

City of Carthage MISSISSIPPI

2013 Subdivision Regulations

**ADOPTED
MAY 6, 2013**

PREPARED BY:



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Article I – Introductory and Legal Provisions

Section 100 – Title

These regulations shall be known as the “Official Subdivision Regulations of Carthage, Mississippi” and may so be cited and when referenced as “Subdivision Regulations” and “Ordinance” within this document shall imply the same wording and meaning as the full text.

Section 101 – Purpose

The Subdivision Regulations have been prepared in accordance with the City of Carthage’s Comprehensive Plan. The purpose of this Ordinance is to preserve and promote the public health, safety, and general welfare of the inhabitants of the City of Carthage. In order to promote health, safety, convenience and general welfare of the inhabitants of Carthage, Mississippi and to assist in bringing about coordinated, efficient, and economical development, there exists a need for the following regulations and minimum standards to be followed in the development or redevelopment of land subdivision in Carthage, Mississippi. These regulations have as their purpose the attainment of these objectives through the application of procedures, standards, and requirements herein established. Specifically, these regulations are:

- To establish minimum standards governing the preparation and filing of land subdivision plats and data to be submitted to the Planning Commission for approval.
- To establish procedures governing the filing and approval of land subdivision plats and effective date in Carthage, Mississippi.
- To establish minimum standards governing streets, utilities, and other required improvements.
- To insure the proper coordination of future streets and their development with existing or planned streets.
- To fix penalties for the violation of the provisions of these regulations.
- To provide that the Board of Adjustment may vary these regulations in certain cases or under certain circumstances.

Section 102 – Conformance to Other Regulations

All proposed subdivisions shall conform to the Carthage Comprehensive Plan, Zoning Ordinance, Building Code and any other adopted regulations at the time of application.

Section 103 – Authority and Jurisdiction for Regulations

The provisions of this Ordinance are adopted pursuant to the authority set forth in Section 17-1-23 of the Mississippi Code of 1972, amended.

From and after the date of adoption, these regulations shall govern all subdivisions of land within Carthage, Mississippi provided however, the provisions of these regulations shall not be applicable to the erection, maintenance, repair or extension of farm buildings or farm structures nor shall they be applicable to plats of subdivisions recorded as required by law and approved by the Planning Commission/Mayor and Board of Aldermen prior to the effective date of the original regulations.

Section 104 – Severability Clause

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion of this Ordinance, which shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

Section 105 – Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with the Carthage Subdivision Regulations, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 106 – Administration

The Carthage Planning Commission may employ staff, person, persons, or consultants to assist in the administration and coordination of these regulations. Final approval of plats and other data shall be the responsibility of the Mayor and Board of Aldermen as prescribed by law.

Section 107 – Subdivision Plat Required

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

1. The division of land into two or more tracts, lots, sites, or parcels, any part of which when subdivided, shall contain less than three (3) acres in area.
2. The division of land or plats, which has been previously subdivided, into tracts, lots, sites or parcels, of less than three (3) acres in area.
3. The dedication, vacation, or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies.
4. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

Section 108 – Subdivision Plat Exemption

A division of land in excess of three (3) acres for agricultural purposes only shall be exempt from the requirements of these regulations when such division does not involve the construction of any new public roads or streets or easements of access which are tendered to the City for maintenance.

A division of land that fronts on city streets and has access to city utilities, and in no way requires the construction of utilities to serve the “subdivision”, are exempt from all construction and plat requirements, except that the “subdivider” shall submit a sketch plan to the Building Inspector, and that all lots are provided a “hook-up” to city water and sewer services. The sketch plan shall determine if the lots are in conformance with minimum dimensional requirements of the zoning ordinance.

Section 109 – Penalties

Any person, firm, or corporation using an unapproved and recorded plat in the sale of the subdivided land or violating any of the terms or provisions of these subdivision regulations shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not more than \$100.00 per day the violation goes on.

Any person aggrieved at any final decision of the Board of Aldermen approving or disapproving a plat may appeal to the Circuit Court of Leake County, Mississippi within the time and in the manner prescribed by the Mississippi statute.

Section 110 – Effective Date

This ordinance shall be in full force and effect from and after the final approval of these subdivision regulations by the Board of Aldermen of Carthage, Mississippi, after the publication of a synopsis of these regulations and a public hearing held thereon as provided by Mississippi statute.

Section 111 – Adoption Clause

Therefore, on motion of Alderman _____ and second of Alderman _____ and on favorable roll call vote as follows:

Aldermen Voting "AYE"

1
2
3
4

Aldermen Voting "NAY"

The Mayor declared the ordinance duly adopted; therefore, THE FOREGOING ORDINANCE BE AND THE SAME IS HEREBY ADOPTED. The same having first been reduced to writing and no member of the municipal governing authority having requested that the same be read aloud, and

BE IT FURTHER ORDERED that the Clerk cause to be published a synopsis of the ordinance to be published in a newspaper of general circulation in the City of Carthage and further to post a copy of the full text of this ordinance at the City Hall, at the main public library, and at one additional public place within the City of Carthage. The Clerk is further directed to provide a copy of the full text of this ordinance to any resident of the City of Carthage upon request.

Adopted this the ____ day of _____, 2013, at a meeting of the Mayor and Board of Aldermen of the City of Carthage.

ATTEST:

Jan Wilcher, City Clerk

Jimmy Wallace, Mayor

Article II – Definitions

Section 200 – Interpretation

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- The word shall is mandatory; the word may is permissive.
- The words used or occupied include the words intended, designed, or arranged to be used or occupied.
- The word lot includes the words plot or parcel.

Section 201 – Definitions

Access (Accessway). A way of approaching or entering a property. Includes ingress, the right to enter, and egress, the right to leave.

Alley. A minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.

Base Flood Elevation. The elevation shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent of greater chance of being equaled or exceeded in any given year.

Block. A parcel of land, intended to be used for urban purposes which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels or a combination thereof.

Board of Adjustment. A board appointed by the Carthage Mayor and Board of Aldermen, and designated as the quasi-judicial body handling variances and special exceptions, landscaping, parking and access requirements and taking appeals on building permits and certificates of occupancy.

Board of Aldermen. The legislative body elected by the citizens and empowered to make policy decisions and law.

Bufferyard. An area providing sight and sound screening from adjoining properties and which acts as a buffer or separation area between uses incompatible due to design, function, use or operation. A bufferyard may include landscape materials, fences, walls, berms, etc.

Buildable Area. The portion of a lot remaining after required setbacks have been provided.

Building. A structure of more or less permanent construction, having a roof and intended to be used for sheltering people, animals, property, or business activity.

Building Official. A person designated by the Mayor and Board of Aldermen, who is responsible for issuing building permits, certificates of occupancy, and inspections pursuant thereto.

Building Site. A single parcel of land occupied or intended to be occupied by a building or structure, and appropriate accessory buildings or uses.

Cluster Housing Development. A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Comprehensive Plan. A document setting forth policies for the future of the community. It is the result of considerable study and analysis of existing physical, economic, and social conditions, and a projection of future conditions. It serves as a guide to many public decisions, especially land use changes.

District. Any zoning district established by this development ordinance.

Easement. A grant of one or more of the property rights by the property owner to and/or for the use of the public, a corporation, or another person or entity. Title is kept with the property owner.

Eminent Domain. The legal right of government to acquire or “take” private property for public use or public purpose upon paying just compensation to the owner.

Engineer, City. A person registered as a professional engineer in the State of Mississippi and as designated by the Mayor and Board of Aldermen.

