

TITLE IV. LAND USE

CHAPTER 400: PLANNING AND ZONING COMMISSION

SECTION 400.010: DEFINITIONS

For the purpose of this Chapter the following terms mean or include:

BOARD OF ALDERMEN: The Chief Legislative Body of the City of Seligman, Missouri.

STREETS: Any public ways.

SUBDIVISION: The division of a parcel of land into two (2) or more lots, or other divisions of land; it includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

SECTION 400.020: CITY PLAN

The Board of Aldermen of the City of Seligman, Missouri, shall adopt, amend and carry out a City Plan, and appoint a Planning Commission with the powers and duties herein set forth.

SECTION 400.030: PLANNING AND ZONING COMMISSION—COMPOSITION

The Planning and Zoning Commission of the City of Seligman, Missouri, shall consist of not more than fifteen nor less than seven members, including the Mayor, if he so chooses to be, and a member of the Board of Aldermen selected by the Board annually at its first organizational meeting, and thirteen (13) individuals who may live inside or outside the City of Seligman appointed by the Mayor with the approval of the Board of Aldermen. All members of the Commission shall serve without compensation. The term of each of the members shall be four (4) years, except that the terms of the members first appointed shall be for varying periods, so that the succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board may remove any member for cause stated in writing, and after a public hearing.

SECTION 400.040: COMMISSION TO ELECT ITS OFFICERS

The Commission shall elect a Chairman and Secretary from among the citizen members. The term of Chairman and Secretary shall be for one (1) year, with eligibility for re-election. The Commission shall hold regular meetings and special meetings as they provide by rule, and shall adopt rules for the transaction of business, and keep a record of its proceedings. These records shall be public records. The Commission shall appoint the employees and staff necessary for its work, and may contract with City Planners and other professional persons for the services that it requires. The expenditures of the Commission, exclusive of grants and gifts, shall be within the amounts appropriated for the purpose by the Board.

SECTION 400.050: COMMISSION TO MAKE AND ADOPT CITY PLAN

The Commission shall make and adopt a City Plan for the physical development of the City of Seligman, Missouri. The City Plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Commission's recommendations for the physical development and uses of land, and may include, among other things, the general location, character and extent of streets and other public ways, grounds, places and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, the acceptance, widening, removal, extension, relocation,

narrowing, vacation, abandonment or change of use of any of the foregoing; the general character, extent and layout of the re-planning of blighted districts and slum areas. The Commission shall also prepare a Zoning Plan for the regulation of the height, area, bulk, location and use of private, non-profit and public structures and premises, and of population density.

SECTION 400.060: SCOPE OF CITY PLAN

In the preparation of the City Plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the City. The plan shall be made with the purpose of guiding and accomplishing a coordinated development of the City which will, in accordance with existing and future needs, best promote the general welfare, as well as efficiency and economy in the process of development.

SECTION 400.070: PROCEDURE AS TO ADOPTION OF PLAN

The Commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole City Plan progresses, may from time to time adopt a part or parts thereof, any part to correspond generally with one (1) or more of the functional subdivisions of the subject matter of the plan. Before the adoption, amendment or extension of the plan or portion thereof, the Commission shall hold at least one (1) public hearing thereon. Fifteen (15) days, notice of the time and place of such hearing shall be published in at least one (1) newspaper having general circulation within the City of Seligman, Missouri. The hearing may be adjourned from time to time. The adoption of the plan requires a majority vote of the full membership of the Planning and Zoning Commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Commission to form the whole or part of the plan and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the Secretary of the Commission, and filed in the office of the Commission, identified properly by file number, and a copy of the plan or part thereof shall be certified to the Board and the Municipal Clerk, and a copy shall be available in the office of the County Recorder of Deeds and shall be available at the Municipal Clerk's office for public inspection during normal office hours.

SECTION 400.080: POWER OF COMMISSION

All public officials shall, upon request, furnish to the Commission within a reasonable time, all available information it requires for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land to make examinations and surveys. In general, the Commission shall have the power necessary to enable it to perform its functions and promote municipal planning.

