



SUBDIVISION REGULATIONS

OKTIBBEHA COUNTY, MISSISSIPPI

DRAFT AS OF June 30, 2015

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Article 1 Introductory Provisions

1.1 Title

This ordinance shall be known, referred to and cited as the Subdivision Regulations of Oktibbeha County, Mississippi.

1.2 Purpose

These regulations have as their purpose and are designed:

- a) To establish measures and requirements for the proper and legal subdivision of land in the unincorporated parts of Oktibbeha County and the procedures by which these requirements and measures are to be administered and enforced.
- b) To protect and provide for the public health, safety, and general welfare; to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other requirements.
- c) To protect and conserve the value of land, buildings, and improvements thereupon, and to minimize conflicts among uses of land and buildings.
- d) To protect the character, promote the economic stability, and encourage the orderly and beneficial development of the unincorporated parts of the county.
- e) To establish minimum standards governing street, utilities, and other required improvements.
- f) To establish minimum standards governing the preparation and filing of land subdivision plats and data to be submitted to the county for approval.
- g) To ensure the proper coordination of future streets and their development with existing or planned streets.
- h) To provide sufficient and effective traffic circulation with particular regard for the avoidance of congestion on roadways, the safe accommodation of pedestrian traffic, and the proper location and width of streets and building setbacks.
- i) To supplement and facilitate the enforcement of the provisions and standards contained in the building and housing codes, the Zoning Ordinance and other ordinances, and resolutions and policies of Oktibbeha County, and to establish penalties for the violation of the provisions of these regulations.

1.3 Scope

- a) In the unincorporated portions of Oktibbeha County, all land divisions of three (3) or more lots or parcels, any of which have an area less than or equal to ten (10) acres, either by plat or metes and

bounds description, for the purpose of transfer of ownership or building development, and all land divisions of three (3) or more lots regardless of size when the dedication or vacation of any street, road, alley, or easement is involved, shall require a plat to be filed with, and shall be reviewed and acted upon by the Oktibbeha County Planning Commission and the Oktibbeha County Board of Supervisors.

- b) It shall be unlawful for any person or entity to lay out, subdivide, resubdivide, plat, or replat any land into lots, blocks, or streets or to sell property therein, which has not been subdivided, resubdivided, platted, or replatted according to these regulations.
- c) The Board of Supervisors of Oktibbeha County will withhold improvement of any nature whatsoever, including the acceptance and maintenance of streets or roads, until a final plat of the subdivision has been approved by the Board of Supervisors and lawfully recorded in the Chancery Clerk's office. No lots shall be sold nor any plat recorded until such plat has been approved as required herein.
- d) No non-agriculturally related excavation, filling of land, or construction of any public or private improvements shall take place or commence except in conformity with these regulations.
- e) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of adoption of these subdivision regulations and which does not conform with the provisions of these subdivision regulations.
- f) Other circumstances requiring review under these regulations include the following: right-of-way dedication, street or alley closings, street or subdivision name changes, and subdivision revocation.

1.4 Conflict

These regulations are not intended to interfere with, or annul any other ordinance, rule or regulations, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulations, or other provision of law, whichever provisions are more restrictive shall control.

In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of Oktibbeha County, Mississippi, existing on the effective date of this ordinance, the provision which, in the opinion of the Board of Supervisors, establishes the higher standard for the promotion and protection of the health and safety of the people of Oktibbeha County shall take precedence.

1.5 Saving Clause

Should any section, clause, paragraph, provision, or part of these regulations for any reason be held invalid or unconstitutional by any court of competent jurisdiction for any reason, this act shall not affect the validity of any other section, clause, paragraph, provision or part of these regulations. All provisions of these regulations shall be considered separate provisions and completely separate from all other portions.

Article 2 Interpretations and Definitions

2.1 Interpretations

For the purpose of interpreting these subdivision regulations, certain words used herein are defined below. Words not specifically defined herein shall be interpreted in accordance with their usual dictionary meaning and customary usage. Words in their singular number include the plural number and words in the plural number include the singular number. Words used in the present tense shall include the future tense. The word “shall” is mandatory; the word “may” is permissive. The word “building” includes the words “structure” and “premises”. The word “lot” includes the words “plot”, “tract”, or “parcel”. The words “used” or “occupied” include the words “intended”, “designed”, or “arranged” to be used or occupied. The word “person” includes a firm, organization, association, partnership, trust, company, or corporation, as well as an individual.

2.2 Definitions

Subdivision: Any division of any tract or parcel of land into three (3) or more lots, any one (1) of which has an area of ten (10) acres or less, for the purpose, whether immediate or future, of sale or building development. It also includes resubdivision or replatting of land, lots, or tracts. Divisions of land into parcels greater than ten (10) acres shall not be included within this definition, unless any such subdivision of parcels greater than ten (10) acres includes the planning or development of a new street or a new access easement.

Access Point: A driveway, local street, or collector street intersecting an arterial street; or a driveway or local street intersecting a collector street; or a driveway or local street intersecting a local street.

Alley: A minor way that is used primarily for vehicular service and offers a secondary means of access for properties otherwise abutting on a street.

Applicant: Any person, individual, firm, partnership, association, corporation, trust, or any other group or combination acting as a unit, who undertakes the subdivision of land as defined herein and makes a formal application to the Planning Commission and Board of Supervisors in accordance with these regulations. (See Also: Developer, Subdivider).

Base course or pavement: The layer or layers of specified or selected material (such as compacted gravel) of a designed thickness that is placed on a subbase or a subgrade to support a pavement.

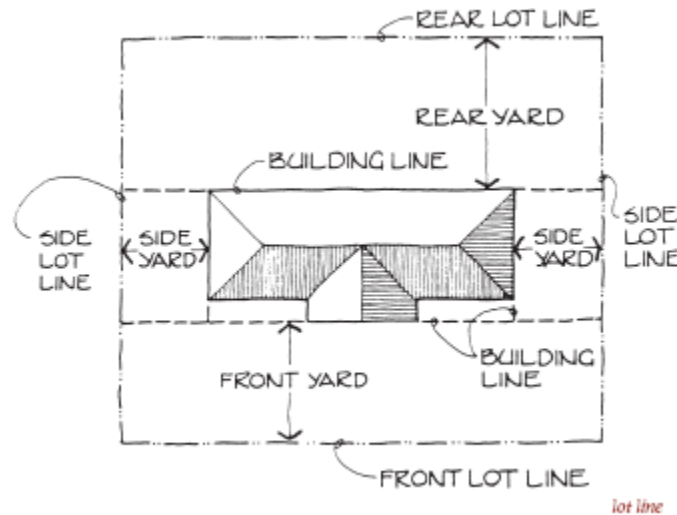
Block: An area of land within a subdivision that is bounded by streets or bounded by streets and the exterior boundary of a subdivision.

Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Board of Supervisors. (See also Performance Bond).

Buildable Area (of a Lot): That portion of a lot bounded by the required front, rear, and side yards. Also known as the Building Envelope.

Building: A structure having a roof supported by columns or walls and built for the support, shelter, or enclosure of persons, animals, or property of any kind.

Building Line, Front, Side, Rear: Line which defines the required area for the front, side, or rear yard as set forth in the Zoning Ordinance and illustrated below. These lines are usually fixed parallel to the lot line and are equivalent to the required yard. (See Also: Yard, Setback).



Source: *A Planners Dictionary, PAS report 521/522 (2004)*

Centerline of Street: The line surveyed and monumented by the governing body shall be the centerline of the street; or if such centerline has not been surveyed, it shall be that line running midway between the outside curbs or ditches of such street. In cases on county roadways where the pavement is not stripped with a centerline, the centerline of street shall also mean the midpoint of the width of existing pavement.

Common area: An area held in private ownership available for use by the occupants of more than one unit and recorded as part of the subdivision in the County Plat Book.

Comprehensive Plan: The Benton County Comprehensive Plan as adopted by the Board of Supervisors. A comprehensive plan is a policy document which guides future growth and development within the county regarding transportation, land use, and community facilities and services.

Conditional: Granted or made on provisions set forth in these regulations.

Construction Plans: The maps or drawings accompanying the preliminary plat submission and showing the specific location and design of improvements to be installed in accordance with the requirements of these regulations and any other conditions of approval set by the Planning Commission.

Culvert: A transverse drain that channels under a bridge, street, or driveway.

Dedication: The setting aside of land and/or improvements for a particular public use.

Density: The measurement of the number of dwelling units per acre of land.

Developer: Any individual, firm, association, partnership, corporation, trust, or other legal entity commencing proceedings under these regulations to subdivide land for either him or herself or for another. (See also: Applicant, Subdivider).

Development: A manmade change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

Driveway: A privately owned or maintained access from a street to a dwelling unit or from a street to office, commercial, or industrial activities, designed for low travel speeds and is often used in association with parking areas for vehicles.

Dwelling: A building or portion thereof which is designed for or used for human residential habitation. For the purpose of these regulations, the term "dwelling" shall not include boarding or rooming houses, motels, hotels, campers, recreational vehicles, tents, or other structures designed for transient residence.

Easement: A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, sewer lines, water lines, and transmission lines, or those used for drainage of access purposes.

Ingress - Egress Easement: An area of land intended for the purpose of providing vehicular or pedestrian access across one parcel to a different parcel or to a land-locked parcel.

Essential Services: The erection, construction, alteration, or maintenance by public utilities, or municipal departments, or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution system, collection, or communications supply or disposal systems including poles, wire, mains, drains, sewers, pipes, conduits, cables, or traffic signals in connection therewith, but not including, buildings or substations reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions or for the public health, safety, or general welfare.

Engineer: The designated Benton County Engineer who is appointed by the Board of Supervisors to review and approve certain items as stipulated in these regulations.

Family: One or more persons related by blood, marriage, or other legal arrangement, a group of unrelated individuals not to exceed six unrelated persons living as a single non-profit housekeeping unit, or as otherwise defined in state law.

Fence: A constructed vertical barrier having no connection to a roof, typically used to enclose an area, mark a boundary, control access, provide a visual barrier, or form a decorative element in landscaping or architecture.

Final Plat: A subdivision plat proposed in accordance with these regulations in which said plat is designated to be placed on record with the Chancery Clerk after installation of improvements or guarantee listed in Article 6 and after approval by the Planning Commission and the Board of Supervisors.

Finished Floor Elevation: The required first floor elevation of any building constructed within the 100 year floodplain, measured from the FEMA determined base flood elevation.

Flood Insurance Rate Map (FIRMs): An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency which contains flood profiles, water surface elevation, or the base flood, as well as the Flood boundary map.

Floodplain: Any land area susceptible to being inundated by water from any source. Areas with a one percent (1%) chance of flooding in any given year are called the 100-year floodplain.

Floodway: The channel of a river or watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1'). Development within the floodway is prohibited.

Frontage: All property on the side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street; or if the street is dead-ended, all of the property abutting one side between an intersecting street and the dead end of the street.

Governing Authority: The Board of Supervisors of Benton County.

Grade: The amount of rise or descent of a sloping land surface, usually measured as a percent where the numbered percent refers to the amount of vertical rise or fall, in feet, for every hundred feet (100') horizontally.

Improvements: Street pavement or resurfacing, curbs, gutters, water lines, sewer lines, storm drains, flood control structures, utility lines, or other such construction as may be required under these regulations for the subdivision of land.

Individual Sewage Treatment Facility: A sewage disposal system, such as a septic tank, developed to function on an individual lot basis.

Lot: A numbered or lettered tract of land having an area of ten (10) acres or less in a subdivision that is unoccupied, occupied, or intended for occupancy under single ownership, and not divided by a street; A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development. Examples of types of lots are shown below.

Lot, Corner: A lot that fronts on two or more streets at the junction of these streets.

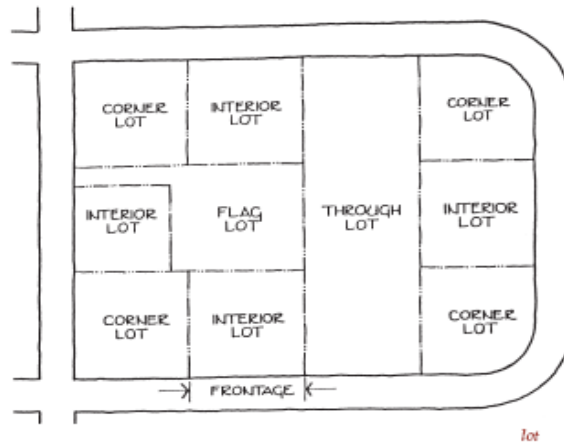
Lot, Double Frontage: A lot that fronts on two or more non-intersecting streets.

Lot, Flag: A lot where the only frontage on a public street is a narrow strip of land which is generally wide enough to accommodate a driveway but is too narrow to accommodate any structures.

Lot, Interior: A lot with only one frontage on a public or private street.

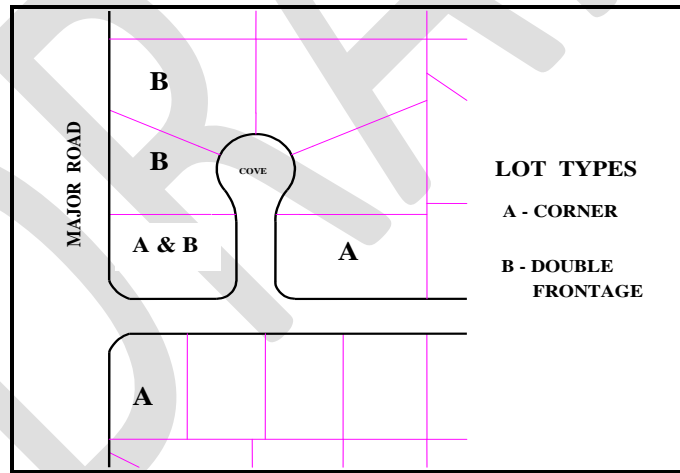
Lot, Land-locked: Parcels that do not have frontage on or direct access to a county road or state/federal highway.

LOT TYPES



Source: A Planners Dictionary, PAS report 521/522 (2004)

ADDITIONAL LOT TYPES



Lot Area: The total ground area included within lot lines.

Lot Coverage: The lot area covered by all buildings located thereon, expressed as a percentage of the total lot area.

Lot Frontage: The dimension of a lot or portion of a lot abutting on a public or private street.

Lot Lines: The lines bounding a lot as defined herein and as shown in the Building Lines Figure.

Lot Number: The number assigned to a lot on a subdivision plat for identification purposes.

Lot of Record: A numbered or lettered tract of land in a subdivision recorded in the Plat Records of the County, or a parcel described by metes and bounds in the Deed Records of the County.

Lot Width: The width of a lot measured at the building line.

Monument: Marker placed on or in the land to indicate a boundary of a piece of property.

Owner: The holder of legal title to a piece of property, which may include holders of equitable interest, such as trust beneficiaries, contract purchasers, option holders, or lessees under leases with an unexpired term of at least ten years. A statement of ownership with full disclosure of all legal and equitable interests in a property is required in association with these regulations.

Pavement: The portion of the roadbed that is constructed upon the base course and is specifically constructed as the contact element for vehicular traffic.

