans. Our department must approve all changes from the approved construction documents. The permit shall be valid for one year and shall become invalid if the authorized work is not commenced within six months after issuance of a permit, or if the authorized work is suspended or abandoned for a period of six months after the time of issuing the permit. I certify I have read and fully understand these conditions.

Signature of Applicant/Agent

Date

City of West Plains

Permit Application

Electrical & Mechanical Spec. Sheet

Location _____

Furnace size _____ Gas _____ Elect. _____

A.C. size _____ Water Heater type and size _____

Range- Gas _____ Elect. _____ Clothes Dryer- Gas _____ Elect. _____

Fire Place Type _____ Flue Type & Size _____

Check if you are going to have the following:

Whirlpool Tub__ Dishwasher__ Disposal _____ Range Hood _____ Attic Fan _____

Electric Service Size _____ Overhead or Underground service _____

*List any additional **Gas** or **Electric** Equipment:*



City of West Plains Missouri
Business License Application

Company Name: _____ MO Retail Sales Tax I.D. #: _____

DBA Name: _____ Attach a certificate of No Tax Due, if required.

All applicants with the possession of a retail sales license are required to submit a statement from the Missouri Department of Revenue that the licensee owes no tax due under RSMo Sections 144.010 to 144.510 or RSMo Sections 143.191 to 143.261. This must be done at the date of application, as well as the annual date of license renewal. The date of issuance on the statement must not be more than ninety (90) days before the date of submission of this application, or renewal of the local license.

Physical Location of the Business (Address):

Address: _____

City, State, Zip: _____

Mailing Address (if different from above):

Address: _____

City, State, Zip: _____

Owner's Name: _____ Primary Phone: _____

Alternate Contact: _____ Alternate Phone: _____

Description of Business:

Please select the most appropriate category that best describes the nature of your business:

- [] Contractor/Sub-contractor: TYPE: () General () Plumber () Electrical () HVAC
[] Entertainment [] Restaurant [] Retail Sales [] Liquor Sales [] Service [] Daycare

Do you plan to sell prepared food? [] No [] Yes If yes, attach a copy of your inspection certificate. Call Justin Frazier at 417-256-7078 for an inspection, or for more information.

Worker's Compensation Coverage - If you are a Contractor in the construction industry, with one or more employees, other than yourself, you are required by State Statutes RSMo 287.061 to provide a certificate of insurance for Worker's Compensation coverage. If you do not employ any employees, other than yourself you may qualify for an Affidavit of Exemption for Workers' Compensation Insurance pursuant to RSMo 287.061. This form is available at City Hall, and requires signature of the applicant attesting that the contractor is exempt.

Is a Certificate of Insurance required? [] No If No, please attach a signed Affidavit. [] Yes If Yes, please attach a current Certificate.

I declare, under penalty of perjury, that this application has been examined by me, and that the statements made herein are in good faith pursuant to the City of West Plains tax regulations and, to the best of my knowledge and belief, are true, correct, and complete.

Signature of Applicant: _____ Date: _____

Printed Name: _____

Please include a copy of Photo ID : State Driver License # _____

Social Security #: Last 4 Only _____, Date Of Birth: _____

Please return this application, along with your remittance of the appropriate Business Fee(s) payable to the City of West Plains. Please see a current fee schedule on the back of this page.

PROCEDURE FOR PETITION TO VACATE

REVISED SEPTEMBER 9, 2004

Deadline	Description	Cost
Citizen – By 20 th of the Month Prior	Petition for Vacate signed by all property owners. Adjoining the part to be vacated. Include a legal description and aerial map from the Assessor’s office indicating area to be annexed	Legal description (By private Surveyor if required)
City	Send a copy of the legal notice to the Assessor’s office to verify the legal description (See note #1 below.)	None
City – 7 days prior to Planning Commission	Publish legal notice in the Quill	Actual cost of legal description.
1 st Thursday after 2 nd Wednesday	Planning Commission Public Hearing and Meeting for recommendation to council. Citizen should be present to answer questions.	None
3 rd Monday of same month	Council Meeting – 1 st and 2 nd Reading of Ordinance. Citizen should be present to answer questions.	None
City – Same week	Send Ordinance to Recorder’s office	Recording Fee
City – Same week	Send copy of Ordinance to Citizen	None

Note: Copies of deeds are available at the Assessor’s office if needed. Depending on area to be annexed, a certified legal survey might be required. Assessor’s office will plot area to be annexed from property owner’s legal descriptions to be submitted with an annexation petition form.

