

SUBDIVISION REGULATIONS



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ACKNOWLEDGEMENTS

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City of D'Iberville, Mississippi

AN ORDINANCE REQUIRING THE FILING OF PLATS AND DATA OF SUBDIVISIONS IN D'IBERVILLE, HARRISON COUNTY, MISSISSIPPI, SPECIFYING REQUIREMENTS AS TO PROCEDURES, DESIGN STANDARDS, REQUIRED IMPROVEMENTS, PLATS AND DATA NECESSARY FOR APPROVAL OF SUCH SUBDIVISIONS BY THE CITY OF D'IBERVILLE; PROVIDING FOR VARIANCES; REQUIRING ENFORCEMENT BY THE CITY OF D'IBERVILLE; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF D'IBERVILLE, MISSISSIPPI, THIS THE 21ST DAY OF DECEMBER 2010.

ARTICLE I – TITLE AND PURPOSE

100 - Necessity for Land Subdivision Regulations

100.1 In order to promote the health, safety, convenience, and general welfare of the inhabitants of D'Iberville, and to assist in bringing about the coordinated, efficient, and economical development of the city, there exists a need for the following regulations and minimum standards to be followed in the development or redevelopment of land subdivision in D'Iberville, Mississippi.

101 - Authority for Regulations

101.1 The provisions of the ordinance are adopted pursuant to the authority set forth in Title 17 of the General Laws of the State of Mississippi, Chapter 1, Section 17-1-1 through 17-1-27 inclusive of the Mississippi Code of 1972 annotated.

102 - Title

102.1 These regulations shall be known as the "Official Subdivision Regulations of D'Iberville, Mississippi" and may be so cited.

103 – Purpose

103.1 These regulations have as their purpose the attainment of objectives set forth in Section 100 of Article I through the application of procedures, standards, and requirements herein established. Specifically, these regulations are:

- a. To establish procedures governing the filing and approval of land subdivision plats and data in D'Iberville.
- b. To establish minimum standards governing streets, utilities, and other required improvements.
- c. To establish minimum standards governing the preparation and filing of land subdivision plats and data to be submitted to D'Iberville for approval.

- d. To insure the proper coordination of future streets and their development with existing or planned streets.
- e. To fix penalties for the violation of the provisions of these regulations.
- f. To provide that the City of D'Iberville may vary these regulations in certain cases or under certain conditions.
- g. To implement the Comprehensive Plan for the City of D'Iberville.

104 - Jurisdiction

104.1 From and after the date of adoption, these regulations shall govern all subdivisions of land within the City of D'Iberville, Mississippi, provided, however, the provisions of these regulations shall not be applicable to lands containing ten (10) or more acres and which are used presently or proposed for farming and agricultural purposes.

105 - Administration

105.1 The Building Official for the City of D'Iberville or his designated representative shall administer this ordinance, and the City of D'Iberville may employ any staff, person, persons, or consultants to assist in the administration and coordination of these regulations. Final approval of plats and other data shall be the responsibility of the D'Iberville City Council as prescribed by law.

105.2 The Building Official for the City of D'Iberville shall develop the necessary forms, applications, check lists, schedules, permits or any other document necessary for the full administration and implementation of these regulations, and said forms, applications, check lists, schedules or otherwise shall be distributed with these regulations.

105.3 In administering and enforcing the terms and provisions of these regulations the Building Official shall consult with the City Engineer regarding:

- a. The overall layout and design of subdivisions and associated infrastructure, including but not limited to streets, water and sewer systems, stormwater drainage systems;
- b. The materials proposed to be utilized in developing the subdivision and the proposed installation or construction techniques, including but not limited to streets, water and sewer systems, stormwater drainage systems;
- c. The engineering analysis and specifications offered by the developer to ensure compliance with established local, state, and federal requirements, standards, and practices in engineering and construction;
- d. The review and evaluation of detailed engineering reports or studies concerning the proposed subdivision including but not limited to soils tests, pavement design, drainage and stormwater analysis, water and sewer testing, material specifications, construction reports, or proposed design alterations;
- e. The calculation and determination of the appropriate value for performance bonds and maintenance bonds for development projects;

- f. The inspection of construction site, making recommendations regarding inspected work meeting the requirements of the approved plans, and recommendations for stop work orders; and
- g. Any other technical issue concerning the scope of these regulations wherein the expertise of the City Engineer would likely result in a more effective application of these regulations.

106 - Plat Required

106.1 These regulations and development standards shall apply to the following forms of land subdivisions:

- a. Any owner and/or owners of land lying or being situated within the City limits of D'Iberville, Mississippi who wish to divide such land into two (2) or more parcels, lots, sites, and/or other divisions; either lot consisting of less than ten (10) acres, for the purpose, whether immediate or future, of sale or development, or any party who wishes to resubdivide lands for such purpose shall be required to abide by the rules, regulations, and procedures outlined in this ordinance.
- b. The dedication, vacation or reservation of any public or private right-of-way or easement through any tract of land regardless of the area involved, including those for use by public and private utility companies.
- c. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.
- d. The division of land, previously subdivided or platted, into tracts, lots, sites or parcels, of less than ten (10) acres in area.

106.2 - Plats Exempted (RESEVERED)

106.3 - Classification of Subdivided Lands

- a. Platted Parcel -
Any building site being situated on and abutting on approved city right-of-way (whether improved or not) and intended for a use compatible with the designated use of adjacent properties shall be considered as a parcel of property; and upon compliance with the rules, regulations, and procedures herein set forth shall be identified as a parcel for platting and/or a platted parcel.
- b. Platted Subdivision
Any number of building sites but not more than ten (10) being situated on and abutting a developed public street with a total frontage of not more than eight hundred (800) feet, and intended for a use compatible with the designated use of adjacent properties shall be considered as a subdivision; and upon compliance with the rules, regulations and procedures herein set forth shall be identified as a subdivision for platting and/or as platted subdivision.
- c. Developed Subdivision
Any lands proposed for division into two or more lots or parcels for the purpose of transfer of ownership and/or the making of improvements thereto, including building thereon, intended for residential or commercial use compatible with the designated use of adjacent properties and not being situated so as to be classified as a platted parcel or as a platted subdivision, shall be considered as a subdivision of

land, and upon compliance with the rules, regulations, and procedures herein set forth shall be identified as a subdivision for development and/or as a developed subdivision.

d. Developed Tracts

Any lands upon which is to be constructed a street, court, or other means of public ingress and egress and/or public or private utilities, and not to be used for residential purposes shall be considered as a tract for development and upon compliance with the rules, regulations and procedures as set forth shall be identified as a developed tract.

106.4 Type of Development

Any development of land within the City of D'Iberville shall be classified in one of the following categories:

- a. Urban Development - Lots of less than 17,500 square feet.
- b. Non-Urban Development
 - 1. Lots between 17,500 square feet in area and 20,000 square feet.
 - 2. Lots between 20,000 square feet and three (3) acres in area.
- c. Rural Lots of more than three (3) acres.

106.5 General Classification of Subdivisions

Any division of land shall be categorized as to classification of subdivided lands (106.3) and type of development (106.4).

The purpose of the several types of plats is to simplify the platting of property where streets and utilities exist and are adequate to serve the property with no or minor construction and the approval of such plat does not conflict with the future land use plan. It is the intent of this regulation that the platted parcel will require a minimum of information thereby expediting and simplifying processing. Only that information which is readily available to the person subdividing the property and necessary for the Governing Authority to make an appropriate decision while safeguarding the public interest will be required. In most cases an accurate and clearly legible drawing of the metes and bounds survey will be sufficient.

It is understood that the Planning Commission at its discretion shall have the authority to approve for filing all platted parcels and platted subdivisions where all the terms of the subdivision regulations are met. Such action shall be ratified by the City Council at a scheduled meeting.

When, as determined by the Planning Commission or its designee, that all such terms are not met, these plats shall be referred to the Planning Commission for re-submittal. All developed Subdivisions and Developed Tracts shall be reviewed by the Planning Commission and approved by the City Council.

It is the further purpose of the several types of platting to assure that major development (Developed Subdivision) shall conform to and assist the implementation of the Future Land Use Plan.

106.6 Specific Subdivision Classification

<u>Development</u>	<u>Square footage</u>	<u>Minimum Required Improvements</u>
Urban	17,500 or less	Water system, sewerage collection and disposal system, curb and gutter, underground drainage and paved streets

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Non-Urban A	17,501 - 20,000	Water system, curb and gutter, sanitary sewer, and underground drainage and paved streets
Non-Urban B	20,001 - 3 Acres	Paved streets and culverts for driveway crossings of ditches (water and sanitary sewer subject to availability)
Rural	Greater than 3 Acres	Paved streets and culverts for driveway crossings of ditches (water and sanitary sewer subject to availability)

107 - Enforcement

107.1 The Building Official is authorized to make determinations as to whether or not said Regulations are being complied with by any subdivider and to recommend to the Planning Commission such action or actions as are necessary to enforce these Regulations. The Planning Commission and or City Council shall take such action as may be deemed necessary to enforce these Regulations including injunction or other remedial relief as be considered proper.

ARTICLE II – DEFINITIONS

200 - Definitions

200.1 For the purpose of these regulations, certain words and terms used herein are defined as follows:

1. Alley - A minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
2. As Built – A set of drawing submitted by the developer, designer, and/or contractor upon completion of a project that depicts the actual dimensions, geometry, and location of all elements of the completed construction. The drawings provide the City with a permanent record of the work completed during the project.
3. Average Daily Traffic (ADT) - A relationship of total vehicles per day that travel over a roadway.
4. Bench Mark - A definite point of known elevation and location and of more or less permanent character.
5. Block - A parcel of land, intended to be used for urban purposes, which is entirely rounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels or a combination thereof.
6. Building Line or Setback Line - A line or lines designating the area outside of which, buildings may not be erected.
7. Building Official - The administrative officer authorized by the City Council having the power and duty of enforcing and administering the provisions of the Subdivision Regulations.
8. City Clerk - The city clerk of the City of D'Iberville, Mississippi.
9. City Council - The elected governing body of the City of D'Iberville, Mississippi.
10. City Engineer - The City Engineer of the City of D'Iberville, Mississippi.
11. Civic Space - An open area dedicated for public use, typically for community gatherings. Civic Space Types are defined by the combination of certain physical constants defined by the relationship between their intended use, their size, their landscaping and their enfronting buildings.
12. Comprehensive Plan - The document entitled 20 Year Comprehensive Development Plan or any part thereof, adopted by the D'Iberville City Council.
13. Conditional - Granted or made on provisions set forth in this ordinance.
14. County - Harrison County, Mississippi.
15. Crosswalkway - A public right-of-way ten (10) feet or more in width between property lines, which provides pedestrian access to adjacent properties.

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16. Cul-de-sac - A short street having one end open to traffic and being permanently terminated within the plat by a vehicular turnaround.
17. Development - The act of installing site improvements and building structures,
18. Developer - That person, firm or corporation by whom a tract will be subdivided and improved, pursuant to the requirements of this chapter.
19. Ditches - A drainage area which has a side slope steeper than four (4) feet horizontally and one (1) foot vertically.
20. Easement - A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.
21. Engineer - Shall mean a registered professional engineer registered in the State of Mississippi.
22. Engineering Plans - The drawings on which the proposed subdivision improvements are shown and which, if approved, will be used for construction of the improvements.
23. Frontage - That edge of a lot bordering a street.
24. Health Department - The Harrison County Health Department.
25. Improvements - Street surfacing, with curb and gutter, sidewalks, water mains, sanitary sewers, storm sewers, utilities and monuments.
26. Improvement Plans - The engineering drawings showing types of materials and construction details for the physical structures and facilities, excluding dwelling units to be installed in conjunction with the development of the subdivision, if applicable.
27. Lot - A subdivision of a block or other parcel of land intended as a unit for the transfer of ownership or for building development or both, and which abuts on a public right-of-way. Lots mean tracts, sites or parcel.
28. Lot Area - The total horizontal area within the boundaries of a lot exclusive of any area designated for street purposes.
29. Lot, Corner - A lot located at the intersection of and abutting on two or more streets.
30. Lot, Double Frontage - A lot which runs through a block from street to street and which abuts two or more streets.
31. Lot, Reverse Frontage - A lot fronting on two (2) parallel streets but access to only one.
32. Lot Width - Shall mean the width of the lot at the building setback line measured parallel to the street right-of-way line.
33. Master Plan (Land Use Plan) - A composite of the mapped and written proposals recommending the physical development of the community, which shall have been adopted by the City Council. Master Plan includes the Comprehensive Plan or portions thereof.
34. Mayor and City Council - The chief legislative body of the City of D'Iberville.