Performance Bond: An agreement by a developer with the county for the amount of the estimated construction cost that secures the completion of the required public improvements according to the plans, specifications, and time frame established at the time of Preliminary Plat approval. (See also: Bond). The bond shall be obtained from a company that is licensed to do business in Mississippi.

Phasing: A proposed plan for the completion of a development in increments or stages.

Planning Commission: the duly appointed Benton County Planning Commission. In the absence of such appointed Planning Commission, the Board of Supervisors of Benton County shall be considered as the Planning Commission.

Plans: All drawings, including cross sections, profiles, working details and specifications, which the subdivider prepares to show the type, character, extent, and details of the improvements required under these regulations.

Preliminary Plat: The application materials and the preliminary drawing(s), described in these regulations, indicating the proposed manner or layout of the subdivision, prepared in accordance with these regulations for presentation to the Planning Commission and the Board of Supervisors for their action.

Professional Engineer: An engineer properly licensed and registered in the State of Mississippi.

Professional Surveyor: A land surveyor properly licensed and registered in the State of Mississippi.

Property Owners Association or Homeowners Association: A legal entity made up of the property owners in a particular development that is created for such purposes as maintaining common areas or enforcing restrictive covenants for the development.

Protective or Restrictive Covenants: Private restrictions that may be recorded with the subdivision plat or as a separate document. These restrictions are the responsibility of private parties associated with

the subdivision and are not enforced by the public entity. The covenants may be more restrictive than the Zoning Ordinance or Subdivision Regulations, but cannot be more permissive.

Public Hearing: A meeting held for the review of a matter or matters where opinions may be presented by the public. These hearings may take place during the regular Planning Commission and/or Board of Supervisors meetings and are held according to state laws.

Public Sewer System: A central sewer system that is owned, operated, and maintained by a municipality, county or utility district.

Public Utility: Any person, firm, corporation, municipal department, or board duly authorized to furnish electricity, gas, steam, communications, telegraph, transportation, water, or sewer to the public under state or municipal regulations. Also, any plant or equipment for the conveyance, production, transmission, delivery, or furnishing of heat, chilled air, water, light, power, or sewage facilities, either directly or indirectly to or for the public.

Reserve Strip: A portion of land set aside to prevent and prohibit access to adjoining property or public thoroughfare. This is not permitted as a land use practice in Benton County.

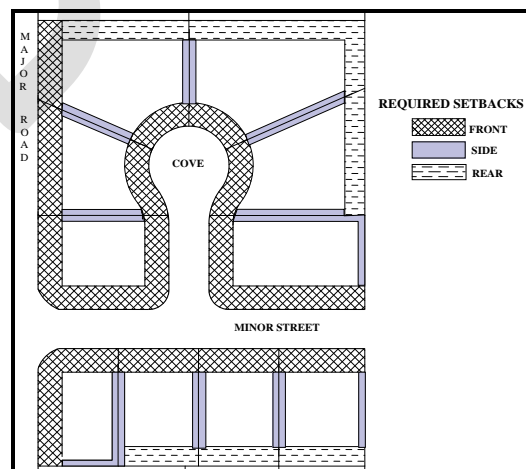
Resubdivision: Any redivision of an existing lot, consolidation of two or more existing lots in a recorded subdivision, change in an approved or recorded subdivision plat that affects any lot line, street layout, or area reserved for public use or that affects any plan legally recorded prior to the adoption of any regulations controlling subdivisions. Any such action is subject to these regulations and approval by the governing authority.

Right-of-Way (ROW): A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation by a public entity and either occupied or intended to be occupied by a road, communication, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or intended to be used for similar purposes for public use or benefit.

Road: For the purposes of these regulations, “road” shall be defined the same as “street.”

Sanitary Sewer System: A public or community sewage disposal system of a type approved by the State Department of Health.

Setback: The minimum distance required between the lot boundary and the building line.



Sidewalk: A paved facility intended primarily for pedestrian access and located within a right-of-way or pedestrian easement.

Sight Triangle: A triangular-shaped portion of land formed by the right-of-way lines abutting the intersection and a line connecting points on these street lot lines at a distance of thirty-five feet (35') from the point of intersection of each right-of-way line. In this area there are restrictions on things erected, placed, or planted which would limit or obstruct the sight distance of motorists entering or leaving the intersection.

Subgrade: The top surface of a roadbed upon which the pavement structure and shoulders are constructed.

Street: A way for vehicular traffic, whether the street is designated as an avenue, arterial, collector, boulevard, drive, highway, road, expressway, lane, alley, or other way. For the purpose of these regulations, streets are divided into the types and categories defined below:

Street, Arterial: A major highway used primarily for heavy through traffic which will be so designated on the Benton County Transportation Plan.

Street, Arterial Highway: A major highway officially designated as a Federal or State Aid highway.

Street, Collector: A street designed to carry traffic from local streets to the arterial streets, including the principal entrance streets to a residential development and the streets for major circulation within such a development.

Street, Cul-de-sac: A short, local street having an outlet at one end and having the other end permanently closed and designed with a circular turnaround; not intended to be extended in the future.

Street, Local: A street designed to carry traffic from residential areas to collector streets.

Street, Private: A street that provides access to abutting property for private users of such property and is not maintained by the county.

Street, Public: A roadway constructed within the boundaries of an officially dedicated public right-of-way, which provides the principal means of access to abutting property.

Street Stub: A street temporarily having only one outlet for vehicular traffic because the street terminates at the edge of undeveloped property. Any time that a street terminates at the edge of undeveloped property there is the intent to extend the street when the property develops.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something being located on the ground. For the purposes of these regulations, a fence shall not be considered a structure.

Subdivider: Any person, owner, agent, or entity having control of any land within the unincorporated areas of Benton County and proposing to subdivide such land into lots. (See also: Applicant, Developer).

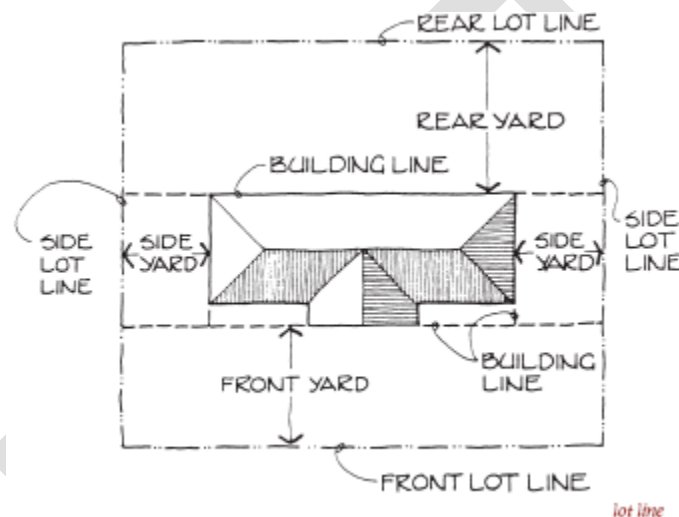
Variance: A modification of the application of these regulations, granted by the Planning Commission, when strict enforcement of the requirements of these regulations would cause undue hardship owing to the circumstances unique to the individual property.

Yard: Any open space on the same lot with a principal building that is open, unoccupied, and unobstructed by building from the ground to the sky except as otherwise provided in these regulations or the Zoning Ordinance. The measure of a yard shall be the minimum horizontal distance between any part of the principal building and the property or street right-of-way lines. (Also See Building Line).

Yard, Front: The unoccupied space on the same lot with a building and situated between the street line and the front line of the building projected to the sideline of the lot.

Yard, Side: Yard between the main building and the sideline of the lot, and extending from the front yard line to the rear yard line on a corner or interior lot, or from one front yard line to the other front yard line on a double frontage lot.

Yard, Rear: A yard extending the full width of the lot between a main building and the rear lot line.



Source: *A Planners Dictionary, PAS report 521/522 (2004)*

Zoning District: Any section of the county for which the zoning regulations, governing the use of buildings and premises, the height of buildings, the size of the yards, and the intensity of use, are uniform.

Article 3 Jurisdiction

3.1

It shall be unlawful for any person being the owner, agent, or person having control of any land within the unincorporated areas of Oktibbeha County, Mississippi to subdivide or lay out such land in lots unless by a plat, in accordance with the regulations contained herein. No lots shall be sold, nor any plat recorded, until plat has been approved as herein provided.

3.2

Any area hereafter annexed to a city or town or incorporated as a City or Town, immediately upon annexation or incorporation shall be no longer subject to the Oktibbeha County Subdivision Regulations, but shall conform to the subdivision regulations adopted by the Town.

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Article 4 Procedure

4.1 General Procedure

4.1.1

Whenever any subdivision of land is proposed, before any-recording of deeds, and before any permit for the erection of a structure in a proposed subdivision shall be granted, the owner or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure, which includes four steps for a major subdivision and two steps for a minor subdivision:

- a. Major Subdivision
 - i. Sketch Plat -
 - ii. Preliminary Plat
 - iii. Construction Plans (prior to construction)
 - iv. Final Plat

- b. Minor Subdivision
 - i. Sketch Plat
 - ii. Final Plat

4.1.2

Prior to final approval of any lot in Oktibbeha County which does not have central collection and treatment for sewage, an application must be submitted to the Oktibbeha County Health Department for notation that septic tanks will be approved and any conditions or limitations for such approval.

4.1.3

No plat or re-plat subdividing land into lots shall be filed or recorded in the Office of the Chancery Clerk of Oktibbeha County, Mississippi unless and until reviewed by the Planning Commission and approved by the Governing Authority and no lot shall be sold from such plat or re-plat until the plat is filed for record in the Office of the Chancery Clerk of Oktibbeha County, Mississippi.

4.2 Major Subdivision Procedure

The subdivider of a Major Subdivision shall submit a Sketch Plat and a Preliminary Plat, except where waived by the Director of the Planning Commission, in accordance with the specifications of this Article. Upon approval of the sketch and preliminary plats, in accordance with this Ordinance, the subdivider shall proceed with installation of the minimum improvements as required herein or may submit a final plat for approval by the Planning Commission in accordance with this Article. Major subdivisions where any public road is being built or modified will require the submission of two (2) sets of construction plans for approval by the Engineer prior to any construction beyond site grading. If subdivision is within a one (1) mile radius of any city limits a set of plans is to be issued to that city.

4.3 Minor Subdivision Procedure

Any subdivider of a Minor Subdivision shall submit to the Planning Commission one print of a Final Plat, drawn to scale by an Engineer or Land Surveyor licensed in the State of Mississippi (except where waived by the Director of the Planning Commission) on 8" x 11" paper, containing the applicable information as shown in Article 4, Section 4.8. If the proposed minor subdivision complies with all applicable statutes or regulations, approval may be given by the Director of the Oktibbeha County Planning Commission. The subdivision application will then be presented to the Governing Authority for final determination at its regularly scheduled meeting. In the event the Planning Commission Director disapproves the proposed Minor Subdivision plat, the subdivision will be presented to the full Planning Commission for consideration and recommendation to the Board of Supervisors for final action.

Minor subdivision plats are not required to be recorded in the plat books of the Oktibbeha Chancery Clerk's Office; however, approval of such subdivision must be recorded in the minute books of the Governing Authority, and the required Right-of-way, as indicated in the Subdivision Design Standards contained in Article 5, Section 5.1, Number 5 must be conveyed to Oktibbeha County by Right-of-Way deed. Said Right-of-Way shall be counted in the computation of minimum lot size.

4.4 Sketch Plat Procedure

1. The purpose of the Sketch Plat is to provide the Subdivider an opportunity to consult early and informally with the Planning Commission Staff before preparation of a Preliminary and/or Final Plat and submission of a formal application to the Planning Commission. The intent of this procedure is to assist the Subdivider in preparing a plan which will meet the objectives of the Comprehensive Plan, the requirements of the Planning Commission and of other public agencies, the improvements and uses of the subdivision and any other potential problems involved in the proposed subdivision.
2. The Subdivider shall submit to the Planning Commission Staff a Sketch Plat showing the boundaries of the proposed subdivision, its relationship to surrounding properties, natural features and the proposed street and lot pattern. This step does not require a formal application or filing fee. Upon receipt of the Sketch Plat the Planning Commission Staff shall review the Sketch Plat, and notify the Subdivider through consultation and/or writing that the Sketch Plat as submitted, or modified, meets the objectives of these regulations, or does not meet the objectives of these regulations and the reason therefore.
3. If the proposed subdivision is to contain two or more lots whose dwelling structures will be exempt from obtaining a Residential Construction--Framing Permit from the Oktibbeha County Building Inspector, a note shall be affixed on the face of the plat stating:

"This plat contains two or more lots whose dwelling structures may be exempt from obtaining a Residential Framing Permit from the Oktibbeha County Building Inspector."

4.5 Preliminary Plant Application Procedure

1. Fifteen (15) copies of the preliminary plat, drawn to scale of 100 feet to the inch, except where waived by the Director of the Planning Commission, conforming to the

requirements of Article 5, Section 4.6, shall be submitted to the Planning Commission. The plat shall be accompanied by an application form supplied by the Planning Commission and a filing fee to be fixed by the Governing Authority by separate ordinance. Applications for preliminary approval of subdivision must be filed no later than the first working day of the month to be heard on the date of the next regularly scheduled meeting of the Planning Commission. When the regularly scheduled meeting falls within one week of the filing deadline, the application will be heard on the next consecutive regularly scheduled meeting. If the proposed subdivision is to contain two or more lots whose dwelling structures will be exempt from obtaining a Residential Construction--Framing Permit from the Oktibbeha County Building Inspector, a note shall be affixed on the face of the plat stating,

"This plat contains two or more lots whose dwelling structures may be exempt from obtaining a Residential Framing Permit from the Oktibbeha County Building Inspector."

2. If the planning Commission after the recommendation of the County Engineer finds that the preliminary plat satisfies the requirements of this Ordinance, it shall make a finding of its approval of said plat, and any conditions thereof, and notify the Governing Authority of its decision. The Subdivider or his agent must be present at the Planning Commission Meeting scheduled to hear the submitted application unless otherwise advised by the Director of the Planning Commission.
3. If the Planning Commission finds otherwise it shall specify the objections found to such plat and may either disapprove or approve the plat conditional upon specific changes being made to the plat prior to its submission to the Governing Authority.
4. Within 90 days after submission of the preliminary plat and other required materials submitted in conformity to these regulations, the Planning Commission shall specify to the subdivider its approval and state the conditions of such approval, or in the event of disapproval, shall state its disapproval and reasons therefore. However, the subdivider may waive the time limitation requirements and consent to an extension of such period.
5. The Planning Commission may attach additional conditions not specified in this ordinance and reject a subdivision if it has been determined that the proposed subdivision is not in keeping with the general character of the development in the area; and that in the best interest of the public, the site is not suitable for the proposed development purposes.
6. When requested, one copy of the proposed plat and findings of the Planning Commission shall be given the person offering the proposed plat, together with a certificate of approval or disapproval of the Planning Commission. Approval of the Preliminary Plat by the Planning Commission does not constitute a final acceptance or approval of the proposed subdivision.