Engineer. A person registered as a professional engineer in the State of Mississippi.

Finished Floor Elevation. The required first floor elevation of any building constructed within the 100 year floodplain. It is 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.

Floodplain. Any land area susceptible to being inundated by water from any source. Areas with a 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. Development within the floodway is prohibited.

Floor Area. The square feet of floor space within the outside line of walls and including the total of all space on all floors of a building used for dwelling purposes.

Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the structure.

Hard Landscape. Other than natural materials, such as walks, patios, and street furniture used in landscape treatment.

Landscaping. To modify or ornament a natural landscape by altering the plant cover, including the addition of lawns, trees, plants and other natural or decorative features. Landscape treatment can include walks or patios.

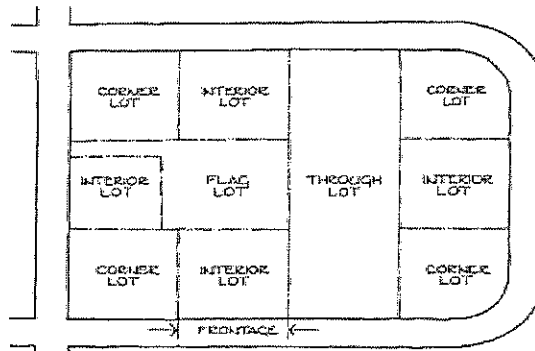
Lot. For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as required. Such lot shall have frontage on an improved public street or on an approved private street.

Corner lot. Defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

Flag lot. A lot not meeting minimum lot width requirements and where access to a public or private street is provided by a long, narrow strip of land.

Interior lot. Defined as a lot other than a corner lot with only one frontage on a street.

Through lot or Double Frontage lot. Defined as a lot other than a corner lot with frontage on more than one street.



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

Lot Coverage. The percentage of the lot area covered by the buildings, driveways, parking areas, roads, sidewalks, etc.

Lot Frontage. The portion of a lot that abuts a public or private street. For purposes of determining yard/setback requirements on corner lots, all sides of a lot adjacent to a street shall be considered frontage, and yards/setbacks shall be provided as indicated within this Ordinance.

Lot Measurements. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in fronts and the rearmost points of the side lot lines in the rear. Width of a lot shall be considered to be the distance between side lot lines measured at the front setback line.

Lot of Record. A lot which is part of a subdivision recorded in the Office of the Chancery Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Nonconforming lot. A lot, the area, width, or other characteristic of which fails to meet requirements of the zoning district in which it is located and which was conforming prior to enactment of the Zoning Ordinance.

Planning Commission. The Planning Commission appointed by the Mayor and Board of Aldermen of the City of Carthage, Mississippi.

Planned Unit Development. A form of development usually characterized by a unified site design for number of housing units, clustering buildings and providing common open space, density increases, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

Planting Screen. Densely planted vegetation used to visually shield or obscure abutting or nearby structures or uses from other uses or structures. (See also Bufferyard.)

Plat. A map, generally of a subdivision, showing the location, boundaries, and ownership in individual properties.

Preliminary Plat. A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicated the suitability of the proposed subdivision of land.

Final Plat. A map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.

Plot. An indefinite term usually referring to a piece of usable property, often used synonymously with parcel or site.

Premises. Land together with structure or structures occupying it or them.

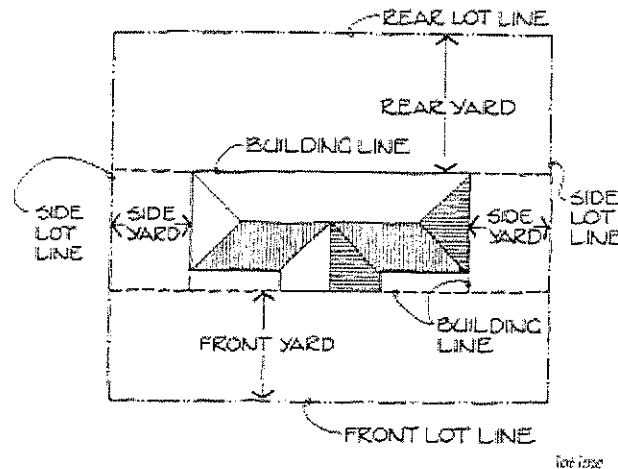
Public Hearing. A meeting held for the review of a matter or matters where opinion may be presented by the public. These hearings may take place during the regular Planning Commission and/or Board of Supervisor meetings and are held according to state laws.

Rezoning. An amendment to or a change in the zoning ordinance. Rezonings can take three forms; (1) a comprehensive revision or modification of the zoning text and map; (2) a text change in zone requirements; and (3) a change in the map, i.e., the zoning designation of a particular parcel or parcels.

Right-of-way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses, or, generally the right of one to pass over the property of another.

Right-of-way line. The lines that form the boundaries of the right-of-way.

Setback (Building line). The minimum distance prescribed by this Ordinance between any property line and the closest point of the foundation or any supporting post of any related building or structure. Also referred to as the building line which is offset from the corresponding property line. Setbacks, or building lines, create yards,



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

Sidewalk. The portion of a street or crosswalk, paved or otherwise surfaces, intended for pedestrian use only.

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 (35') feet 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.

Soft Landscape. Natural materials used in landscape treatment.

Street. Any vehicular way which: (1) is an existing state, county or municipal roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning Board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved.

Arterial Street. Streets and roadways which are used primarily for fast or heavy traffic and that form a part of the existing or projected Federal Aid Highway System, the State Highway System, or the City Street System.

Collector Street. A street which carries traffic from minor streets to the major streets in residential and business areas and may include the principal entrance streets of a residential development and streets for circulation within such a development.

Cul-de-sac Street. A minor street with a turn-around and permanently closed to through traffic and use primarily for access to the abutting properties.

Frontage or Service Street. A minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas for control of access and protection from through traffic.

Major Street. A street which provides easy access to the various traffic generators within the city or county and to the arterial highway system.

Minor Street. A street which is used primarily for access to the abutting properties.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, factory built homes, walls, fences, billboards, and signs.

Subdivider. Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

Subdivision. The division or re-division of land into two or more lots, tracts, sites or parcels of less than three (3) acres in area for the purpose of transfer of ownership for development, or the dedication or vacation of a public or private right-of-way or easement.

Tree. Any self-supporting woody plant of a species which normally grows to an overall height of at least twelve (12) feet and normally develops an average mature spread of crown greater than twelve (12) feet in Central Mississippi.

Utility. A commodity or service which is of public consequence and need, such as electricity, gas, sewer, water, transportation, or telephone or telegraph service.

Variance. A variance is a relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

Yard. A required open space on the same lot with a building or building group lying between the front, rear, or side wall of a building and the nearest lot line or street right-of-way, unoccupied except for projections and open space or front yard landscaping. (See also Setback.)

Article III – Application Procedures and Checklists

Section 300–Pre-application Conference

A pre-application conference is required prior to submitting an application to the Planning Commission for preliminary plat approval. This conference shall include the developer and/or property owner and the Building Official and other City staff as needed such as the City Engineer, Fire Chief, Public Works Director, etc. The developer/owner shall bring preliminary sketch plans and existing condition information in order to convey subdivision intentions with respect to the type of development. This conference provides an opportunity for City staff to inform the developer of the policies that are in effect and that may influence the proposed subdivision. The pre-application conference may be scheduled by contacting the Building Official.

Section 301 – Procedure for Preliminary Plat

Once the pre-application conference is held and the developer has all required information in a format to submit to the Planning Commission, he may file an application for a preliminary plat. All preliminary plat information shall be submitted and approved by the Planning Commission prior to the start of construction.