35. Municipal or Municipality - The City of D'Iberville and, where appropriate to the context, that area lying within the corporate limits of such city as such corporate limits exist or may exist in the future.
36. Non- residential Subdivision - Either or both of (A) a division or redivision of a tract into more than one lot, plat, or site for commercial or industrial purposes, and (B) the dedication or establishment of a street, alley, pedestrian or public way, in conjunction with, or use in any such tract.
37. Open Space - See Civic Space.
38. Performance Guarantee - Any security which may be accepted in lieu of a requirement that certain improvements be made before the city council or any other approving body approves a final plat, including performance bonds by subdivider or improvement contractors, escrow agreements, and other similar collateral or surety agreements.
39. Plan for Circulation (Major Street Plan) - The component part of the Master Plan or Comprehensive Plan for the City of D'Iberville showing the general locations of principal thoroughfares, railways, airports, waterways, and other transportation facilities.
40. Planning Commission - Whenever the term "Planning Commission" is used in these regulations, the term shall mean the D'Iberville Planning Commission.
41. Plan For Community Facilities - The component part of the Master Plan or Comprehensive Plan for the City of D'Iberville showing the general locations of parks, recreation areas, school sites and other public buildings and community facilities.
42. Plan for the Land (Future Land Use Plan) - The component part of the Master Plan or Comprehensive Plan for the City of D'Iberville showing the areas recommended for residential, commercial, industrial and other purposes.
43. Plat, Preliminary and Final - A map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with a complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.
44. Private Subdivision – A subdivision development in which the infrastructure (roads, streets, utilities, etc.) is not dedicated to public use or public maintenance. Those developments which are commonly known as gated communities are examples of private subdivisions.
45. Public Open Spaces - Public Open Spaces means land, which may be dedicated or reserved, for acquisition for general use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, and public parking spaces.
46. Regulating Plan – This term refers to the specific plan for development of the portions of the City of D'Iberville which are governed by the SmartCode. Specifically, the Regulating Plan consists of those maps found at Appendix I-VI of the SmartCode.
47. Re-Plat - The redivision of any part or all of any block of a previously platted subdivision, addition, lot or tract.
48. Reserve Strip - The strip of land smaller than a lot retained in private ownership for the purpose of controlling access to land dedicated or intended to be dedicated to street or other public use.

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49. Resubdivision - The redivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot or tract.
50. Review Committee – The City of D'Iberville Development Review Committee or members of the professional staff or consulting professionals whose duties and responsibilities to the city may be impacted by any proposed subdivision development.
51. Right-Of-Way - A grant by the property owner, usually in the form of a dedication to the public, of a strip or strips of land to be used primarily for transportation passage over the land.
52. Roadway width or surfaced width - Roadway width or surfaced width means that portion of the street available for vehicular traffic, and, where curbs are laid, the portion between curbs.
53. Sidewalk - The portion of a street or crosswalkway, paved or otherwise surfaced, intended for pedestrian use only.
54. Sketch Plan - A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land. All adjoining landowners, easements and rights-of-way will be included.
55. Slope - The rate of deviation of the ground surface from the horizontal surface, as expressed in percentages.
56. SmartCode – The regulatory document adopted by the Mayor and City Council for the City of D'Iberville and recorded as Ordinance No. 129 on December 19, 2010, and including any subsequent amendments thereto.
57. Street - The term street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
58. Street, Arterial, And Highways - Streets and roadways which are used primarily for fast or heavy traffic and that form a part of the existing or proposed Federal Aid Highway System, the State Highway System, or the Harrison County Highway System. Limited access roads will be required with controlled access to abutting property.
59. Streets, Collector - A street which carries traffic from minor streets to the major streets in residential and business areas and include the principal entrance streets of a residential development and streets for circulation within such a development with an ADT range between 1,500 and 3,500.
60. Streets, Cul-de-Sac - A minor street with a turn-around and permanently closed to through traffic and used primarily for access to the abutting properties.
61. Streets, Frontage or Service - A minor street auxiliary to, and located on the side of a major street for service to abutting properties and adjacent areas for control of access and protection from through traffic.
62. Streets, Major - A street which provides easy access to the various traffic generators within the city or county and to the arterial highway system having an ADT over 3,500.
63. Streets, Minor - A street, which is used primarily for access to the abutting properties. Typical ADT ranges from 100 – 1,500 with peak am and pm traffic approximately 10% at ADT. Minor streets are shown as local streets in the Comprehensive Plan.
64. Subdivider - Any person, firm, partnership, corporation or other entity, acting as a unit; subdividing or proposing to subdivide land as herein defined.

65. Subdivision - The division or re-division of land into two or more lots, tracts, sites or parcels for the purpose of transfer of ownership or for development, or the dedication or vacation of a public or private right-of-way or easement.
66. Surveyor - A registered land surveyor as authorized by the State Statutes to practice the profession of surveying in the State of Mississippi.
67. Swale - A drainage area which has a side slope not steeper than four (4) feet horizontally, and one foot vertically and not used as a general drainage course.
68. Tentative Approval - The approval by the Planning Commission of the General Subdivision Plan or sketch plat as such approval is required by these regulations.
69. Terrain Classification - A. Level - grade range 0 - 8%; Rolling - grade range 8.1 to 15%.
70. Utility - A commodity or service which is of public consequence and need, such as electricity, gas, sewer, water, transportation, or telephone or telegraph service.
71. Variance - The granting of permission by the Planning Commission to use or alter land which requires a variation from the strict application of the requirements of the Subdivision Regulations. Variances are granted only if specific criteria are met. A variance may not be granted to develop land in a manner that is not permitted in the Subdivision Regulations.

NOTE: Words used in the present tense include the future tense, the singular number includes the plural number, and the plural number includes the singular number; the term "building" includes the term "structure"; the term "occupied" includes the term "designed or intended to be occupied"; the term "used" includes the term "arranged, designed or intended to be used"; the term "shall" is mandatory and not directory.

ARTICLE III – PROCEDURES

301 - Procedure for Approval of the Sketch Plat

301.1 The purpose of the sketch plat is to develop a general design on which to base the preliminary and final plat, and thus to avoid having to revise such design, and relate it to surrounding development. To this end, the subdivider should consult informally with the Building Official on preparation of the sketch plat.

301.2 The subdivider shall submit to the Planning Commission, one per Planning Commission member, scaled 24" x 36" copies of the sketch plat of the proposed subdivision, together with the attendant items required herein fourteen (14) working days prior to the Planning Commission meeting workshop (not public hearing) at which the sketch plat is to be reviewed.

301.2.1 The sketch plat shall be reviewed by the Planning Commission and forwarded to the Mayor and City Council for their review, consideration, and approval, if warranted.

301.2.2 The review shall take into consideration, in addition to the requirements set forth in these regulations, the components of the comprehensive plan, the zoning ordinance, the SmartCode, and other plans, programs, conditions and regulations that might affect the area and the design and development of the subdivision.

301.3 There shall be held in relation to all applications for sketch plat approval a public hearing before the Planning Commission at which parties in interest and citizens shall have an opportunity to be fully heard.

301.4 Notice of the proposed sketch plat application and of the time and place of hearing shall have been published in an official paper, or a paper having a general circulation in the City of D'Iberville.

301.4.1 At least fifteen (15) days shall elapse between the first publication and the date of the hearing.

301.4.2 In addition, the aforementioned hearing notice shall be mailed via first class mail to property owners located within three hundred feet (300') of the proposed subdivision.

301.5 After review of the sketch plat by the Planning Commission at the public hearing, the findings and recommendation of the Planning Commission shall be forwarded to the Mayor and City Council for their review, consideration, and approval, if warranted.

301.6 The subdivider must submit a general layout drawing of the proposed subdivision or development. The sketch plat should indicate location of the subdivision, street alignment, lot sizes, desired improvements, location of existing utilities, access roads, and drainage facilities, and should provide additional information that is deemed reasonably necessary within the scope of this ordinance by the city.

302 - Procedure for Approval of Preliminary Plat

302.1 The purpose of the preliminary plat, together with the attendant items required herein is to provide plans for the construction of the subdivision and its improvements as well as a draft of the final plat of the subdivision. To this end, during preparation of the preliminary plat, the subdivider should consult with the Building Official and with other

officials and agencies concerned with the subdivision and the improvements. The preliminary plat and construction plans shall be based upon the general design shown on the sketch plat, together with the recommended changes.

302.1.1 The Developer shall submit to the Planning Commission office at least fourteen (14) working days prior to the Planning Commission workshop (not public hearing), at which the preliminary plat is to be considered, the following items:

- a. Three (3) full-size copies of the preliminary plat;
- b. Two (2) copies of the complete construction plans and specifications;
- c. Two (2) copies of complete design calculations;
- d. Two (2) copies of the preliminary plat application forms

302.1.2 The proposed preliminary plat shall be at a scale that is legible and functional on sheets of 18 inches by 24 inches (18"x24") in size and a reduced copy of 11 inches by 17 inches (11"x17") in size. The proposed preliminary plat shall give the following information:

- a. The name of the subdivision, the name and address of the owner, and the name of the professionally qualified engineer, land surveyor, architect, landscape architect, or planner registered to practice in the State of Mississippi.
- b. The names and addresses of owners of all properties abutting the property being subdivided as they appear on the tax records.
- c. The scale, north point and date.
- d. Proposed street names, location, right-of-way widths, pavement widths, approximate grades and vertical curves of proposed streets, alleys, easements, parkways, and other open spaces, reservations, lot lines and dimensions, setback lines, lot numbers and block numbers.
- e. The location of proposed property lines and existing property lines, date of survey, natural watercourses, railroads, sewers, bridges, culverts (indicate size) drain pipes, streets, alleys or other easements on the proposed plat and on adjoining land.
- f. The plat shall have a grid on even five hundred (500) foot intervals of the State plane coordinates (transverse mercator projection) as well as any township, section and range boundaries for the area which the plat encompasses.
- g. A legal description and a boundary survey, with bearings and distances referenced to section or fractional section corners or other base lines shown on the plat and readily reproducible.
- h. Calculations sheets containing the following data:
 1. The length and radii of all curved street and lot lines and the bearings and the length of all straight street lot lines and the area in square feet of each lot.
 2. Bearings and distances referenced to sectional or fractional section lines or other base lines shown on the plat and readily reproducible on the ground.

3. Street centerline bearing and distance with centerline curve data (deflection angle, radii, degree of curvature, chord distance and bearing and length of curve).
 4. Profiles of all proposed streets showing the natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal and one (1) inch equals twenty (20) feet vertical.
 5. Also to be included are design calculations for pavements, utilities and any other improvements.
- i. Street pavements adjacent to the proposed plat, rights-of-way width and location.
 - j. The location of the proposed utility lines (sewer, gas, water, telephone, cable television and electric) indicating the size of pipes, location of manholes, valves, hydrants, transformers, junction boxes, street lights and proposed connections to the existing utility systems.
 - k. The dimensions in feet and decimals of lot area and lot frontage along any public street.
 - l. Preliminary approval of the proposed water and sewer systems in the subdivision must be given by the appropriate authorities.
 - m. Zoning ordinance lines and zones must be indicated.

302.1.3 There shall be held in relation to all applications for preliminary plat approval a public hearing before the Planning Commission at which parties in interest and citizens shall have an opportunity to be fully heard.

302.1.4 Notice of the proposed preliminary plat application and of the time and place of hearing shall be published in an official paper, or a paper having a general circulation in the City of D'Iberville at least fifteen (15) days prior to the date of the hearing. In addition, the aforementioned hearing notice shall be mailed via first class mail to property owners located within three hundred feet (300') of the proposed subdivision.

302.1.5 After review of the preliminary plat by the Planning Commission at the public hearing, the findings and recommendations of the Planning Commission shall be forwarded to the Mayor and City Council for their review, consideration, and approval, if warranted. The review by the Planning Commission, Mayor and City Council shall take into consideration, in addition to the requirements set forth in these regulations, the components of the comprehensive plan, the zoning ordinance and other plans, programs, conditions and regulations that might affect the area and the design and development of the subdivision.

303 - Procedure for Approval of Final Plat and Replat of an Existing Lot

303.1 The Final Plat shall be submitted to the Building Official twenty (20) working days prior to the City Council meeting at which time the Final Plat is to be considered. It shall conform substantially to the Preliminary Plat as approved by the Planning Commission and City Council and, if desired by the Subdivider, it may constitute only that portion of the approved Preliminary Plat which he proposed to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.

303.1.1 Four (4) copies of the Final Plat and four (4) copies of the Construction Drawings (as built), one (1) copy of the Developers' Warranty, and other exhibits required for approval shall be prepared and shall be submitted to the Building Official within two (2) years after approval of the Preliminary Plat or such Preliminary Plat approval shall lapse.

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303.1.2 The owner shall have prepared and submitted for approval to the Building Official and City Council the proof of ownership of the land embraced in such subdivision.

303.1.3 It shall be the duty of the Building Official to examine the Final Plat to be certain that all conditions set forth on the Preliminary Plat have been satisfied. Upon determining that all conditions have been satisfied, the Building Official shall recommend to the City Council the Final Plat be approved.

303.1.4 Upon approval of the Final Plat by the City Council, an endorsement of such final approval shall be made thereon by the Mayor and attested by the City Clerk indicating approval, together with the date of the Order of the Council authorizing the same, such an endorsement and attestation shall be made upon the Final Plat when it is recorded. After having been signed and acknowledged, the subdivider shall file one copy of the Final Plat with the Clerk of the Chancery Court of Harrison County, and one (1) copy with the Planning Commission, and one (1) copy with the Building Official. The subdivider shall also retain one signed and acknowledged copy.

303.1.5 The City of D'Iberville is hereby prohibited from accepting, improving, grading, paving, or lighting any street except an existing public street, a public street shown on an approved and recorded land subdivision plat, or a street legally established by the Governing Authority.

303.2 Re-Plat Approval

303.2.1 The applicant shall submit to the Planning Commission, one per Planning Commission member, scaled 18"x24" copies of the proposed re-plat of an existing lot, together with the attendant items required herein fourteen (14) working days prior to the Planning Commission workshop (not public hearing) at which the re-plat is to be reviewed.

303.2.2 There shall be held in relation to all applications for re-plat of an existing lot a public hearing before the Planning Commission at which parties in interest and citizens shall have an opportunity to be fully heard. Applications for re-plat of one (1) existing lot with a total area of one acre or less into two (2) lots which fronts a public road are excepted from the public hearing requirement of this section and shall be reviewed in accordance with the procedure set out in Section 303.2.5 herein.