PETITION TO VACATE

TO THE PLANNING COMMISSION OF AND CITY COUNCIL
OF WEST PLAINS, MISSOURI

I hereby petition to vacate certain portions of street located as follows (include street name and boundaries):

Two horizontal lines for providing street name and boundaries.

Petitioners state that they are the owners of all the property adjacent to the said portions of _____ Street / Alley (Choose One) to be vacated; that said portions of the street are:

- 1. _____ Not now and have never been used as such by the public, and that the property rights of others in the adjacent areas are not affected in the vacating and closing of said portions of the street.
2. _____ In out opinion are not needed by the public, and that the property rights of others in the adjacent areas are not affected in the vacating and closing of said portions of the street.

WHEREFORE, Petitioners pray that the City Council of West Plains by its Ordinance vacate and close the above described portions of said street. We understand that we will be responsible for all legal costs involved in this vacation.

Table with 2 columns: Name, Address. Three rows of blank lines for signature and address.

Dated: _____

On this ____ day of _____, _____, before me personally appeared

Three horizontal lines for the signature of the notary public.

To me personally known who being by me first sworn, did say they are the owners of all adjacent property described herein. In witness whereof, I have hereunto set my hand and affixed my official seal on the date first above written.

My commission expires on the ____ day of _____, _____.

Notary Public

APPLICATION FOR LIQUOR LICENSE
CITY OF WEST PLAINS, MISSOURI

A state liquor license will also be required:
Missouri Division of Alcohol Control
State Office Building, Room 536
149 Park Central Square
Springfield, MO 65806-1368
You will also need a City Business License.

I, _____, DBA _____
hereby apply to the City Council of the City of West Plains, Missouri, County of Howell, for the
following type of liquor license:

- Liquor by Drink Tavern Beer & Wine 5%
 Distributor Resort/Sunday Sales Original Package

at the following address _____, West Plains, Missouri.

I understand that if any of the statements or answers made herein are untrue, the license applied
for may be revoked or refused. Sunday Sales? YES NO

1. I am, and will continue to be throughout the term for which this license is sought, the OWNER
or MANAGER of the business for which this license is sought.
My residential address is: _____
2. How long, immediately preceding this application, have you lived there? _____
3. Where was your place of birth? _____
4. Give the date of your birth: _____
5. Are you a citizen? Native Naturalized
6. If naturalized citizen, give location and court: _____
7. Are you a legal voter of the State of Missouri? _____
8. How long have you lived in the State of Missouri? _____
9. How long have you lived in the City? _____
10. Do you pay taxes in this County and City? _____
11. Have you ever been denied a liquor license? _____
If yes, give details:

12. Have you ever been arrested and convicted for anything relating to intoxicating liquor, drugs,
gambling, immorality, fighting or peace disturbance? _____
13. Have you ever been convicted of the violation of an City Ordinance relating to intoxicating liquor,
drugs, gambling, immorality, fighting or peace disturbance?
If yes, give details:

14. I hereby give my consent to a criminal background check to verify the above information.

Signature: _____

Application Date: _____

Date Approved by Council: _____

By: _____
Mayor Jack Pahlmann



Certification Application

City of West Plains, Missouri

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Company Name: _____

Phone: _____

Description of Business:

Please select the most appropriate category that best describes the nature of your business: Plumber Electrical
 HVAC

Worker’s Compensation Coverage – If you are a Contractor in the construction industry, with one or more employees, other than yourself, you are required by State Statutes RSMo 287.061 to provide a certificate of Insurance for Worker’s Compensation coverage. If you do not employ any employees, other than yourself, you may qualify for an *Affidavit of Exemption for Worker’s Compensation Insurance pursuant to RSMo 287.061*. This form is available at City Hall, and requires signature of the applicant attesting that the contractor is exempt.

Is a Certificate of Insurance required?
 Yes If yes, please attach a current certificate.
 No If No, please attach a signed Affidavit.

I declare, under penalty of perjury, that this application has been examined by me, and that the statements made herein are in good faith pursuant to the City of West Plains tax regulations and, to the best of my knowledge and belief, are true, correct, and complete.

Signature of Applicant: _____ Date: _____

Printed Name: _____

Please include a copy of Photo ID: State Driver License No.: _____

Social Security No. Last 4 Only: _____ Date of Birth: _____

Please return this application, along with your remittance of the appropriate Business Fee(s) payable to the **City of West Plains**.