7. On the basis of approval of the Preliminary Plat, by the Planning Commission, the proposed plat and findings of the Planning Commission shall be presented to the Governing Authority for approval, at its first meeting following its meeting of the first Monday of the following month. The Governing Authority shall have the right to uphold, reverse or otherwise amend the findings of the Planning Commission. Notwithstanding the foregoing, the Governing Authority, by resolution spread upon its minutes, may waive the requirement of review and approval of Preliminary Plats. Upon approval of the Preliminary Plat by the Governing Authority, or the Planning Commission when the Governing Authority has waived the necessity of review and approval of the same, the Subdivider¹ shall negotiate and execute the Development Agreement. Upon entering into the Development Agreement with the Governing Authority, but not prior thereto the Subdivider may proceed with the installation of minimum improvements with reasonable assurance that no major changes will be required or made at a later stage of the approval process, provided Final Plat approval is obtained within two (2) years from the date of preliminary approval or the Subdivider may proceed toward filing a Final Plat, as described in Article 4 Section 4.7 through Section 4.10. In the event no Final Plat approval has been issued after the passage of two or more years from the date of preliminary approval, the Planning Commission may require resubmission of preliminary plans and, as a condition thereof, the execution of the Development Agreement. Construction Plans should be submitted for approval prior to any construction beyond site grading. Any construction performed prior to the final execution of the Development Agreement, and any construction beyond site grading done prior to approval of construction plans, is at the Subdivider's own risk.

4.6 Data for Preliminary Plat

1. Preliminary Plat and fifteen (15) prints shall be at a scale of one hundred (100) feet to one (1) inch (1" - 100') unless otherwise specified by the Planning Commission Staff. The Preliminary Plat and accompanying documents shall show the following:
 - a. The proposed lot lines, lot numbers and the lot layout for the subdivision and approximate dimensions.
 - b. Minimum building set-back lines.
 - c. The location of all existing and proposed streets, alleys or access easements in the subdivision including dimensions of right-of-way widths, street names.
 - d. Easements, their location, width and purpose.

¹ If the Subdivider is not the owner of the Subdivision site, but has permission from the owner to develop same, the owner will be required to join herein and all obligations imposed upon the Subdivider hereunder shall be the joint and several obligations of the Developer and the owner.

- e. Sites reserved for parks, public spaces, drainage area.
 - f. The proposed use of all land in the subdivision including any reserved areas and the acreage.
 - g. At the time of preliminary subdivision application, the applicant must provide a letter from the certificated water authority stating the service provider will provide service and the water authority has capacity to service the proposed development.
 - h. Existing topography (shown by contour lines at intervals of not greater than two feet) for the entire subject site and within 100 feet of the subject sites' boundaries.
 - i. At the time of preliminary subdivision application, the applicant must provide a letter from the certificated water authority stating the service provider will provide service and the water authority has capacity to service the proposed development.
2. General Information - The Preliminary Plat shall show:
- a. The location of existing property lines, streets, buildings, water courses, zoning classifications, and other existing features within the acreage to be subdivided and similar information regarding existing conditions of land immediately adjacent thereto;
 - b. The acreage of the land to be subdivided;
 - c. Areas which are subject to periodic inundation (100-Year Flood Elevation);
 - d. The proposals for sewer and water service shown as a note on plat and any accompanying documentation from appropriate agencies;
 - e. The title under which the proposed subdivision is to be recorded, and the name and Mississippi registration number of the engineer, registered land surveyor, planner, and the subdivider platting the tract;
 - f. Location sketch map showing relationship of subdivision site to area including township, range, section, and parts of sections;
 - g. The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land;
 - h. Contours at vertical intervals of not more than two feet will be shown for property to be platted as school or park sites;

- i. North point, graphic scale and date;
- j. The subdivider's proposal to the Governing Authority for accomplishing the installation of improvements in accordance with Article 6 of this Ordinance;

4.7 Final Plat Application Procedure

1. Fifteen (15) prints at a scale of one inch equals 100 feet and three prints at a scale of one inch equals 200 feet of the final plat, accompanied by an application form supplied by the Planning Commission a filing fee to be fixed by the Governing Authority by separate ordinance, together with copies of any deed restrictions where such restrictions are too lengthy to be shown on the plat, shall be submitted to the Planning Commission. Application must be made no later than two weeks prior to the next regularly scheduled meeting of the Planning Commission to be heard at that meeting.
2. When the Final Plat conforms to the approved preliminary Plat, and the requirements of this article have been accomplished, the Final Plat shall be approved by the Chairman of the Planning Commission, and the plat thereupon submitted to the Governing Authority for its review and final determination. When the Final Plat does not conform to the approved Preliminary Plat, the Planning Commission shall submit its recommendations to the Governing Authority for approval or disapproval of the Final Plat. The Subdivider or his agent must be present at the Planning Commission meeting scheduled to hear the submitted application unless otherwise advised by the Director of the Planning Commission.
3. If the subdivision improvements required in Article 6 have not already been installed as explained in Article 4, Section 4.5, Number 7, the subdivider may either:
 - a. Proceed to install the required improvements before the subdivision may be recorded and lots sold; or
 - b. A performance bond must be provided to cover the costs of the required improvements and the subdivision may be recorded immediately and lots sold;

Once the improvements have been installed, a maintenance bond must be provided as described in Article 6, Section 6.2, Number 4 after which the performance bond is released.
4. After approval of the Final Plat by the Governing Authority and required improvements are installed or appropriate arrangements have been made therefor, a cloth-backed original plat shall be recorded in the Office of the Chancery Clerk within one (1) year and if not filed, such plat shall have no validity and shall not be recorded without concurrence of the Planning Commission. A cloth-backed copy of the recorded plat shall be provided to the Planning Commission for its official records.
5. Any land dedicated to Oktibbeha County for park purposes in a subdivision shall be conveyed to Oktibbeha County free and clear of all encumbrances at the same time the plat of subdivision is filed, said deeds to be without restrictions or covenants except requirement that the land be

used for park purposes without reversion and with references to the subdivision, if any, on, which the land is shown.

4.8 Data for Final Plat

1. The Final plat and fifteen (15) prints shall be at a scale of not more than 100 feet to the inch (1" = 100') from an accurate survey and on one or more sheets whose dimensions shall be 18 inches by 24 inches. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the component areas shown on other sheets. The Final Plat and the accompanying documentation shall show the following:
 - a. The boundary lines of the area being subdivided with accurate distances and angles, showing all relationship of the subdivision to section, township and range;
 - b. The lines of all proposed streets and alleys with their widths and the names of all streets;
 - c. The accurate outline of any portions of the property intended to be dedicated or granted for public use with a statement of dedication thereon;
 - d. The lines of all adjoining property and the line of adjoining streets and alleys with their widths and the names of all streets within 100 feet of the proposed subdivision;
 - e. All lot lines together with an identification of all lots which shall be numbered consecutively;
 - f. The location of all building lines and easements provided for public services; and utilities
 - g. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100th of a foot.
 - h. The radii, arcs or chords, points of tangency and central angles for curvilinear streets and radii for rounded corners.
 - i. The location of all survey monuments and their descriptions as provided in Article 6, Section 6.4.
 - j. If the proposed subdivision is to contain two or more lots whose dwelling structures will be exempt from obtaining a Residential Framing Permit from the Oktibbeha County Building Inspector, a note shall be affixed on the face of the plat stating the following:

"This plat contains two or more lots whose dwelling structures may be exempt from obtaining a Residential Construction Framing Permit from the Oktibbeha County Building Inspector."

2. **General Information** - The Final Plat shall show the following:
 - a. The name of the subdivision, a graphic scale of the plat, a north arrow oriented toward the top of the page, the date, and the name of the owner or owners or subdividers;
 - b. Location sketch map showing relationship of subdivision site to area including township, range, section, and parts of sections;
 - c. The certificate, Mississippi registration number and legal seal of registered engineer or land surveyor attesting the accuracy of the survey and the correct location of all monuments shown;
 - d. Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of undue length as to make their lettering on the plat impractical and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat;
 - e. Acknowledgement of the owner or owners of the plat, and restrictions including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required;
 - f. Statement to the effect that installing driveway culverts is the responsibility of the individual lot owner, not the responsibility of the developer or Oktibbeha County;
 - g. Proper certificates for owner, notary public, registered engineer or land surveyor, Planning Commission, Board of Supervisors, and Chancery Clerk, shown in that order;
 - h. The following certification of the engineer or surveyor of record for the proposed subdivision shall be included on all final plats:

"I hereby certify that all dimensions, angles, bearings, and areas shown on this plat are correct, and that the exterior boundaries and interior lot dimensions have an error of closure to no less than 1 in 10,000 feet."

4.9 Procedure for Recording Final Plat

After final approval is obtained from the Governing Authority and all conditions have been satisfied, two cloth-backed or mylar copies and two half-size prints shall be submitted for recording which shall contain the necessary signatures, certificates, and seals as specified in Article 4, Section 4.8, Number 2 along with any agreements, and bonds if necessary, a recording fee as established by the Office of the Chancery Clerk, and an attorney's certificate of title certifying title to the land subdivided valid as of the hour and day of recording.

4.10 Relation to Planned Unit Development (PUD)

Any portion of a tract zoned as a PUD District may be submitted for approval as a major subdivision, provided that the PUD District zoning regulations governing the approval of a Preliminary Site Plan are met. In submitting any PUD subdivision for approval, the prior action of the Planning Commission and the appropriate legislative body in granting the zoning application shall be sufficient preliminary plat approval within the meaning of Article 4. No preliminary plat specified in Article 4 shall be required.

The basic purpose of PUD is to allow flexibility in the development of planned communities. PUD is intended to facilitate total density control as an alternative to regulation of individual lot size, harmonious development of mixed land uses, creative alternatives to traditional standards for minimum improvements, and development of attractive and functional common areas for recreational and other purposes. Within the general limitations of the Comprehensive Plan, the intent of these regulations and the public interest, convenience, safety and welfare, the Planning Commission may consider this purpose and may waive or modify any requirements of Article 5 and 6 of these regulations.

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Article 5 Subdivision Design Standards

5.1 Streets

1. The arrangement of streets in all new subdivisions shall make provisions for the continuation of the principal existing streets in the adjoining areas of their proper projection and for any streets or roads shown on the Transportation Plan for Oktibbeha County.
2. All proposed street names shall avoid duplication of other street names in Oktibbeha County unless the proposed street is obviously intended as an extension of another existing or proposed street, in which case the streets shall bear the same name.
3. The arrangement of streets and lots shall give due regard to topography and other physical features of the property.
4. The right-of-way widths and location of major roads and collector streets shall conform to the right-of-way widths and locations of such streets designated on the Oktibbeha County Comprehensive Plan's Transportation Plan Chapter and Appendix B of this Ordinance. However, the Planning Commission may consider any other proposed street a major or collector street and require comparable right-of-way widths.
5. The minimum widths of street and road right-of-way, measured from lot line to lot line, shall be as follows:

Street Type	Required Right-of-way (Feet)
Section Line Roads	106
Arterial	
6 lanes with median (rural)	114
6 lanes with turn lane (curb & gutter)	108
4 lanes with median (rural)	106
4 lanes with turn lane (curb & gutter)	106
2 lanes (rural)	106
Collector	
5 lanes (rural or curb & gutter)	106
4 lanes (rural or curb & gutter)	80
2 lanes with turn lane (rural)	80
2 lanes with turn land (curb & gutter)	60
2 lanes (rural or curb & gutter)	60
2 lanes with parking (curb & gutter)	60
Local	
2 lanes (rural)	50*
2 lanes (curb & gutter)	50*
* The minimum right-of-way width for local streets shall be 50 feet, except that in cases where the topography or special conditions make right-of-way of less width more suitable, the Governing Authority may waive the above requirement.	

6. The angle of intersection between streets should not vary by more than ten degrees from a right angle.
7. The minimum corner radii at street intersections shall be 20 feet.
8. Street "jogs" resulting from failure to align streets on either side of an intersection are prohibited, with a minimum offset of 150 feet between center lines of parallel streets being required.
9. Cul-de-sac streets may be provided if proper access is given to all lots from a dedicated street or court. All cul-de-sac streets shall terminate in a dedicated right-of-way space having a minimum radius of 50 feet, or other satisfactory arrangement for turning of vehicles. Cul-de-sac streets shall not exceed 500 feet in length.
10. Minimum street grades of 0.2 percent will be required for adequate drainage. Maximum street grades will be as follows:
 - a. Major Arterial 8%
 - b. Minor Arterials and Major Collectors 10%
 - c. Minor Collectors and Local Roads 12%

Intersections will be a minimum feasible grade with sight distance of at least 100 feet in all directions. Minimum sight distance of 200 feet will be required in all curves.

11. Alleys shall not be provided in a residential block. In industrial or commercial subdivisions, paved alleys or driveway easements assuring permanent rear access may be required with a minimum width of 20 feet.
12. To assure a continuous circulation system in an area when all the land is developed the Planning Commission may require extension of a street within a subdivision to the adjoining property, which street would be continued at the time the adjoining property would be developed. Temporary turnarounds with a forty foot (40') radius, including a five (5) foot shoulder radius shall be provided at the termination of such streets unless waived by the governing authority.

5.2 Easements

1. Utility easements of at least five feet in width shall be dedicated on each side of all rear lot lines and at least five feet on each side lot line and at least 10 feet on all lot lines adjoining a street, for poles, wires, conduits, storm and sanitary sewers, gas, water, or other utilities. Easements of greater width than normally required may be required as necessary.
2. Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream or drainage course. The adequacy of the easement shall be determined by the Engineer.

3. No easement for egress/ingress shall be less than forty feet (40') in width and no longer than six hundred feet (600') in length. Such easement shall require a paved surface of at least 15 feet in width and at least 6 inches in depth of compacted gravel or equivalent. A plan and profile drawing developed by a licensed professional engineer shall be required. Said drawing shall be fully dimensioned and shall provide for the adequate treatment of drainage. Said easement shall be recorded and conveyed to each owner of parcels located thereon. No more than three (3) parcels shall be served by said access easement.

5.3 Blocks

1. All new blocks created by any major subdivision of land shall take into consideration the following:
 - a. All blocks shall be sufficiently wide to allow two tiers of lots of appropriate depth under the applicable zoning regulations, unless another length or width is approved by the Planning Commission because of special topographical or traffic considerations.
 - b. No block shall be less than 250 feet nor more than 1500 feet in length except as the Planning Commission considers necessary to secure efficient use of land or desired features of street patterns. In the Agricultural and Agricultural-Residential District block lengths of up to 2000 feet are allowed.
 - c. Mid-block walkways, or crosswalks, not less than 10 feet wide may be required where deemed essential to improve pedestrian circulation, or access to schools, shopping centers, parks, playgrounds or other community facilities.