303.2.3 Notice of the proposed re-plat application and of the time and place of hearing shall be published in an official paper, or a paper having a general circulation in the City of D'Iberville at least fifteen (15) days prior to the date of the hearing. In addition, the aforementioned hearing notice shall be mailed via first class mail to property owners located within three hundred feet (300') of the proposed re-plat.

303.2.4 After review of the re-plat of an existing lot by the Planning Commission at the public hearing, the findings and recommendations of the Planning Commission shall be forwarded to the Mayor and City Council for their review, consideration, and approval, if warranted. The review by the Planning Commission, Mayor and City Council shall take into consideration, in addition to the requirements set forth in these regulations, the components of the comprehensive plan, the zoning ordinance and other plans, programs, regulations and conditions that might affect the area and the design and development of the re-plat of an existing lot.

303.2.5 Re-Plat of One Existing Lot into Two which Front a Public Road. For applications seeking approval to re-plat one (1) existing lot with a total area of one acre or less into two (2) which fronts a public road, the applicant shall submit the items listed in 303.2.1 to the Building Official at least 10 working days (not legal holidays or weekends) prior to the Planning Commission meeting at which the application shall be reviewed, and proceed as follows:

- a. It shall be the duty of the Building Official to certify, if warranted, that the proposed replat meets the minimum requirements for the zoning district in which the parcel is located according to the City's Comprehensive Zoning Ordinance as well as the City's water and sewer requirements.

- b. Upon receipt of such certifications, the application shall be forwarded to the Planning Commission for review, consideration, and approval, if warranted, at the next regularly scheduled meeting (workshop or public hearing).
- c. This provision does not apply to applications seeking the re-plat of one (1) existing lot into more than two (2) lots, nor does it apply to parcels larger than one (1) acre, nor does it apply to parcels which have previously been re-platted under this section.

304 - Construction Plans and Specifications

304.1 General:

- a. Prior to the construction of any improvements, including any site work involving clearing, grading, filling, dredging, excavating or alike, the developer shall furnish two (2) complete sets of plans and specifications for said work to the city and secure a Development Permit from the Building Official for the City of D'Iberville for the proposed improvements. Failure to secure a Development Permit for proposed improvements shall be punishable in accordance with Section 331 of these regulations.
- b. The plans and specifications shall be prepared in accordance with good engineering practice and City of D'Iberville's design standards. The submittal shall also contain applications for approvals of the State Board of Health, Bureau of Pollution Control, Harrison County Wastewater District, and other appropriate agencies.
- c. City staff may undertake a review of the documents concurrently with the other agencies review, if requested. Upon approval of the plans and specifications, the City shall issue a Development Permit for construction of improvements, if required.
- d. The Building Official shall be notified prior to the beginning of construction, so that the Building Official may inspect any work, as deemed appropriate.
- e. Any required wetland permit must be obtained by the Owner/Developer and a copy of the permit shall be furnished to the City Building Official with the Plan Submittal.
- f. An MDOT permit must be obtained for proposed work on MDOT right-of-way and a copy of the permit must be furnished to the City Building Official with the Plan Submittal.
- g. All water meters, sewer service stub outs, and fire hydrants must be place on the street side of the right-of-way line and in line with the lot lines where possible.
- h. Deviation from these standards must be submitted to the City of D'Iberville Building Official prior to Construction Plan Approval. A list if Deviations shall be submitted in written format on a form provided by the Building Official.
- i. Any requested change or modification to Approved Construction Plans must be submitted five (5) working days prior to starting construction which involves requested changes or modifications.
- j. Any requested change or modification to Approved Construction Plans must be approved in writing by the City of D'Iberville Building Official.

- k. For Final Acceptance the Engineer of Record must certify in writing to the City that the construction is in substantial accordance with the approved plans. Two (2) consecutive satisfactory bacteriological test results of the water distribution system must be furnished to the City. One (1) set of Record Drawings (contractor record) must be submitted five (5) days prior to requesting final inspection by the City of D'Iberville Building Official.
- l. City of D'Iberville Building Official shall be notified a minimum of twenty-four (24) hours prior to all tie-ins to City utilities and a City Building Official representative must be present during tie-in.
- m. The Owner/Developer shall be responsible for the construction of tie-ins to existing City water, sanitary sewer, and storm drain lines or structures.
- n. The Owner/Developer shall be responsible for any approved road-cuts or borings required to connect new utilities to existing City utilities. The Developer shall be responsible for maintaining road-cuts during construction and the warranty period for the entire development.
- o. The Owner/Developer shall be responsible for preparing and maintaining a traffic control plan which conforms to the current MUTCD.
- p. The City of D'Iberville Building Official shall be notified a minimum of seventy-two (72) hours prior to any approved road closures that are required.

304.2 Plans.

304.2.1 General:

- a. The plans shall be securely bound and shall consist of a title sheet and such plan-profile and detail sheets, as required, to meet the requirements of this ordinance and to properly define the proposed work.
- b. The title sheet shall show the name of the subdivision, engineer, date and index of drawings.
- c. Each plan-profile and detail sheet shall contain this minimum general information, engineer's seal and signature, north arrow, and a title block showing name of the subdivision, scale, date, and sheet number.
- d. The plan-profile will generally be drawn to a horizontal scale of no greater than one (1) inch to fifty (50) feet, and a vertical scale of one (1) inch to five (5) feet. Scales of greater than one (1) inch to fifty (50) feet may be utilized if approved by the Building Official.
- e. The size, type, and location of existing and proposed water lines shall be labeled on all applicable plan sheets.
- f. The size of water meters and backflow preventers shall be shown on the plans.
- g. City of D'Iberville Building Official shall be notified a minimum of twenty-four (24) hours prior to all tie-ins to City utilities and a City Building Official representative must be present during tie-in.
- h. The Owner/Developer shall be responsible for the construction of tie-ins to existing City water, sanitary sewer, and storm drain lines or structures.

- i. The Owner/Developer shall be responsible for any approved road-cuts or borings required to connect new utilities to existing City utilities. The Developer shall be responsible for maintaining road-cuts during construction and the warranty period for the entire development.
- j. The Owner/Developer shall be responsible for preparing and maintaining a traffic control plan which conforms to the current MUTCD.
- k. The City of D'Iberville Building Official shall be notified a minimum of seventy-two (72) hours prior to any approved road closures that are required.
- l. Manhole number, size of sewer lines, and manhole inverts shall be labeled on all applicable plans sheets
- m. The location, size, and slope of all drainage pipes shall be labeled on all applicable plan sheets.
- n. The location, size, and slope of all drainage inlets shall be labeled on all applicable plan sheets.
- o. The size, type, and location of all existing and proposed water lines, water meters and backflow preventers shall be shown and labeled on all applicable plan sheets.

304.2.2 Plan-Profile Sheets for Streets and Alleys:

- a. There shall be a plan-profile for typical streets and alleys.
- b. The profile shall show the existing ground on each side of the street at the property line, the proposed grade of the top of the curb for each side of the street, location of utilities, and other information necessary to define the work. The existing and proposed street centerline grades may be shown in lieu of property line and curb grades when permitted.

304.2.3 Plan-Profile Sheets for Sanitary Sewer and Storm Drains:

- a. The plans shall show all information necessary to locate and construct the proposed work and shall show the locations of all manholes, inlets, and other appurtenances of the system.
- b. The profile shall show the existing natural ground at the sewer centerline and the proposed grade at the centerline, if such grade will not be the same as the existing grade.
- c. The size, grade, and material of the proposed pipes and the flowlines of all manholes, inlets, etc., shall be shown. Both the flowline and the inside top of the pipes shall be shown in the profile. These plans shall be shown in the profile. These plans shall be accompanied by the Engineer's calculations.

304.3 Specifications: The specifications shall be securely bound and shall consist of the following minimum information:

- a. General condition of agreement, special conditions of agreement, and all applicable technical specifications.
- b. The special conditions shall contain provisions for time of completion, performance and payment bonds, and other pertinent requirements.

- c. The developer shall provide the Building Official with a copy of the contract for construction certified by the design engineer of all improvements to be dedicated to the City of D'Iberville for use in determining the cost of construction inspection and review.

305 - Recording of the Final Plat

305.1 The Final Plat shall be recorded by the developer in the office of the Chancery Clerk, Second Judicial District of Harrison County, Mississippi. After recording, the developer shall furnish the city with one (1) mylar original and one (1) linen copy.

305.1.1 Process of Final Plat:

- a. Whenever the final plat has been submitted, in proper form, to the staff, which final plat conforms, in general, to an approved preliminary plat and the provisions of Section 303, the staff shall submit same to the City Council within fourteen (14) days of receipt.
- b. The City Council shall act to approve, disapprove or conditionally approve any final plat submitted in proper form within fourteen (14) days of submittal.
- c. The basis for disapproval of the final plat shall include:
 1. Failure to install improvements according to detailed plans and specifications, as previously approved by the Building Official.
 2. Failure to comply with any written agreement or conditions of approval.
 3. Failure to post satisfactory guarantee of improvements, as described above, in Section 303.
- d. If the final plat is disapproved, the applicant shall be so notified, in writing, and the reasons therefore shall be enumerated.

306 - Information on Final Plat

306.1 The final plat shall include all information required on the preliminary plat, plus it shall show or include the following:

306.1.1 Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line and building setback line whether curved or straight.

306.1.2 The names and lines of all proposed streets, alley lines, lot lines and building setback lines, lots numbered in numerical order, reservations, easements, and areas to be dedicated to public use with notes stating their purpose and any limitations.

306.1.3 Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites.

306.1.4 All dimensions shall be shown to the nearest one-hundredth (1/100) of a foot and all angles shown to the nearest second.

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306.1.5 Location, dimensions and purpose of any easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and limitations.

306.1.6 Accurate location, material and description of monuments and markers.

- a. A complete description of all benchmarks including location, type of mark, elevation, and state plane coordinates.

306.1.7 The final plat shall contain the following certificates and/or dedications, when appropriate:

- a. A certificate showing that applicant is the land owner and certification that all prior easement rights to any person, utility or corporation have been absolved on the parcels to be dedicated to public use. The person, utility or corporation shall retain whatever rights they would have as if located in a public street. Recording data for all prior easements shall be included. Those prior easements shall be included and not subordinated.
- b. The certificate of accuracy by the developer's engineer, registered to practice in the State of Mississippi.
- c. A certificate of dedication of all public street, highways, water, sanitary, sewer, stormwater sewer, any other public utilities, and other rights-of-way, easements or parcels for public parks or other public use to the City of D'Iberville, Mississippi executed by the owners and all other parties who have a mortgage or lien interest in the property.
- d. If the proposed subdivision is to be maintained as a private community, the final plat shall bear language granting the City of D'Iberville a perpetual right of entry into the community for the purpose of delivering or administering public services or utilities.
- e. A certificate by a registered land surveyor of the State of Mississippi to the effect that the plat represents an accurate survey made by him or someone under his direct supervision and that all dimensional and other data is correct.
- f. Certificates of approval by the Planning Commission and Mayor and Council, and a certificate of recording by the chancery clerk of Harrison County, Mississippi.
- g. The final plat shall include a notation pursuant to section 311.14.1 concerning the replacement of items and appurtenances within easements.

306.1.8 After satisfactorily passing the final engineering inspection, the developer shall provide "As Built" drawings to the city at least fourteen (14) working days prior to the meeting of the Mayor and Council at which final plat will be considered.

- a. Two full size (24" x 36") paper copies.
- b. The developer shall provide two (2) digital copies of the "As Built" drawings to the Building Official, as follows:
 1. One (1) copy shall be in a digital file format as specified by the Building Official; and,
 2. One (1) copy shall be in a digital image form, preferably Portable Document File (PDF)

- c. The Owner/Developer shall provide GPS location data for all manholes, inlets, valves, hydrants, meters, lift stations, and junction boxes as part of the As-Built submittal. Said GPS data shall be provided in a coordinate system specified to the Building Official..

306.1.9 Upon approval of the Final Plat by the Mayor and Council, copies of the plat shall be submitted to the Building Official's office as follows:

- a. The developer shall provide four (4) copies of the Final Plat to the City, two (2) of which are to be canvas linen prints and two (2) of which are to be mylar diazo films and all of which are to be exact duplicates of the original.
- b. Once the final plats show written approval of the Planning Commission and the Mayor and Council, all copies will be returned to the developer for recording.
- c. Once all copies have been recorded by the developer with Harrison County and one (1) canvas copy of the plat filed with the Chancery Clerk, the developer shall ensure the following:
 1. One (1) mylar (diaz film) copy of the plat shall be filed with the Building Official;
 2. One (1) canvas (linen print) copy of the plat shall be filed with the City Clerk.
- d. The developer shall provide two (2) digital copies of the recorded "Final Plat" drawings to the City in the following form:
 1. One (1) copy shall be in a digital file format as specified by the Building Official; and
 2. One (1) copy shall be in a digital image form, preferably Portable Document File (PDF)

306.1.10 If the final plat is not approved by the Mayor and Council, the grounds for disapproval shall be stated in the minutes and a letter transmitted to the subdivider stating the reason(s) for such disapproval.

306.1.11 Upon approval of the final plat by the Mayor and Council, the plat shall be submitted for recording within 60 days; otherwise final plat approval will be null and void.

306.1.12 Final plat shall show compliance with the requirements of all applicable ordinances of the City of D'Iberville.

307 - Required Improvements and Standards

307.1 General

307.1.1 The improvements required under this section shall be designed and constructed under the observation and in accordance with specifications set forth by the City of D'Iberville, Mississippi.