Signature: Mallory Snodgras, City Clerk



AFFIDAVIT OF EXEMPTION FOR WORKERS' COMPENSATION INSURANCE PURSUANT TO § 287.061, RSMo

Before me, the undersigned authority, personally appeared _____
Name of Affiant

who, being duly sworn on this oath states as follows:

1. My name is _____. I am of legal age and sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated. I understand that by submitting this affidavit to the city or county for an occupational or business license as a contractor in the construction industry, I am stating that my business is exempt from carrying workers' compensation insurance coverage.

2. I am the sole proprietor, owner or partner of _____,
Name of Business
a business engaged in construction industry that is not required to purchase workers' compensation insurance coverage for the following reason:

(Check One)

- I am a sole proprietor and have no "employees" as defined under the law, see page 2.
I am a partner in a partnership with no "employees" as defined under the law, see page 2.
I have filed a Notice of Employer's Exemption with the Missouri Division of Workers' Compensation (Division) for _____ to be withdrawn from
Name of Corporation

coverage because there are no more than two owners of the corporation who are also the only employees of the corporation. A copy of the acknowledgement letter from the Division dated _____ is enclosed.
Date

Further, I have not filed a notice to withdraw this exemption for my corporation with the Division and my corporation has no other workers' compensation insurance coverage.

- 3. I have read and reviewed the concept of "statutory employment" explained on pages 2-3. My business operation is not being carried out by persons who may be regarded as statutory employees.
4. I understand that providing fraudulent information on this affidavit is unlawful under §§287.128, 287.061(3), 570.090, 575.040, 575.050, and/or 575.060, RSMo, and may be either a misdemeanor or a felony, punishable by imprisonment and fine, as indicated on page 3.

Affiant Date

STATE OF MISSOURI)
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 20 _____

My Commission Expires: _____

Notary Public (SEAL)

Affidavit of Exemption for Workers' Compensation Insurance Applicable Statutory Provisions and Guidelines to be followed

The Division has developed the "Affidavit of Exemption for Workers' Compensation Insurance Pursuant to §287.061, RSMo" that is required to be filed by a contractor in the construction industry when he/she applies for an occupational or business license in any city or county only if the contractor does not have proof of workers' compensation insurance coverage. If a contractor fails to comply with the requirements relating to providing proof of coverage or completing the "Affidavit of Exemption" form, he/she shall be denied the business license until the contractor obtains a certificate of insurance. If the contractor submits the "Affidavit of Exemption" form to obtain the business license he/she should familiarize himself/herself with the following key statutory provisions. Those who are unsure as to whether they may lawfully submit such affidavit should seek competent legal advice.

Every employer who is subject to the requirements of chapter 287, RSMo must insure its workers' compensation liability with an insurance company authorized to insure such liabilities in the state of Missouri by the Missouri Department of Insurance, Financial Institutions, and Professional Registration or meet the Division's requirements to be self-insured. If an employer fails to obtain the insurance coverage he/she may be held liable to an injured employee for all of the benefits under the Law in either a civil law suit or in an administrative proceeding before the Division.

Employee: §287.020, RSMo: The definition of "employee" includes both full- and part-time employees, and includes every person in the service of an employer under any contract of hire, express or implied, oral or written, or under any appointment or election, including executive officers of a corporation. It includes minors, whether or not they are employed in violation of the law, and family members. It may include volunteer workers who do not receive any income or compensation unless the exception noted below applies.

Please Note: As an exception, the workers' compensation law does not apply to volunteers if:

- The entity is a tax-exempt organization which operates under the standards of section 501(c)(3) or 501(c)(19) of the federal Internal Revenue Code;
- The volunteers are not paid wages; and
- The volunteers provide services purely on a charitable and voluntary basis.

All three requirements must be met in order for a volunteer worker not to be classified as an employee under §287.020, RSMo.

Employer: §287.030, RSMo, which defines "employer," includes a very broad category and states that every employer who has five or more employees must carry workers' compensation insurance with one exception for construction industry employers who erect, alter, demolish or repair improvements who must purchase workers' compensation insurance if they have one or more employees.

Sole Proprietor and Partner: §287.035, RSMo, provides that natural persons who are sole proprietors or partners are employers and are not required to purchase workers' compensation insurance on themselves but they may voluntarily choose to do so. Further, close relatives by blood or marriage of sole proprietors or partners may be withdrawn from coverage but, under §287.030, these relatives are still considered to be "countable" employees. Note that these provisions do not apply if the business is a corporation or a Limited Liability Company [LLC].

