

ORDINANCE GOVERNING THE DEVELOPMENT OF LAND AND PRESCRIBED MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION OF ROADS AND STREETS

There came on for consideration and determination by the Board of Supervisors of Forrest County, Mississippi, the matter of updating, amending, adopting and readopting rules and regulations governing the development of land and related matters, and the Board, upon hearing and considering said matter finds that the Board of Supervisors of Forrest County, Mississippi, did, heretofore, on March 14, 1968, adopt rules and regulations governing the platting and subdividing of land, said rules and regulations appearing in the Board of Supervisors Minute Book 67 at Pages 257 through 259; that said Board did, heretofore, on April 9, 1987, amend and update said rules and regulations as recorded in the Board of Supervisors Minute Book 178 at Pages 267 through 281; and that it is necessary and proper that said rules and regulations be amended and updated again. Whereupon Supervisor Woullard moved the adoption of the following amended Ordinance effective March 5, 2011, to-wit:

SECTION I. DEFINITION AND PROCEDURE:

(a) For the purposes of this Ordinance a subdivision is defined as the division of a tract of, or parcel of, land into four or more lots, plats, sites or other divisions of land for the purpose of rental, lease, sale or other conveyance or of building development, whether immediate or future. The term encompasses all developments designed for single family residential occupancy, including but not limited to modular and mobile home parks. It also includes re-subdivision of existing subdivisions, and the improvement of existing roads and streets. This Ordinance applies to all subdivisions regardless of whether the roads, streets and rights of way included therein are intended to remain private or to be accepted by the County for maintenance. However, divisions of land for agricultural purposes shall be exempted from the requirements of this Ordinance when such division does not involve the construction of new roads or streets.

(b) Any person or persons, firm or corporation, owning a tract or parcel of land in Forrest County located outside of the corporate limits of a City or Town, who may desire to subdivide said land into lots, sites or other divisions of land and construct access roads or streets, shall have said land surveyed and platted as hereinafter set forth by an Engineer or Land Surveyor and shall submit the subdivision plat and the plans for the proposed improvements to the Board of Supervisors of Forrest County for its approval, along with an abstract of title showing fee simple ownership.

SECTION II. PLAT.

The record plat shall be drawn to a scale to fit on 18" x 24" sheet and may consist of either an original tracing on linen or on cloth mounted paper. The plat shall contain complete data as follows:

1. A title including the name of the subdivision, and of the Engineer or Surveyor. The scale and North point which may be magnetic or true North, with notation stating which.

2. The shape and exterior boundaries of the tract subdivided, indicated by the use of a distinctive symbol, shall be completely and accurately determined by courses, angles and distances. These boundaries shall be obtained by an accurate survey in the field, which must be balanced and closed. Copies of traverse sheets shall be attached.
3. The dimensions of all lots, sites or other divisions of land, streets, alleys and angles of intersections must be shown. The radii, arcs, central angles, P.C.'s and P.T.'s of all curves shall be given along the property lines of each street and alley.
4. The name of adjoining subdivisions, if any, the lines of abutting lots, lot and block numbers, and all street and principal property lines in territory contiguous to the proposed subdivision shall be accurately tied to the lines of the subdivision by distances and bearings of angles.
5. All of the lots, sites or other divisions of land intended for rental, lease, or sale may be numbered either by progressive numbers, or if in blocks, progressively numbered or lettered. When all lots, sites or other divisions of land in any block are of the same dimensions, it shall be sufficient to mark the length and width upon one tier thereof, but all gores, triangles, or other lots, either squares or parallelograms shall have the length of their sides and angles, plainly defined by figures.
6. Building lines shall be established and such lines shown by dotted lines along each street. All necessary easements across private property for public utilities, drainage and like uses, must be described and plainly indicated on the plat, and shown in the abstract of title.
7. Subdivision plats shall provide for at least two entrances to furnish proper ingress and egress from established public roads or streets, except in the case of a single street subdivision or a dead end place.
8. Subdivision plats shall provide for the future construction of one or more streets for access to any other parcel of land lying back of the proposed development in order to prevent blocking of future development of adjacent subdivisions, unless the area behind the proposed subdivision already has sufficient access to a public road in which case it will not be necessary for the proposed subdivision to provide a street to the adjacent land.
9. A certificate of ownership and dedication of all roads and streets, drainage easements and parks or playgrounds to public use forever, signed and acknowledged before a Notary Public by the owners of the land and lienholders, if any, to appear on the face of the plat containing a complete and accurate description of the land subdivided and the streets dedicated.
10. The certificate of the Engineer or Surveyor who surveyed, mapped and monumented the land, which certificate shall be sworn to before a Notary Public and shall be placed on the face of the plat.
11. Subdivision plats shall include dedicated areas for recording the preliminary approval of the same by the Board of Supervisors and the County Engineer and, in cases where the roads and

streets are intended to be dedicated to the County after completion, the final approval and acceptance of said roads and streets for maintenance by the Board of Supervisors.