5.4 Lots

1. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and to the character of surrounding development.
2. The minimum lot area and lot width, measured at the building lines, shall conform to the requirements of the zoning ordinance for the applicable zoning district.
3. No lot shall have a depth in excess of four times its width, however this requirement may be waived by the Planning Commission if the Subdivider can demonstrate this requirement is not appropriate for the type of development and use contemplated.
4. All side lot lines shall be at right angles to straight street lines and radial to curved street lines except where a variation of this rule will provide a better street and lot layout as approved by the Planning Commission.
5. Corner lots shall have a width sufficient to permit the establishment of front building lines streets without reducing the buildable width below that of the on both the adjoining average sized lot in the subdivision.

6. Reverse frontage lots shall be prohibited except where essential as determined by the Planning Commission to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography. In such cases, additional depth including a planting screen reservation of a minimum of ten feet in width, and across which there shall be no right of access, shall be provided along the line of lots abutting such uses. A statement dissolving the right of access of lots to the major street shall be included on the Final Plat.
7. Property line radii at street intersections shall not be less than 20 feet.

5.5 Public Sites, Facilities and Open Spaces

1. Adequate park, school, recreational space shall be provided at convenient locations throughout the subdivision and conform to the Oktibbeha County Comprehensive Plan. The amount, type and locations of such areas will depend on the size and type of development and shall be developed in accordance with the location, space and size requirements presented in the Oktibbeha County Comprehensive Plan.
2. Where park, playground, or areas for other public recreational uses should be provided in the subdivision in accordance with the Comprehensive Plan, the Planning Commission may require such area to be dedicated to the proper public agency. Where a school should be provided in accordance with the Comprehensive Plan, the Planning Commission may require such area to be dedicated to the proper public agency or be reserved for acquisition by said agency within one year. Such reservation shall continue in effect for a period of not more than one (1) year from the date of filing of the Preliminary Plat. This reservation period may be extended for a period not to exceed six (6) months upon submission of a letter to the Planning Commission of intent to purchase by the appropriate governmental agency. This reservation may be discontinued upon written notice from the appropriate governmental agency stating that the property may be released for development.
3. All land to be reserved for dedication to the local government or acquisition for public use purposes shall have prior approval of the appropriate governmental agency and shall be shown on the plat "Reserved for Park and/or Recreation and/or Public Use Purposes."
4. Where a subdivision contains sewers, sewage treatment plants, water supply systems, or other physical facilities necessary or desirable for the welfare of the area and of common use or benefit, which the Governing Authority does not desire to or cannot maintain, provision shall be made for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision. All public underground facilities, except storm drains, shall be installed by, or on behalf of the developer and his subcontractors, subsidiaries, agents, employees and assigns, shall be constructed within the appropriately designated utility easements and not within the road or street right of ways, or road beds, unless otherwise approved by the Governing Authority or Engineer.

5. In order to protect the health and welfare of the citizens of Oktibbeha County, Mississippi, it is the policy of Oktibbeha County, Mississippi that any subdivision development shall be connected to a central water system, whether public or private, in all cases.
 - A. No subdivision shall be approved without certification that the subject property will be connected to a central water system, whether public or private, and subsequent confirmation that this action has been taken. However, the governing authority shall have the authority to exempt a development from this requirement under the following circumstances:
 - i. A central water system is not readily available to which the development may connect;
 - ii. The cost of connection to a central water system would be economically prohibitive; and
 - iii. The property in question be otherwise appropriate for a water well or other system pursuant to the Oktibbeha County Subdivision Regulations and/or policy of the Oktibbeha County Planning Department and/or County Engineer.
 - B. The determination as to whether connections to a central water system, whether public or private, is not readily available or is economically prohibited shall be at the discretion of the governing authority. No such exemptions shall be granted, however, until the developer has presented the following information to the Oktibbeha County Planning Department and/or County Engineer with the preliminary subdivision application:
 - i. A site map or plat showing the development and the nearest central water system.
 - ii. An Affidavit from the developer setting forth the reasons he feels that the central water system is not readily available or economically prohibitive to him or, preferably a letter from the appropriate representative of the nearest central water system stating the reasons said central water system is not readily available or is economically prohibitive to the developer;
 - iii. A cost analysis with appropriate supporting documentation as to the cost of connecting to the central water system, whether public or private, and a comparison as to the cost for the installation of water wells or other facilities (please note that the determination of the economic feasibility of connection to the central water system is not based upon the comparison of the cost of the other system and the connection to the central water system but, rather, simply whether the connection to the central water system is economically prohibitive);
 - iv. Such other documentation that the developer feels supports his request.

- C. The governing authority shall have the final authority to determine whether an exemption should be granted from this provision. However, the governing authority shall not issue an exemption to this provision until they have received from the Oktibbeha County Planning Department and/or County Engineer a statement of their opinion as to whether said exemption should be granted and, if the Planning Department determines the exemption should be granted, their specific reasons set forth therein for the recommendation.

5.6 General Suitability

1. The Planning Commission may reject a subdivision if it has been determined that the proposed subdivision is not in keeping with the general character of the development in the area; and that in the best interest of the public, the site is not suitable for the proposed development purposes.
2. Where deed restrictions or covenants are proposed, they shall be included with the plat and made a part of such plat; provided however, that such deed restrictions or covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation thereon of the terms of the restrictions or covenants.
3. Land which is shown as within the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) shall not be platted for residential or any other use which may result in danger to health, life or property or increased flood heights; unless the subdivider submits to the Planning Commission that the area can be protected from inundation by fill levee, or other means, without undue interference either with the flow of any water course or with any necessary impounding basin, which evidence shall be verified by the County Engineer. The elevation and extent of flooding in each drainage area shall be established by the County Engineer and shall be indicated on both the Preliminary and Final Plats.

5.7 Subdivision and Street Names

The proposed name of the subdivision and street names shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or streets in Oktibbeha County.

Article 6 Required Minimum Improvements

6.1 Authority to Proceed with Installation of Improvements

1. Receipt by the subdivider of the approval of the Preliminary Plat by the Planning Commission shall constitute authority for the subdivider to proceed with the installation of the following minimum improvements and preparation of the Final Plat. The Subdivider shall:
 - a. Submit final construction plans to the specifications to the Engineer prior to construction of any of the required improvements, or the submission of a performance bond.
 - b. Submit engineering maps showing approximate grades and profiles of streets and plans regarding facilities for storm water drainage; and other proposed improvements such as sidewalks, plantings, parks and a grading of individual lots except when specifically not required by the Planning Commission.
2. If the Engineer shall find such plans and specifications to be in accordance with applicable policies and standards of the Governing Authority, he shall authorize construction and determine the amount of bond, if required. Following the approval of the plans and specifications, construction may be started or the bond may be filed.
3. All improvements must be inspected during the course of construction of the improvements. A schedule of inspections must be coordinated with the engineer. The Engineer will make written inspection reports during the period of construction.

6.2 Procedures for Posting or Release of Bonds

1. No Final Plat of any subdivision shall be recorded unless all improvements specified in this Article have been completed or a performance bond has been filed with the Governing Authority securing the construction of the improvements specified in this Article.
2. The subdivider shall sign an agreement with the Governing Authority agreeing to install or provide the required improvements and shall file a bond with the Governing Authority. This agreement and bond shall be conditional to secure the construction of the required improvements listed in this Article in a satisfactory manner and within a period specified by the Governing Authority, such period not to exceed four years. Further, there shall be a minimum time of 12 months or the time until after 60% of the lots in the subdivision have been developed, whichever is longer. "Developed" can be defined, in a residential subdivision, as when the home is completed; in a commercial subdivision, as when 75% of the approved space is completed; and in an industrial subdivision, as when 75% of the approved space is completed. No such bond shall be accepted unless it is enforceable by or payable to the Oktibbeha County in a sum at least equal to the amount specified below and in a form with surety and conditions approved by the Attorney for the Governing Authority, where costs of improvements are not specified, this amount shall be estimated by the Engineer.

3. The bond amount for streets shall be determined by the County Engineer and shall be a sum at least equal to the amount required to construct the required improvements to the required specifications two (2) years from the date of the agreement. All subdivision road improvements shall be completed with final one and a half (1 ½) inch layer of asphalt for a total of three inches within four years from recording said subdivision plat.
4. All road bond amounts approved by the County Engineer, shall automatically increase by five percent (5%) each year at time of renewal, beginning with the first bond renewal.
5. All road construction will be guaranteed after acceptance by Oktibbeha County subject to normal wear and tear. A maintenance bond in an amount set by the County Engineer / Road Manager will be required in order to assure the satisfactory condition of the required improvements. The maintenance bond shall continue to be in effect for a minimum of one (1) year and the county may require an additional one (1) year if the County Engineer / Road Manager deems necessary.
6. When all of the required improvements have been constructed, the subdivider shall contact the County Engineer / Road Manager for a final inspection and shall provide certification that the final improvements have been installed according to County specifications. The County Engineer/Road Manager shall inspect the subdivision and make a written report, a copy of which is to be provided to the subdivider and the Governing Authority.
7. The bond will be released by order of the Governing Authority when the subdivision receives an approved final inspection report from the County Engineer/Road Manager. The Governing Authority on recommendation of the County Engineer/Road Manager may reduce liability on the bond as work progresses and after acceptance, may reduce the bond to such amount as the County Engineer/Road Manager deems sufficient to guarantee performance of the warranty.

6.3 Installation of Part of Improvements

The owner of a tract may prepare and secure approval of a Preliminary Plat for the entire tract and may install the required improvements in only a portion of such tract, but the improvements must be installed or provision made for their installation in any portion of the area for which a Final Plat is approved for recording. This is provided, however, that any gas mains, storm sewers, water lines, water mains trunk sewers, and any sewage treatment plants shall be designed and built to serve all the area owned by the subdivider or designed and built in such a manner that they can easily be expanded or extended to serve the entire area, and provided further that the requirements of Article 5, Section 5.5 have been met. Proper documentation from the certificated service provider shall be submitted to the Planning Department stating installation of said improvements is complete and meets said service provider's installation requirements before Final Plat is recorded.

6.4 Survey Monuments

All subdivision boundary corners shall be marked with permanent monuments. A permanent monument shall be deemed to be a four (4) inch for four (4) inch concrete post at least thirty (30) inches long with a one-half (1/2) inch steel rod center. Should conditions prohibit the placing of monuments on the line, offset marking will be permitted; provided, however, that exact offset courses and distances are shown on the subdivision plat. Iron pipes or steel rods shall be set at all lot corners. If survey monuments are removed during construction, they shall be replaced.

6.5 Minimum Standards

The owner shall submit to the Engineer two complete sets of plans and profiles of roadwork to be constructed in the subdivision. The Engineer may require the owner to lay grades and designate size of drains to be used before considering the same and may make any changes he deems necessary to conform to good engineering practice. The owner will furnish the Engineer a topographical map of the area to be subdivided when required by him, so that he may be able to study drainage requirements. Contours on the maps shall be on two (2) foot intervals from actual elevation.

1. **Street Improvements** - All existing and new roads, regardless of lot size must comply with these regulations before dedication is accepted and before the roads will be maintained by Oktibbeha County.
 - a. **Width and Depth of Compacted Gravel-**
 - i. Residential subdivisions shall have a minimum of 8 inches of compacted gravel or, if measured before compaction, 12 inches of load measurement.
 - ii. Commercial and industrial subdivisions shall have a minimum of 12 inches of compacted gravel over the entire width of the proposed gravel area or shall use a black base treatment in accordance with Mississippi State Aid Road Specifications.
 - iii. The requirements regarding compacted gravel for 50, 60, and 80 feet right of way roads shall be those as reflected in the Typical Road Cross Section Detail attached to the Oktibbeha County Subdivision Regulations as Appendix B. All 106 feet right of way roads shall have 48 feet of compacted gravel where curb and gutter is required, and 40 feet of compacted gravel where curb and gutter is not required.
 - iv. Where needed, the gravel thickness and width may be increased by the County Engineer for instances of poor soil conditions, high traffic volume, anticipated heavy vehicles, etc
 - b. **Method of Surface Construction-** A developer shall construct streets in the following manner:

Method 1

A single seal of limestone coarse aggregate at a rate of 0.52 cu. ft. / sq. ft. and 0.4 gallon of AC-10 asphalt or CRS-2P emulsion shall be applied to compacted gravel. The use of emulsion shall require 0.45 gallons per square yard. After completion of road seal, construction bonding may be reduced in accordance with remaining construction as set forth below. After the construction on at least 60% of subdivision lots, plant mix surface shall be applied. Plant mix surface shall be applied at one and one-half inches in thickness, using the latest Mississippi Department of Transportation specifications shall be observed. Developer construction of streets shall require certification of compliance with construction standards by a qualified Mississippi licensed engineer.

Method 2

In lieu of the foregoing, a developer may elect to apply soil cement to compacted gravel. 1.5 inches of plant mix shall be applied. After 60% of the lots in a development have been constructed, an additional 1.5 inches in thickness must be applied. Use of soil cement shall require laboratory testing to determine the appropriate mixture. Soil cement shall be applied by a qualified contractor.

Method 3

A developer may elect to apply 8 inches of compacted gravel to residential subdivisions or 12 inches to commercial subdivisions over the entire width of the proposed gravel area. 1.5 inches of plant mix shall be applied. After 60% of the lots in a development have been constructed, an additional 1.5 inches in thickness must be applied. Mississippi Department of Transportation specifications shall be observed. Developer construction of streets shall require certification of compliance with construction standards by a qualified Mississippi licensed engineer. When the extension of any existing road containing a temporary turnaround is undertaken, the constructing developer shall remove said temporary turnaround, whether on the developing or the adjacent tract, prior to the release of construction bonding. Headwalls shall be installed on all culverts 30 inches or greater in size.

- c. **Width of Pavement and Right Of Ways** - All roads shall have right of way widths and pavement widths as specified in Oktibbeha County Comprehensive Plan or Appendix B: Typical Road Cross Sections of these Subdivision Regulations, whichever is more restrictive. Where curb and gutter is not required roads shall have at least 24 feet of pavement. **The issuance of building permits shall cease for failure to fully comply with the standards herein stated.**
- d. All bridges shall be constructed according to the Mississippi Standard Specification for State Aid Road and Bridge Construction in effect at the time the subdivision is approved.
- e. **Roadway Dedication and Improvements**
 - i. Right-of-way dedication and improvements shall be made as required for all roadways, except freeways, as designed in Appendix B: Typical Road Cross

Sections or the Oktribbeha County Comprehensive Plan, whichever is more restrictive. Right-of-way dedications is required for freeways but improvements shall not be required at developer's expense.