Corporate Exemption (Two Owners/Employees): §287.090.5, RSMo. A corporation may withdraw from the provisions of this chapter, when there are no more than two owners of the corporation who are also the only employees of the corporation, by filing with the Division a notice of election to be withdrawn. The election shall take effect and continue from the date of filing with the Division by the corporation of the notice of withdrawal from liability under this chapter. Any corporation making such an election may withdraw its election by filing with the Division a notice to withdraw the election, which shall take effect thirty days after the date of the filing or at such later date as may be specified in the notice of withdrawal.

"S" Corporations: Effective January 1, 2018, a shareholder in an "S" Corporation (as defined by Section 143.471.1, RSMo) who owns at least 40% of the outstanding stock in that corporation may individually reject workers' compensation insurance coverage for himself or herself by giving written notice of such rejection to the corporation and its workers' compensation insurer. See, Section 287.037.2, RSMo, as amended in 2017. However, there have been no changes in the law as to which employees are "countable" and which businesses are required to carry workers' compensation insurance coverage. So, if the "S" Corporation operates in the construction industry (it erects, demolishes, alters or repairs improvements), there still must be a workers' compensation insurance policy in force on the corporation itself and on any of its employees who are not eligible to reject individual coverage on themselves - unless the corporation has no more than two owners who are also the corporation's only employees and it has notified the Division of Workers' Compensation that it has withdrawn from the provisions of the Missouri Workers' Compensation Law, as allowed by Section 287.090.5 RSMo. Likewise, an "S" Corporation operating in any industry other than construction that has at least five or more employees still must have a workers' compensation insurance policy in force on the corporation itself and on any of its employees who are not eligible to reject individual coverage on themselves. See, Sections 287.030.1(3), RSMo.

Statutory Employer: §287.040, RSMo, provides that certain independent contractors may be considered to be “employees” of the person who hired them for workers’ compensation purposes, under the legal principle known as “statutory employment.” Missouri Law does not define “independent contractor.” Missouri courts use three factors to determine when a statutory employment relationship exists: (1) the work is performed pursuant to a contract; (2) the injury occurs on or about the premises of the statutory employer; and (3) the work is in the usual course of the statutory employer’s business. An employer cannot avoid its workers’ compensation liability by hiring independent contractors to perform jobs that would otherwise be performed by its employees. A contract need not be in writing. The Missouri courts have ruled that the “employer’s premises” can include a location where the employer is carrying on its business temporarily. As a construction industry employer you may be held responsible to pay workers’ compensation benefits to an independent contractor or uninsured subcontractor or their employees. The immediate contractor or subcontractor is liable as an employer of the employees of the subcontractor. The liability of the immediate employer is primary and that of the others is secondary and any compensation benefits that are paid by those who are secondarily liable may be recovered from those primarily liable.

Please Note: A general contractor can require subcontractors to carry workers’ compensation insurance. Generally, the Law says that the general contractor is liable for any injuries sustained by uninsured subcontractors or their uninsured employees (§287.040, RSMo). Because of this, the general contractor’s insurer will charge an additional premium if the subcontractor cannot provide proof of coverage, even if the subcontractor has no employees. If the general contractor says he/she will not hire the subcontractor unless he/she has a policy and insures himself/herself, the subcontractor would need to buy a policy covering their business or himself/herself or work for a general contractor who does not make this a requirement.

Criminal Penalties: §287.128, RSMo makes it unlawful for any person to knowingly make or cause to be made any false or fraudulent material statement or material representation for the purpose of obtaining or denying any benefit. This is considered a class E felony punishable by fine up to \$10,000 or double the value of the fraud whichever is greater. A subsequent violation is a class D felony.