301.1 Submit to the Planning Commission

The Developer shall submit complete packets of the following information for preliminary plat review at least thirty (30) days in advance of the regularly scheduled meeting of the Planning Commission:

1. Eight (8) copies of the subdivision application form
2. Application filing fee
3. Eight (8) (8.5"x11") copies of a vicinity sketch map showing the relationship of the proposed subdivision to existing development
4. Eight (8) large sets (18"x24") of the Preliminary Plat with information as required in Section 303

301.2 Application Filing Fees

In order to defray the cost of notification, field, and special studies and recording, there shall be paid at the time of application a filing fee from a fee schedule set by the Mayor and Board of Aldermen.

Where only a portion of the approved Preliminary Plat is submitted for final approval, a Final Plat of the remaining area may be submitted at any time within two (2) years of the Preliminary Plat without payment of any additional filing fee by the subdivider providing the Final Plat for the additional area conforms substantially to the approved Preliminary Plat.

301.3 Notification of Public Hearing

A public hearing shall be required in order to review the Preliminary Plat before the Planning Commission. Once a complete packet is received from the developer, the City shall adequately notify the public by (1) publishing notice in a newspaper of general circulation within the City of Carthage at least fifteen (15) days before the public hearing shall be held and (2) displaying an 8.5" x 11" notice in City Hall and one other public place advertising the public hearing. All notifications shall advertise the purpose, date, time and place of the hearing. When the public hearing is set and notice has been made, the City shall also notify the owner of the property by mail.

301.4 Internal Review of Preliminary Plat Packets

Upon receipt of an application for preliminary plat approval, a copy of the preliminary plat packet shall be distributed to the City Engineer, Fire Chief, and Public Works Department, if needed. Internal review of preliminary plat requirements and proposal will ensure that all health, safety and public welfare issues are addressed according to the requirements of this Ordinance. One copy shall also be sent to each Planning Commission member prior to the scheduled meeting.

301.5 Review of Preliminary Plat

The Planning Commission shall hold a public hearing to review the proposed plat. The property owner or his agent may present the subdivision as proposed for during this hearing. Any other party may appear in person, or by agent or attorney with concerns or comments regarding the application. This shall serve as an opportunity for any concerned citizen, organization or agency to inform the Planning Commission of additional conditions or circumstances. Members of this Commission shall review all information provided and render a decision.

301.6 Planning Commission Decision

The Planning Commission shall review and indicate approval, tentative approval with conditions, or disapproval on all preliminary plats submitted within the City of Carthage. If a plat is approved, the City shall retain one copy of the preliminary plat packet stamped with the approval, and the City shall return an approved stamped copy of the preliminary plat to the developer. If approved subject to condition, the nature of the required conditions shall be indicated in writing. If a plat is disapproved, reasons for such disapproval shall be stated in writing.

Approval of the Preliminary Plat shall not constitute approval of the Final Plat and shall not constitute authority to file a plat with the Leake County Chancery Clerk. Rather, it shall be deemed an expression of approval of the layout on the Preliminary Plat for construction and as a guide to the preparation of the Final Plat. Preliminary Plat approval is valid for one (1) year. If the Final Plat application is not filed within one (1) year, the Preliminary Plat shall be returned to the Planning Commission for review and re-evaluation.

301.7 Authorization for Construction

Once the preliminary plat is approved, the Developer shall prepare and submit construction drawings for proposed improvements as required in Section 303 and any additional that may be necessary for construction, but not limited to, surveys, grading plan, landscape plans, site plans, etc. All construction plans shall be approved by the City Engineer and the Planning Commission before construction may begin. Upon approval of the construction plans, the plans shall be stamped, approved, dated, and signed by the Chairperson and the Secretary of the Planning Commission and the City Engineer and an order authorizing the construction of the improvements in accordance with the plans and specifications will be entered upon the minutes by the Planning Commission.

The improvements specified herein shall be designed by and constructed under the supervision of a Registered Professional Engineer employed by the developer and certified that construction has been completed according to plan and specifications. The City Engineer shall make field inspections of the work during construction and certify to the Planning Commission that he/she has verified that such improvements have been properly constructed in conformity with the plans and specifications as approved.

301.8 Modifications to Approved Preliminary Plat and Construction Plans

If the developer chooses to make minor modifications in design or specification during construction, such changes shall be made at the developer's own risk. Any requested changes shall be submitted to the Building Official and City Engineer for review and approval. In the event actual construction deviates from the approved plans and approval was not sought by the developer, the developer may be required to correct the installed improvements to conform to the approved plans.

If the developer chooses to make major modifications in design or specification during construction, such changes shall be made at the developer's own risk. Any requested changes shall require the review and approval of the Planning Commission and the City Engineer. In the event actual construction deviates from the approved plans and approval was not sought by the developer, the developer may be required to correct the installed improvements to conform to the approved plans.

Minor Modifications	Major Modifications
<ul style="list-style-type: none">• Minor shifting of lotlines, streets, or open space	<ul style="list-style-type: none">• Changes to circulation patterns that affect internal and external connectivity
<ul style="list-style-type: none">• Minor reduction in total unit count	<ul style="list-style-type: none">• An increase in total unit count
<ul style="list-style-type: none">• Other changes that do NOT significantly alter the overall layout and design of the subdivision	<ul style="list-style-type: none">• Any change that DOES significantly alter the overall layout and design of the subdivision

301.9 Preparation for filing the Final Plat

Before filing a Final Plat with the Planning Commission, the developer shall have either completed all the required improvements as agreed upon during the Preliminary Plat process or there shall be a performance bond filed with the Final Plat application securing the construction of improvements yet to be done.

Section 302 – Procedure for Final Plat

The Final Plat shall conform substantially to the Preliminary Plat as approved by the Planning Commission. If the developer desires, the Final Plat may represent only a part of the Preliminary Plat which he/she proposes to record and develop at the time. However, each subsequent recording and development must have Final Plat approval.

302.1 Submit to the Planning Commission

The Developer shall submit complete packets of the following information for Final Plat review at least thirty (30) days in advance of the regularly scheduled meeting of the Planning Commission:

1. Eight (8) copies of the subdivision application form
2. Proof of ownership or option to purchase the land
3. One (1) large original (18"x24") on mylar or other transparent film of the Final Plat
4. Eight (8) large copies (18"x24") of the Final Plat with information as required in Section 304
5. Eight (8) large sets (18"x24") of As-Built Construction drawings (if work is completed) for:
 - a. All on-site improvements
 - b. All utilities as installed on the property (water, sewer, gas, and storm drainage)
 - c. Additional information as deemed necessary by the City Engineer
6. Certificate of completion for all improvements and installations signed by the City Engineer OR documentation regarding a performance bond request and approval
7. Electronic versions of the preliminary plat layout in "dwg" format AND in "pdf" format

302.2 Planning Commission Review of Final Plat

It shall be the duty of the Planning Commission to review and examine the Final Plat to be certain that all conditions set forth on the Preliminary Plat have been satisfied. Upon approval of the Final Plat by the Planning Commission, the Chairman and the Secretary of the Planning Commission and the City Engineer shall place their signatures on the original mylar version of the Final Plat. If the Final Plat is not approved, the Planning Commission shall state reasons for disapproval in writing and submit such to the developer and to the Mayor Board of Aldermen.

