

APPENDIX B – SUBDIVISION ORDINANCE

ARTICLE 1 GENERAL REGULATIONS

Section A. Title.

This ordinance shall be known and may be cited as the City of Long Beach Subdivision Regulations.

Section B. Authority.

- (1) This ordinance is adopted pursuant to the authority contained in the 1972 Mississippi State Code of Law as amended, Section 17-1-23. The City of Long Beach has fulfilled the requirements set forth therein as prerequisite to the adoption of regulations governing the subdivision of land.
- (2) Whenever any provision of this ordinance refers to or cites a section of the Mississippi Code and that section is later amended or superseded, the ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section C. Purpose

The purpose of these regulations is to promote the health, safety, morals and general welfare of present and future residents, and to bring about the coordinated and efficient development of the City of Long Beach, Mississippi.

Section D. Jurisdiction

- (1) This ordinance shall govern all subdivision of land within the City of Long Beach, as now or hereafter defined.
- (2) In addition to other locations required by law, a copy of a map showing the boundaries of the City of Long Beach's jurisdiction shall be available for public inspection in City Hall.

Section E. Effective Date

The provisions in this ordinance were originally adopted and became effective on November 30, 2001.

Section F. Relationship To Existing Subdivision Regulations

To the extent that the provisions of this ordinance are the same in substance as the previously adopted provision that they replace in the City of Long Beach's subdivision ordinance, they shall be considered as continuations thereof and not as new enactment's unless otherwise specifically provided.

Section G. Relationship To Land-Use Plan

It is the intention of the Board of Aldermen that this ordinance implements the planning policies adopted by the Board of Aldermen for the City of Long Beach and its planning area, as reflected in the Comprehensive Plan, SmartCode and other planning documents. While the Board of Aldermen reaffirms its commitment that this ordinance and any amendment to it be in conformity with adopted planning policies, the Mayor and Board of Aldermen hereby expresses its intent that neither this ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

Section H. Portions of the street and sidewalk provisions previously contained within the Subdivision Ordinance as Article IV have been replaced by applicable regulations found in the Long Beach SmartCode within Article 6 Thoroughfare Standards, and Article 4, Tables 11A, 11B, 11C, 12A, 12B, and 13.

Section I. Fees

- (1) Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice, impact on City services and similar matters may be charged to applicants for subdivision plat approval. The amount of the fees charged shall be as set forth in the City of Long Beach's budget or as established by resolution of the Mayor and Board of Aldermen filed in the office of the city clerk.
- (2) Fees established in accordance with Subsection (1) shall be paid upon submission of a signed subdivision application for review and approval or as designated by the administrator. Filing fees are non-refundable.
- (3) Where only a portion of an approved preliminary subdivision plat ("preliminary plat") is submitted for final approval, a final subdivision plat ("final plat") of the remaining area may be submitted at any time within two years of the preliminary plat without payment of any additional plat filing fee by the subdivider, providing the final plat for the additional area conforms substantially with the approved preliminary plat. The developer will still be required to pay the appropriate fee for the construction surveillance and final engineering inspection.
- (4) Construction Observation and Final Engineering Inspection: The construction observation and final engineering inspection fee will be assessed at \$35.00 per lot or as otherwise adopted by Board of Aldermen. This fee will be paid to the city clerk after preliminary plat approval or when a construction contract is entered into, and must be paid before any previously described improvements are begun. Once all improvements are complete, the developer/owner will schedule the first final engineering inspection with the city engineer. If the subdivision fails to pass the first final engineering inspection, an additional fee for each subsequent inspection necessary for final plat approval will be assessed. The developer/owner shall pay all additional fees to the city clerk prior to submission of the final plat, according to the following rate table:

2-10 Lots	\$5.00 per lot
11-20 Lots	\$4.00 per lot
21-40 Lots	\$3.50 per lot
41-67 Lots	\$3.00 per lot
68 + Lots	\$2.00 per lot

Section J. Severability

It is hereby declared to be the intention of the Mayor and Board of Aldermen that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any such section, paragraphs, sentences, clauses, and phrases is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this ordinance since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

Section K. Definitions

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in the section shall have the meaning indicated when used in this ordinance.

Administrator. Except as otherwise specifically provided, the Mayor may assign primary responsibility for administering and enforcing this ordinance to one or more individuals. The person or persons to whom these functions are assigned shall be referred to in this ordinance as the “administrator.” The term “staff” or “planning staff” is sometimes used interchangeably with the term “administrator.”