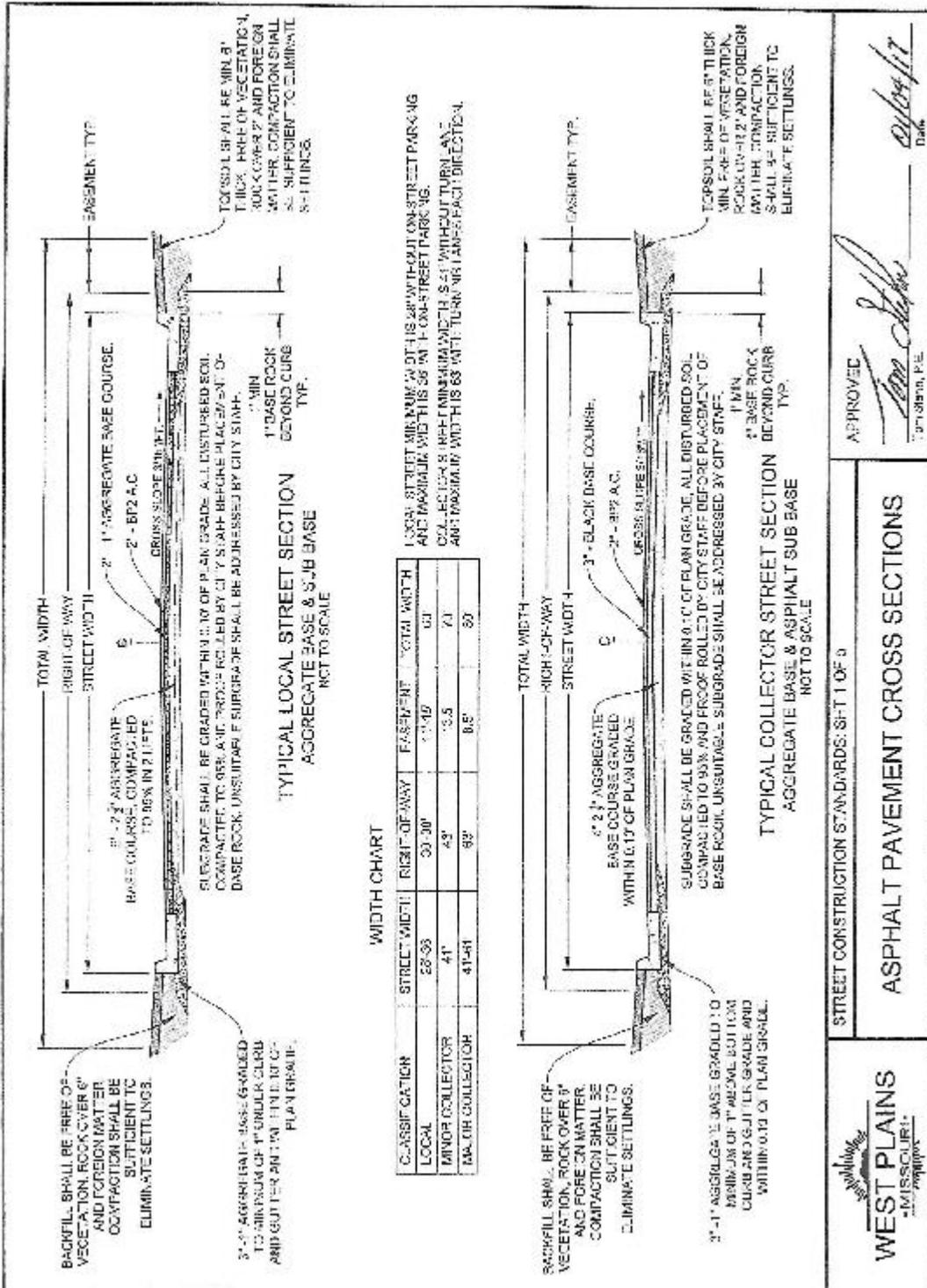
Any person who knowingly misrepresents any fact in order to obtain workers' compensation insurance at less than the proper rate for that insurance shall be guilty of a class A misdemeanor. A subsequent violation is a class E felony. Any employer who knowingly fails to insure his liability pursuant to this chapter shall be guilty of a class A misdemeanor and, in addition, is liable to the state of Missouri for a penalty in an amount up to three times the annual premium the employer would have paid had such employer been insured or up to \$50,000, whichever amount is greater. A subsequent violation is a class E felony.