302.3 Mayor and Board of Aldermen Review of Final Plat

Upon approval of the Final Plat by the Planning Commission, the application shall be presented before the Mayor and Board of Aldermen for approval. If approved, the Mayor and City Clerk shall place their signature on the original mylar version of the Final Plat. If the Final Plat is not approved, the Final Plat shall document the disapproval on the original mylar version and provide signature authorization of disapproval.

302.4 Performance Bond Requirements

In those instances where the Planning Commission determines that it is not necessary or not desirable that all required streets and other improvements be completed prior to approval of the Final Plat, a performance bond shall be required in lieu of completion of the construction. The performance bond shall be of an amount to be fixed by the City Engineer at least equal to the amount required to construct the required improvements four (4) years from the date of agreement. The performance bond shall be conditional for a minimum of twelve (12) months, such period not to exceed four (4) years.

When all of the required improvements have been constructed, the developer shall provide certification that all improvements have been installed according to approved plans. The developer shall file for a final inspection with the City Engineer. The City Engineer shall provide a written report of the inspection to the City. The performance bond will be released by the Mayor and Board of Aldermen once the final inspection is approved by the City Engineer. The City Engineer may also recommend a reduction of the bond throughout the process based on construction progress and written inspections.

302.5 Filing and Recording of Final Plat

The developer may proceed with filing of the Final Plat if all improvements are complete as determined by the City Engineer or if a performance bond was filed with the City. The original Final Plat shall be filed with the Chancery Clerk of Leake County. The City shall retain one (1) copy, and one (1) copy shall be returned to the developer. Under no circumstances shall any subdivision lots be sold until the Final Plat is recorded with the Chancery Clerk. The Final Plat shall be filed within one (1) year of the approval and signature date.

302.6 As-built Drawings and Maintenance Bond Requirements

Once construction is complete the developer shall provide the City with an As-built survey of all constructed improvements and a letter of certification from the registered professional engineer stating all work has been done in conformity to plans and specifications.

In order to assure that the installation and construction of streets and other improvements are satisfactory, and that the standards prescribed in these regulations have been fulfilled, the developer shall post a maintenance bond upon completion of these improvements in the amount determined by the City Engineer, guaranteeing to the City the reasonable costs resulting from defective workmanship and/or materials. This maintenance bond shall be in effect for one (1) year after acceptance of these improvements by the Board of Aldermen.

Section 303 – Preliminary Plat Checklist

General subdivision information shall describe or outline the existing conditions of the site including existing zoning classification and the type of subdivision proposed. This information may include data on existing covenants, land characteristics, and available facilities and utilities, and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, price range, playground, park areas, and other public areas, proposed protective covenants and proposed utilities and street improvements.

The Preliminary Plat shall be at a scale of 1" = 200' and shall show the following existing and proposed data on the Preliminary Plat and/or supporting drawings:

1. Title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, bench marks, date of survey, engineer's seal and date
2. Bearing and distances along boundary lines and mathematical closure on survey
3. Names of adjacent property owners
4. Vicinity map showing location of the site for the proposed subdivision in relation to surroundings
5. Any city and county political lines, section lines, or other significant location information
6. Streets on and adjacent to the tract; name, right-of-way width, approximate grades and type of surfacing
7. Topographic data shall include ground elevations on the tract, based on mean sea level, and showing contours with a two foot (2') interval and spot elevations along canals or ditches and at any breaks in grade or changes in elevation not readily discernible from the contours
8. Floodplain and floodway boundaries as determined by FEMA FIRM Maps or state the lack thereof
9. Hydrology on site, drainage channels, water courses, marshes, or other significant features
10. Other conditions on the tract such as wooded areas, houses, barns, shacks and other significant features
11. Easement location, width, and purpose
12. Minimum building setback lines
13. Lot lines including lot and block numbers
14. Site data, including number of residential lots and lot sizes
15. Sites, if any, to be reserved or dedicated for parks, playground, or other public uses
16. Sites, if any, for apartment buildings, churches, or other non public uses exclusive of single-family dwellings or fee-simple townhomes
17. Location, size, and invert elevation of sanitary and storm sewers; location and size of water mains; location of any gas lines, fire hydrants, electric and telephone poles or street lights (if water supply mains and outfall sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers)
18. A copy of the deed restrictions or protective covenants, which directly affect the land being subdivided.

In addition to the Preliminary Plat requirements, construction drawings and supporting drawings shall also be submitted with the following information:

1. Combination of plan and profile for each street drawn to a scale of 1" = 40' horizontal and 1" = 5' vertical and shall be based upon U.S. Government datum (mean sea level)
2. Typical cross-section of the proposed grading, drainage, base course, and pavement design
3. Detailed plans and profiles for the water and sanitary sewer systems and for culverts, drainage structures, and bridges, or if applicable, standard plans issued by the Mississippi State Highway Department may be included for reference. Profile sheets shall be drawn to a scale of 1" = 40' horizontal and 1" = 5' vertical and shall be based upon U.S. Government datum (mean sea level)
4. Proposed topography and grading plan
5. An erosion and sediment control plan as described in Section 418
6. Proposed street lighting plan
7. An existing tree survey
8. Landscape plan showing proposed landscape buffering and streetscapes as required by the Carthage Zoning Ordinance

Section 304 – Final Plat Checklist

The Final Plat shall be prepared as required by the statutes of Mississippi relating to subdivision plats. Where necessary, the Plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the Final Plat may be submitted for approval progressively in contiguous sections satisfactory to the Planning Commission.

The Final Plat shall be prepared at a scale of 1" = 200' and shall show the following:

1. Title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, bench marks, date of survey, engineer's seal and date
2. Bearing and distances along boundary lines and mathematical closure on survey
3. Primary control points of descriptions and "ties" to such control points to which all dimensions, angles, bearings, and similar data on the Plat
4. Accurate dimensions, bearings, deflection angles, and radii, arcs and central angles of all curves shall be shown for property lines, easements, and street centerlines.
5. Location and description of boundary monuments
6. Names of adjacent property owners
7. Vicinity map showing location of the site for the proposed subdivision in relation to surroundings
8. Any city and county political lines, section lines, or other significant location information
9. Streets on and adjacent to the tract; name, right-of-way width, approximate grades and type of surfacing
10. Topographic data shall include ground elevations on the tract, based on mean sea level, as altered during construction and show contours with a two foot (2') interval and spot elevations along canals or ditches and at any breaks in grade or changes in elevation not readily discernible from the contours
11. Floodplain and floodway boundaries as determined by FEMA FIRM Maps or state the lack thereof
12. Hydrology on site, drainage channels, water courses, marshes, or other significant features
13. Easement location, width, and purpose
14. Minimum building setback lines
15. Lot lines including lot and block numbers
16. Site data, including number of residential lots and lot sizes
17. Sites, if any, to be reserved or dedicated for parks, playground, or other public uses
18. Sites, if any, for apartment buildings, churches, or other non public uses exclusive of single-family dwellings or fee-simple townhomes
19. Location, size, and invert elevation of sanitary and storm sewers; location and size of water mains; location of any gas lines, fire hydrants, electric and telephone poles or street lights (if water supply mains and outfall sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers)
20. A copy of any separate instruments including deed restrictions or protective covenants which directly affect the land being subdivided.