- ii. For all arterial roads, a minimum of two travel lanes for the centerline of the roadway or closest median edge shall be constructed. Four travel lanes shall be constructed if the property has frontage on both sides of the arterial road.
- f. Curb and gutter will be installed in all residential, commercial and industrial zoned subdivisions using the Mississippi State Highway Specifications. The developer shall have material and compression tests of the concrete performed and the results submitted to the Engineer. In residential, industrial, and commercial subdivisions in rural areas, curb and gutter requirements shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding area, as determined by the Engineer. Curb and gutter in R-20 subdivisions will no longer be required as long as said lots have a minimum of 100' frontage or in cases of cul-de-sacs or coves a minimum of 100' building line.
- g. The developer's engineer must notify the Engineer in writing when the subgrade is ready for gravel stating all culverts, subgrade width and firmness of subgrade are up to approved engineering standards before gravel is placed on the road. The owner shall notify the Engineer when he plans to place gravel on the road. The Engineer may have a representative present if load measurement is to be used. After the gravel is placed, the Engineer will again certify that the gravel is of proper material thickness and width. When the road is to be paved, the Engineer again will certify as to road bed being in proper condition for surfacing and that the materials used meet standards. The Engineer or his representative will inspect the road one time after being notified at completion of each phase of this work at no cost to the owner. If another trip is made, there will be a per hour charge for time involved on all other trips.
- h. All existing major roads, arterial roads, urban arterial roads, urban collector roads, and section line roads shall be constructed to specifications and standards outlined in this ordinance by the developer and increased to a five (5) lane cross section. Roads shall have one hundred six (106) feet of right of way dedication and shall include curb and gutter for all commercial, industrial, and low density (or greater) residential development. For property developments on a single side of said roadway, fifty-three (53) feet of right of way shall be dedicated and half of aforementioned road section will be constructed on subject property side.
- i. If these standards are not carried out, the Oktribbeha County Board of Supervisors will not accept the roads for maintenance.

2. Drainage

General:

- a. Drainage improvements shall maintain any natural watercourse and shall prevent the collection of water in any low areas.
- b. Sufficient easements will be provided on subdivision plats for maintenance of large ditches for alignment and cleaning.
- c. The plat shall be laid out so as to provide proper drainage of the area being subdivided.
- d. The developer shall be ultimately responsible for insuring all drainage work is installed according to plans approved by the county. Transfer of responsibility to the lot owner, shall not alter or relieve developer of compliance with any other provision of this ordinance including but not limited to sub section ii. Developer shall comply with this subsection for lots not transferred to lot owner. Lot owner must maintain said drainage in such a manner to not adversely affect any other property owners. Section D shall also be noted on the plat, deed, covenants and given to the homeowners association.
- e. The developer shall provide all engineering services required for planning, design, investigation, inspection and testing necessary for drainage work.
- f. No culvert shall be less than 12 inches in diameter without prior approval by the County Engineer.
- g. Existing undisturbed ditches within a development shall be considered for improvements if development contributes significantly to its instability.

Design:

- h. All drainage structures shall be sized to a minimum of a twenty-five (25) year storm event. Drainage structures under major collector roads or arterial roads shall be sized to a minimum of a fifty (50) year storm event.
- i. The hydraulic design of roadside ditches shall be sufficient to carry a 25 yr. flood without encroaching on roadway shoulders.
- j. If storm runoff exceeds the capacity of a ditch, an underground storm sewer shall be required.
- k. Before final approval, all ditches shall have protective linings sufficient to resist the erosive forces of channel flows. All ditches where slopes exceed 2% grade shall be lined with sod and all ditches where slopes exceed 7% grade shall be concrete lined. Any alternate erosion control method shall be approved by the county engineer. The velocity and volume of runoff as well as the length of the ditch can change the erosion control needs even at the percent of slope's mentioned above.

- l. Minimum cover for any pipe is 18 inches (top of pipe to finished grade) unless approved by the County Engineer.
- m. Typical cross sections of all ditches shall be provided on plans and shall contain at a minimum: 1.) width at the bottom 2.) side slopes 3.) proposed surface treatment 4.) ditch locations to which the section applies.
- n. A ditch profile is required to be shown for all roadside and off-road ditches.
- o. For each lot in a development, ditch flow line depths relative to the centerline road elevations must be given at least at each property line.
- p. Ditch design information shall be required to be submitted for review.
- q. Culvert information shall be shown on plans and shall contain the minimum information: Pipe size, slope, flowrate, velocity, headwater elevation, and invert elevations.
- r. All channels shall maintain a minimum of 3:1 side slopes unless approved by the County Engineer.
- s. Special protection to be approved by the county engineer may be required on unpaved channels at all bends and ditch junctions where erosion may occur
- t. Concrete lined ditches shall have a minimum of 4" thick concrete and have a minimum of 6x6x10 gauge wire reinforcing.
- u. A filter cloth or crushed limestone filter material shall be installed prior to the use of Rip Rap.

Materials:

- v. Concrete pipe shall be used in all underground drainage applications with the following exception:
 - i. Aluminized or polymer coated metal pipes shall be allowed up to and including diameters of 36" (or equivalent diameter) when used as a single opening cross drain under a county road connecting two roadside ditches.
 - ii. Plastic pipe and metal pipe shall be allowed for use as driveway culverts.
- w. All pipe joints shall be wrapped with a minimum 4 oz. non-woven geotextile fabric a minimum of 18 inches each side of the joint. The following minimum gauge thickness are required for all metal pipes:
 - x. 48" or smaller – 14 gauge

- y. 54" through 72" – 12 gauge
- z. A Reinforced Concrete Box Culvert shall be required in lieu of a pipe where the diameter is greater than 72". However, multiple pipes may be used to reduce the diameter of each pipe.
- aa. The above represents minimum requirements. Suitability for use and proper installation procedures is the responsibility of the developer's engineer.
- bb. Headwalls shall be installed on all culverts 30" or greater in size.

Inspection and Construction:

- cc. The developer shall provide the County Engineer with the shipping tickets showing the gauge of all pipes installed and any required coatings.
- dd. For the purposes of this ordinance and this ordinance only, the following shall be required for inspection and approval:
 - 1. No pipes installed within platted subdivisions shall be covered at any time without the Oktibbeha County Engineer, or other appropriately designated Oktibbeha County Inspector, having first inspected and approved the installation process;
 - 2. Density tests may be required where drainage pipes are to be placed and shall be verified by the Oktibbeha County Engineer or appropriately designated Oktibbeha County Inspector. All information or data confirming proper density of bedding material shall come from qualified engineering or testing firms and a minimum of ninety-five percent (95%) standard proctor shall be required;
 - 3. Any pipes installed on undisturbed soil shall not require density testing;
 - 4. The pipe diameter, type of material of pipe construction (coating, thickness, etc.), shall be reflected on all construction plans and be approved by the Oktibbeha County Engineer;
 - 5. All pipe construction shall provide proper grade or elevation of pipe to insure the necessary and proper flow of water. Such a grade or elevation shall be confirmed and approved by the Oktibbeha County Engineer or appropriately designated Oktibbeha County Inspector;
 - 6. Final finish density tests may be required on the surface of all pipe installation with the results of said density tests being provided to the

Oktibbeha County Engineer upon his, or the appropriately designated Oktibbeha County Inspector's request;

7. Any pipe construction or pipe installation which occurs without the prior approval from the Oktibbeha County Engineer or appropriately designated Oktibbeha County Inspector, upon the request of the Oktibbeha County Engineer or Oktibbeha County Road Manager, shall be uncovered so that proper inspection can be performed in accordance herewith. Further, any defective conditions determined to exist by the Oktibbeha County Engineer or Oktibbeha County Road Department shall be reconstructed or installed in accordance with this Order and the Oktibbeha County Drainage Ordinance.
 8. The Oktibbeha County Engineer and Oktibbeha County Road Department shall be notified not less than twenty-four hours in advance of the date and time of any intended pipe installation.
- ee. All driveway culverts and ramps shall be provided by the person to whom the building permit is issued.
 - ff. The size of culverts and ramps shall be included with the construction plans for the subdivision with the location of the culverts and size being approved by the County Engineer/Road Manager.
 - gg. Installation and Inspection of culverts or ramps by the builder will be required prior to the approval of any building for occupancy.
 - hh. Ditches constructed by the developer shall not be altered by others (e.g. builder or lot owner) except by approval by the County Engineer.
 - ii. The developer shall be responsible to request final approval of all drainage work. A two-year drainage maintenance bond shall run concurrently with the road maintenance bond.
 - jj. The developer shall provide the county access to the project site during construction and shall schedule all activities to allow the county adequate notice for inspection.
 - kk. Pipe bedding, backfill, and tamping procedures shall conform to the Mississippi Standard Specifications for Road and Bridge Construction – Section 603 – Latest Edition.

3. Sidewalks

- a. Concrete sidewalks not less than five (5) feet wide and four (4) inches in depth shall be constructed along both sides of all major and collector streets with curbs and gutters in accordance with applicable standard specifications of the County. Sidewalks shall be

constructed along both sides of every minor street shown on the plat including cul-de-sacs in subdivisions R-20 or less (per Board Order dated May 9, 2007).

- b. The Governing Authority may waive the above requirement or sidewalks provided that street rights-of-way are left unobstructed and graded in such manner that sidewalks may be constructed at a later date.
- c. Material and compression tests of the concrete shall be performed and submitted to the Engineer.

4. Water Supply:

All subdivisions shall have the proposed water system approved by the appropriate state agencies. The water system shall be large enough to furnish fire protection to every lot when the water supply serving the subdivision is adequate for fireplugs.

- a. All water mains installed by, or on behalf of the developer and his subcontractors, subsidiaries, agents, employees and assigns, shall be constructed within the appropriately designated utility easements and not within the road or street right of ways, or road beds, unless otherwise approved by the Governing Authority or Engineer.
- b. The installation of the water system, including fire hydrants, shall be subject to the approval of the Governing Authority and Engineer.
- c. Fire hydrants shall be installed in all subdivisions except where the water system serving that subdivision is not adequate. The hydrants shall be located not more than 500 feet as measured along a dedicated street from all lots within the subdivision. All fire hydrants will be served by a six (6) inch or larger water line.
- d. In order to protect the health and welfare of the citizens of Oktibbeha County, Mississippi, it is the policy of Oktibbeha County, Mississippi that any subdivision development shall be connected to a central water system, whether public or private, in all cases. No subdivision shall be approved without certification that the subject property will be connected to a central water system, whether public or private, and subsequent conformation that this action has been taken. However, the governing authority shall have the authority to exempt a development from this requirement under the following circumstances:
 - i. A central water system is not readily available to which the development may connect;
 - ii. The cost of connection to a central water system would be economically prohibitive; and

- iii. The property in question be otherwise appropriate for a water well or other system pursuant to the Oktibbeha County Subdivision Regulations and/or policy of the Oktibbeha County Planning Department. The determination as to whether connections to a central water system, whether public or private, is not readily available or is economically prohibited shall be at the discretion of the governing authority. No such exemptions shall be granted, however, until the developer has presented the following information to the Oktibbeha County Planning Department with the preliminary subdivision application.
 1. A site map or plat showing the development and the nearest central water system.
 2. An Affidavit from the developer setting forth the reasons he feels that the central water system is not readily available or economically prohibitive to him or, preferably a letter from the appropriate representative of the nearest central water system stating the reasons said central water system is not readily available or is economically prohibitive to the developer;
 3. A cost analysis with appropriate supporting documentation as to the cost of connecting to the central water system, whether public or private, and a comparison as to the cost for the installation of water wells or other facilities (please note that the determination of the economic feasibility of connection to the central water system is not based upon the comparison of the cost of the other system and the connection to the central water system but, rather, simply whether the connection to the central water system is economically prohibitive);
 4. Such other documentation that the developer feels supports his request.

The governing authority shall have the final authority to determine whether an exemption should be granted from this provision. However, the governing authority shall not issue an exemption to this provision until they have received from the Oktibbeha County Planning Department a statement of their opinion as to whether said exemption should be granted and, if the Planning Department determines the exemption should be granted, their specific reasons set forth therein for the recommendation.

5. Sanitary Sewer System

- a. Centralized sewage collection and treatment facilities shall be provided on all lots in all subdivisions except as hereafter provided, and shall conform to all applicable state and local laws.

- b. Where centralized public sewage collection systems are not reasonably accessible to the subdivider and an individual centralized disposal system is provided by the subdivider, sewer lines shall be laid out so a future connection with the public sewer main shall be made. All plans shall be designed and approved in accordance with the rules, regulations and standards of the Mississippi State Board of Health, the Oktibbeha County Health Department.
- c. Necessary action shall be taken by the subdivider to extend or create a sanitary sewer district which will maintain the disposal system.
- d. Individual septic tanks may be used in subdivisions where central sewage is not available only if written approval is obtained from the Mississippi State Board of Health acting through the Oktibbeha County Health Department.

All subdivisions hereafter filed for record in the Office of the Chancery Clerk shall be approved only for use with central collection and treatment of sewage unless there is affixed to the plat a notation signed on behalf of the Health Department that septic tanks may be used on the lots. Developers contemplating use of central collection and treatment need not submit such plats to the Health Department but all approvals by the County will only authorize centralized collection and treatment and no building permit will be issued authorizing use of septic tanks on such lots. Notations authorizing use of septic tanks by the Health Department may be in substantially this form:

"SEPTIC TANKS MAY BE USED ON THE LOTS SHOWN ON THIS PLAT OF SUBDIVISION"

OKTIBBEHA COUNTY HEALTH DEPARTMENT

By

HEALTH OFFICER

DATE:

6. Street Lights and Traffic Signs

Street lights and traffic signs shall be required in accordance with design and specification standards approved by the Engineer and utility company. Where street lights are required the Subdivider shall confer with the electric utility company serving the property.

7. Street Signs

Street signs shall be installed at all intersections within and bordering the subdivision in accordance with Oktibbeha County specifications before building in the subdivision is begun.

8. Care of Area During Construction

- a. Builders and contractors shall be responsible for cleaning up all loose paper and material subject to be scattered by the wind each day and prevent such material from scattering through a subdivision or to adjoining property. The premises will be kept in a reasonably clear uncluttered manner. Building permits may be withheld from builders and

contractors who fail to maintain premises free of litter and loose paper after being warned by the Building Department.

- b. Builders and contractors shall not permit waste materials, dirt and debris to be placed or allowed to remain in a public street or road. Surplus dirt shall not be graded or pushed into a street. If a builder or contractor shall not immediately remove such material placed by him or his subcontractors in a street after being warned, no building permit shall be issued to him for a period of six months thereafter, and the violator may be prosecuted for unlawfully placing an obstruction in a public road. At the discretion of the Building Official, he may cause such material to be removed and the contractor shall be required to pay the cost of such removal.

9. Erosion and Sediment Control

Installation of the above improvements shall be done in such a manner as to provide for the most effective control of erosion and sediment. The construction plan shall be accompanied by an erosion and sediment control plan. Practical combination of the following technical principles shall be used:

- a. The smallest practical area of land shall be exposed at any one time during development.
- b. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
- c. Temporary vegetation or mulching shall be used to protect critical areas exposed during development.
- d. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters of land undergoing development.
- e. Provisions shall be made to effectively accommodate the runoff caused by changed soil conditions during and after development.
- f. Permanent final vegetation and structures shall be installed as soon as practical in the development.
- g. The development plan shall be fitted to the topography and soils so as to create the least possible erosion.
- h. Whenever feasible, natural vegetation shall be retained and protected.

Article 7 Revision of Recorded Plats

7.1 Errors

Errors on recorded subdivision plats may be corrected by the subdivider by making a written request to the Governing Authority to have such correction made. The Governing Authority may direct that the correction be made directly on the existing recorded plat, or they may direct that a complete new plat be filed as in Section 7.2 below.