SECTION 400.085: MINIMUM REQUIREMENTS FOR SUBDIVISIONS – SEWER, WATER & STREETS MINIMUM REQUIREMENTS FOR SUBDIVISIONS – SEWER

- Developers must employ a qualified engineer to draw a plat of the proposed subdivision, with elevations for sewer lines and ground water drainage.
- Developers must fill out the Missouri Department of Natural Resources (DNR) application for sewer extensions. Applications must be approved by DNR in Springfield, Missouri and all fees must be paid by the developer.
- Developers must fill out the Missouri DNR application for water extension. Applications must be approved by DNR in Jefferson City, Missouri and all fees must be paid by the developer.
- Developers must comply with the set back requirements and lot size requirements as stated in the Seligman Municipal Code.

- All sewer line extensions:
 - Must use 8" pipe.
 - Must be deep enough to flow from basement.
 - Must be a least 30" deep to prevent freezing and to stand up to surface loads such as traffic. Must have a manhole every 400 feet.
 - Must have a manhole at the end of all gravity sewers.
 - Must have a manhole at all change of directions.
 - Must have a manhole at all changes in grade, slope, alignment and pipe sizes.
- All manholes must have a minimum inside diameter of 48" for the barrel and 22" for the lid cover.
- Each residence must have a clean out.
- Lift Stations: For service an individual pump can be used to pump water from the house to higher elevation, so it can travel by gravity. The City will not maintain or replace these individual pumps.
- Slope 2% 1/4 inch per foot - Minimum velocity 2' per second - Maximum velocity 10' per second.
- Protecting water from sewer:
 - Water and sewer lines must be 10 feet apart. If this is impossible, water line must be 18" above the sewer line.
 - At no time should a waterline go next to or through a manhole.
 - In case the waterline is below the sewer line, the sewer line must be cased 1 O' each side of any joint.
 - Sewer lines cannot be any closer than 50 feet to a well.
- Must comply with any and all other DNR requirements.

MINIMUM REQUIREMENTS FOR SUBDIVISIONS – WATER

- All main water lines must be 6 inch. This is a DNR requirement even if you tie into a smaller line.
- All developments must have a fire plug for every 1000 feet of road.
- Must comply with any and all other DNR requirements.

MINIMUM REQUIREMENTS FOR SUBDIVISIONS – STREETS

- A road built in a new subdivision that dead ends and is not over 1320 feet in length or has 20 tracts or less, must have a paved road of not less than 18 feet and have a 40 foot cul de sac. It must have 95% compaction before paving begins. See City Hall for a list of approved labs. Contractor must pay for the labs.
 - A minimum of 4 inches of hot mix or double chip and seal.
 - A minimum of 5 inches of concrete, 4000 psi mix all cement, maximum slump 3" plus or minus one.
 - Must have a ten foot utility easement on each side of the road.
 - Must have adequate drainage, using culverts to adequately handle storm water. Driveways must have 15" culverts, 22 feet long.
- A road that is built in a new subdivision that intersects with existing City streets and is not a dead end must have 20 foot of blacktop or double chip and seal and have 95% compaction before paving begins.

- Must have a ten foot utility easement on each side of the road. Must have adequate drainage for storm water.
- Driveways must have 15" culverts, 22 feet long.

In certain instances, such as at the top of a hill, driveway culverts can be smaller. A variance can be given by the road inspector.

SECTION 400.090: SUBMISSION OF PLAN—APPROVAL OR DISAPPROVAL

Whenever the Commission adopts the Plan of the City of Seligman, Missouri, or any department thereof, no street or other public facilities, or no public utility whether publicly or privately owned, and, the location, extent and character thereof having been included in the recommendations and proposals of the plan or portions thereof, shall be constructed or authorized in the City until the location, extent and character thereof has been submitted to and approved by the Planning Commission. In case of disapproval, the Commission shall communicate its reasons to the Board of Aldermen, and the Board, by vote of not less than two-thirds ($\frac{2}{3}$) of its entire membership, may overrule the disapproval and, upon the overruling, the Board of Aldermen may proceed, except that if the public facility or utility is one the authorization or financing of which does not fall within the province of the Board, then the submission to the Planning Commission shall be by the Board having jurisdiction, and the Planning Commission's disapproval may be overruled by that Board by a vote of not less than two-thirds ($\frac{2}{3}$) of its entire membership. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, sale or lease of any street or other public facility is subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the Commission to act within sixty (60) days after the date of official submission to it shall be deemed approval.