Article III – Application Procedures and Checklists

In addition to the Final Plat requirements, supporting drawings and information shall also be submitted with the following information:

1. Any conditions of approval as determined by the Planning Commission
2. As-built construction drawings of streets and utilities if work is complete at the time of application

The Final Plat shall also include six (6) certificates:

1. Owner's Certificate stating that the applicant is the legal owner of the land
2. Engineer's Certificate by a registered surveyor or engineer stating that the information is correct
3. one showing approval of the County Board of Health officer
4. one showing approval of the City Street superintendent
5. Final Approval Certificate with signature approval by Planning Commission, Engineer, and Mayor
6. Recording Certificate stating date of filing with Chancery Clerk

Article IV – Design and Improvement Standards

Section 400 – General Requirements

400.1 In consideration for the acceptance by the City of Carthage and the assumption of the responsibility for maintaining the dedicated streets constructed therein, the developer shall cause to be constructed, in accordance with City policy, the following design standards and improvements according to the specifications set forth in this Article.

400.2 All sewers, drains, water and gas lines, and other underground structures shall be installed before streets, sidewalks, or alleys are paved. Water and sewer connections shall be provided for each lot to a distance of two feet (2') within the lot.

Section 401 – Street Design

401.1 The subdivider shall construct streets including all grubbing, grading, laying of sub base, base, pavements, curbs, and gutters, culverts, bridges, storm sewer mains, and structures in accordance with standard specifications for road and bridge construction, Mississippi State Highway Department, and Mississippi Neighborhood Standards, Land Planning Bulletin No. 3, Federal Housing Authority.

401.2 The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

401.3 The arrangement of streets in a subdivision shall either:

- a. Provide for the continuation of existing principal streets in surrounding areas; or
- b. Conform to a plan for area development approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance of conformance to existing principal streets impractical.

401.4 Minor streets shall be laid out so that through traffic will be discouraged.

401.5 Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may elect to require (1) marginal access streets, (2) reverse frontage lots, (3) deep lots with rear service alleys, or (4) other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. In cases where an arterial street fronts or passes through a commercial area and marginal access street is required, commercial facilities will be allowed to front on the marginal access streets.

401.6 Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may elect to require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

401.7 Street centerline offsets, or street jogs with centerline offsets, of less than 125 feet shall be prohibited.

401.8 A tangent of at least 100 feet shall be introduced between reverse curves on arterial, major and collector streets.

401.9 The horizontal and vertical alignment for all streets shall be not less than the following, except in cases of unusual topographical conditions:

Type of Roadway	Minimum Alignments	
	Horizontal Curve Centerline Alignment	Vertical Curve Sight Distance *
Arterial and major streets with median	500 feet	500 feet
Arterial and major streets without median	500 feet	800 feet
Collector street	300 feet	300 feet
Minor Street	100 feet	200 feet

** Sight distance for vertical alignment shall be determine by measuring from a point four (4) feet above the roadway surface along a line of sight to a point four (4) inches above the roadway surface.*

401.10 Streets shall be designed to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 60 degrees unless approved by the Planning Commission and/or City Engineer.

401.11 Property lines at street intersections shall be rounded with a minimum radius of ten (10) feet.

401.12 Street right-of-way widths shall be not less than as follows:

Type of Roadway	Minimum Right-of-Way	Minimum Pavement Width
Arterial	100 feet	
Major	80 feet	
Collector street	60 feet	
Minor Street	50 feet	26 feet
Marginal Access	40 feet	
Cul-de-Sac	50 feet (100 feet turn-around)	26 feet (80 feet turn-around)
Commercial Alleys	30 feet	30 feet
Residential Alleys	20 feet	20 feet

401.13 The pavement width shall be determined by the Planning Commission, but in no case shall the pavement width be less than twenty-six feet measured face of curb to face of curb. All surface pavements shall be paved with asphalt or concrete meeting the requirements as specified in Section 402.

401.14 Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

401.15 A cul-de-sac street may not exceed five hundred feet (500') in length, measured from the entrance to the center of the turn-around.

Section 402 – Pavement Construction

Section 402.1 Excavation and embankment construction for streets and/or alleys in the subdivision shall be governed by the following Sections of the most current edition of the *Mississippi Standard Specifications for State Aid Road and Bridge Construction* including any supplemental specifications that have been released by the Office of State Aid Road and Bridge Construction:

- Section 201 – Clearing and Grubbing
- Section 202 – Removal of Structures and Obstructions
- Section 203 – Excavation and Embankment
- Section 205 – Subgrade Preparation

Section 402.2 Pavement design and construction for the subdivision shall be governed by the most current edition of the *Mississippi Standard Specifications for State Aid Road and Bridge Construction*, including any supplemental specifications that have been released by the Office of State Aid Road and Bridge Construction, as follows:

- a) The minimum pavement design thickness for subdivision streets shall be twelve (12) inch compacted red clay gravel base or the recommended base thickness as calculated for the estimated daily traffic count recommended for the particular subdivision development in the *Mississippi Standard Specifications State Aid Road and Bridge Construction*. The materials required and the mixing, shaping and compacting of the materials shall conform to all applicable sections, subsections and supplementals of the *Mississippi Standard Specifications State Aid Road and Bridge Construction* for granular material, Class 4 Group B.

A minimum of 97% compaction of standard proctor is required, especially around manholes and drainage inlets. A proof roll with heavy construction equipment (a loaded dump truck, a loaded water truck, etc.) shall be performed in the presence of the City Engineer to check for base and sub-base stability. Any soft or yielding areas shall be removed and repaired by the developer until the area is able to support heavy construction equipment.

- b) In place of Class 4 Group B material as noted above, the developer has the option to use either crushed stone or cement-treated granular material as the base material. If crushed stone is preferred, the minimum thickness required shall be eight (8) inches. The crushed limestone material shall meet all the requirements and be installed, constructed, and tested as per the most current edition of the *Mississippi Standard Specifications State Aid Road and Bridge Construction*.

If cement-treated granular material is preferred, the minimum thickness required shall be eight (8) inches of granular material with the top six (6) inches being treated and mixed with cement. The granular material required for cement treating shall meet the requirements for Class 9 Group D material of the *Mississippi Standard Specifications State Aid Road and Bridge Construction*. Placement of the granular material and all construction methods and testing for cement treating shall also be per the *Mississippi Standard Specifications State Aid Road and Bridge Construction*. The developer shall employ an independent laboratory to establish soil cement mix design percentage and conduct field compaction tests with a minimum of 97% compaction of standard proctor especially around manholes and drainage inlets.

The developer shall employ an independent laboratory to test all aspects of the street paving process described above as required by all applicable sections, subsections, and supplements of the *Mississippi Standard Specifications State Aid Road and Bridge Construction*, or as additionally required by the City Engineer due to the particular circumstances of the proposed subdivision. The frequency of tests shall also be per these specifications or as deemed necessary by the City Engineer.

- c) The minimum wearing surface for all roads shall be three (3) inches of hot mix asphalt, installed in two (2), one and one-half (1½) inch lifts. The material shall conform to the appropriate subsection of the *Mississippi Standard Specifications State Aid Road and Bridge Construction* unless otherwise approved by the City Engineer. Supplemental specifications may also be released by the Office of State Aid Road and Bridge Construction that are not listed in the printed book; these shall also be considered part of the standard specs.

One and one-half (1½) inches of surface course shall be installed upon approval of the base material by the City Engineer. The remaining one and one-half (1½) inches of surface course shall be installed upon completion of at least 60% of the homes and/or other buildings located within a residential subdivision and upon completion of at least 75% of a commercial/industrial subdivision. Prior to the installation of the final surface course of asphalt, the initial surface course of asphalt shall be inspected by the City Engineer and any defects in the surface course, base, and/or subgrade shall be corrected by the developer.