Alley. Any public space or thoroughfare 20 feet or less in width which has been dedicated or deeded for public use.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100 year flood.

Block. A parcel of land entirely surrounded by streets, streams, railroad rights-of-way, parks or other public spaces or by a combination thereof.

Board of Aldermen. The Board of Aldermen of the City of Long Beach.

Certify. Whenever this ordinance requires that some agency certify the existence of some fact or circumstance to the city, the city may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the city may accept certification by telephone from some agency when the circumstances warrant it, or the city may require that the certification be in the form of a letter or other document.

City. The City of Long Beach, Mississippi.

Construction Plans. The engineering drawings showing types of materials and construction details for the physical structures and facilities, excluding dwelling units.

Developer. A person who is responsible for any undertaking of the installment of site improvements or building structures.

Developer’s Engineer. A registered professional engineer, in good standing, in the State of Mississippi, whose seal shall appear on all plats, construction drawings and plans for improvements.

Development. The act of installing site improvements and building structures.

Dimensional Nonconformity. A nonconforming situation that occurs when a lot line does not conform to the regulations applicable to the district in which the property is located.

Easement. A grant by the owner of the use of a strip of land by others for specific purposes.

Engineer Plans. The drawings on which the proposed subdivision improvements are shown and which, if approved, will be used for construction of the improvements.

Final Plat. The final map or drawing on which the subdivision plan is submitted to the Planning Commission for review and recommendation and to the Mayor and Board of Aldermen for approval and which, if approved, will be submitted to the Chancery Clerk of Harrison County for recording.

Floodplain. Any land area susceptible to be inundated by water from the base flood and designated by the Federal Emergency Management Agency.

Floodway. The channel of a river or other 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. The Federal Emergency Management Agency designates Floodways.

Frontage. The area between a building façade and the vehicular lanes.

Improvements. Includes street surfacing, with curb and gutter, sidewalks, water mains, sanitary sewers, storm sewers, utilities, drainage and monuments.

Lot. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

Lot Area. The total area circumscribed by the boundaries of a lot, not including any public Right-of-Way.

Lot, Corner. A lot abutting upon two or more streets at their intersection.

Lot, Double-Frontage. A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

Nonconforming Lot. A lot existing at the effective date of this ordinance (and not created for the purposes of evading the restrictions of this ordinance) that does not meet the minimum area requirement of the district in which the lot is located.

Nonconforming Project. Any development or undertaking that is incomplete at the effective date of this ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Person. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Planning Commission. The Long Beach Planning Commission.

Planning Jurisdiction. The area within the city limits as well as the area beyond the city limits within which the city is authorized to plan for and regulate development.

Re-subdivision. The revision of any part of, or any blocks of a previously platted subdivision, addition, lot or tract.

Road. All private ways used to provide motor vehicle access to a) two or more lots or b) two or more distinct areas or buildings in un-subdivided developments.

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

Street. A public street or a street with respect to which an offer of dedication has been made.

Street, Arterial. A major street in the city's street system that serves as an avenue for the circulation of traffic onto, out, or around the city and carries high volumes of traffic.

Street, Collector. A street whose principal function is to carry traffic between minor, local, and sub-collector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day.

Street, Cul-de-sac. A street that terminates in a vehicular turnaround.

Street, Local. A street whose sole function is to provide access to abutting properties.

Street, Marginal Access. A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Street, Minor. A street whose sole function is to provide access to abutting properties.

Street, Subcollector. A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets.

Subdivision. The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this ordinance applicable strictly to subdivisions: a) the combination or recombination of portions of previously platted lots where the total number lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in the ordinance, b) the division of land into parcels greater than 10 acres where no street Right-of-Way dedication is involved, or c) the public acquisition by purchase of strips of land for widening or opening streets, or d) the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street Right-of-Way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in the ordinance.

Subdivision, Major. Any subdivision other than a minor subdivision.

Subdivision, Minor. A subdivision that does not involve any of the following: a) the creation of more than a total of three lots; b) the creation of any new public streets, c) the extension of a public water or sewer system, or d) the installation of drainage improvements through one or more lots to serve one of more other lots.

Surveyor. A registered land surveyor as authorized by the state statutes to practice the profession of surveying in the State of Mississippi.

Variance. A grant of permission by the City to a recipient to do that which, according to the strict letter of this ordinance, he could not otherwise legally do.