12. After approval by the Board of Supervisors, subdivision plats for developments involving the sale or other conveyance of lots, sites or other divisions of land shall be filed for record in the office of the Chancery Clerk of Forrest County as required by law. Subdivision plats for developments involving only the lease or rental of lots, sites or other divisions of land shall be recorded in the Minutes of the Board of Supervisors after approval by the Board. If any subdivision plat is not accepted by the Board of Supervisors within sixty (60) days from submission to said Board, the developer, or subdivider, shall be able to record said plat without approval of said Board.

SECTION III. SURVEYS, MINIMUM STANDARDS, AND DESIGNS.

1. The locations of subdivisions shall conform to the Zoning regulations of the Towns or Cities in the vicinity of, or adjacent to, the proposed subdivision development, unless otherwise waived by the Board of Supervisors. If located adjacent to a Mississippi State Highway, subdivision roads or streets which connect with the highway shall be located and constructed only by permit to be secured from the Mississippi Department of Transportation for authority to connect with said highway.

2. In surveying the land to be platted, all lot corners shall be marked on the ground with iron pins and all street intersections shall be marked by concrete posts at least 4" x 4" x 30" in length reinforced by 3/4" pipe through the center thereof, and such posts shall be firmly set in the ground to a depth of 24 inches.

3. Streets classified by the County Engineer as local or minor, shall be laid off at least fifty (50) feet in width; intermediate or secondary streets shall be at least sixty (60) feet in width; and major thoroughfares or arterial streets at least seventy (70) feet in width.

4. The arrangements of roads or streets in a new subdivision shall provide for the continuation of the principal existing streets in any adjoining subdivision, or their proper projection in case the adjoining property is not subdivided.

5. All subdivisions shall be surveyed and laid out in such a manner that each and every lot, site or other division of land entered for rental, lease or sale shall abut upon a road or street and shall be laid out in such a manner that no more than four (4) lots, sites or other divisions of land are contained within any one (1) square acre.

6. Dead-end streets may be laid out in unusual cases where through streets are situated nearby and a dead-end street would carry only local traffic. All dead-end streets shall be provided with an end turning loop with a minimum inside radius of fifty (50) feet right of way.

7. Not intersecting streets shall be platted with the angle including between adjoining street lines less than forty-five degrees (45°) nor more than one hundred thirty-five degrees (135°). In

such cases the street lines shall be curved or angled to intersect at approximately ninety degrees (90°).

8. No subdivision showing or including reserve strips of land which would block access to public ways or adjoining properties will be approved.

9. Every lot, site or other division of land entered for lease, rental or sale shall be configured in such a manner as to permit the location of improvements thereupon no less than twenty-five (25) feet from the abutting road or street right of way.

10. All subdivisions shall include a minimum of two (2) designated off-street parking spaces for every lot, site or other division of land entered for lease, rental or sale and indicate the location of same upon the plat.

11. At least Ten Percent (10%) of the entire tract or parcel subdivided shall be reserved as open space not offered for rental, lease or sale and not otherwise subject to improvement.

SECTION IV. IMPROVEMENTS REQUIRED IN SUBDIVISIONS.

All subdivisions shall include the following minimum improvements:

1. Grading of the roads or streets.

2. Surface drainage of roads and streets by side ditches or drainage of roads and streets by concrete curbs and gutters with inlets and underground storm sewers where necessary as to alleviate and prevent flooding.

3. Stabilization of unsatisfactory subgrade by topping with friable selected material where necessary.

4. Construction of a compacted clay gravel, semi-gravel or stabilized sand clay base course, as approved by the Board of Supervisors.

5. Black top pavement consisting of double bituminous surface treatment, sand asphalt road mix, asphaltic hot mix or cold mix surfacing, however, if a road or street of said subdivision does not connect to or is not within 1500 feet of an existing paved road or street it will not be necessary to pave the roads and streets of said subdivision.

6. Installation of pipe culverts, arch box culverts, bridges or other drainage structures where necessary.

7. Excavation of drainage ditches or installation of out-fall sewers where necessary.

8. Grassing of earth shoulders and slopes.

9. Construction of sanitary sewer system if the subdivision is located within five hundred (500) feet of existing sewer main, if acceptable to the municipality. Other sanitary disposal systems shall be controlled and determined by existing state law, rules and regulations of the Mississippi State Department of Health.