- d) All test results, reports, "load tickets" or other information related to the street building process shall be provided to the City Engineer for review prior to the approval/inspection for each item of construction (earthwork, base material, and pavement). The construction shall not be deemed approved by the City Engineer until and unless test results and other information described herein has been provided.
- e) The City of Carthage reserves the right to modify these standards as deemed necessary for specific site conditions.

Section 403 – General Grading

403.1 Street grades shall be a minimum of one-half percent (.5%). All street grades, including maximum slopes, shall be subject to the approval of the City Engineer.

403.2 Grading and centerline gradients shall be in accordance with plans and profiles approved by the Planning Commission and the City Engineer.

403.3 Areas to be graded by cutting or filling shall be rough graded to within 0.2 of a foot of the accepted elevation after necessary allowance has been made for the thickness of topsoil, paved areas, and other installations.

403.4 Final cross-sections and profiles of streets and other installations shall conform to grades approved by the Planning Commission. Elevations shall be based upon mean sea level.

403.5 All timber, logs, trees, brush, vegetable matter, and other rubbish shall be removed, piled, and burned, or otherwise disposed of so as to leave the area with a neat and finished appearance.

403.6 The subdivision and street design shall be fitted to the topography and soils so as to create the least amount of impact on the landscape, least erosion potential.

403.7 Subdivision design and construction plans shall minimize the amount of cut and fill as much as possible.

Section 404 – Curb and Gutter

404.1 Curb and gutter shall be installed in all residential, commercial, and industrial zoned subdivisions using the Mississippi State Highway specifications.

404.2 A 6-24 type curb and gutter shall be utilized unless otherwise specified in accordance with the City Engineer's recommendation.

404.3 Care shall be exercised in construction of curb and gutter to insure proper drainage, when such improvements are required.

Section 405 – Sidewalks

405.1 Concrete sidewalks shall be constructed at least four (4) inches thick.

405.2 Concrete sidewalks shall be at least five (5) feet wide and shall be constructed in all new residential subdivisions on a minimum of one side of minor streets.

405.3 Concrete sidewalks shall be at least seven (7) feet wide and shall be constructed in all new business subdivisions on a both sides of all collector and arterial streets.

405.4 Individual sections shall be tied together in an obvious pedestrian path throughout the neighborhood.

405.5 All sidewalks shall be constructed to American's with Disabilities Act (ADA) and MDOT standards, including all curb cuts and ramps where sidewalks meet driveways and street intersections.

405.6 Sidewalks shall be located adjacent to the property line. Sidewalks should not be placed at the back of curb directly adjacent to the roadway. A landscape separation should be provided between the roadway and the edge of sidewalk a distance at least the width of the sidewalk.

Section 406 – Traffic Control

406.1 Street name markers shall be placed at the corner of all street intersections. Said markers shall be of a standard design in current use.

406.2 No street names shall be used which will duplicate or be confused with the names of existing streets. Continuation of existing streets shall assume the same name as the existing street. Street names shall be subject to the approval of the Planning Commission.

406.3 All developers will be required to install or pay for required traffic signs, including signs such as "Stop" signs, "Yield" signs, "Speed Limit" signs, "Street name" signs, and any other signs, at points designated by the City Engineer and conforming to MDOT standards.

406.4 Stop "lines" shall be marked on all streets where stop signs are located.

406.5 Crosswalks shall be located and marked on all streets where sidewalks "cross" an intersection creating a continuous pedestrian pathway.

406.6 All traffic control devices and temporary markings shall be in place before the Final plat is recorded and

lots may be sold. This includes markings before the final lift of asphalt is applied. Sign and striping layouts shall be required and submitted with the preliminary plat application. Final striping shall be in place after the final lift of asphalt.

Section 407 – Alleys

407.1 Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may elect to waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.

407.2 The width of an alley in commercial and/or industrial sections shall be a minimum of thirty feet (30').

407.3 Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

407.4 Dead-end alleys shall be avoided where possible. If unavoidable, the alley shall have adequate turn-around facilities at the dead-ends as determined by the Planning Commission.

407.5 Where alleys are used in residential areas, the width shall be a minimum of twenty feet (20').

Section 408 – Easements

408.1 Easements across lots or centered on rear or side-lot lines shall be provided for utilities where necessary and shall be at least fifteen (15) feet wide at ground level.

408.2 Where easements intersect or have sharp changes in alignment, corners shall be cut off sufficiently to permit equipment access as determined by the Planning Commission.

408.3 No buildings will be permitted within utility easements. No trees shall be planted within utility easements.

408.4 Any overhanging limbs, shrubbery, or vegetation of any kind may be removed from within the limits of the easements, at the sole discretion of the maintenance personnel of the utilities installed or to be installed in or above the easements.

408.5 Every easement shall terminate at both ends of the street, alley, or another easement, except that dead-end easements will be permitted if not more than one hundred fifty feet (150') in length with no turns or bends.

408.6 Where a subdivision is transverse by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way of not less than fifteen feet (15') conforming substantially with the lines of such water course or an accepted canal or drainage course plus additional width as necessary to accommodate future construction and channel maintenance as recommended will be permitted within the drainage channel. Fences and poles will be permitted along the edge of the drainage easement if such fences and poles will not obstruct determining the ten (10) year water flow required.

Section 409 – Blocks

409.1 The lengths, widths, and shapes of blocks shall be determined with due regard to:

- a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- b. Zoning requirements as to lot sizes and dimensions.
- c. Need for convenient access, circulation, control and safety of street traffic.
- d. Limitations and opportunities for topography.

409.2 As a usual practice, block lengths shall not exceed 1,200 feet or be less than 400 feet, unless the Planning Commission makes an exception in an unusual case.

409.3 When a block exceeds six hundred feet (600') in length, the Planning Commission may require pedestrian crosswalks, not less than ten feet (10') wide, to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

Section 410 – Lots

410.1 The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the zone or district in which the subdivision is located, according to the Carthage Zoning Ordinance.

410.2 Lot dimensions and size shall conform to the minimum requirements set out in the Carthage Zoning Ordinance. Lots fronting on cul-de-sacs shall be at least thirty feet (30') in width at the right-of-way line and shall have a width of at least fifty feet (50') at the building line. The minimum size of residential lots where a public sanitary sewer is not available shall be determined by the Mississippi State Board of Health. The builder or developer shall furnish a certificate from the State Board of Health as to each such lot setting out the minimum size of such residential lot.

410.3 The subdividing of land shall be such as to provide, by means of public street or approved private street, each lot with satisfactory access to an existing public street or approved private street.

410.4 Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet (10') shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

410.5 Side-lot lines shall be substantially at right angles or radial to street right-of-way lines.

410.6 No building lots shall be platted in areas known to be subject to flooding or in areas which, for other reasons, are unsuitable for such use. Areas subject to inundation shall be clearly indicated on the preliminary and final plats. Any development in a 100-year flood plain shall be subject to the requirements of the City of Carthage's Floodplain Development Ordinance.

Section 411 – Monuments

411.1 Monuments shall be placed at all corners or changes of alignment along the boundary of the subdivision and at all block corners, angle points, or points of curves in street right-of-way lines. These monuments shall be an iron rod or pipe, $\frac{3}{4}$ " to 1" in diameter and at least eighteen inches (18") long, driven flush with the surface of the ground.

411.2 Markers shall be placed at all lot corners or changes in alignment in lot boundaries. These markers shall consist of iron pipe not less than one-half inch ($\frac{1}{2}$ ") in diameter and not less than twenty-four inches in (24") in length.