SECTION 400.100: COMMISSION TO PERFORM FUNCTIONS OF ZONING COMMISSION

The Commission shall have and perform all of the functions of the Zoning Commission provided for in Chapter 89, RSMo, and shall have and perform all of the functions of a Planning Commission as outlined in said Chapter.

SECTION 400.110: MAJOR STREET PLAN

After the Planning and Zoning Commission of the City of Seligman, Missouri, adopts a City Plan which includes at least a major street plan or progresses in its City planning to the making and adoption of a Major Street Plan, and files a certified copy of the Major Street Plan in the office of the Recorder of Deeds of Barry County, then no plat of a subdivision of land lying within the City shall be filed or recorded until it has been submitted to and a report and recommendation thereon made by the Commission to the Board of Aldermen, and the Board has approved the plat as provided by law.

SECTION 400.120: PUBLIC HEARING—WHEN

Before adoption of any Subdivision Regulations, or any amendment thereof by the Board of Aldermen, a duly advertised public hearing thereof may be held by the Board.

SECTION 400.130: APPROVAL OR DISAPPROVAL OF PLAT

Within sixty (60) days after submission of a subdivision plat to the Commission, the Commission shall approve or disapprove the plat; otherwise the plat is deemed approved by the Commission, except that

the Commission, with the consent of the applicant for the approval, may extend the sixty (60) day period. The ground of disapproval of any plat by the Commission shall be made a matter of record.

SECTION 400.140: APPROVAL OF PLAT NOT TO CONSTITUTE ACCEPTANCE

The approval of a plat by the Commission does not constitute or affect an acceptance by the City or public of the dedication to public use of any street or other ground shown upon the plat.

SECTION 400.150: TRANSFER OF PROPERTY—ILLEGAL, WHEN

No owner or agent of the owner of any land located within the platting jurisdiction of the City of Seligman, Missouri, knowingly or with intent to defraud, may transfer, sell, agree to sell or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Board or Planning Commission, and recorded in the office of the Barry County Recorder. Any person violating the provisions of this Section shall forfeit and pay to the City a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. Said penalty shall be set by the Board of Aldermen. The City of Seligman, Missouri, may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.

SECTION 400.160: ACCEPTANCE OF STREETS

Upon adoption of a Major Street Plan and Subdivision Regulations, the City of Seligman, Missouri, shall not accept, lay out, open, improve, grade, pave or light any street, lay or authorize the laying of water mains, sewers, connections or other utilities in any street within the City unless the street has received the legal status of a public street prior to the adoption of a City Plan; or unless the street corresponds in its location and lines with a street shown on a subdivision plat approved by the Board or the Planning Commission, or on a street plan made by and adopted by the Commission. The Board may locate and construct or may accept any other street if the ordinance or other measure for the location and construction or for the acceptance is first submitted to the Commission for its approval, and approved by the Commission or, if disapproved by the Commission, is passed by the affirmative vote of not less than two-thirds ($\frac{2}{3}$) of the entire membership of the Board of Aldermen.

SECTION 400.170: BUILDING PERMIT NOT TO BE ISSUED UNTIL STREETS ACCEPTED

After the adoption of a Major Street Plan, no building permit shall be issued for and no building shall be erected on any lot within the territorial jurisdiction of the Commission unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements above-described.

SECTION 400.180: BOARD TO REGULATE BUILDING—HOW

Whenever a plan for major streets has been adopted, the Board of Aldermen upon recommendation of the Planning Commission is authorized and empowered to establish, regulate and limit and amend, by ordinance, building or setback lines on major streets, and to prohibit any new building being located within building or setback lines. When a plan for proposed major streets or other public improvements has been adopted, the Board may prohibit any new building being located within the proposed site or right-of-way when the center line of the proposed street or the limits of the proposed sites have been carefully determined and are accurately delineated on maps approved by the Planning Commission and adopted by the Board.

SECTION 400.190: PENALTIES

Any person violating the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by confinement in the County Jail for not more than one (1) year, or by both such fine and confinement.