7.2 Revision of Plats

1. The Governing Authority on such terms and conditions as it imposes, may authorize revision of recorded plat combining lots, changing lot lines or calls, correcting errors and other revisions on application by the owners of the lots being changed. The corrected plat shall be filed as a separate revision of the subdivision to include a notation attached to the originally recorded plat showing revisions made and location of corrected plat; and a title certificate may be required on the corrected plat.
2. On commercial and industrial subdivisions, lot lines are recognized for reference purposes only. Any redivision of a lot previously shown on a recorded plat must be submitted to the Planning Commission and Governing Authority so as to determine if the changes in lot lines conform to these regulations. Any vacation or relocation of utilities must have the concurrence of the utility company serving the property.

7.3 Vacancy of Plats

1. Any recorded plat or portion thereof may be vacated by the subdivider at any time before the sale of any lot therein, by a written request to the Planning Commission with a copy of such plat attached. Such written request shall be approved by the Planning Commission and Governing Authority and recorded in the Office of the Chancery Clerk. The Governing
2. Authority may reject such request which destroys any public rights in any of its public uses, improvements or streets. The recorded vacation of plat shall destroy the effect of the recorded plat and shall divest all public rights in streets, public grounds and all dedications provided in such plat.
3. The revision or vacancy of recorded subdivision plats shall adhere to Mississippi Code Annotated §17-1-23 (4).

Article 8 Exceptions

8.1

Whenever the tract to be subdivided is of such unusual size or shape, or in the interest of the preservation of existing trees and other natural beauty, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this Ordinance would result in real difficulties or substantial hardship or injustice, the Governing Authority, after report by the Planning Commission, may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner, but so that at the same time the public welfare and interests of the county are protected and the general intent and spirit of this Ordinance are preserved.

DRAFT

Article 9 Changes and Amendments

9.1

Any regulations or provisions of this Ordinance may be changed and amended from time to time by the Governing Authority in accordance with applicable state statutes.

DRAFT

Article 10 Penalty

10.1

It shall be illegal to sell, or offer to sell, any lot, tract, or property which does not conform to the requirements and regulations of this Ordinance. In the case of any violation of this Ordinance, the Governing Authority, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful acts.

10.2

Any person, firm, or corporation who shall knowingly and willfully violate the terms, conditions, or provisions of this ordinance, for violation of which no other criminal penalty is prescribed, shall be guilty of misdemeanor and, upon conviction, shall be sentenced to pay a fine not to exceed 500.00, and in case of continuing violations without reasonable effort on the part of the defendant to correct the same, each day the violation continues thereafter shall be a separate offense.

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Appendix A: Permit Applications, Procedures and Checklist

**APPLICATION FOR SUBDIVISION APPROVAL
OKTEBEHA COUNTY PLANNING COMMISSION (MINOR LOT)**

Name of Subdivision: _____

Existing Zoning: _____ Preliminary: _____ Final: _____

Located on the _____ side of _____ (Road, Street, Highway, etc) and
_____ of _____ (Road, Street, Highway, etc)

Section: _____ Township: _____ Range: _____ District: _____

List all existing structures on this property: _____

Gross Acreage: _____ Number of Lots: _____ Size of Lots: _____ Average Lot Frontage: _____

Public Sanitary Sewers: _____ Yes _____ No; Provided by: _____

Public Water Supply: _____ Yes _____ No; Provided by: _____

APPLICANT: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

FLOODPLAIN INFORMATION: Is property located within or does it touch the floodplain as defined by the Federal Emergency Management Agency (FEMA)?

Yes _____ No _____

If the answer to this question is "yes," please identify the FEMA map on which this property is located. Map No. _____

ROAD RIGHT-OF-WAY: Is County acquisition of road right-of-way applicable? Yes _____ No _____

If the answer is "yes," has the applicant executed a right-of-way deed the County?

Yes _____ No _____

Signature of Owner, Developer, Agent, or Engineer

Date: _____

NOTE: A digital copy of the survey must be submitted with the minor lot subdivision application.

Application Fees:

Minor Subdivisions:

1. \$20.00 per lot
2. Accurate legal description and plat drawn to scale of survey

**APPLICATION FOR SUBDIVISION APPROVAL
OKTIBBEHA COUNTY PLANNING COMMISSION**

1. A subdivision is the division of a tract or parcel of land into two or more parcels or lots, any of which has an area of ten (10) acres or less. Also tracts or parcels of any size where one or more of the parcels not bordering a public road is a subdivision and must have approval from the Board of Supervisors. However, the division of land into lots or parcels of more than ten (10) acres each and border a public road does not require approval by the governing authority. The Board of Supervisors must approve the use of private driveways as access for lots or tracts not bordering a public road before a subdivision with any size lots can be recorded. The term subdivision is further defined as follows:
 - A. Major Subdivisions:
 1. All subdivisions of land zoned Residential, Commercial, or Industrial.
 2. All subdivisions of land zoned Agricultural or Agricultural-Residential if a street or road is constructed.
 - B. Minor lot subdivisions: A subdivision located on property zoned Agricultural or Agricultural-Residential and not involving the construction of a street or road. It must conform to all Oktibbeha County Subdivision Regulations, and have frontage on an existing public street of a width sufficient to comply with the requirements of the Oktibbeha County Zoning ordinance and Subdivision Regulations.
2. Prior to final approval of any lot in Oktibbeha County, which does not have central collection and treatment of sewage, an application must be submitted to the Oktibbeha County Health Department for treatment system/septic tank approval and conditions or limitations for such approval.
3. No subdivision plat or revised subdivision plat having lots of 10 acres or less shall be filed or recorded in the Office of the Oktibbeha Chancery Clerk, unless and until it is approved by the Oktibbeha County Planning Commission and Board of Supervisors. No lot shall be sold from such plat until plat is filed for record in the Office of the Chancery Clerk.
4. Only those applications that complete the requirements for specific information requested shall be accepted and placed on the monthly Planning Commission agenda. (See checklists for preliminary and final subdivision approval.)
5. As owner, developer, agent, or engineer (indicate which) it is requested that the proposed subdivision as described on the following pages of this application be given approval by the Oktibbeha County Planning Commission and the Board of Supervisors in accordance with the Oktibbeha County Zoning Ordinance and Subdivision Regulations.

Signature of owner, developer, agent, or engineer

Date

**APPLICATION FOR SUBDIVISION APPROVAL
OKTIBBEHA COUNTY PLANNING COMMISSION
(MAJOR SUBDIVISION)**

Name of Subdivision: _____ Date of Application _____

Existing Zoning: _____ Preliminary Application: _____ Final Application: _____

Located on the _____ side of _____ (Road, Street, Highway, etc) and
_____ of _____ (Road, Street, Highway, etc)

Section: _____ Township: _____ Range: _____ District: _____

List all existing structures on this property: _____

Gross Acreage: _____ Number of Lots: _____

Size of Lots: _____ Average Lot Frontage: _____

Public Sanitary Sewers: _____ Yes _____ No; Provided by: _____

Public Water Supply: _____ Yes _____ No; Provided by: _____

PROPERTY OWNER: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

DEVELOPER: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

ENGINEER/CONSULTANT: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

FLOODPLAIN INFORMATION: Is property located within or does it touch the floodplain as defined by the Federal Emergency Management Agency (FEMA)? Yes _____ No _____ If the answer to this question is "yes," please identify the FEMA map on which this property is located.

Map No.: _____

FLOOD DEVELOPMENT PERMIT: If subdivision is in the flood plain and contains either five acres or contains fifty lots, a flood development permit along with an impact statement must be submitted with this application. This subdivision contains either five acres or contains fifty lots: _____ Yes _____ No; if

the answer to this question is “yes” are the flood development permit and impact statement attached to this application? ____ Yes ____ No

ROAD RIGHT-OF-WAY: Is County acquisition of road right-of-way applicable?

Yes ____ No ____

If the answer is “yes,” has the applicant executed a right-of-way deed to the County?

Yes ____ No ____

NOTE: This will not apply to subdivision with dedicated right-of-way on a recorded plat.

Signature of Owner, Developer, Agent, or Engineer

Date: _____

Application Fees and Requirements:

- 1) Preliminary Applications:
 - a. \$200.00 for 100 lots or less
 - b. \$350.00 for 101 lots or more
- 2) Final Applications:
 - a. \$300.00

**APPLICATION FOR SUBDIVISION APPROVAL
OKTIBBEHA COUNTY PLANNING COMMISSION**

6. A subdivision is the division of a tract or parcel of land into two or more parcels or lots, any of which has an area of ten (10) acres or less. Also tracts or parcels of any size where one or more of the parcels not bordering a public road is a subdivision and must have approval from the Board of Supervisors. However, the division of land into lots or parcels of more than ten (10) acres each and border a public road does not require approval by the governing authority. The Board of Supervisors must approve the use of private driveways as access for lots or tracts not bordering a public road before a subdivision with any size lots can be recorded. The term subdivision is further defined as follows:
 - A. Major Subdivisions:
 3. All subdivisions of land zoned Residential, Commercial, or Industrial.
 4. All subdivisions of land zoned Agricultural or Agricultural-Residential if a street or road is constructed.
 - B. Minor lot subdivisions: A subdivision located on property zoned Agricultural or Agricultural-Residential and not involving the construction of a street or road. It must conform to all Oktibbeha County Subdivision Regulations, and have frontage on an existing public street of a width sufficient to comply with the requirements of the Oktibbeha County Zoning ordinance and Subdivision Regulations.
7. Prior to final approval of any lot in Oktibbeha County, which does not have central collection and treatment of sewage, an application must be submitted to the Oktibbeha County Health Department for treatment system/septic tank approval and conditions or limitations for such approval.
8. No subdivision plat or revised subdivision plat having lots of 10 acres or less shall be filed or recorded in the Office of the Oktibbeha Chancery Clerk, unless and until it is approved by the Oktibbeha County Planning Commission and Board of Supervisors. No lot shall be sold from such plat until plat is filed for record in the Office of the Chancery Clerk.
9. Only those applications that complete the requirements for specific information requested shall be accepted and placed on the monthly Planning Commission agenda. (See checklists for preliminary and final subdivision approval.)
10. As owner, developer, agent, or engineer (indicate which) it is requested that the proposed subdivision as described on the following pages of this application be given approval by the Oktibbeha County Planning Commission and the Board of Supervisors in accordance with the Oktibbeha County Zoning Ordinance and Subdivision Regulations.

Signature of owner, developer, agent, or engineer

Date

PRELIMINARY PLAT CHECKLIST FOR MAJOR SUBDIVISIONS

The application for preliminary subdivision plat approval shall be accompanied by:

- One (1) completed and signed copy submitted with appropriate fee on the 1st day of the month (unless 1st falls on a weekend).
- Fifteen (15) copies of the preliminary plat at a scale of 1" = 100'.
- One copy of the subdivision plat in digital form. This digital version may be DWG, DXF, SHP, or ZIP (compressed) format. All digital files should be submitted on either 3.5" "floppy" disks or compact disks. They may also be emailed.
- Two (2) copies of 8.5" x 11" copies of the preliminary plat.
- Proposed lot lines, lot numbers
- Minimum building setbacks
- Existing and proposed streets named or numbered for reference, including dimensions of right-of-way.
- Location of easements, width and purpose.
- Identification of proposed use of land, including any reserved areas and their acreage.
- Subdivision title.
- North point and graphic scale.
- Topographic survey.
- Location or vicinity map showing relationship of subdivision site to the area, including township, range, section, and parts of section.
- Ownership of all adjacent parcels and names, and adjoining boundaries of all adjacent subdivisions.
- Proposal for sewer and water service shown as a note on the plat with accompanying documentation from appropriate agencies as necessary to conform to state and local laws.
- A statement on the plat that the subject property is or is not in the floodplain as shown by Flood Insurance Rate Map (FIRM) No. "x." If the subject property is in the floodplain, the plat should be accompanied by a completed "Flood Development Permit" along with an impact statement.
- Identification of the number of acres of storm water runoff along with indications of direction of runoff flow.
- Existing zoning classification.
- Engineer's name, developer's name.
- A short written explanation of any proposed variances from the Oktibbeha County Zoning Ordinance and Subdivision Regulations
- The following application fee shall be submitted: \$200.00 for 100 lots or less or \$350.00 for 101 lots or more.

FINAL PLAT CHECKLIST FOR MAJOR SUBDIVISIONS

The application for preliminary subdivision plat approval shall be accompanied by:

- One completed copy of the application submitted with appropriate fee by the fifteenth (15th) of the month.
- Twenty (20) copies at a scale of 1" = 100'
- Two (2) 8.5" x 11" copies of subdivision plat.
- One copy of the subdivision plat in digital form. This digital version may be DWG, DXF, SHP, or ZIP (compressed) format. All digital files should be submitted on either 3.5" "floppy" disks, or compact disks.
- Submission of construction and drainage drawings to the County Engineering Department.
- Name of subdivision.
- North point and graphic scale.
- Name of owner, subdivider.
- Boundary lines of area subdivided with accurate distances and angles.
- Existing and proposed streets, widths, and names.
- Location of existing streets, widths, names within 100 feet of the subdivision.
- Accurate outline of any property intended for public use with a statement of dedication.
- Location of all adjacent property lines.
- Proposal for sewer and water service shown as a note on the plat with accompanying documentation From appropriate agencies as necessary to conform to state and local laws.
- Proposed lot lines and identification of all lots numbered consecutively.
- Location of all building setback lines and identification of easements.
- All dimensions, linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and areas for public or private use. Linear dimensions are to be given to the nearest 1/100th of a foot.
- Radii, arcs, or chords, points of tangency and central angle for curvilinear streets and radii for rounded corners.
- Location of all survey monuments and their descriptions.
- Location or vicinity map showing relationship of subdivision site to the area including township, range, section, and parts of sections.
- Certificate Mississippi registration number and legal seal of a registered engineer or land surveyor.
- Private restrictions and trusteeships and their period of existence.
- Acknowledgement of the owner(s) of the plat, and restrictions including dedication to public use of all streets, alleys, parks, open spaces shown thereon and the granting of easements required.
- Proper certificates for owner, notary public, registered engineer or land surveyor, Planning Commission, Board of Supervisors, and Chancery Clerk shown in this order.
- Documentation approving road names in the development from the County 911 Office.
- All staff and Planning Commission comments & recommendations noted on plat.**
- The following application fee shall be submitted: Major Subdivision - \$300.00

**PROCEDURES FOR RECORDING SUBDIVISION PLATS
OKTIBBEHA COUNTY**

SUBDIVISION NAME

- Preliminary Approval by the Planning Commission Date _____
- Final Approval by the Planning Commission Date _____
- Final Approval by the Board of Supervisors Date _____
- Certificate of Title showing the property owners and mortgages
- Submission of two (2) mylar or clothback plats of subdivision with:
 - a. All owners/mortgages/lien holders signatures
 - b. Notary Public signatures and seal
 - c. Engineer's signature and seal
- Officials' Signatures (Planning staff obtains these):
 - a. Planning Commission Chairman
 - b. Planning Commission Secretary
 - c. President of Board of Supervisors
- Road Bond:
 - a. Amount Set by County Engineer (\$ _____)
 - b. Letter of Credit (# _____)
- Improvements Contract/Subdivision Agreement
- Recording Fees – Plat - \$16.00 + \$1.00 per lot; Covenants - \$11.00 for first 15 pages + \$1 per page there- after. (Please put in form of a check, money order, or cashier's check made payable to the order of the Oktibbeha County Chancery Clerk.)