411.3 All monuments or markers shall be set with the top thereof flush with finish grade. Where farming operations or other land uses might destroy or disturb the monument, it shall be sunk underground and referenced to permanent landmarks.

Section 412 – Public Sites and Open Spaces

412.1 Due consideration shall be given to the allocation of suitable areas for parks and playgrounds reserved for public use.

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

412.3 Lakes, creeks, and similar areas will be accepted for maintenance only if sufficient land is dedicated or otherwise arranged for use as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. Such areas must be approved by the Planning Commission and accepted by the Mayor and Board of Aldermen before approving the plat.

Section 413 – Drainage

413.1 The design of the subdivision streets shall provide for adequate drainage and run-off of storm water. Streets shall be drained by curbs and gutters with drop inlets and storm drains underground.

413.2 Storm sewers or drains shall be provided in each subdivision. They shall be designed to carry not less than the storm water from the maximum twenty-four (24) hour rainfall expected to occur once in ten (10) years with a run-off factor of ninety percent (90%) for pavements and buildings and a variable run-off factor depending upon the topography of the ground for other areas.

413.3 The sizes and capacities of all drainage pipes and culverts, structures and ditches shall be determined from known drainage areas by the use of generally accepted engineering formulas, but no culvert pipe shall be smaller than twelve inches (12") in diameter. Culvert pipe may be either concrete or corrugated metal. Corrugated metal shall not be used in areas where the soil has a high salt content. Open drainage ditches shall have concrete paved inverts or grass swales with no more than a 3 to 1 slope.

413.4 In the case of surface drainage, the full width of the street between property lines shall be utilized in the graded section in order to permit easy maintenance and grassing of the section from edge of shoulders to property lines.

413.5 Driveways crossing side ditches shall be constructed to a minimum of ten (10) feet with head walls at both ends or fifteen (15) feet without head walls at both ends with culvert pipe drains laid to the profile of the ditch invert.

413.6 The Planning Commission and/or City Engineer shall have the right, if they deem it necessary, to require that principal drainage facilities (open ditches and canals) be designed to handle storms occurring on an average frequency of up to twenty-five (25) years.

413.7 Drainage ditches placed alongside streets shall be so graded as to prevent undermining of the street by drainage water.

Section 414 – Water Systems

414.1 The developer shall provide suitable water mains and provide a water connection for each lot to a public water supply. The water mains shall be of sufficient size to adequately supply the requirements of the subdivision for domestic use and fire protections in accordance with the standards of the State Rating Bureau and shall conform to the following requirements:

- a. Minimum pipe size allowed shall be eight inches (8") in diameter, except where a line for domestic service only, serving not more than ten (10) single-family residences, a six inch (6") may be used.
- b. Water mains shall be of sufficient size to provide at least one standard fire hydrant within five hundred feet (500') of each residence or other structure in a residential area and within three hundred feet (300') of each structure within commercial or industrial areas and shall comply with all rules and standards of the State Rating Bureau. All materials and hydrants, including brand and supplier shall be approved, before installation, by the City Fire Chief or Engineer.
- c. Additional specifications and materials shall be approved by the City Engineer.

Section 415 – Sanitary Sewers

415.1 The developer shall provide for connections for each lot within the subdivision to a public sewer system. If for whatever reason the public sewer system is not available for connection, the developer shall provide an alternate means which shall be approved by the Mississippi State Board of Health. The developer shall furnish the Planning Commission with a certificate from the Mississippi State Board of Health that they have made a physical inspection of the subdivision and approve such system. Sanitary Sewer Systems shall conform to the following requirements:

- a. Minimum pipe size allowed shall be eight inches (8") in diameter.
- b. Gradients, pipe type, location, and type of manholes, characteristics of lift stations and treatment facilities shall be approved by the City Engineer prior to construction.
- c. Sanitary manholes shall be spaced at intervals not to exceed five hundred feet (500') and at each junction or changed in alignment.
- d. Additional specifications and materials shall be approved by the City Engineer.
- e. Minimum and maximum slopes shall be subject to Mississippi Department of Environmental Quality specifications.

415.2 All sanitary sewers shall be designed to carry peak rates of flow of one hundred and fifty gallons per day (150 gpd) and/or as prescribed by the Mississippi State Board of Health and Department of Natural Resources/Bureau of Pollution Control.

Section 416 – Other utilities

416.1 All other utilities (i.e. electrical, cable, telephone, etc.) are encouraged to be installed underground.

416.2 All utilities not specifically mentioned in other sub-sections may be installed in the grass plot back of the curb lines within the right-of-way. If lateral lines are not installed to each property line, connections between the lots and utility lines shall be made without tearing up the wearing surface of the street whenever possible.

Section 417 – Street lighting

The City will provide standard street lighting in each subdivision consisting of a standard fixture and concrete pole as installed by the power company and the City will assume the monthly cost of the lights. If the developer desires to upgrade the street lights, which would result in additional cost, then the developer will be required to make payments to the City in an amount equal to the difference between the standard fixture and the upgraded fixture, with this payment to be received by the City prior to final plat approval.

Section 418 – Erosion and Sediment Control

418.1 Installation of the required improvements shall be done in such a manner as to provide for the most effective control of erosion and sediment.

418.2 Each plat shall be accompanied by an erosion and sediment control plan that shall be submitted to the City for review and recommendations. At a minimum, the controls shall be in accordance with the standards set forth in the most current edition of the Mississippi Department of Environmental Quality (MDEQ) Planning and Design Manual for the Control of Erosion, Sediment and Stormwater, or equivalent MDEQ publication that is in effect at the time of subdivision approval.

418.3 The erosion and sediment control plan, at minimum, shall include the following:

- (a) A list and brief description of each control measure that will be used.
- (b) A scaled site map clearly showing the existing and proposed contour lines, drainage ways, north arrow and location and type of each erosion and sediment control measure.
- (c) An implementation sequence indicating the order in which the erosion and sediment control activities will take place.
- (d) An inspection and maintenance schedule for all disturbed areas, material storage areas and erosion and sediment controls that were identified in the plan.
- (e) The plan should designate areas for equipment maintenance and repair, provide waste receptacles at convenient locations, provide regular collection of waste, provide protected storage areas for chemicals, paints, solvents, fertilizers, and other potentially toxic materials and provide adequately maintained sanitary facilities.
- (f) Examples of acceptable vegetative controls include, but are not limited to, the following: vegetative buffer zones, sod stabilization, protection of trees, tillage with lime and fertilizer, temporary seeding, permanent seeding, mulching, erosion & sediment control blankets and surface roughening.
- (g) Examples of acceptable temporary structural controls include, but are not limited to, the following: diversion, silt fences, straw bale barriers, storm drain inlet protection, sediment basins, riprap outlet protection, check dams, level spreaders and construction entrances and exits.

418.4 Erosion and sediment control shall be based on the following technical principles:

- a) Temporary barriers shall be placed around drip line of existing trees that are going to be preserved according to the preliminary plat and/or landscape plan.
- b) The smallest practical area of land shall be exposed at any one time during development. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
- c) The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
- d) Whenever feasible, natural vegetation shall be retained and protected.
- e) Divert upslope water around disturbed areas.
- f) Slow rainfall runoff velocities to prevent erosive flows.
- g) Remove sediment from storm water before it leaves the site by allowing runoff to pond in controlled areas or by using natural vegetation, brush barriers, silt fences or hay bales.
- h) Transport runoff down deep slopes through lined channels or piping.
- i) Provisions shall be made to effectively accommodate the runoff caused by the changed soil conditions during and after development.
- j) Permanent final vegetation and structures shall be installed as soon as practical in the development.