307.1.2 The complete design calculations will be provided by the developer's engineer for all required improvements and will be reasonably subject to the specifications set forth by the city as well as the Building Official's review of the subdivision plans and calculations. The design will be based on sound engineering practices for the particular site in which they are to be installed.

307.1.3 General standards for improvements shall be as follows:

- a. All sewer lines, storm drains, water lines and conduits for private utility crossings, any other underground structures within street right-of-way must be installed before streets, or alleys are paved.
- b. Water, sewer and all other utility connections shall be provided for each lot to a distance of two (2) feet beyond the curblineline or to the edge of the right-of-way or utility easement, whichever is greater.
- c. Water and sanitary and stormwater sewer systems and all other utilities will be kept from being under paved areas to the greatest extent possible.
- d. Except for limited and necessary crossings, private utilities, such as electricity, telephone, gas, cable television, etc., must not be located in utility easements separate from rights-of-way and easements used for the water, sanitary and stormwater sewer systems.
- e. The easements for private utilities should be located at the rear of the subdivision lots to the greatest extent possible. Materials and equipment provided as a part of these subdivision regulations must be approved by the city prior to installation.
- f. The material and equipment must also match the manufacturer make and model of similar installations throughout the city as deemed necessary by the city.
- g. All utility pipes (stormwater sewer, sanitary sewers, water and private utility conduits and mains) must be of sufficient size to provide for expansions and extensions in the future, unless other provisions can be made to accommodate expansions and extensions without major disruptions to the streets, and utilities.
- h. All storm drainage, water, and sanitary sewer infrastructure shall not be laid parallel with and under any streets unless recommendation is made by the City Engineer that such infrastructure be located underneath the roadway.

307.1.4 All subdivisions developed in phases or which have future subdivisions extending from them, must submit a plan subject to approval of the city as to how required improvements will accommodate future phases and subsequent subdivisions in keeping with all requirements and standards of these regulations.

308 - Streets and Alleys

Street improvements shall be provided in each proposed subdivision as prescribed below unless otherwise specified in Section 308.26:

308.1 The location, grade, width and character of all streets shall be correlated with existing and planned streets and topographical conditions for public safety and convenience and in relation to the proposed use of the land to be served by such streets.

308.2 In cases where the subdivision plat embraces or abuts any part of a major street, arterial street, highway or parkway, the following will apply:

308.2.1 Residentially zoned subdivisions will be required to accomplish one of the following:

- a. Include minor streets in additional right-of-way parallel to and along the side of the major street or highway which functions as a service drive for any lots facing toward the major street.
- b. Have all lots along the major street or highway be double frontage lots with no direct access to the major street or highway.

308.2.2 Commercially or industrially zoned subdivisions: will be required to accomplish one of the following:

- a. Include minor streets in additional right-of-way parallel to and along the side of the major street or highway which would function as a service drive for any lots adjacent to the major street or highway unless a service drive already exists.
- b. Have a limited number of access points onto the major street or highway with the specific access location and widths approved by the Planning Commission at the time of preliminary plat approval. Mississippi Department of Transportation must approve access points and widths along highways prior to the developer's request for preliminary plat approval.

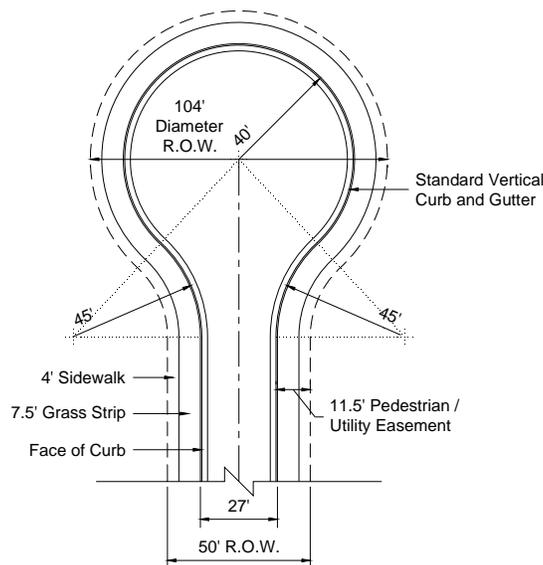
308.3 Proposed streets shall be designed to conform to the contour of the land so as to produce the required street grade and lots of usable character.

308.4 Minor streets shall be so laid out that their use by through traffic will be discouraged.

308.5 No new half-streets or half-alleys will be accepted unless there exists a dedicated or platted half-street adjacent to the tract to be subdivided, in which case the other half must be dedicated.

308.6 Streets designed to have one end permanently closed (Cul-de-Sac) shall provide, at the closed end, a turnaround with a minimum right-of-way of one hundred four (104) feet (diameter) and a minimum driving surface radius of forty (40) feet. No cul-de-sac shall exceed six hundred (600) feet in length unless a special variance is recommended by the Planning Commission and approved by the Mayor and City Council after review and findings by the Planning Commission for specific reasons of topography or design. No dead-end streets will be allowed.

Figure 3.1 – Typical Cul-de-Sac configuration for Minor Streets



308.7 No street names shall be used which will duplicate or be confused with the names of existing streets in the city. Proposed streets in alignment with existing streets shall bear the names of existing streets.

308.8 Alleys shall be dedicated along the rear of all lots to be used for business and industry unless, in the opinion of the Planning Commission, such alleys are unnecessary. Alleys are not required in residential areas except where, in the opinion of the Planning Commission, such alleys are necessary. Alleys may be required to achieve the desired urban pattern set forth in the Master Plan or the Comprehensive Plan for D'Iberville.

308.9 Street grades shall not be less than five-tenths (5/10) percent grade, Street grades shall not exceed the following:

308.9.1 Arterial streets, major streets, parkways, and commercial and industrial streets not greater than five (5) per cent.

308.9.2 Collector streets or secondary streets not greater than eight (8) per cent.

308.9.3 Minor streets and alleys not greater than twelve (12) percent.

308.10 Reserve strips which control the access to other streets or abutting property shall be prohibited except where their control is deliberately placed by the Planning Commission.

308.11 All streets will have a minimum vertical clearance of fourteen (14) feet. There will also be a minimum of eighteen (18) inch clearance from the back of the curb to any obstructions along the shoulder of the street.

308.12 Street widths shall be shown on the major thoroughfare plan and where not shown therein shall be no less than the following (see also Section 308.26):

Table 3.1 – Right-of-Way and Pavement Width Requirements

<u>Street Classification</u>	<u>Right of way Width</u>	<u>Pavement Width</u> ¹
Parkways and highways	120 feet	80 feet ²
Major street & arterial streets	120 feet	63 feet
Secondary streets and collector streets	80 feet	45 feet
Minor streets	50 feet	27 feet
Dead-end streets (cul-de-sac)	50 feet	27 feet ³
Alleys serving business lots	20 feet	17 feet
Alleys serving residential lots	20 feet	15 feet

1. Including medians
2. Back of curb to back of curb
3. Except at turn-around

308.12.1 Should the developer elect to construct a street with medians, the following requirements shall be met (see also Section 308.26):

- a. On minor streets with medians the minimum street pavement width on each side of the median must be twenty-three (23) feet back of curb to back of curb.
- b. On cul-de-sac turnarounds with medians there must be a minimum pavement width of thirty (30) feet from back of curb to back of curb between the median and the outside edge of the street.

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- c. On major streets the minimum street pavement width on each side of the median must be thirty-four (34) feet.
- d. On collector streets the minimum street pavement width on each side of the median must be twenty-five (25) feet.

308.13 Street intersections shall be as nearly at right angles as practicable.

308.13.1 Acute angles at street intersections will not be accepted and in no case will an angle of less than sixty (60) degrees be permitted.

308.13.2 Street center line offsets shall be no less than one hundred and twenty-five (125) feet unless, in the opinion of the Planning Commission, less offset is acceptable.

308.14 The minimum radii of curvature on the center line shall be as follows:

308.14.1 Major streets, highways and parkways, four hundred (400) feet.

308.14.2 Secondary streets, two hundred (200) feet.

308.14.3 Minor streets, one hundred (100) feet.

308.15 Between reversed curves there shall always be a tangent of at least one hundred (100) feet long on major and secondary streets and fifty (50) feet long on minor streets.

308.16 Street corners for intersections of residential minor and cul-de-sac streets shall be rounded by a simple curve radius of not less than twenty-five (25) feet.

308.16.1 Minimum radii must be increased, subject to approval by the city, when the smallest angle of the intersection is less than ninety (90) degrees or at intersections involving any streets with volumes or level of service greater than residential minor and cul-de-sac streets.

308.16.2 Site distances at intersections will be in accordance with the current American Association of Highway and Transportation Officials (AASHTO) Standards.

308.17 Streets shall be graded by the developer to an approximate width in the center of the right-of-way to provide for a minimum of the required pavement width including curbs and gutters and any necessary drainage structures, plus the additional width for sidewalks or other improvements as may be required.

308.17.1 No French Drains are permitted within City right-of-way without prior approval by the City Building Official.

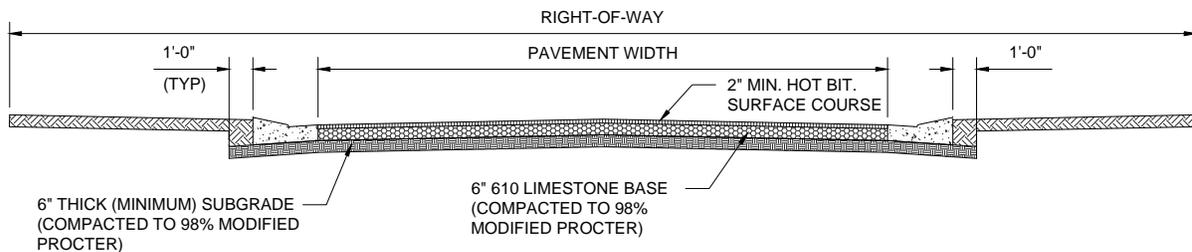
308.18 A suitable hard surface permanent type of pavement shall be designed by the Developer's engineer in accordance with current guidelines as set forth by the Asphalt Institute, Mississippi Asphalt and Pavement Association, and/or American Association of Highway and Transportation Officials (AASHTO) Mississippi Standard Specifications for Road and Bridge Construction, latest editions; as applicable. The design shall be based on a traffic analysis period of at least thirty (30) years subgrade soils will be sufficiently analyzed by a registered professional engineer in the State of Mississippi, as approved by the Building Official, who has a fully functioning Geotechnical Laboratory and who routinely performs Geotechnical investigations to determine the existing soil conditions, including the type of material, groundwater depth and strength of material. Subdivisions which are approved at Sketch Plat will within (21 days) be classified by the Building Official as to whether the Sketch Plat approved subdivision's roads are in areas of excellent soil conditions and/or poor soil conditions and shall incorporate a Flexible Pavement Design.

After this determination, soil borings will be required at a minimum interval of every 500' in excellent soil conditions developments and a minimum interval of every 250' in developments with poor soil conditions. Soil borings will also be required at every cul-de-sac with the soil boring taken at the center of the cul-de-sac. In addition, soil borings will be taken at minimum depths of eight (8) feet below ground and will also be required to be taken at the main entrance of the proposed subdivision and at all low areas of the proposed road. The soils analysis shall be performed after the site has been cleared and grubbed. All boring locations shall be approved by the Building Official.

308.18.1 Prior to the proposed subdivision having preliminary plat approval, the pavement design for streets, roads and alleys that are determined by the Building Official as being located in regions of excellent soil conditions shall consist of the following Flexible Pavement Design (Asphaltic cement pavement system meeting a minimum structural number equal to 1.72) consisting at a minimum of:

- a. A properly compacted minimum six (6) inch thick subgrade (minimum 98% Modified Proctor).
- b. A minimum 98% Modified Proctor 610' gradation limestone base six (6) inches thick.
- c. Minimum surface course asphalt pavement of two (2) inches thick. Materials for this work shall conform to material requirements for Section 400 and Section 700, Mississippi Standard Specifications for Road and Bridge Construction, latest edition.
- d. The sub grade and base shall be prepared and compacted to a minimum of one (1) foot behind the back of curb.

Figure 3.2 – Structural Number = 1.72

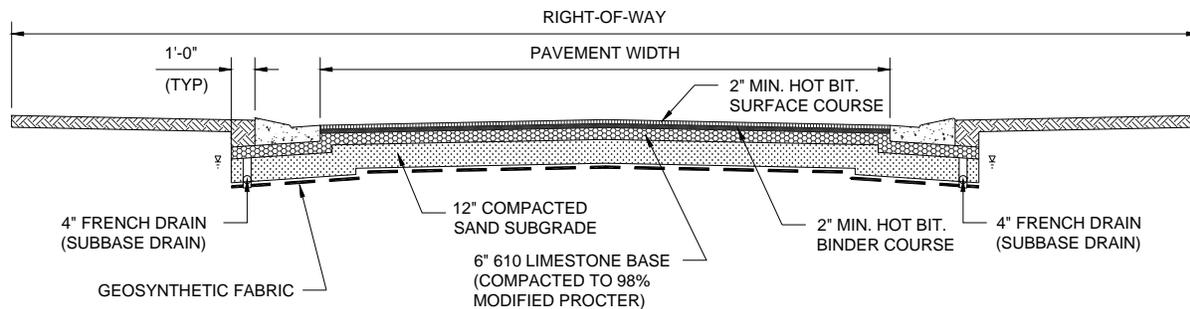


308.18.2 Prior to the proposed subdivision having preliminary plat approval, the pavement designs for streets, roads and alleys that are determined by the Building Official as being located in regions of poor soil conditions shall consist of the following Flexible Pavement Design (asphaltic cement pavement system shall have a minimum structural number equal to 3.80) consisting at a minimum of:

- a. A twelve inch (12") thick compacted sand subbase compacted to 98% Modified Proctor, over a layer of geosynthetic fabric.
- b. A minimum 98% Modified Proctor 610 limestone base six (6) inches thick.
- c. Properly compacted 4 inch layer of asphalt pavement placed in 2 inch lifts.
- d. The subbase shall have French drains which will be installed under all low points in the street and/or areas with a saturated subbase as determined in the Geotechnical investigations. The French drains shall flow to nearest curb inlet(s) or drainage system.