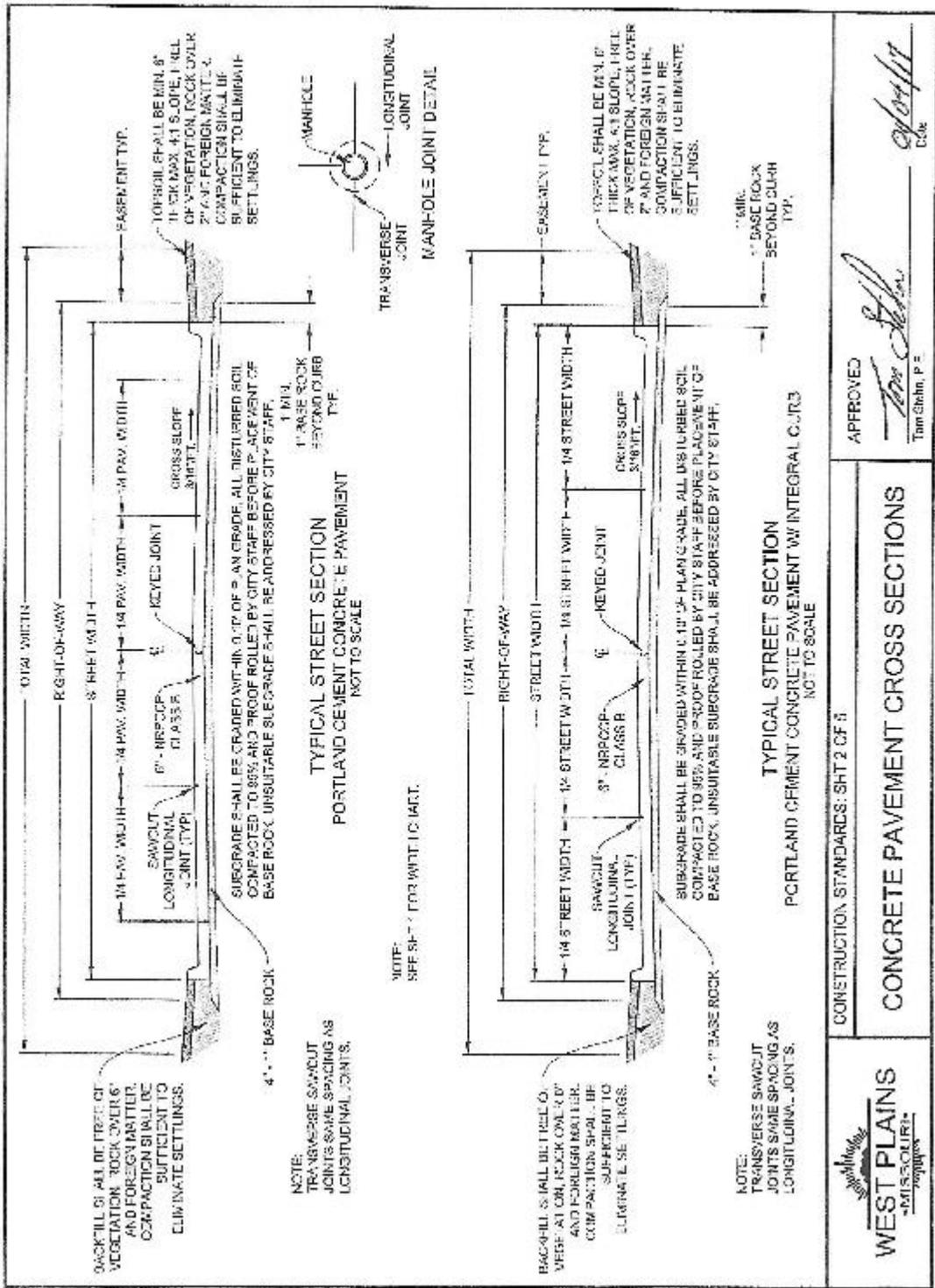
Further, providing false information with the intent to deceive also can constitute a felony under §§570.090 (Forgery) and 575.040 (Perjury), and a misdemeanor under §§575.050 (False Affidavit) and 575.060 (False Declaration).

Missouri Division of Workers’ Compensation is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

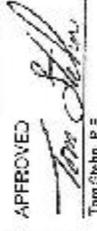
TDD/TTY: 800-735-2966 Relay Missouri: 711