ARTICLE 2 MINOR AND MAJOR SUBDIVISION GENERAL REGULATIONS

Section A. Regulations Of Subdivisions

Major subdivisions are subject to a two-step approval process, and sale of lots is permitted after final plat approval as provided in Section D. Minor subdivisions only require a one-step approval process: final plat approval.

Section B. No Subdivision Without Plat Approval

- (1) No person may subdivide his land except in accordance with all of the provisions of this ordinance. In particular, no person may subdivide his land unless and until a final plat of the subdivision has been approved in accordance with the provision of Section C or Section D and recorded in the Harrison County Courthouse.
- (2) The Harrison County Chancery Clerk will be notified to assist the City by not recording a plat of any subdivision within the City of Long Beach's planning jurisdiction unless the plat has been approved in accordance with the provisions of this ordinance.

Section C. Minor Subdivision Approval

- (1) The administrator, along with the Mayor and Board of Aldermen shall approve or disapprove minor subdivision final plats in accordance with the provisions of this section. For the purpose of this Section, a plat is considered a Certificate of Subdivision,

which includes a survey of the existing parcel and newly created parcels performed by a licensed surveyor. No Certificate of Subdivision shall be approved without the City Engineer's approval and all water and sewer "taps" have been satisfied.

- (2) The applicant for minor subdivision plat approval shall submit a sketch plan to the administrator for determination of whether the approval process authorized by this section can be and should be utilized. The administrator may require the applicant to submit whatever information is necessary to make this determination, including but not limited to a copy of the tax map showing the land being subdivided and all lots previously subdivided from that tract of land within the previous five years.
- (3) Applicants for minor subdivision approval shall submit to the administrator an original Certificate of Subdivision with a survey, stamped by a licensed professional surveyor or engineer, showing all required documentation and two copies. The following certifications are required on every Certification.

(a) Certificate of Ownership

I hereby certify that I am the owner of the property described hereon, which property is within the subdivision regulation jurisdiction of the City of Long Beach, and that I freely adopt this plan of subdivision.

Date

Owner

(b) Certificate of Approval

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in the existing public streets. That the subdivision shown is in all respects in compliance with the City ordinances of Long Beach and that therefore this Certificate has been approved by the Mayor and Board of Aldermen subject to it being recorded in the Harrison County Courthouse within 60 days of the date below.

Date

Mayor, City of Long Beach

(c) Certificate of Survey and Accuracy

I hereby certify that this map (drawn by me) (drawn under my supervision) from (actual survey made by me) (an actual survey made under my supervision) (a deed description recorded in Book ___ Page ___ in the Harrison County Courthouse); was prepared in accordance with all applicable codes and ordinance. Witness my original signature, registration number and seal this ___ day of _____, 20__.

Seal or Stamp

Registered Land Surveyor

Notarized

Registration Number

- (d) The administrator shall take expeditious action on an application for minor subdivision plat approval. However, either the administrator or the applicant may at any time refer the application to the major subdivision approval process.
- (e) Not more than a total of three lots may be created out of one tract using the minor subdivision plat approval process, regardless of whether the lots are created at one time or over an extended period of time. Excluded from the three lot limit shall be parcels of five acres or larger.
- (f) Subject to Subsection (d), the administrator shall approve the proposed subdivision unless the subdivision is not a minor subdivision as defined in Article I, Section K or the application or the proposed subdivision fails to comply with Subsection (e) or any other applicable requirement of this ordinance.
- (g) If the subdivision is disapproved, the administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.
- (h) Approval of any Certificate is contingent upon the plat being recorded within 60 days after the date it is signed by the Mayor or his designee.

Section D. Major Subdivision Approval Process

- (1) The planning commission shall approve or disapprove major subdivision final plats, after sketch and preliminary plan approval, in accordance with the provisions of this section.
- (2) The applicant for major subdivision plat approval shall submit to the administrator a final plat, drawn in waterproof ink on an 18" x 24" size sheet made of material that will be acceptable to the Harrison County Chancery Clerk's office for recording purposes. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one inch equals not more than 100 feet. The applicant shall also submit two prints of the plat.

- (3) In addition to the appropriate endorsements, as provided in Section E, of this Article, the final plat shall contain the following information:
- (a) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Harrison County Courthouse,
 - (b) The name of the subdivision owner or owners,
 - (c) The township, county, and state where the subdivision is located,
 - (d) The name of the surveyor and his registration number and the date of survey,
 - (e) The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph, and
 - (f) All of the additional information required by this ordinance.
- (4) The planning commission shall approve the proposed plat unless it finds that the plat or the proposed subdivision fails to comply with one or more of the requirements of the ordinance or that the final plat differs substantially from the plans and specifications approved in conjunction with the preliminary approval that authorized the development of the subdivision.
- (5) If final plat is disapproved by the planning commission the applicant shall be furnished with a written statement of the reasons for the disapproval.
- (6) Approval of a final plat is contingent upon the plat being recorded within 60 days after the City signs the approval certificate.