- e. The subbase and base shall be prepared and compacted to a minimum of one (1) foot behind the back of curb.

Figure 3.3 – Structural Number = 3.80



308.19 All pavement construction will be in accordance with the current Mississippi Standard Specifications for Road and Bridge Construction. Portland Cement Concrete pavement will not be permitted in any subdivision unless specifically approved by the Building Official. For concrete pavements, as well as curbs and gutters, a detailed joint plan will be provided in the construction plans, prior to preliminary plat approval, showing all joints to be in the pavement, curbs and gutters as it is to be laid out on the developmental sight.

308.20 A sieve analysis of any base materials will be conducted before any base is delivered to the subdivision site.

308.21 Curbs and gutters are required as minimum standards along all streets. They shall be of 3,500 pounds per square inch Portland Cement concrete and the curbs shall be poured integrally with the gutters, unless otherwise approved by the Building Official.

308.22 Curb cut ramps must be provided at all street intersections as well as possible future crosswalk areas to accommodate physically handicapped persons. The ramp width shall be four (4) foot as a minimum, exclusive of the side slopes.

308.23 Density tests shall be performed at depths of six (6) inches and twelve (12) inches and shall be performed on all trench crossings and by dividing the base into three hundred and fifty (350) square yards or fraction thereof, but not less than one (1) for each day laying of pavement.

308.23.1 Compaction tests shall be performed in, the presence of the City Building Official or a representative thereof. The Owner/Developer must notify the City Building Official a minimum of twenty-four (24) hours prior to the test.

308.23.2 Where trenches run parallel to the roadway and under the pavement, the trench shall be divided into three hundred (300) foot lots and there shall be performed at least one set of density tests for each 300 foot lot. Trenches of this nature are discouraged by the City of D'Iberville.

308.23.3 All base material shall be proof rolled prior to placing the pavement shown in the developer's approved plans and specifications. The proof roll may occur using a loaded dump truck or a similar heavy truck. The City Building Official or representative thereof shall be present to witness and verify that the street base is stable and that there is no visible movement. Should the base experience "pumping" and loss of bearing due to accumulated water beneath the sub grade or due to other reasons, the developer's contractor shall remove the affected soil to a sufficient depth and replace with a dry fill material or allow the excess moisture to dissipate sufficiently to achieve the specified compaction without moving or "pumping".

308.24 The location of all water and sewer service lines will be permanently marked in the concrete curb.

308.25 The centerline of the street pavement will also be the centerline of the right-of-way, unless otherwise permanently and clearly marked.

308.26 For any area subject to these regulations and also regulated by SmartCode (Ordinance #129), the design for any proposed street shall conform to the standards set forth in Article 6 of said SmartCode, to the extent said SmartCode contains geometric design standards for streets. The construction standards and procedures contained within these subdivision regulations shall apply to streets within any area regulated by SmartCode.

309 - Water Distribution System

309.1 All water systems shall be designed, constructed, inspected and tested in accordance with the applicable and current Ten State Standards (Recommended Standards for Water Works) by the Great Lakes, Upper Mississippi River Board of Public Health and Environmental Managers, except for more stringent requirements set forth by the appropriate Mississippi State authorities.

309.2 The developer shall connect the proposed subdivision to the D'Iberville Water Supply System. The developer will be responsible for any improvements required so that the existing water system can accommodate the increased demand placed upon it due to the new subdivision.

309.2.1 "W" shall be stamped into curbs at each water service location.

309.2.2 Locate-wire and plastic warning tape shall be installed above all water mains and services

309.2.3 A water service shall be provided to all green areas and lift stations.

309.2.4 Water service lines shall not be located underneath the driveway access of a lot.

309.3 The subdivision's water distribution system shall be designed to maintain a minimum static pressure of forty (40) psi and a minimum dynamic pressure of twenty (20) psi with a minimum fire flow rate of one thousand (1000) gallons per minute in residentially zoned developments and a minimum fire flow rate of one thousand (1000) gallons per minute in commercially or industrially zoned developments.

309.4 Pipe sizes - All water mains should be designed based on hydraulic analysis using an appropriate friction coefficient to obtain the above pressure and flow rate requirement and shall meet or exceed the following:

309.4.1 The maximum Hazen-Williams C value to be used is 120.

309.4.2 The minimum main size should be six (6) inches regardless of the results of the hydraulic analysis, except for short dead end lines less than four hundred (400) feet.

309.4.3 The use of less than four (4) inch lines is discouraged since they do not provide adequate capacity for enlargement or extension.

309.4.4 The minimum main size supplying fire hydrants should be as determined by hydraulic analysis using fire flows, but not less than eight (8) inches.

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309.5 Materials - All materials used shall be non-toxic and approved for use in potable water systems by AWWA, USEPA, Underwriters Laboratory, National Sanitation Foundation, or other appropriate organization.

309.5.1 Cast iron, ductile iron, and steel pipes and fittings shall comply with the latest applicable standards issued by the American Water Works Association.

309.5.2 PVC pipe shall be C900 Class 150, DR 18 and bear the National Sanitation Foundation seal for Potable water and meet the requirements of ASTM D 1784 for Class 12454A or 13454 B compounds. The pipe shall meet the latest revision of the applicable AWWA or Commercial Standards.

309.5.3 All ductile iron pipe shall meet AWWA specification C-104 or C-110, C-150 and C-151 for appropriate applications.

309.5.4 All materials used in the subdivision water system shall not contain any lead substances.

309.5.5 All fire hydrants shall be three-way traffic models with a minimum five and one-fourth-inch valve opening, one pumper nozzle (four and one-half-inch pumper connection) and two (2) hose nozzles (one and one-half-inch hose connection).

- a. Each hydrant shall have National Standard Threads.
- b. All fire hydrants shall be painted red.

309.5.6 Gate valves shall meet AWWA C-500. Valves shall be DD, NRS, IBBM with MJ ends.

309.5.7 MJ fittings shall be compact ductile iron AWWA C-153. All MJ bells shall be equipped with EBBA MEGA-LUG retainer gland C-900 PVC or ductile/cast iron pipe.

309.6 Pipe installation should comply with generally accepted standards of good workmanship, including applicable AWWA and industry standards.

309.7 Separation of water and sewer mains as well as water main crossings of surface water bodies and ditches shall be in accordance with the current standards of the appropriate Mississippi State Authorities.

309.7.1 Water mains shall be located on opposite sides of the- street right-of-way from sewers where possible.

309.8 Fire hydrants shall be located throughout the subdivision so that there is a hydrant within the following distances to any possible structure:

- a. 500 feet for residentially zoned subdivisions measured along the street edge.
- b. 350 feet for commercially or industrially zoned subdivisions measured along the street edge or along any other route appropriate for laying a fire hose.
- c. This requirement however is superseded by any more stringent standards in the current fire code adopted by the City of D'Iberville.

309.9 At every fire hydrant installation, a six (6) inch gate valve and box shall be installed between the main line and the fire hydrant.

309.10 The proposed subdivision water system shall be designed so that all water users are individually metered.

309.10.1 The Owner/Developer shall furnish and install all meter boxes.

309.10.2 The Owner/Developer shall purchase water meters to be installed in public right-of-way from the City of D'Iberville to insure compatibility with existing water systems.

309.10.3 The Owner/Developer is responsible for construction of any required meter vault. The meter vault shall be constructed in City right-of-way per City of D'Iberville standard details.

309.10.4 Meter boxes and vaults shall maintain a 24" clear zone in all directions, with no concrete, asphalt or other hard surfacing material within said clear zone.

309.10.5 Each lot shall be provided with two one inch (1") service lines configured as follows: 2" tap to 1-½" split to 1" split.

309.10.6 Once a meter box has been installed, it shall not be relocated unless prior approval has been given by the City Building Official.

309.10.7 No irrigation meters shall be installed in meter vaults.

309.11 A sufficient number of valves should be provided for line maintenance and repairs. As a minimum, valves shall be placed at intervals of eight hundred feet (800') in residential subdivisions and six hundred feet (600') in commercial / industrial areas unless approved otherwise.

309.11.1 "WV" shall be stamped into the curb marking the location of each water valve when such valve is not located in the street.

309.12 Flushing hydrants and valves should be installed on all dead end lines, which hold more than 100 gallons of water, low areas, and in other places that might require flushing.

309.13 Pressure leakage tests should be completed and conform to the current AWWA Standard C 600, Section 4.

309.14 Disinfection and bacteriological testing shall be in accordance with the current standards as set forth by the proper Mississippi State Authorities.

309.14.1 All water used for chlorination and flushing of water lines shall be metered and paid for by the Owner/Developer.

309.15 Cross Connections - There shall be no physical connections between the distribution system and any pipes, pumps, hydrants, or tanks whereby unsafe water or any contaminants may be caused to enter the water system.

309.15.1 An appropriate backflow prevention device should be installed on each service connection where an existing or potential health hazard exists or where a hazardous hydraulic condition may be allowed to exist.

309.15.2 Prior to service being connected to the City's water system, all wells or water sources owned or used previously by the potential customer shall be physically disconnected from the plumbing to be supplied by the City's water system.

309.16 The Owner/Developer shall provide a letter of design approval from the Mississippi Department of Environmental Quality.

310 - Sanitary Sewer Collection Systems

310.0 All sewer systems shall be designed, constructed, inspected, and tested in accordance with the applicable and Current Ten State Standards (Recommended Standards for Sewage Works) by the Great Lakes, Upper Mississippi River Board of State Sanitary Engineers, except for more stringent requirements set forth by the appropriate Mississippi State Authorities.

310.1 The subdivider shall connect to the D'Iberville sanitary sewer system or any other public controlled sewage system that may be available. The developer will be responsible for any improvements required so that the existing sanitary sewer system can accommodate the increased demand placed upon it due to the development of the new subdivision.

310.2 Sanitary sewers shall be laid in all street right-of-way easements, service connections installed to property lines and connections made to trunk line sewers. Manholes shall be located at the end of lines, at all changes of grade, direction, or pipe sizes; and within a maximum spacing of 350 feet. Watertight manhole covers shall be specified where rims may be flooded by street runoff or where below the 100-year flood elevation.

310.2.1 "S" shall be stamped into curbs marking the location, as near as possible, each sewer service line.

310.2.2 "MH" shall be stamped into curbs marking the location, as near as possible, all manhole locations.

310.2.3 The Owner/Developer must provide an approved rain tub for each manhole.

310.2.4 The Owner/Developer is responsible for constructing manhole tie-in and building inverts.

310.2.5 "Dog House" manholes are not permitted in the City of D'Iberville.

310.2.6 All manholes shall be stamped "City of D'Iberville".

310.2.7 Sanitary sewer service lines shall not be located underneath the driveway access of a lot.

310.3 The size and slope of the sewer lines shall be approved by the City. The minimum slope shall be sufficient to provide a velocity of at least two feet per second (2.0 ft/sec). In no case will sewer mains on less than 0.33 percent slope or eight (8) inches in diameter be approved. Gravity flow lines will not have more than a ninety (90) degree turn in direction of flow in any one manhole. Minimum drop through manholes shall be 0.2 feet.

310.4 All sewer pipe shall be manufactured and installed in accordance with the following specifications:

- a. Polyvinyl chloride (PVC): Pipes shall conform to ASTM designation D-3034-SDR35 or equal and shall have a minimum wall thickness in accordance with ASTM 3034. Force main pipes shall conform to ASTM designation D-2241, 160PSI, (SDR 26). All joints shall be push-on type with the bell being formed integrally with the pipe. Elastomeric gaskets shall be factory installed on each bell by the manufacturer. All compounds used shall be in accordance with ASTM E-1784. All pipe shall be installed in accordance with ASTM D-2321.
- b. Ductile iron: All pipe shall meet AWWA specifications C-104, C-110, C-111, C-150, and C-151 for appropriate applications.
- c. Truss Pipe: Truss pipe shall not be used.

- d. Cast iron: All pipe shall meet AWWA specifications C-101, C-106, C-110, C-111 for appropriate applications.
- e. High Density Polyethylene Pipe (HDPE): HDPE may be used for sanitary sewer force mains with the approval of the Building Official. Polyethylene pipe shall be manufactured in accordance with AWWA C901-02 for sizes 1-1/4" through 3" IPS diameters and to the requirements of ASTM D3035. Pipes 4" and above shall be manufactured to the requirements of ASTM F714 and AWWA C906-07.

310.5 Infiltration shall not exceed one hundred (100) gallons per inch diameter per mile per day.

310.6 A City of D'Iberville representative must be present when a manhole is being installed on City right-of-way.

310.7 All sewer lines shall be air tested in accordance with the City of D'Iberville requirements.

310.8 A post construction video of all sewer lines shall be provided to the City of D'Iberville.

310.9 The Owner/Developer shall provide a letter of design approval from the Mississippi Department of Environmental Quality.