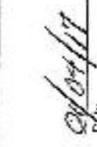
STREET STANDARDS



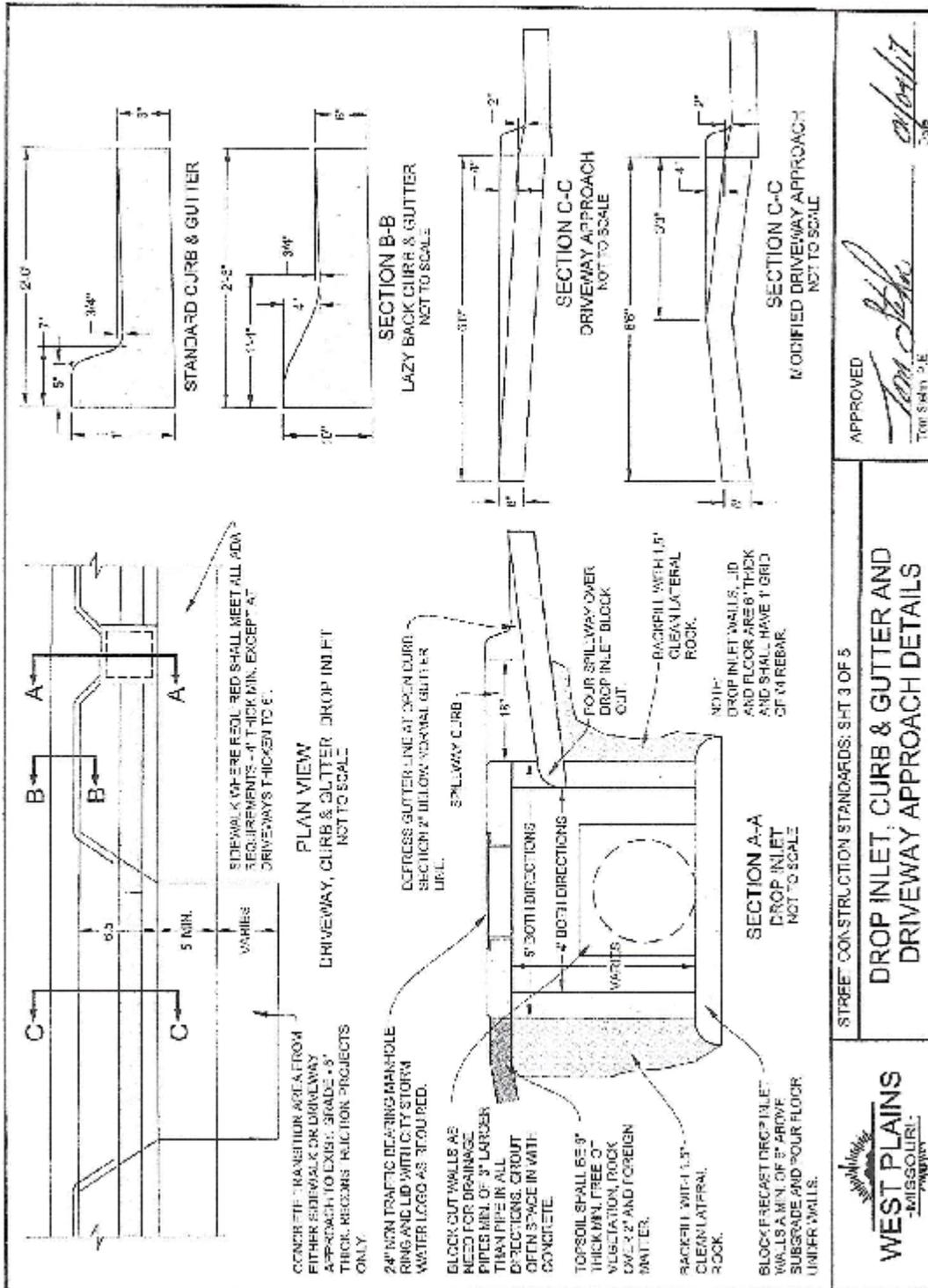



WEST PLAINS
 CONSTRUCTION SERVICES

APPROVED

 Tom Shinn, P.E.

APPROVED

 C. Cole

CONSTRUCTION STANDARDS: SHT 2 OF 5
CONCRETE PAVEMENT CROSS SECTIONS



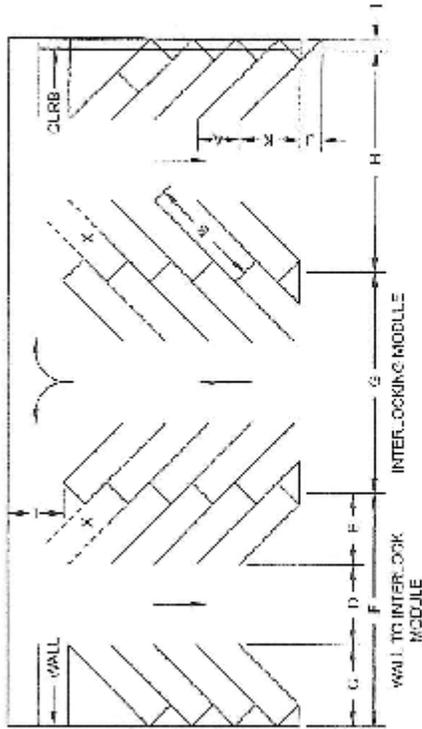
APPROVED
Tom Schick
 Tom Schick, P.E.