418.5 If work is discontinued for thirty (30) days or more in a disturbed area before the project is completed, appropriate interim controls shall be initiated within seven (7) calendar days from the day that work was discontinued.

418.6 Non-functioning control measures shall be repaired, replaced or supplemented within twenty-four (24) hours of discovery or as soon as field conditions allow.

418.7 Erosion and sediment controls shall remain in place and in functioning condition for the duration of construction activity and until the areas that they protect are completely stabilized.

418.8 Project sites with areas of five (5) acres or more will be subject to the Mississippi Department of Environmental Quality (MDEQ) Office of Pollution Control (OPC) requirements for a Storm Water Construction General Permit if the project includes any clearing, grading, excavation and/or other land disturbance.

418.9 In accordance with State law, any subdivision that is five (5) acres or greater in size shall be required to have the following statement on the final subdivision plat or in the restrictive covenants prior to recording:

After the general contractor has completed the construction of the improvements necessary for a subdivision development on this property, the developer will be required to carry forward all erosion control measures set forth in the plan to ensure builders and/or new owners within the proposed subdivision will take measures to prevent or mitigate sediment from leaving individual lots. The developer will be required to present to the new lot owner or builder in writing the parts of the Storm Water Pollution Prevention Plan (SWPPP) that will be appropriate for their lot. The developer will be required to set the following condition on the builder or new lot owner:

The Purchaser shall be required to maintain property in such a condition as to minimize off-site damage from erosion, sediment deposits and storm water. This requirement will be in effect from the beginning of site preparation and continued through the establishment of permanent vegetative cover. Purchaser acknowledges and agrees that Seller is not responsible for damages which may be suffered by Purchaser or other property owners or parties as a result of site preparation work carried out by Purchaser and his/her subcontractors and Purchaser agrees to hold Seller harmless from any such damages sustained in connection therewith.

418.10 The developer shall submit to the City or the City Engineer the name and contact information of the developer's Erosion Control Inspector. The Erosion Control Inspector shall be certified by MDEQ for erosion control inspection and shall submit a copy of certification to the City or the City Engineer.

Section 419 – Care of Area during Construction

419.1 Contractors and builders shall be responsible on a daily basis for cleaning up all loose paper and/or other material that may be scattered by the wind and for preventing such material from scattering through a subdivision or to adjoining property. The project site shall be kept in a clean and unlittered manner. Contractors and builders who fail to comply with this requirement shall be subject to the penalties outlined in Article I of these regulations.

419.2 Contractors and builders shall not allow waste materials, glass, dirt and debris to be placed or to remain in a public street or road. Surplus dirt shall not be graded or pushed into a street or road. Contractors and builders who fail to comply with this requirement and/or fail to remove any of the above items from the street or road when instructed by the City Engineer shall be subject to the penalties outlined in Article I of these regulations.

419.3 All job sites shall have access to portable toilet facilities provided by the contractor. The facilities shall be located within three hundred (300) feet of the job site and must be maintained until the job has been through final inspection.

Article V – Variance Procedure and Criteria

Section 500 – General Provisions

Where the Board of Adjustment finds that extra-ordinary hardships may result from the strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variance will not have the effect of nullifying the intent and purpose of these regulations.

The fact that an owner could realize a greater financial return by a use of his property that is contrary to these regulations is not a sufficient reason for change. Hardship cannot be proved where it can be shown that property was purchased without the knowledge of existing restrictions, nor can hardship be claimed in terms of prospective sales or potential customers.

It is the power and duty of the Board of Adjustment (1) to review variance applications, (2) to examine any questions involved with the variance, (3) to apply conditions and safeguards as appropriate to approve the variance, and (4) to deny variances which are not in harmony with the purpose and intent of this Ordinance.

Section 501 – Procedure

Those seeking a variance shall follow the procedure outlined in this Ordinance. Any application not meeting these requirements shall not be granted by the Board of Adjustment.

1. Submit a written application for a variance indicating the nature which the variance is sought and stating the grounds on which it is requested based on the criteria in Section 502.
2. Submit a site plan showing the nature of the request as part of the application.
3. Once the City receives the application, adequate public notice shall be published as outlined in Section 503. When the public hearing is set and notice has been made, the City shall also notify by mail the owner of the property for which variance is sought or his agent.
4. The Board of Adjustment shall hold a public hearing for review of the variance. The property owner or his agent may present the variance as applied for during this hearing. Any other party may appear in person, or by agent or attorney with concerns or comments regarding the application.
5. The Board of Adjustment shall make written findings that the reasons set forth in the application justify the granting of the variance, and that the variance constitutes the minimum variance that will make possible the reasonable use of the land, building or structure. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.
6. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
7. Appeals regarding the Board of Adjustment's ruling shall be taken to the Mayor and Board of Aldermen within ten (10) days of the ruling.

Section 502 - Review Criteria

Before any variance shall be granted, the Board of Adjustment shall make written findings certifying compliance with the specific rules governing individual variances and that satisfactory provision and arrangement has been made concerning the review criteria determined by this Ordinance. When reviewing a variance application, the following criteria should be discussed:

1. Special conditions and circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
2. Any literal interpretation of the provisions of this Ordinance that would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
4. Special conditions and circumstances do not result from the actions of the applicant.
5. Under no circumstances shall the non-conforming use of neighboring lands, structures, or buildings in the same district and permitted or non-conforming use of lands, structures, or buildings in other districts be considered grounds for the issuance of a variance.

Section 503 - Public Notification and Public Hearing

No such action may be taken regarding a variance until after a public hearing is held, at which interested parties and citizens shall have an opportunity to be heard. Public notice shall be provided at least fifteen (15) days in advance by the methods outlined below, all of which provide the date, time and place of the hearing.

Public notice shall be provided by the following methods:

1. Published in a newspaper of general circulation within the City of Carthage at least fifteen (15) days before the public hearing shall be held.
2. An 8.5 inch x 11 inch notice shall be displayed in City Hall and one other public place advertising the public hearing as described below.
3. A sign posted on a conspicuous place on the property for which the application has been submitted. The sign shall be minimum 3 feet by 3 feet with letters legible from the nearest street. The background of the sign shall be painted red with white letters. The sign shall contain the statement:

<p style="text-align: center;">PUBLIC NOTICE THIS PROPERTY IS BEING CONSIDERED FOR A VARIANCE</p> <p style="text-align: center;">Hearing Date, Time and Place</p> <p style="text-align: center;">Request for <u> (type of variance) </u></p> <p style="text-align: center;">For more information contact the City Clerk's office.</p>

Appendix A

The application form for subdivision plat approval shall be as follows:

Application for Subdivision Plat Approval Carthage Planning Commission Carthage, Mississippi

Name of Subdivision _____

Number of Lots in Subdivision _____ Zoning Classification _____

Attest: _____

Zoning Administrator

Name of Owner/Applicant _____

Name of Engineer _____

Address _____

Phone Number (Business) _____ (Home) _____

Date of Application _____

Legal Description of Property:

<insert legal description>

as described and recorded in Book Number ____, Page Number ____, in the records of Leake County, Mississippi. There are (are not) restrictive covenants or deed restrictions (attached). Attached is also a certified check in the amount of _____ per lot subject to a minimum fee as determined by the Mayor and Board of Aldermen and made payable to the City Clerk of Carthage, Mississippi.

Signed _____

Name of Applicant

For Office Use Only

(File original and four copies)

Date Reviewed by Planning Commission _____

Approved _____ Disapproved _____ Tentative Approval with Conditions _____