310.10 All Lift Stations shall be manufactured and installed in accordance with the following specifications:

- a. A bypass connection and valve shall be provided on each lift station.
- b. A spare pump for the lift station shall be provided to the City.
- c. The Control Panel shall be manufactured by current, approved City vendor per detail drawing and specification.
- d. There shall be provided by the owner or developer a six (6'-0") foot tall wooden fence around each lift station with an eight foot (8'-0") wide opening (2-4' wide gates).
- e. Each lift station shall have an alarm light and it shall be placed at least one (1) foot above the fencing. It shall remain lit at all times and the alarm should flash to alert a problem.
- f. A work light shall be located inside lift station fence and the location of said light shall be shown on the appropriate plan sheets.
- g. Stainless steel bolts and fittings and stainless steel or aluminum rails shall be used throughout lift station.
- h. There shall be a flapper valve from valve box to well.
- i. A 1" gate valve shall be located downstream of check valve on all force mains with note: "City will install gauge."
- j. There shall be three (3) 2" Conduits from panel box to well and seal shown at all fittings.
- k. The lift station slab shall be 4" thick 3000 psi concrete slab inside fenced lift station area.
- l. There shall be a minimum 24" clearance in all directions (360°) around all valves, pipes, and fittings inside valve pit.

- m. A ten foot wide access route shall be provided to the front gate of each lift station, including adequate base material and all weather driving surface.
- n. Each lift station shall have four (4) floats hanging on stainless steel chain.
- o. There shall be a ten (10) foot wide access route provided to the front gate of each lift station, including adequate base material and all weather driving surface.
- p. The Owner/Developer shall equip all new lift stations with a Supervisory Control and Data Acquisition (SCADA) system equivalent to and of the same manufacturer as the systems currently in use by the City. Operating costs associated with the SCADA system during the warranty period of the subdivision shall be paid by the Owner/Developer.

310.11 Locate-wire and plastic warning tape shall be installed above all sewer mains and services

310.12 The Owner/Developer shall be responsible for installing mechanical plugs in new sewer lines at all tie-in manholes. The plugs shall not be removed without prior approval by the City Building Official.

310.13 Sewer service stub-outs shall be a minimum of three (3) feet above the surrounding existing grade.

311 - Stormwater Sewer System

311.1 A subsurface stormwater sewer system, including drainage culverts, inlets, catch basins junction boxes and all other necessary components shall be installed by the developer throughout the proposed subdivision.

311.1.1 The entire storm drainage system should be designed to carry not less than the stormwater from a rainfall expected to occur once in twenty-five (25) years with a runoff factor calculated on the basis of topography and percolation test subject to the approval of the city and consistent with the City's current stormwater management plan.

311.1.2 Erosion, sediment, and stormwater controls consistent with guidance from the Mississippi Department of Environmental Quality shall be incorporated into the design.

311.1.3 Stormwater controls shall limit the rate of discharge from the property to the pre-development flow rate unless otherwise approved by the Building Official.

311.1.4 In no case shall ditches be permitted without the prior approval of the Building Official.

311.1.5 The length of a swale shall not exceed three hundred (300) feet unless approved by the Building Official. Maintenance of swales shall not be the responsibility of the City of D'Iberville.

311.2 Areas subject to ponding or inundation must be indicated on the preliminary and final plats. In as much as Federal and Mississippi State Law, regulations and procedures allow, provisions must be made to eliminate the ponding before the Planning Commission recommends approval of the plat to the Mayor and Council.

311.3 No property proposed to be subdivided within the City of D'Iberville will be allowed to be filled, graded, cleared or contoured, nor shall any other action be taken thereon whereby the surface drainage from said property will be created, increased, redirected, re-routed, funneled, dispersed, or otherwise affected unless and until all requirements

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and provisions of this Ordinance are fully complied with. Provided, however, if the property in question is less than 2,500 square feet in size or the amount of fill or grading involved is, in total, less than 5 cubic yards, the provisions of this section shall not apply, unless such area will affect any natural drain.

311.4 Prior to any work being done falling within the provisions of these regulations, preliminary plat approval shall first be obtained from the Mayor and Council of the City of D'Iberville, Mississippi.

311.4.1 A Storm Water Pollution Prevention Plan (SWPPP) shall be included in the plans.

- a. A copy of MDEQ approval shall be submitted if the parcel is over five acres.
- b. A copy of the pre and post development and retention/detention pond calculations shall be submitted if the parcel is over two acres.

311.5 Should the City determine that the proposed subdivision significantly impacts the existing upstream or downstream stormwater drainage system and requires the capacity of the City's stormwater drainage system to be increased in any way, the City shall estimate the total cost of same including any city costs for engineering.

311.5.1 This total cost shall be prorated by the percentage of increased drainage used by the developer's proposed subdivision.

311.5.2 Should the developer agree, upon payment of such cost to the City, the Building Official will favorably recommend the stormwater drainage system during the review and approval process for preliminary plat.

311.5.3 Should the developer disagree, these figures will be submitted to the Planning Commission for review and recommendation to the Mayor and Council for their decision as to:

- a. If the developer should be required to pay any fee;
- b. The amount of the fee that should be paid to the city to offset the impact of such city drainage;
- c. If additional drainage capacity is provided in enlarging the drainage system, that any other developers / builders in the area will also pay a percentage based upon the increased drainage used by them. Upon decision by the Mayor and Council, the developer shall pay the fee required by the City, prior to preliminary plat approval.

311.6 Should applicant be aggrieved by the decision of the Mayor and Council, he may appeal such decision to the Circuit Court of Harrison County, Mississippi, in the time and manner prescribed by law.

311.7 The impact of development on the off-site upstream and-downstream drainage will be calculated.

311.7.1 Calculations will be provided prior to preliminary plat approval.

311.7.2 Development shall in no way be an obstruction to natural or existing drainage.

311.7.3 The City will determine how far upstream and downstream that the developer's engineer must evaluate the impact of the proposed subdivision's off-site drainage.

311.8 The grading and drainage plan will show the existing and general proposed finished grading of each lot, as well as proposed finished floor elevation for each lot. Erosion, sediment, and stormwater controls consistent with guidance from the Mississippi Department of Environmental Quality (MDEQ) shall be incorporated into the design.

Stormwater controls shall limit the rate of discharge from the property to the pre-development flow rate unless otherwise approved by the Building Official.

311.9 Storm drainage improvements will consist of adequate pipes, catch basins and curb inlets. Corrugated metal will not be acceptable. Construction of any new open ditches will not be allowed. Only existing natural drains that already run through the development may be reutilized in the overall subdivision drainage plan unless a special variance is granted by the Mayor and Council after review and findings by the Planning Commission. However, swales as defined in paragraph 311.7, may be used to a limited extent.

311.10 Drainage of storm water will not be allowed to cross the centerline of any street as it flows over the street pavement surface. Gutter flow lines must drain into a curb inlet or catch basin and the use of flumes through the back of curbs will not be allowed. Alleys may be utilized for the conveyance of storm water provided the anticipated volume of flow and depth of flow is indicated on the drainage plan and approved by the City.

311.11 Catch basins and curb inlets will be spaced at an approximate distance to ensure that water in the gutter will not be more than eight (8) feet into the street measured from the back of the gutter. Curb inlets shall not have more than a seven (7) inch vertical opening and shall not cause a hazard to pedestrians. Junction boxes, curb inlets, and catch basin sizes and openings shall be designed to be of sufficient capacity to handle the amount of stormwater drainage into it and shall in no way cause a restriction to the amount of drainage going through the inlet or outlet pipes at that respective location.

311.12 The outlet ends of culverts will terminate with a flared end section or headwall with a slope to the top of the bank above the outlet of a minimum of three (3) feet horizontally to one (1) foot vertically. The outlet ends of culverts will also have permanent erosion control and dissipaters as well as provisions to prevent sedimentation of downstream drainageways during subdivision construction and development on each lot.

311.12.1 Stream or ditch banks opposite of an outfall structure shall be armored with rip-rap or and approved equivalent material to prevent erosion.

311.13 The stormwater sewer system design and plans shall include the following:

311.13.1 The proposed finish invert elevations will be shown at the inlets, outlets and at any changes in slopes.

311.13.2 Catch basin or curb inlet elevations will be shown.

311.13.3 Calculations will be provided for the amount of rainwater runoff, based on a 25-year flood storm frequency, and required sizes, slopes and actual capacity for all culverts and ditches to handle this runoff.

311.13.4 Any storm drain system installed within the city's right-of-way must consist of reinforce concrete pipe.

311.13.5 Existing and proposed ditch cross sections in natural drainage areas will be provided.

311.13.6 All drainage structures (inlets, headwalls, and manholes) shall be numbered on the plans.

311.13.7 All ditches, where allowed, shall be lined with rock when discharging into the City of D'Iberville drainage system.

311.14 Subdivision drainage shall be designed in manner where the site drains to existing storm drain structures. Should additional drainage structures be required, the proposed drainage shall be placed underground in pipes if at all possible and placed in a permanent drainage easement.

311.14.1 Drainage easements shall be kept clear of all items which could adversely affect the drainage. If items such as fences, landscaping material, and other appurtenances installed by the property owner in the easement must be removed by the city to service the drainage system, the cost of removal and replacement shall be the responsibility of the property owner.

311.15 The Owner/Developer shall compile a video library of the upstream and downstream sections of each storm drain tap. The existing drainage pipe shall be video taped from the point of new connections to the nearest inlet in either direction, but shall not exceed three hundred feet (300'). When completed the video tape files shall be submitted the City Building Official.

311.16 All drainage pipe located underneath any existing or future public roadway shall be RCP.

312 - Private Utility Systems

The following plans and information must be submitted to the Building Official prior to preliminary plat approval and should include:

312.1 Street lighting plans in which lights will be placed approximately three hundred (300) feet apart so that the foot candle level is between 0.2 to 0.4 and the uniformity ratio is between 6:1 to 10:1. Prior to application for final plat approval, the developer must pay the appropriate electricity supplier for the material and installation costs of street lights. Furthermore, the developer is responsible for all costs associated with the installation of private utilities and services in the subdivision. The City will not be responsible for electric charges in the vicinity of each light until authorization of the Mayor.

312.2 All private utility crossings under the city rights-of-way or easements where the developer is to dedicate improvements to the city will be shown. Utility lines will be laid in conduits at these crossings. The conduits will be placed in these crossing locations prior to construction of the street, water line, sewer line, or storm drainage system.

312.3 Critical private utilities must be installed throughout the subdivision with fully functional services to every lot prior to the scheduling of final engineering inspection.

313 - Easements

313.1 Utility easements are required in the back yard of all lots for private utilities not to be dedicated to the City, except where, in the opinion of the Planning Commission, such easements are not necessary. Property owners will be responsible for the maintenance and upkeep of these easement areas, as well as for removal and replacement of fences that are in the easement area and must be moved to allow utility work in the easement.

313.2 Where a subdivision is traversed by a drainage ditch, watercourse, natural channel or stream, there shall be provided an easement conforming to the limits of such watercourse plus additional width as necessary to accommodate future construction and maintenance as recommended by the City. This additional width shall be no less than ten (10) feet measured from the top of each ditch bank.

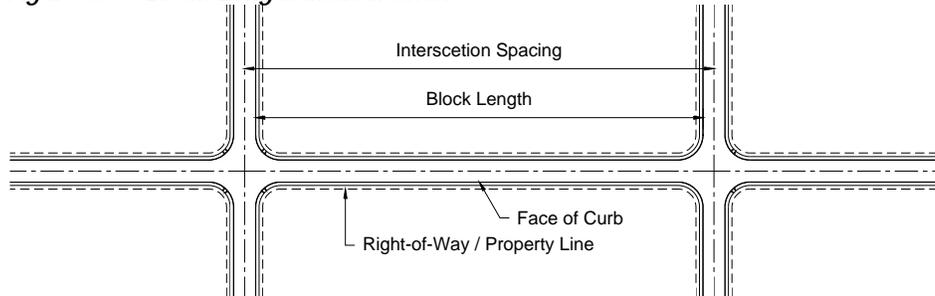
313.3 No dedicated easement shall be less than 15 feet.

313.4 No new half easement will be accepted unless there exists a dedicated or platted half easement adjacent to the tract to be subdivided, in which case the half easement must be dedicated.

314 - Blocks

314.1 Blocks shall not exceed twelve hundred (1200) feet and the desired minimum length is four hundred (400) feet. Blocks shall be wide enough to allow two (2) tiers of lots of appropriate depth.

Figure 3.4 – Block Length Measurement



314.2 Pedestrian easements of not less than ten (10) feet may be required in any block by the Planning Commission where it is deemed essential for circulation or access to schools, churches, playgrounds, shopping centers, transportation, community facilities or other areas where efficient pedestrian access is desirable.

315 - Lots

315.1 Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated use and the surrounding area.

315.2 Lots shall not be platted in any area known to be subject to inundation, or in areas which, for other reasons, such as topography, are unsuitable for residential occupancy, nor for such other uses as may increase danger to health, life or property or flood hazard. On land subject to inundation, such area shall be clearly indicated on the plat.

315.3 Lot dimensions shall conform to the requirements of the zoning ordinance or any other land use regulation as may be enforced by the City of D'Iberville.

315.4 Every lot shall abut a dedicated street for the minimum width of a lot at the building line, as set forth in the D'Iberville Zoning Ordinance. Exceptions may be made to this street frontage upon recommendation of the Planning Commission in the case of cul-de-sacs and curves in streets. However, every lot must abut a dedicated street for distance of at least thirty (35) feet.