10. Furnish satisfactory evidence that arrangements with appropriate utility company for electrical power, natural gas and telephone service in and to said subdivision have been consummated.

11. Furnish satisfactory evidence that a certificate of convenience and necessity has been issued by the Public Service Commission for water service in or to said subdivision, if a water utility is available and within 500 feet, and that a contract has been executed with a water company for furnishing water in or to said subdivision.

SECTION V. SPECIFICATIONS AND MINIMUM DESIGN STANDARDS FOR ROADS AND STREETS.

All subdivision roads and streets shall meet the following specifications and minimum design standards:

1. The design of the roads and streets shall provide for adequate drainage and run-off of storm water. Adequate drainage and run-off of storm water shall be construed to mean making provision for the run-off of a minimum of three (3) inches of storm water per hour. Streets may be drained by curbs and gutters with drop inlets and storm drains under ground or they may be drained by surface ditches with proper gradients to natural outlets.

2. 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 fore-slopes from edge of shoulder to flow line of ditch.

3. Driveways crossing said ditches shall be constructed to a minimum width of twenty (20) feet with culvert pipe drains laid to the profile of the ditch invert.

4. The sizes and capacities of all drainage pipes and culverts, drainage structure, and drainage ditches shall be determined from known drainage areas by the use of generally accepted engineering formulae, but no culvert pipe shall be smaller than twelve (12) inches in diameter.

5. The design of all culverts or bridges shall conform to the standard plans of the Mississippi Department of Transportation for a load capacity of ten (10) tons minimum. When the drainage requires a culvert of a larger area than can be obtained in prefabricated pipe, the culvert may be either corrugated metal sectional plate arches or may be reinforced concrete box culvert. Any bridges which may be required for crossing of larger streams may be constructed of creosoted pile bents and creosoted timber spans up to a maximum span of nineteen (19) feet center to center of bents. Bridges requiring spans of greater length than nineteen (19) feet shall be constructed of reinforced concrete or structural steel with a reinforced concrete deck. No mud sills or timber grills will be permitted for bridge foundations. The minimum width of roadway

for bridges shall be four (4) feet wider than the width of the paved surface of the road or street. All bridges shall be provided with substantial guardrails and in cases where there is sufficient pedestrian traffic sidewalks shall be provided.

6. The design and typical section of roads and streets shall conform to the following minimum dimensions:

- (a) Minimum width of dedicated right of way: 50 feet
- (b) Minimum width of roadway to outside of shoulders: 32 feet
- (c) Minimum fore-slopes from edge of shoulder to ditch invert: 3:1 slope
- (d) Minimum back-slope from ditch invert to top of cut: 2:1 slope
- (e) Minimum depth of ditch from edge of shoulder to flow lines: 2 feet
- (f) Minimum width of base course (open ditch section): 22 feet
- (g) Minimum thickness of base course after compaction: 6 inches
- (h) Minimum thickness of subgrade stabilization or topping course, where required: 6 inches
- (i) Minimum width of paved surface (open ditch section): 18 feet
- (j) Minimum width of street between curbs (curbs and gutter section) back to back: 27 feet
- (k) Minimum open ditch gradient of flow line: 0.1%
- (l) Minimum curb and gutter gradient: 0.2%
- (m) Minimum width of shoulders: 5 feet
- (n) Minimum pavement crown slope from center line to edge: ½ inch per foot
- (o) Minimum radii of pavement at intersections: 18 feet
- (p) Minimum thickness of alternative types of pavements:
 - (1) Double bituminous surface treatment: 1.5 inches
 - (2) Sand asphalt road mix: 3 inches
 - (3) Asphaltic concrete hot or cold mix (one or two courses): 1.5 inches

7. The specifications for all materials and road work shall conform to the applicable provisions of the Standard Specifications for Road and bridge Construction, Mississippi Department of Transportation, as applies to subdivision construction. Compaction of subgrade, topping, and base course shall be at least 100% of maximum theoretical densities.

8. Crossing of overhead telephone and power lines shall provide for a vertical clearance of at least eighteen (18) feet above the pavement, or the minimum vertical clearance adopted by the National Electric Safety Code and the Mississippi Public Service Commission, whichever is greater. Where possible underground utilities shall be installed prior to the application of the final surface course on the roads of said subdivision. All utility trenches shall be thoroughly tamped upon being backfilled and maintained by refilling and re-tamping any settlement. Underground utilities paralleling the final surface course on said roads shall be located no closer than five (5) feet to the edge of said surface course and shall have a minimum cover of thirty (30) inches. After installation of final surface course on roads or streets is made no underground crossing under said roads or cutting of surface for utilities shall be made except after obtaining a permit therefor from the Board of Supervisors.