Calbrit
 206

STREET CONSTRUCTION STANDARDS: SHT 3 OF 5

DROP INLET, CURB & GUTTER AND DRIVEWAY APPROACH DETAILS

WEST PLAINS
 MISSOURI
 CITY ENGINEERING DEPARTMENT



X = STALL NOT ACCESSIBLE IN CERTAIN LAYOUTS

PARKING LAYOUT DIMENSIONS (in feet) FOR 30°, 45° & 60° AT VARIOUS ANGLES

DIMENSION	ON DIMENSION				
	30°	45°	60°	75°	90°
STALL WIDTH PARALLEL TO AISLE	9.0	8.3	10.4	12.7	18.0
STALL LENGTH TO LINE	10.5	20.0	22.0	25.0	36.1
STALL DEPTH TO WALL	10.5	16.5	19.0	17.5	17.1
aisle WIDTH BETWEEN STALL LINES	26.0	23.0	13.3	12.0	11.0
STALL DEPTH INTERLOCK MODULE WALL TO INTERLOCK MODULE INTERLOCKING	8.0	11.3	17.3	15.3	13.2
MODULE INTERLOCK TO CURB FACE	5.0	6.3	32.5	46.5	40.3
NUMBER OVERHANG (TYPICAL)	20.5	24.8	30.2	42.8	38.8
CUT-SLOT	2.5	2.5	2.3	2.0	1.5
SE-TRACK	0.0	0.5	2.7	3.5	3.5
CROSS AISLE, ONE-WAY	3.8	5.3	4.3	3.0	6.0
CROSS AISLE, TWO-WAY	14.0	14.0	14.0	14.0	14.0
	24.0	24.0	24.0	24.0	24.0

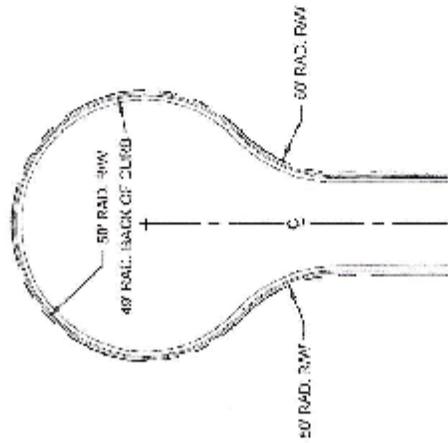
SHEET CONSTRUCTION STANDARDS: SHEET 4 OF 5

WEST PLAINS
-MISSOURI-

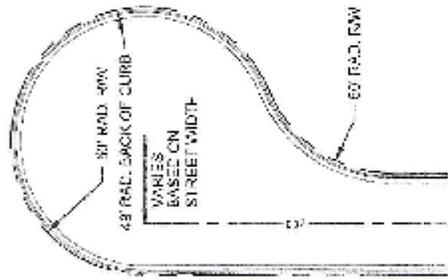
PARKING LAYOUT

APPROVED
Tom Skiba
Tom Skiba, P.E.

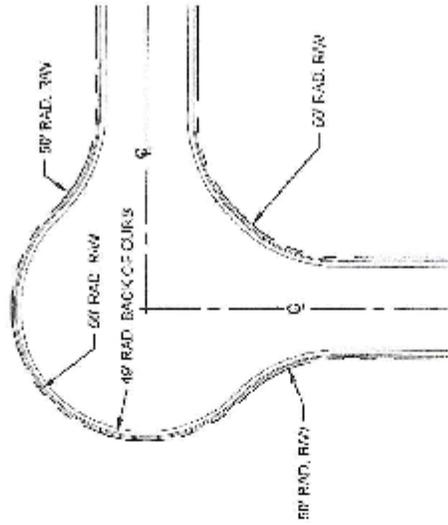
Carroll
Carroll



CENTERED
NOT TO SCALE



OFFSET LEFT OR RIGHT
NOT TO SCALE



ELBOW
NOT TO SCALE

NOTE:
MAXIMUM LENGTH TO INTERSECTION
IS 800'



STREET CONSTRUCTION STANDARDS: SHEET 5 OF 5
CUL-DE-SAC DESIGN

APPROVED: *Tom Stoltz*
Tom Stoltz, P.E.
10/1/2017