315.5 Double frontage lots between parallel streets will not be allowed except in the case of one frontage being along an existing street. Where double frontage lots are permitted, access to those lots shall be permitted from one street only. Double frontage lots shall have sidewalks along all street frontages. Alleys shall not be deemed to constitute double frontage.

315.6 Corner lots shall be sufficiently larger than interior lots so as to allow houses to conform to front yard building set back lines on both streets except where, in the opinion of the Planning Commission, a waiver should be granted.

315.7 Side lot lines shall be at right angles to the street line wherever practical.

315.8 Lots in commercial or industrial areas shall be sufficient size to permit off-street parking for patrons plus loading and unloading areas necessary for the operation of the business. In no case shall the number of off-street parking spaces or the loading area requirements be less than the minimum requirements of the zoning ordinance.

316 - Sidewalks

316.1 Sidewalks shall be constructed in all residential subdivisions and at all new commercial building locations, with said sidewalks being constructed in the street right-of-way in every case practicable.

316.2 Placement of the sidewalks will be a minimum of five (5) feet behind and parallel to the back of the street curbs; however, placement may vary under conditions requiring a variance when such is deemed necessary by the City Building Official.

316.3 In residential districts, sidewalks shall be four (4) feet wide and four (4) inches of thickness of 2500 psi mix concrete.

316.4 In commercial or industrial zoned areas sidewalks shall be a minimum of six (6) feet wide and four (4) inches of thickness of 3000 psi mix concrete, and in said districts, the sidewalks may abut the street curb.

316.5 All sidewalks will be required to have reinforcing wire mesh only in those sections or portions used for driveways.

316.6 All sidewalks must have expansion joints placed at 25-foot intervals and at driveways, curbs or any other major abutting structures, and will have transverse contraction joints one (1) inch deep every four (4) feet longitudinally along the ramps and transition areas with flared sides as required by current Federal and State standards. The maximum transverse slope for sidewalks will be one (1) inch vertically across the four (4) feet width and the maximum longitudinal slope will be one (1) inch vertically to one (1) foot horizontally.

316.7 All sidewalks must be completed prior to any building or house receiving a certificate of occupancy; provided, however, that in the event a sidewalk cannot be constructed for good cause shown, a certificate of occupancy may be obtained by the posting of a cash bond with the City of D'Iberville in the amount equal to twice the sidewalk cost of installation, as estimated in writing by the city.

316.8 Five years from approval of the final subdivision plat by the Mayor and Council, the owners of any lot, or lots, for which sidewalks have not been installed, shall be required to do so, at their own expense. In the event sidewalks are not installed, as herein prescribed, the Public Works Department shall be authorized to cause to have installed said sidewalks, the cost of which shall become a special assessment against the affected property and, further provided, that subsequent to the expiration of the aforementioned 5-year period, that no building or certificates of occupancy may be issued for any lot for which a sidewalk has not been installed, as herein provided, until such time as the aforementioned special assessment for sidewalks is paid in full. If any sidewalk damaged during any construction or other work on a lot, then the property owner(s) of that lot is responsible for the repairs to the sidewalk to the satisfaction of the building official. These repairs must be made within sixty (60) days of when the damages occur. In the event that the sidewalk is not repaired as herein prescribed, the Public Works Department shall be authorized to cause to have the said sidewalk repaired, the cost of which shall become a special assessment against the affected property and, further provided, that no certificate of occupancy will be issued on the building or house until such time as the aforementioned sidewalk is repaired by the property owner, at his own expense, or the special assessment is paid in full.

316.9 In the event that it can be shown that the sidewalks required herein would be impractical to install or would serve no useful purpose, the requirements of this section may be waived in part or in entirety by the Mayor and Council upon same being recommended by the Planning Commission.

316.10 ADA compliant ramps for handicap access shall be provided on all sidewalks.

317 - Erosion control

317.1 Design of all required improvements must include considerations for preservation of natural ground cover and desirable growth of shrubs and trees within the right-of-way and easements.

317.1.1 Seeding, mulching and sodding of slopes, swales and other erodible areas must be included in the design plans as well as prevention of sedimentation in stormwater sewer systems and natural drainage areas during the development and construction on each lot of the subdivision.

317.1.2 Other erosion-prevention measures may be necessary depending upon climatic conditions, natural environment and site conditions.

317.2 No slopes of soil materials shall be steeper than three horizontal to one vertical (3:1) or the maximum required for soil stability, whichever results in a more gradual slope.

318 - Lighting

318.1 Lighting shall be provided by the subdivider in accordance with a plan assigned by the utility company.

318.2 Lighting for safety shall be provided at intersections, along walkways, between buildings and in parking areas.

318.3 The height and shielding of lighting standards shall provide proper lighting without hazards to drivers or nuisance to residents and the design of lighting standards shall be of a type appropriate to the development and the municipality.

318.4 For any area subject to these regulations and also regulated by SmartCode (Ordinance #129), lighting shall be installed in accordance with the specifications of Table 5 of said SmartCode.

319 - Underground wiring

319.1 All electric, telephone, television and other communication lines, both main and service connections, servicing new developments, shall be provided by underground wiring with easements or dedicated rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

319.2 Lots that abut existing easements or rights-of-way where overhead electric or telephone distribution supply lines and service connections have previously been installed may be supplied with electric service from the overhead, lines, but the service connections from the utilities overhead lines shall be installed underground. In the case of the existing overhead utilities, should a road widening, or the extension of service, or other connection occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

320 - Monuments

320.1 Lot and block corners shall be marked with iron pipes or rods at least one-half (1/2) inch in diameter and twenty-four (24) inches long.

320.2 The outer boundary corners of the subdivision and intermediate points as required by the City shall be marked with either concrete blocks six (6) inches square and thirty (30) inches long, or with iron pipes two (2) inches in diameter and four (4) feet long; markers shall be provided with center points.

320.3 Developer will provide permanent concrete monument benchmarks with elevation in accordance with Harrison County datum and/or U.S. Geographical Survey datum and state plane coordinates (transverse mercator projections):

320.3.1 Minimum of one (1) per every 1,500 feet of pavement for developments containing more four (4) lots.

320.3.2 Exact benchmark location and Information to be shown on all plats and construction plans.

320.3.3 The concrete monument benchmark shall be six (6) inches by six (6) inches (6 x 6) square and four (4) feet long with an iron rod encased in it and a flat-head survey market cast in the top of the benchmark as a central point. The non-corrosive marker must have at least a two (2) inch shank and a head diameter of two (2) inches or more.

321 - Variances

321.1 The Mayor and Council shall have the power to vary these regulations when it can be shown by the subdivider that extraordinary hardships unique to the site (not economic hardship) are brought about by strict compliance with these regulations and that a variance is required so that substantial justice may be done and the public interest secured provided.

321.2 Any variance approved by the Mayor and Council must be entered into the minutes of the City Council along with the reasons and justifications set forth.

321.3 Prior to consideration of such variance, the Planning Commission shall conduct a public hearing thereon and shall forward to the Mayor and Council its written recommendations.

321.4 Application for a variance shall be filed with the Building Official. The application shall be made on a form prescribed by the Building Official and shall include the following:

- A. Name and address of the owner or applicant.
- B. A legal description of the property, which shall include, but not limited to: deed of current ownership (not a Deed of Trust,), City of D'Iberville tax parcel number identification, and street address.
- C. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
- D. A statement describing the variance request and a description of any extraordinary hardship(s) purported to exist.

- E. The property address and the name and mailing address of the owner of each lot within 500 feet of the subject property and a map with parcels keyed to the ownership and address data.
- F. Maps, plats, or drawings, sufficiently dimensioned and detailed as required to illustrate the following, to the extent related to the variance application:
 - i. Those conditions or circumstances unique to the property which give rise to the variance request, which may include parcel geometry, wetlands, floodplains, topographic conditions, historic sites, or other such features.
 - ii. The proposed subdivision design features which would exist if the variance, as requested, was granted.
 - iii. The boundaries of the subject property together with adjacent streets and adjoining properties (Section 321.4.E)
 - iv. The Building Official may request additional information necessary to enable a complete analysis and evaluation of the variance request, and determination as to whether the circumstances prescribed for the granting of a variance exist.
 - v. A fee established by the City Council shall accompany the application. A single application may include request for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.

321.5 Public Hearing and Notice

The Planning Commission shall act on the application not more than 30 days following the filing of said application. Notice or public hearing for a variance from the Subdivision Regulations by the Planning Commission shall be given as follows:

- A. Notice shall be given by mail to the applicant at least 15 days prior to the date of the hearing.
- B. Notice shall be given by mail to the owner of each site within 500 feet of the subject property at least 10 days prior to the date of the hearing.
- C. At the option of the Building Official, notice may be given by mail to the owner of any site more than 500 feet from the subject property at least 10 days prior to the date of the hearing.

321.6 Action by the Planning Commission

The Planning Commission shall act on the application not more than 10 days following the closing of the public hearing on a variance. The Planning Commission may recommend that a variance be granted as the variance was applied for or in a modified form or subject to conditions, or the application may be denied. A variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Planning Commission may prescribe. The Planning Commission shall notify the applicant of its decision by mail.

321.7 The Planning Commission may grant a variance provided affirmative findings of fact are made on each of the following criteria:

- A. That special conditions and circumstances exist which are peculiar to the land. By way of example, special conditions or circumstances peculiar to land could include irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions.

- B. That special conditions and circumstances do not result from the actions of the applicant.
- C. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, similarly situated.
- D. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- E. In recommending that any variance be granted, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations and punishable as determined within these regulations.
- F. Variance applications, reports, and recommendations shall be transmitted to the city council for final disposition.

321.8 A variance shall run with the land and shall continue to be valid upon a change of ownership of the site to which it applies, except as provided in Section 321.9.

321.9 Legislative Disposition

- A. The Mayor and City Council shall examine all such applications, reports, and recommendations transmitted to it and shall take further action as it deems necessary and desirable to approve, disapprove, modify, or remand to the Planning Commission for further considerations.
- B. The owner, agent, or lessee of property that requested a variance and subsequently was granted said variance by the Mayor and City Council must secure a preliminary plat approval within one (1) year of the variance being granted, or said variance will expire.
- C. Prior to automatic reversion as set out above, the owner, agent, lessee, or assign may request an administrative extension to the City Manger, which upon approval, may provide petitioner with up to a one (1) year extension to secure preliminary plat approval. Such action shall only be permitted one (1) time and only for one (1) year. Such request must be made prior to the lapse of the one (1) year reversion period.

322 - Hearing and Amendments.

322.1 Prior to any amendments, supplements, modifications, or changes to this ordinance, the following requirements shall be met:

322.1.1 There shall have been held in relation thereto a public hearing before the Planning Commission at which parties in interest and citizens shall have had an opportunity to be fully heard.

322.1.2 Notice of the proposed change and of the time and place of the hearing shall have been published for two (2) different weeks in an official paper, or a paper having a general circulation in the City of D'Iberville. At least fifteen (15) days shall elapse between the first publication and the date of the hearing.

322.2 After the public hearing as provided above, the Planning Commission shall have submitted its report and recommendations upon the proposed change or amendment to the Mayor and Council. The Mayor and Council shall not take official action upon the change or amendment until the report of the Planning Commission has been received; provided, however, that if the report has not been filed within 30 days after date of the public hearing, the Mayor and Council may then take official action upon the change or amendment.

322.3 Amendments, supplements, changes and modifications may additionally be made in accordance with the laws of the State of Mississippi.

322.4 Amendments, supplements, changes and modifications may be initiated by any one or combination of the following: Mayor, City Council, City Clerk, Planning Commission, Building Official, or General Public.

323 - Authority for Inspection

323.1 The Building Official or his representative shall have the authority to inspect all improvements to insure that they are in conformance with all plans, specifications, and any written agreements which have been approved.

323.2 The Building Official has the authority to require the removal and/or replacement, at the expense of the developer, of any phase of the work which is not in accordance with the requirements of the plans approved in accordance with this ordinance.

324 - Engineering Inspection

324.1 The developer shall retain a registered engineer through final construction to supervise biweekly on-site inspections and submit bi-monthly reports to the Building Official. These reports shall include significant events during the reporting period, noted observations, problems and upcoming milestones.

324.2 The developer's engineer will sign and date this report and file with the Building Official by the 1st and 16th of each month. Failure to comply with this provision could result in a stop work order from the Building Official.

325 - Public Sites and Open Spaces

325 .1 Due consideration shall be given to the allocation of suitable areas for parks and playgrounds to be dedicated for public use. Where shown on a plat such public sites and open spaces shall be constructed during the development of the subdivision and prior to Final Plat approval.

325.2 Due regard shall be shown for all natural features such as large trees, water courses, historic spots, and similar city assets which, if preserved, will add attractiveness and value to the property.

325.3 Lakes, ponds, creeks, and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. Such areas must be approved by the Planning Commission and accepted by the City Council before approving the plat.

325.4 All plans for residential subdivisions of land or residential land development ten (10) acres or larger shall provide for the dedication of civic space as provided in this section. All dedications of land for civic space shall be consistent with any standards contained within the comprehensive plan.

325.4.1 Land dedicated shall be reserved in perpetuity for the creation of geometrically defined civic space and such dedication shall be made through the recording of the final plat of the subdivision. The final plat shall have noted thereon the specific property subject to dedication as required herein.

325.4.2 The amount of land required for dedication shall be calculated with the ratios found in Table 3.2.

Table 3.2 – Required Civic Space Calculation Ratios

Proposed Subdivision Density ¹	Required Civic Space ²
0 to 4.8	10 percent
4.8 to 10	12 percent
Over 10	15 percent

1. Density is the number of dwelling units per acre.
2. The proposed subdivisions gross acreage is used to calculate the required civic space.