9. The County Engineer shall make at least three (3) onsite inspections during construction of all subdivision roads and streets to ensure conformity with the foregoing specifications and standards, including at least one (1) such inspection prior to the application of any surface course. The developer shall bear the costs of said inspections as determined by the County Engineer and approved by the Board of Supervisors.

SECTION VI. PROCEDURE TO SECURE APPROVAL OF PLANS FOR THE CONSTRUCTION OF ROADS AND STREETS IN NEWLY DEDICATED SUBDIVISIONS.

(a) In order to obtain approval for the construction of the proposed subdivision and the acceptance by the Board of Supervisors of the roads, streets and rights of way therein for maintenance after completion, the owner or owners shall submit together with the subdivision plat as hereinbefore required, four (4) prints of the plans showing the improvements contemplated. The construction plans shall be submitted on 22" x 36" sheets and shall consist of a combination plan and profile for each street and a typical cross section of the proposed grading, drainage base course and pavement. Detail plans shall be submitted for culverts, drainage structures, and bridges or, if applicable, standard plans issued by the Mississippi Department of Transportation may be included by reference. The plan and profile sheets shall be drawn to an appropriate horizontal scale with a vertical scale being five (5) times larger than the horizontal scale in order to clearly show the elevations and profiles. All elevations shall be based on government datum mean sea level, or city datum, if in the immediate environs of a city. The developer, his Engineer, or Land Surveyor may, if he so chooses, obtain preliminary layout approval of said subdivision from the Board of Supervisors before staking lots, corners and roads.

(b) The owner or owners shall furnish a surety bond or subdivision bond made out in favor of Forrest County, Mississippi, in the amount of the estimated cost of constructing the roads and

streets in the proposed subdivision and guaranteeing the faithful performance of all the covenants, stipulations and agreements, and guaranteeing the work against the incorporation of faulty materials or poor workmanship for a period of one (1) year after the date of acceptance of the completed work by the Board of Supervisors, provided however nothing herein contained shall require a surety bond for the entire length of the roads and the construction thereof if the developer or subdivider plans for sectional development of said property and streets and files a plat of the section proposed to be developed. The requirement of a surety bond shall be waived if the developer furnishes approved test reports from an approved testing laboratory showing that the road in question meets minimum requirements for compaction of base, road material specifications, and thickness of surface course.

(c) Upon approval of the construction plans with such changes and alterations as may have been ordered, the four (4) copies of the plans will be stamped approved, dated and signed by the President of the Board and an order authorizing the construction of the streets in accordance with the plans and specifications will be entered upon the Minutes by the Board. Two (2) copies of the approved plans will be returned to the subdivider and two (2) copies will be retained by the Board of Supervisors. After completion of the work, County Engineer shall report to the Board as to his findings pursuant to the inspections required under Section V above, and if the Board finds that the roads and streets have been properly constructed in reasonable conformity with the plans and specifications, the Board will then formally accept the dedication of the roads and streets for public use and for maintenance thereafter.

SECTION VII. VARIANCES

Any owner may petition the Board of Supervisors to grant a variance concerning one or more of the requirements set forth herein. All such petitions shall be submitted in writing to the Board President for consideration by the Board at its next regularly scheduled meeting or as soon thereafter as the owner may be heard. The owner shall bear the burden of demonstrating by clear and convincing evidence that the requested variance will not adversely impact the health, safety, and/or general welfare of prospective residents of the proposed development, adjoining property owners, emergency personnel, and/or the general public.

SECTION VIII. REPEAL OF CONFLICTING ORDERS.

All previous orders or parts of orders in conflict herewith are hereby repealed.

SECTION IX. PENALTY.

Any person or persons violating any of the terms or provisions of this order shall be guilty of a misdemeanor and will be subject to prosecution.

WHEREUPON, Supervisor Bowen seconded said motion after a full and complete discussion thereof, and the motion being put to a vote, the members of the Forrest County Board of Supervisors voted as follows:

Supervisor David Hogan voted	<u>AYE</u>
Supervisor Charles Marshall voted	<u>ABSTAIN</u>
Supervisor Lynn Cartlidge voted	<u>AYE</u>
Supervisor Roderick Woullard voted	<u>AYE</u>
Supervisor Chris Bowen voted	<u>AYE</u>

The motion having been carried by the majority vote of the members of the Board of Supervisors of Forrest County, the foregoing Ordinance was declared adopted.

SO ORDERED AND ORDAINED this the 10th day of February, 2011.

**BOARD OF SUPERVISORS
OF FORREST COUNTY, MISSISSIPPI**

President

ATTEST:

Chancery Clerk