Section E. Endorsements On Major Subdivision Plats

All major subdivision plats shall contain the endorsements listed in herein.

(1) Certificate of Approval

I hereby certify that all streets shown on this plat are within the City of Long Beach's planning jurisdiction, all streets and other improvements shown on this plat have been installed or completed or that their installation or completion (within 12 months after the date below) has been assured by the posting of a performance bond or other sufficient surety, and that the subdivision shown on this plat is in all respects in compliance with the Long Beach SmartCode, and therefore this plat has been approved by the Building Inspector or his designee, subject to its being recorded in the Harrison County Courthouse within 60 days of the date below.

_____ Date

_____ Administrator

(2) Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property described hereon, which property is located within the subdivision regulation jurisdiction of the City of Long Beach, that I hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space and easements, except those specifically indicated as private, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when the Long Beach Board of Aldermen in the public interest approves such other use.

_____ Date

_____ Owner

(3) Certificate of Survey and Accuracy

I hereby certify that this map (drawn by me) (drawn under my supervision) from (actual survey made by me) (an actual survey made under my supervision) (a deed description recorded in Book _____, Page _____ in the Harrison County Courthouse); was prepared in accordance with all applicable codes and ordinance. Witness my original signature, registration number and seal this ____ day of _____, 20____.

Seal or Stamp

_____ Registered Land Surveyor

Notarized

_____ Registration Number

Section F. Plat Approval Not Acceptance Of Dedication Offers

Approval of a plat does not constitute acceptance by the city of the offer of dedication of any streets, sidewalks, parks or other public facilities shown on a plat. However, the city may accept any such offer of dedication by resolution of the Mayor and Board of Aldermen or by actually exercising control over and maintaining such facilities.

Section G. Warranty Bond

- (1) At the time when the City accepts any public facility or improvement offered for dedication to the public, the developer shall

post a Warranty Bond to cover all such improvements in the form of a performance bond or other surety acceptable to the City to guarantee that he will correct all defects in such facilities or improvements that occur within one year after City's acceptance.

- (2) An architect or engineer retained by the developer shall certify to the city that all facilities and improvements to be dedicated to the city have been constructed in accordance with the requirements of this ordinance. This certification shall be a condition precedent to acceptance by the city of the offer of dedication of such facilities or improvements.
- (3) For purposes of this section, the term "defects" refers to any condition in publicly dedicated facilities or improvements that requires the city to make repairs in such facilities over and above the normal amount of maintenance that they would require. If such defects appear; the guaranty may be enforced regardless of whether the facilities or improvements were constructed in accordance with the requirements of this ordinance.
- (4) Whenever a performance bond or other surety accepted by the City is to be posted, the developer shall make the bond payable to the City of Long Beach. The amount of said bond will be determined by the City engineer; however it shall not be less than ten percent of the total construction cost for the improvement being accepted. Bond will be released to developer after the one-year warranty inspection; less any funds needed to repair defects.

Section H. Completion Bond

- (1) Whenever occupancy, use or sale is allowed before the completion of all facilities or improvements intended for dedication then the developer shall provide a Completion Bond to guarantee the completion of all the facilities or improvements shown in the approved construction plans and intended for dedication to the public. This bond shall be in the form of a performance bond or other surety acceptable to the City and shall remain good for a period of not less than one year.
- (2) All improvements covered by the Completion Bond shall be fully completed within one year of the date of City's acceptance of the Final Plat Failure of developer to comply within the one year period shall not relieve him of his responsibility to complete the improvements covered by the Bond, but shall be grounds for the City to either have the improvements completed and charged against the developer and/or at its sole discretion cease the issuance of building permits for construction within the development.
- (3) The city engineer based upon a detailed cost estimate for the deferred improvement prepared by the developer's engineer shall determine the amount of the Completion Bond. The amount shall include an allowance of not less than 25% to cover inflation and administrative costs incurred by the City in enforcing the bond.
- (4) If portions of the required improvements are deferred under a Completion Bond then when these deferred improvements are completed and accepted by the City, the developer shall post an additional one year Warranty Bond for them, per Section G, above.