SPECIAL CONDITIONS:

- Health Department stamp and note on plat if individual treatment
- Letter from water service provider with note on plat
- Letter from sewer service provider and note on plat
- Grading, Drainage & Construction Plan Approval from County Engineer
- Road Inspection Report (gravel and asphalt inspections street signs, erosion control, etc...)
- MDEQ Storm water and erosion control permit (NPDES)
- FEMA/Floodplain: If in flood plain, minimum finished floor elevations must be on plat. If not in flood plain, note must be on plat.
- Documentation approving road names from the County 911 Office.
- Fire Plugs Installed
- Digital Format Homeowners Association/Covenants
- All staff & Planning Commission comments and recommendations
- Additional notes on plat (if open ditch subdivision):
 - a. Culvert table
 - b. No brick mailboxes
 - c. Any open drainage way shall not be restricted

**SAMPLE SIGNATURE BLOCKS AND
CERTIFICATIONS FOR FINAL PLAT**

OWNERS CERTIFICATE

I, _____, owner of the property hereon, hereby adopt this as my plan of subdivision and dedicate the right-of-way for the roads as shown on the plat of the subdivision to the public use forever and reserve for the public utilities the utility easements shown on the plat. I certify that I am the owner in fee simple of the property and that no taxes have become due and payable. This the ____ day of _____, 20__.

Signature of Owner

NOTARY ' S CERTIFICATE (INDIVIDUAL)

State of _____

County of _____

This day _____ personally appeared before me the undersigned authority in and for said County and State, who acknowledged that he signed and delivered the foregoing plat for the purpose therein mentioned. Given under my hand and official seal of office this the ____ day of _____, 20__.

My Commission expires:

Notary Public:

MORTGAGEE'S CERTIFICATE

_____, Mortgagee of the property hereon, hereby adopt this as our plan of subdivision and dedicate the right of way for the roads as shown on the plat of the subdivision to the public use forever and reserve for the public utilities the utility easements as shown on the plat. I certify that I am the mortgagee in fee simple of the property and that no taxes have become due and payable this the ____ day of _____, 20__

BY: _____

TITLE: _____

NOTARY'S CERTIFICATE (CORPORATE)

This day _____, personally appeared before me, the undersigned authority in and for the said County and State, within my jurisdiction the within named acknowledged that he is _____ of _____ and that for and on behalf of the said corporation, and as its act and deed, he executed the above and foregoing plat for the purposes mentioned on the day and year therein mentioned, after first having been duly authorized by said corporation. Given under my hand and official seal of office this _____ day of _____, 20__

My Commission expires:

Notary Public:

CERTIFICATE OF SURVEY

This is to certify that I have drawn the plat from a survey by and from deeds of record and that the plat represents the information and that it is true and correct.

Signature of Engineer/Land Surveyor (with license number)

REQUIRED SIGNATURE CERTIFICATES FOR COUNTY OFFICIALS

APPROVED BY THE OKTIBBEHA COUNTY PLANNING COMMISSION ON THE ___ DAY OF ____, 20__.

Attest: _____

Chairman: _____

APPROVED BY THE OKTIBBEHA COUNTY BOARD OF SUPERVISORS ON THE ___ DAY OF ____, 20__.

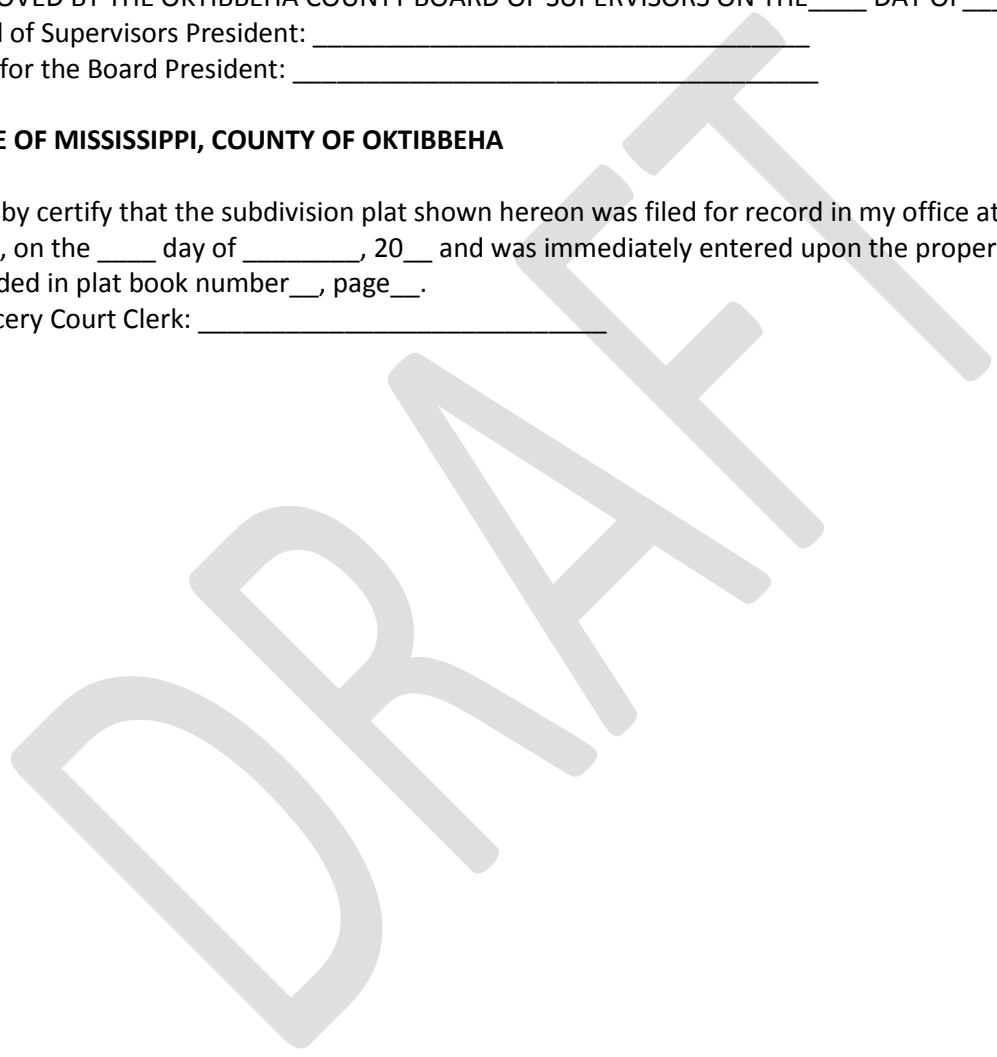
Board of Supervisors President: _____

Clerk for the Board President: _____

STATE OF MISSISSIPPI, COUNTY OF OKTIBBEHA

I hereby certify that the subdivision plat shown hereon was filed for record in my office at ___ o'clock __.m., on the ___ day of ____, 20__ and was immediately entered upon the proper index and duly recorded in plat book number __, page __.

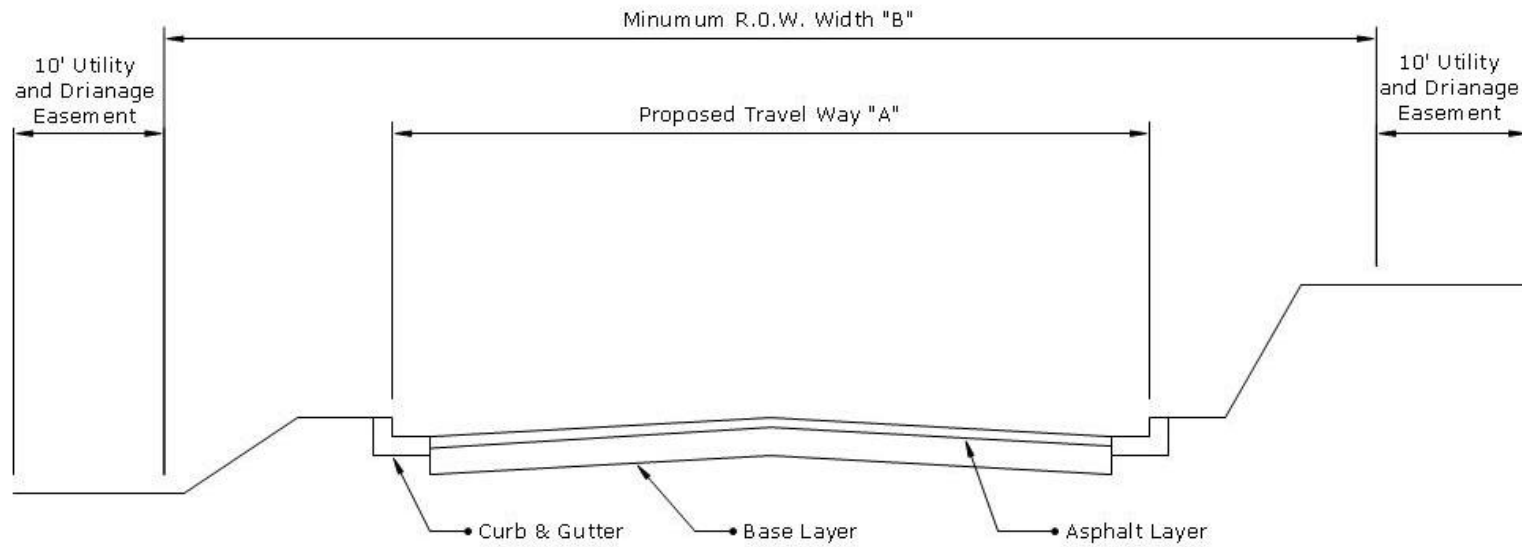
Chancery Court Clerk: _____



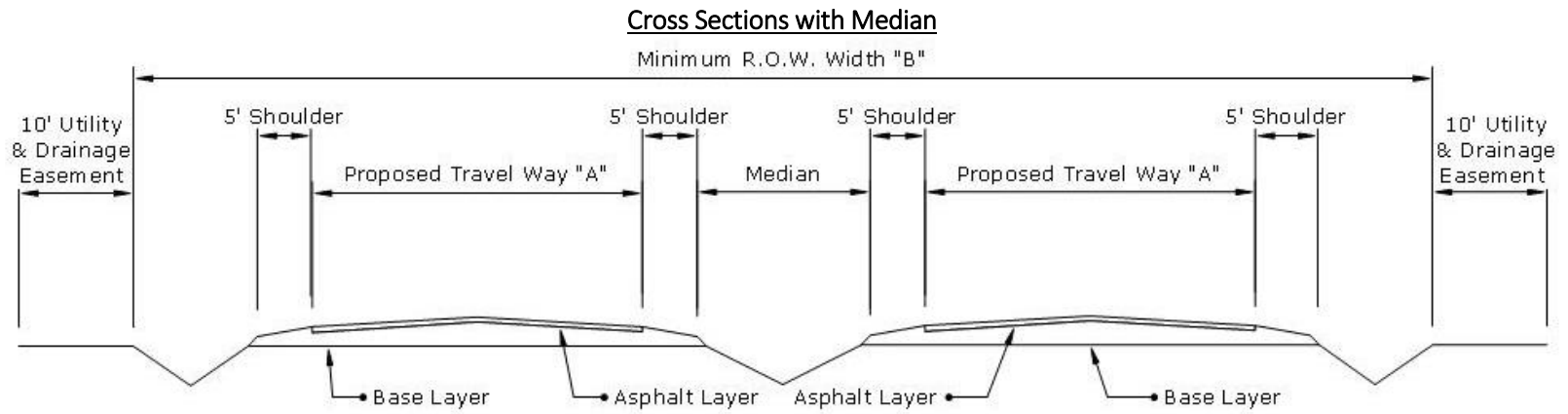
Appendix B: Typical Road Cross Sections

Arterial Streets

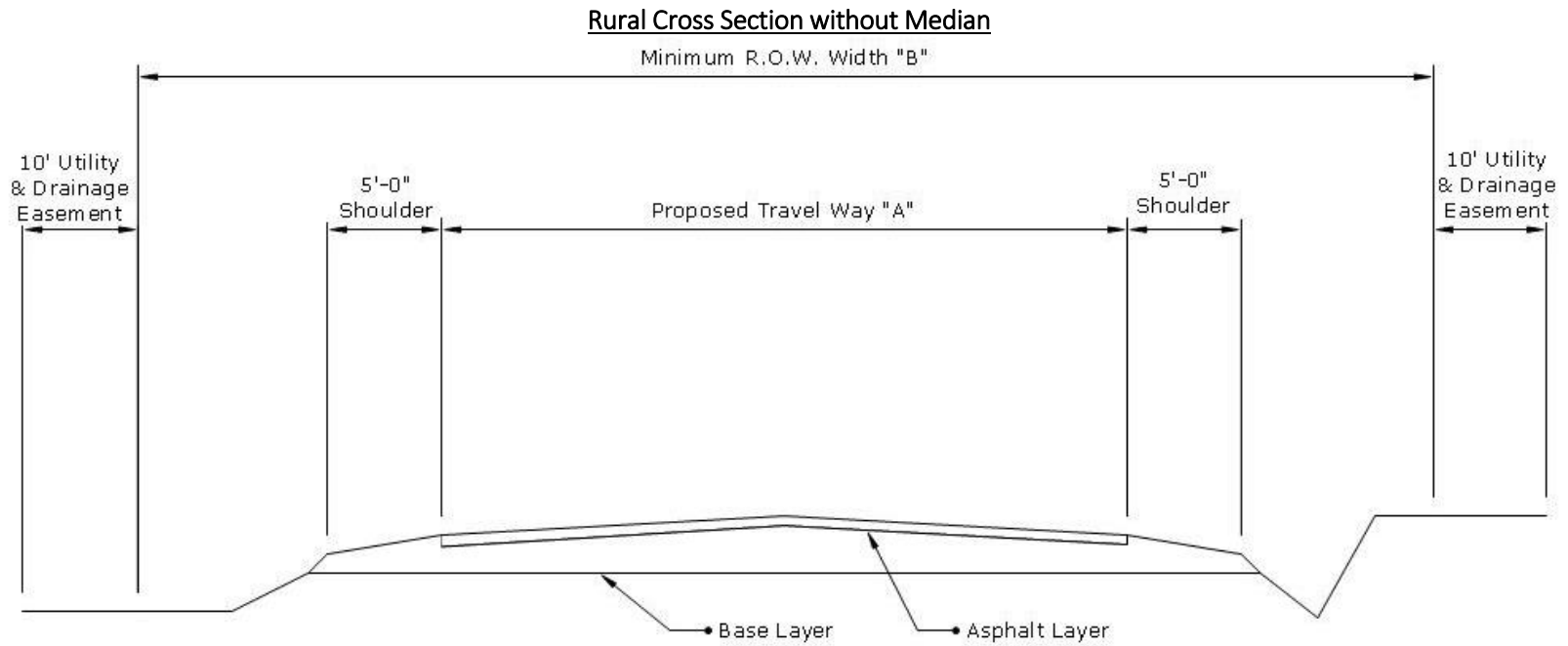
Curb and Gutter Cross Sections



Road Cross Section Number	Description	Proposed Travel Way "A"	Number of Lanes	Minimum Right-of-way, "B"
A-1	6 Lanes with Turn Lane	78'	6 @ 12'	108'
A-2	4 Lanes with Turn Lane	66'	5 @ 12'	106'