325.4.3 Land that is located within the 100 year floodplain, as defined by the FEMA flood insurance rate maps, shall be credited at a rate of fifty percent (50%) of the required civic space. However, land within required utility easements shall not be credited toward the required civic space.

325.4.4 Developments proposed within the areas of the city which are zoned and regulated by the SmartCode shall reserve parks, open space or civic space as required by the Regulating Plan of said SmartCode.

326 - Special Provisions

326.1 No building, repair, plumbing or electrical permits shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, and for which all public improvements have been provided to said lot nor any structure on a lot within a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

326.2 The City shall not repair, maintain, install, or provide any streets or public utility service in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

326.3 The City shall not sell or supply any sewage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

326.4 When directed by the City Council, the City Attorney shall institute appropriate legal action to enforce the provisions of this ordinance or the standards referred to herein, with respect to any violation there, which occurs within the City or within any area subject to all or a part of the provisions of this ordinance.

326.5 The provisions of this section shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to installation of any street or public utility services for, to, or abutting any lot, the last recorded conveyance of which was prior to initial passage of this ordinance.

327 - Industrial or Commercial Subdivisions

327.1 An industrial or commercial subdivision shall be processed for an approval in the same manner as provided for a residential subdivision with the following exceptions:

- a. A Master Plan showing all intended construction including but not limited to: Buildings; Parking; Access roads; Utilities; etc, shall be submitted by the developer with the Sketch Plat application
- b. Phases of construction, if any, shall be clearly delineated on the Master Plan. Preliminary Plat submission and Final Plat submissions shall be accomplished for each phase. Each Phase must comply with applicable zoning regulations.
- c. Updates to the Master Plan shall be submitted to the Planning Commission for review and approval as needed
- d. Construction Plans which deviate significantly from the current Master Plan will not be approved.

327.2 When local streets are platted within an industrial or commercial subdivision, the minimum right-of-way width shall be fifty (50) feet.

327.3 A minimum street width, back-to-back-of-curbs shall be twenty-seven (27) feet, and all other streets shall conform to the standards for major and secondary streets prescribed by the master street plan and this ordinance.

327.4 Parking lots, access drives, and service drives intended solely for the use of property owners of said subdivision are not subject to the rules and regulations contained herein, and will not be maintained by the City after construction is completed.

328 – Private Subdivisions

328.1 Private subdivisions and communities are allowed only in planned unit developments or in large lot developments having at least one acre lots, subject to the approval of the Building Official and the Planning Commission.

328.1.1 Private infrastructure must be shown on plats which shall be clearly identified as a private subdivision or community.

328.1.2 Water and sewer connections shall be provided to any proposed private subdivision at the location and in the manner as determined by the Building Official.

328.2 Private subdivisions shall be processed for approval in the same manner as provided for any typical residential subdivision wherein the infrastructure is to be dedicated to public use and maintenance.

328.2.1 Private subdivisions shall comply fully with the terms, requirements and standards set forth in these Subdivision Regulations regarding every aspect of developing a subdivision and constructing the infrastructure therein.

328.2.2 For the purpose of creating a private subdivision, the final plat thereof shall not include a certificate of dedication as specified in Section 306.1.7(c). However, the final plat of any private subdivision shall include a

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certificate granting the City of D'Iberville the right of access within the subdivision for the purpose of reading utility meters and administering other necessary public services or inspections.

328.2.3 Private streets shall not be designed as through streets nor as stub streets or half streets for future land divisions on abutting tracts. Private streets must be built to a level of service sufficient for access by emergency and service vehicles at all times.

328.2.4 Private streets inside the private subdivision shall provide unrestricted internal access to all lots.

328.2.5 Private infrastructure and appurtenances shall be held in common ownership by a property owners association.

- a. The developer shall provide a description of the association, including its bylaws and methods for maintaining private infrastructure and association facilities.
- b. The association shall be organized by the developer and shall be operated with a financial subsidy from the developer, before the issuance of any building permits on lots within the development.
- c. Membership in the association shall be automatic for all purchasers of homes, lots, or interests therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
- d. The association shall be responsible for maintenance of private infrastructure and appurtenances enforceable by liens placed by the city on the association. The association may place liens on the homes, lots, or interests of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty and interest charges.
- e. The members of the association shall share equitably the cost of maintaining such private infrastructure. Shares shall be defined within the association bylaws.
- f. The association's bylaws or other appropriate documents shall address, but shall not be limited to, the following:
 1. The property owners' association documents must indicate that the infrastructure within the development are private, owned, and maintained by the property owners' association and that the City of D'Iberville has no obligation to maintain or repair for any reason.
 2. The property owners' association documents shall include a statement indicating that the City of D'Iberville may inspect private infrastructure and require repairs necessary to insure that the same are maintained to acceptable standards for use by emergency and service vehicles.
 3. The property owners' association may not be dissolved without prior written consent of the City of D'Iberville City Council and the conversion of private streets to public streets.
 4. The homeowner's association shall be responsible for payment of bills for water and sewer services as reflected by the reading of master meter located on public right-of-way provided such master meter is required. Collections and methods thereof from individual homes, lots, or interests within the development shall be the responsibility of the homeowner's association.

- g. The association documents shall contain a provision that requires access to be granted to emergency vehicles, utility personnel, the U.S. Postal Service, and governmental employees in pursuit of their official duties.
- h. All improvements shall comply with ADA and other federal requirements.
- i. Easements shall be provided when necessary, for stormwater management.
- j. All water and sewer improvements and services shall be constructed to city standards as defined in the current subdivision regulations and applicable ordinances.
- k. If a developer or homeowner association elects to convert private streets or infrastructure to public use, the infrastructure must be brought to current city standards with the burden of proof of adherence to said standards being the complete and total responsibility of the developers, homeowner's association, or the petitioner of such conversion. Such conversion may only take place upon recommendation by the Planning Commission and approval of the mayor and City Council.

329 - Floodplain Areas

329.1 Land subject to flooding with a frequency of one hundred (100) year flood shall not be subdivided unless precautionary measures are taken to eliminate or minimize flood hazards.

329.1.1 All building grades shall be raised to an elevation equal to or above the maximum flood elevation or a one hundred (100) year flood calculated for the area in which the proposed subdivision is situated.

329.1.2 This is provided, however, that no fill shall be made, or any subdivision constructed, which will increase flood hazards to other lands, or in any manner impede or restrict the flow of water in a flood situation.

329.1.3 All areas which remain subject to flooding after the subdivision is constructed shall be delineated on the final plat.

329.2 All utilities and facilities, such as water, sewer, gas, and electrical systems, shall be located, elevated, and constructed to eliminate or minimize flood damage; and adequate drainage shall be provided so as to reduce exposure to flood hazards.

330 - Appeals

330.1 Should any person be aggrieved by the decision of the D'Iberville Planning Commission or any employee of the City of D'Iberville, they shall have the right to appeal such decision within thirty (30) days thereafter to the Mayor and Council upon fifteen (15) days notice of such written grievance directed to the Mayor and Council with appropriate copies to the employee, Department or Planning Commission, as the case shall be.

330.2 Should any person be aggrieved by any decision of the Mayor and Council, they shall have the right to appeal same to the Circuit Court of Harrison County, Mississippi, in the manner prescribed by law; and by virtue of Section 11-51-75 Mississippi Code, 1972, (Anon.).

331 - Penalties

331.1 Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000.00). In addition to such fine, the City of D'Iberville, Mississippi, through its proper officer or officers, may take such other action by injunction or other court proceeding as it may deem necessary to enforce the provisions of this ordinance.

332 - Saving Clause

332.1 That the provisions of this ordinance shall apply in all instances and shall survive the adoption of all new code and become a part thereof.

332.2 Additionally, should any section, sub-section, clause, sentence or any part hereof be declared to be unconstitutional, invalid or void by a court of competent jurisdiction, the remainder of this ordinance shall nonetheless remain in full force and effect. Provided such unconstitutional or invalid ruling does not have the effect of nullifying this ordinance.

333 - Effective Date

333.1 This ordinance shall not take effect and be in force until thirty (30) days from and after its passage, and the same shall be published and recorded in the ordinance book as required by law, The foregoing ordinance was adopted by the Mayor and Council on the 21ST Day of December 2010.

ARTICLE IV – PERFORMANCE BOND FOR DEFERRED IMPROVEMENTS

400 - Performance Bond

400.1 In those instances where the Planning Commission determines that it is not necessary or not desirable that all required streets and other improvements be completed prior to approval of the Final Plat, an irrevocable letter of credit naming the City of D'Iberville as the beneficiary, may be accepted in lieu of completion of streets and other improvements of these subdivision regulations. Where the application of this section would impose an undue hardship upon an owner and/or developer, the City Council, upon the recommendation of the Building Official, may waive the requirements of this Section in the following instances:

- a. Where the Planning Commission approves a contract executed by a solvent contractor with the owner to complete the required streets and other improvements within a reasonable time to be specified in such contract, provided, however, that such contractor shall be under bond to the owner and the city for the faithful performance of such contract; or
- b. Where the owner and/or developer shall agree in writing that the city shall have an express lien on the property being developed for its completion in accordance with the subdivision regulations.

ARTICLE V – MAINTENANCE BOND

500 - Maintenance Bond

500.1 In order to assure that the installation and construction of streets and other improvements are satisfactory, and that the standards prescribed in these regulations have been fulfilled, the subdivider shall post a form of security upon completion of these improvements in the amount determined by the Building Official, guaranteeing to the city, the reasonable costs resulting from defective workmanship and/or materials. Security shall be provided in the form of an irrevocable letter of credit or maintenance bond.

500.2 This security shall be in effect for two (2) years after acceptance of these improvements by the City Council of the City of D'Iberville.

500.3 Where the application of this section would impose an undue hardship upon an owner and/or developer, the City Council, upon the recommendation of the Building Official, may waive the requirements of this section, where the owner or developer has let a contract to a solvent contractor to complete the required street and other improvements and such contract contains a provision requiring a maintenance bond to be in effect for a period of two (2) years after final completion of the work.

ARTICLE VI – SUBDIVISION APPLICATIONS AND CHECKLISTS

600 – Applications and Checklist

600.1 All applications and checklist for Sketch Plat Approval, Preliminary Plat Approval, Final Plat Approval, or Replat shall be in writing on a form provided by the Building Official and shall be submitted to the Building Official. Said applications may be obtained from the Building Official or its designee.

600.2 The Building Official may require any additional information which is deemed necessary to properly evaluate the application for the purposes of determining its conformity with this Ordinance.

600.3 Prior to the approval of any Plat, the Building Official shall review the application for such approval to determine if all other necessary governmental requirements have been met. No plat shall be approved until this determination has been made.

600.4 The Building Official may submit a copy of any plan and application to any appropriate agencies and/or individuals (e.g. Planning Commission, City Engineer, etc.) for review and comment.

601.5 All applications for Sketch Plat Approval, Preliminary Plat Approval, Final Plat Approval, or Replat shall meet the requirements as set forth in ARTICLE III – PROCEDURES in regard to content and deadlines.

ARTICLE VII – SUBDIVISION REGULATION FEE SCHEDULE**700 – Single / Multi-Family**

700.1 Sketch Plat Application

700.1.1 Sketch Plat Application fee shall be \$50.00.

700.1.2 Sketch Plat Application shall be approved by the Building Official, Planning Commission, and City Council.

700.2 Preliminary Plat Application

<u>No. of Lots</u>	<u>Fee</u>
2 to 5 lots	\$100.00
6 to 10 lots	\$150.00
11 to 30 lots	\$200.00
31 to 100 lots	\$250.00
101 or more lots	\$350.00

700.2.1 Preliminary Plat Application shall be approved by Building Official, Planning Commission, and City Council.

700.3 Construction Inspection and Review

700.3.1 5% of construction valuation, based on construction value and by recommendation of Building Official, payable when preliminary plat is approved by the City Council

700.4 Final Plat Application

<u>No. of Lots</u>	<u>Fee</u>
2 to 5 lots	\$ 75.00
6 to 10 lots	\$100.00
11 to 30 lots	\$150.00
31 to 100 lots	\$200.00
101 or more lots	\$300.00

700.4.1 Final Plat Application shall be approved by Building Official, Planning Commission Official, and City Council.

700.5 Replats

700.5.1 \$75.00 - Sub-dividing 1 lot to 2 lots fronting an existing city or county road with existing utilities and within a metes and bounds property description will need to file a replat application. Approval required from Building Official, Planning Commission, and City Council.

700.5.2 Replatting existing lot or lots in an existing subdivision need to file a replat application: see final plat fee schedule for single / multi-family. Approval required from Building Official, Planning Commission, and City Council.

701 - Commercial and Industrial Projects

701.1 Sketch Plat or Site Plan Application

701.1.1 Sketch Plat or Site Plan Application fee shall be \$50.00.

701.1.2 Building Official and Planning Commission Approval required and the Building Official will give recommendation on construction value.

701.2 Construction Plan Review (Preliminary) Application

<u>Value</u>	Fee
\$0 TO \$30,000	\$ 75.00
\$30,000 to \$150,000	\$200.00
\$150,000 and Up	\$250.00

5% Of construction value will be required at time of issuing the letter of compliance to apply for building permit

701.3 Final Plat

701.3.1 If required, per recommendation of the Building Official the Final Plat fee shall be as follows:

<u>Value</u>	Fee
\$0 TO \$30,000	\$ 75.00
\$30,000 to \$150,000	\$200.00
\$150,000 and Up	\$250.00