Section I. Completing Developments In Phases

- (1) If a development is constructed in phases or stages in accordance with this section, then the provisions of this ordinance shall apply to each phase as if it were the entire development.
- (2) As a prerequisite to taking advantage of the provisions of subsection (1), the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this ordinance that will be satisfied with respect to each phase or stage.
- (3) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit or be used by the entire development then, as part of his approval the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the process, no lots may be sold except in accordance with the schedule approved.

Section J. Maintenance Of Dedicated Areas Until Acceptance

All facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the Long Beach Mayor and Board of Aldermen.

Section K. Homeowners Associations

Homeowners associations or similar legal entities that are responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that:

- (1) Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;
- (2) The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities;
- (3) The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

Section L. Flexibility In Administration Authorized

- (1) The Mayor and Board of Aldermen recognize, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with precision. Therefore, the permit-issuing body is authorized to permit minor deviations from these standards whenever it determines that (1) the objectives underlying these standards can be met without strict adherence

to them; and (2) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

- (2) Whenever the permit-issuing board authorizes some deviation from the standards set forth in this article pursuant to Subsection (1), the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

ARTICLE 3 PROCEDURE

Section A. Sketch Plat Approval

- (1) The purpose of the sketch plat is to develop a general design on which to base the preliminary and final plat, and thus to avoid having to revise such design to make it conform to the comprehensive plan and to relate it to surrounding development. To this end, the sub-divider should consult informally with the city engineer and the planning commission on preparation of the sketch plat.
- (2) The sub-divider shall submit to the planning commission the sketch plat of the proposed subdivision, together with the attendant items required herein, 15 days prior to the planning commission meeting at which the sketch plat is to be approved. The sketch plat shall be reviewed by the planning commission and approved by the mayor and Board of Aldermen. The review shall take into consideration, in addition to the requirements set forth in these regulations, the components of the comprehensive plan, the SmartCode and other plans, programs and regulations that might affect the area and the design and development of the subdivision.
- (3) The sub-divider must submit a general layout drawing of the proposed subdivision or development. The sketch plat should indicate location of the subdivision, street alignment and lot sizes, and should provide additional information that is deemed reasonably necessary within the scope of this ordinance by the city.
 - (a) The sketch plat should consist of three full-size drawings on 24x36 inch sheets.
- (4) The planning commission shall inform the sub-divider that the sketch plan as submitted or as modified does or does not meet the objectives of these regulations. When the planning commission or the Mayor and Board of Aldermen find that the sketch plat does not meet the objectives of these regulations, the reasons therefor shall be given, together with any changes recommended to be made. In the event the sub-divider does not agree to changes recommended by the planning commission, he may request and shall receive review and formal action by the Mayor and Board of Aldermen at its next regular meeting.
- (5) Although not recommended, a developer may be allowed to combine the sketch and preliminary plats so that they may be considered together.

Section B. Preliminary Plat Approval

- (1) The purpose of the preliminary plat, together with the attendant items required herein, is to provide plans for the construction of the subdivision and its improvements as well as a draft of the final plat of the subdivision. To this end, during preparation of the preliminary plat, the subdivider should consult with the planning commission's technical staff; the city engineer, and other officials and agencies concerned with the subdivision and the improvements. The preliminary plat and construction plans shall be based upon the general design shown on the sketch plat, together with the recommended changes.
- (2) Three (3) full-size blue-line copies of the preliminary plat and two blue-line copies of the complete construction plans and specifications, two copies of the developer's engineer's basis of design and complete design calculations, and two copies of the preliminary plat application forms as adopted by the planning commission shall be submitted to the planning commission office at least 20 working days prior to the regular monthly meeting of the planning commission at which the preliminary plat is to be considered. Failure of the planning commission to recommend approval or disapproval to the Mayor and Board of Aldermen within 60 days after presentation to the planning commission shall be deemed to be recommendation of approval of the preliminary plat.
- (3) The proposed plat shall be at a scale that is legible and functional on sheets of 24" x 36" in size. The proposed preliminary plat shall give the following information:
 - (a) The name of the subdivision; the name and address of the owner, and the name of the professionally qualified engineer; land surveyor, architect, landscape architect, or planner registered to practice in the State of Mississippi.
 - (b) The names and addresses of owners of all properties abutting the property being subdivided as they appear on the tax records.
 - (c) The scale, north point and date.
 - (d) Proposed street names, location, right-of-way widths, pavement widths, approximate grades and vertical curves of proposed streets, alleys, easements, parkways, and other open spaces, reservations, lot lines and dimensions, setback lines, lot numbers and block numbers.
 - (e) The location of proposed property lines and existing property lines, date of survey, natural watercourses, railroads, sewers, bridges, culverts (indicate size), drain pipes, streets, alleys or other easements on the proposed plat and on adjoining land.
 - (f) The plat shall show any existing land boundaries (such as section boundaries or existing subdivision boundaries) within or adjacent to the area being subdivided. Where horizontal control monuments are reasonably available, the plat shall show a grid on even 500-foot intervals, referenced to the state plane coordinate system.