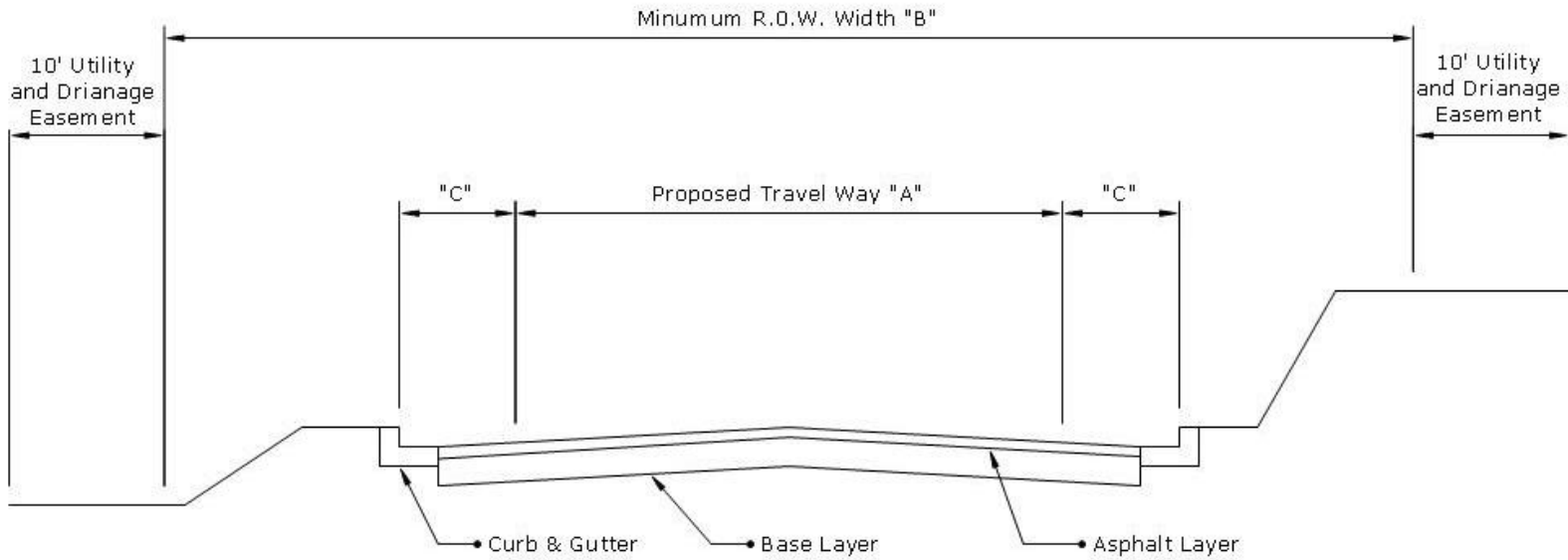
Road Cross Section Number	Description	Proposed Travel Way "A"	Number of Lanes	Minimum Right-of-way, "B"
A-3	6 Lanes with Median	36'	6 @ 12'	114'
A-4	4 Lanes with Median	24'	4 @ 12'	106'



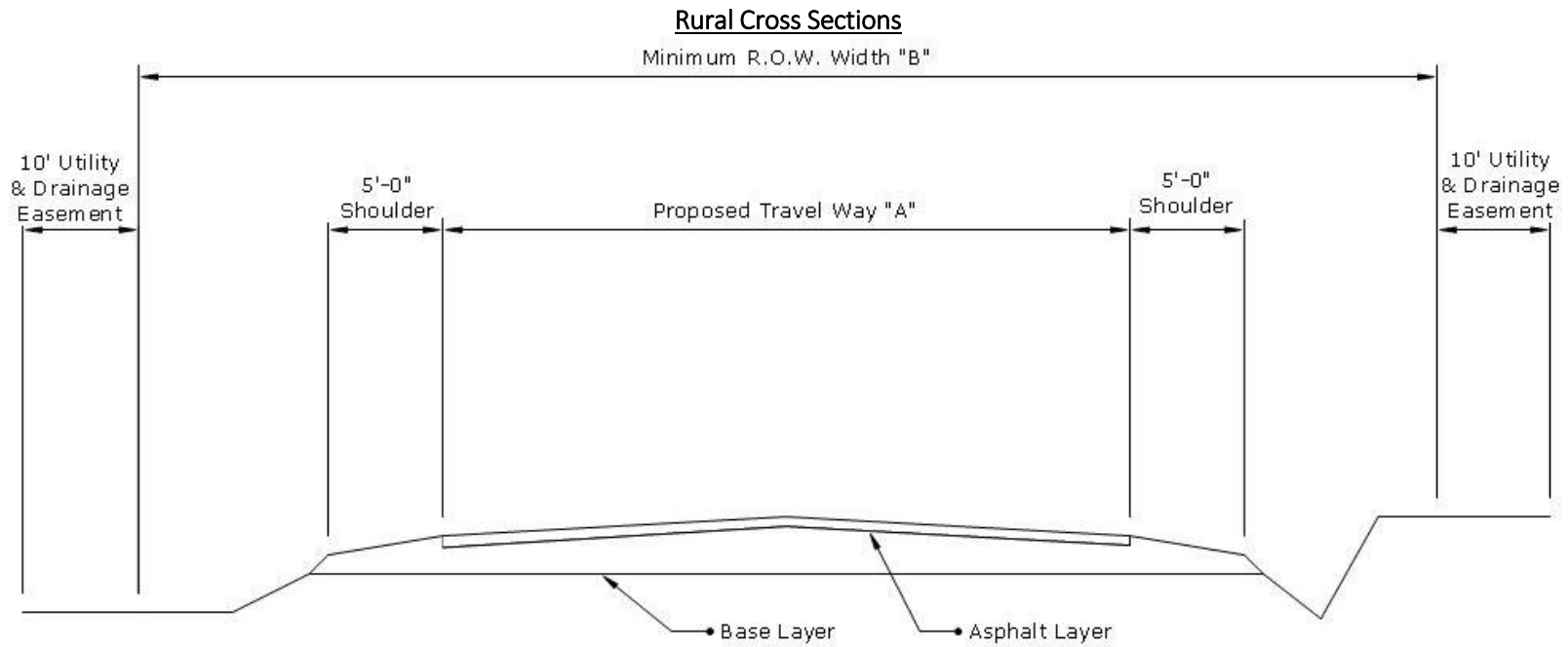
Road Cross Section Number	Description	Proposed Travel Way "A"	Number of Lanes	Minimum Right-of-way, "B"
A-5	2 Lane Road	30'	2 @ 15'	106'

Collector Streets

Curb and Gutter Cross Sections



Road Cross Section Number	Description	Proposed Travel Way "A"	Number of Lanes	Minimum Right-of-way, "B"	Parking Width, "C"
C-1	2 Lanes	30'	2 @ 15'	60'	0'
C-2	2 Lanes with Parking	24'	2 @ 12'	60'	8'
C-3	2 Lanes with Turn Lane	36'	3 @ 12'	60'	0'
C-4	4 Lanes	48'	4 @ 12'	80'	0'
C-5	5 Lanes	60'	5 @ 12'	106'	0'



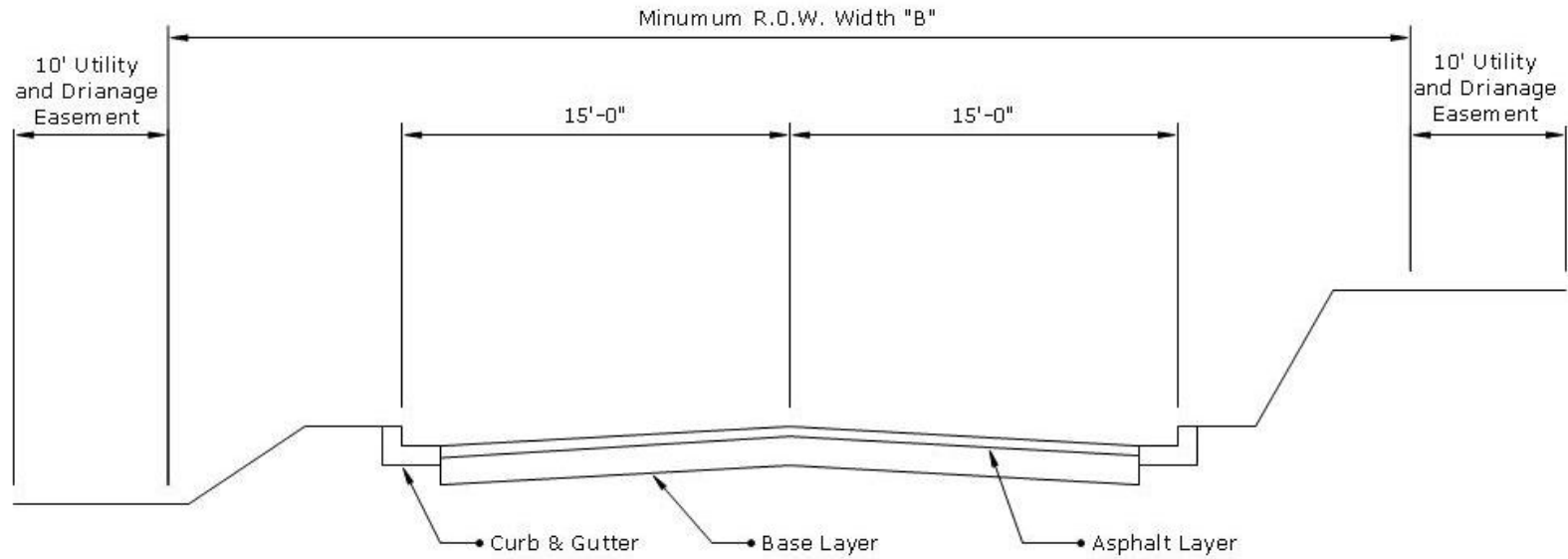
Road Cross Section Number	Description	Proposed Travel Way "A"	Number of Lanes	Minimum Right-of-way, "B"
C-6	2 Lanes	24'	2 @ 12'	60'
C-7	2 Lanes with Turn Lane	36'	3 @ 12'	60'
C-8	4 Lanes	48'	4 @ 12'	80'
C-9	5 Lanes	60'	5 @ 12'	106'

Notes:

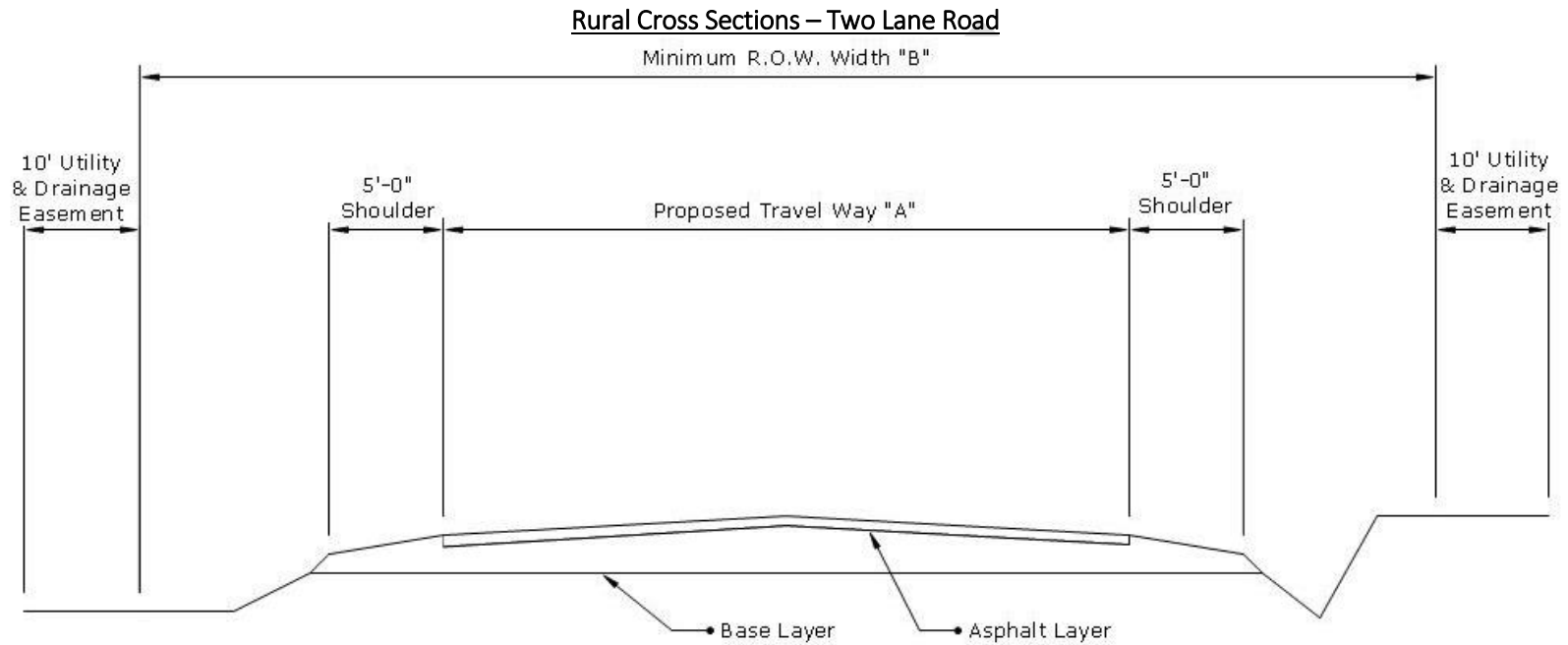
- 1) **SECTION LINE ROADS** will require a 106' minimum right-of-way.

Local Streets

Curb and Gutter Cross Section – Two Lane Road



Road Cross Section Number	Description	Proposed Travel Way "A"	Number of Lanes	Minimum Right-of-way, "B"
L-1	2 Lane Road	30'	2 @ 15'	50'



Road Cross Section Number	Description	Proposed Travel Way "A"	Number of Lanes	Minimum Right-of-way, "B"
L-2	2 Lane Minor Local Road or Cul-de-sac (permanent)	22'	2 @ 11'	50'
L-3	2 Lane Major Local Road	24'	2 @ 12'	50'

Notes:

- 1) **SECTION LINE ROADS** will require a 106' minimum right-of-way.
- 2) A **MAJOR LOCAL ROAD** shall be any road having greater than fifteen (15) driveway connections.

DRAFT