- (g) A legal description and a boundary survey, class B surveying accuracy (minimum closure error, 1 in 5,000) with bearings and distances referenced to established land lines in the area.
- (h) Calculation sheets containing the following data: the length and radii of all street and lot lines and the bearings and the length of all straight street lot lines and the area in square feet of each lot; bearings and distances referenced to established land lines in the area; street centerline bearing and distance with centerline curve data (deflection angle, radii, degree of curvature, chord distance and bearing and length of curve) profiles of all proposed streets showing the natural and finished grades drawn to a scale of not less than one inch equals 100 feet horizontal and one inch equals 20 feet vertical. Also to be included are design calculations for pavements, utilities and any other improvements to be dedicated to the city.
- (i) Sites to be reserved or dedicated for public or private parks, playgrounds or other open spaces and the purpose, condition and/or limitations of such dedications.
- (j) Proposed sites (if any) for shopping centers, churches, industry, group housing units or other nonpublic use exclusive of single-family, duplex or four-plex dwellings.
- (k) Street pavements adjacent to the proposed plat, right-of-way width and location.
- (l) The location of the proposed utility lines (sewer, gas, water, telephone, cable television and electric) indicating the size of pipes, location of manholes, valves, hydrants, transformers, junction boxes, streetlights and proposed connections to the existing utility system.
- (m) The exact location of any part of the proposed subdivision, which is subject to inundation by storm, drains, ponding or local surface water, clearly indicated. Areas subject to ponding or inundation as well as flood zones as currently determined by the appropriate federal authorities must be indicated on the proposed plat. Inasmuch as state and federal laws, regulations and procedures allow, provisions must be made to eliminate the ponding before the planning commission will approve the plat.
- (n) The dimensions in feet and decimals of lot area and lot frontage along any public street.
- (o) Neither the subdivision developer, the homeowner, contractor, nor anyone else shall have the authority to place numerical street address designation upon any house or lot in any subdivision; but same shall be designated by the Mayor of the City of Long Beach, Mississippi, subsequent to preliminary plat approval but prior to final plat approval.
- (p) The appropriate authorities must give preliminary approval of the proposed water and sewer systems in the subdivision.
- (q) Contours at vertical intervals of one foot on plat containing four or more lots are required. Elevation to (shall) be based upon the National Geodetic Vertical Datum, 1929 Adjustment.
- (r) Transect Zones must be indicated.
- (s) The location of all planned landscaping and trees protected by the current city ordinances within the limits of proposed rights-of-way, easements, alleys or any other properties to be dedicated to the city.
- (t) The proposed subdivision and street names must be reviewed by the planning commission and approved by the Mayor and Board of Aldermen in conjunction with preliminary plat approval. The proposed name of the subdivision and the names of the streets therein shall not duplicate or closely resemble phonetically or any other way the name of any other subdivision or street in the City of Long Beach, Mississippi.
- (u) Preliminary plat shall show compliance with the requirements of all applicable ordinances of the City of Long Beach.
- (v) Developer shall provide evidence that all state and federal laws, such as wetlands, have been cleared by the appropriate agency.

Section C. Restrictions

- (1) A draft of the deed restrictions or protective covenants whereby the sub-divider intends to regulate the land use other than through the SmartCode, or otherwise protect the proposed development, shall be attached to the preliminary plat application
- (2) Where one or more entrance or street structures or medians or other common areas such as monuments, pillars, fences, walls, plantings, statuary or other decorative features are to be installed in a permanent fashion, the location, size and design shall be included with the preliminary plat submitted to the planning commission for review and approval by the Mayor and Board of Aldermen. This submission shall also include a copy of the bylaws or other documentation of the association, which will have a permanent responsibility for maintenance. Such bylaws or other documentation shall contain language, which will, in the opinion of the city, assure proper maintenance of such structures by such association.
- (3) When a proposed subdivision abuts a thoroughfare, or is bounded by a line that will, in the future, lie in a park, thoroughfare, a combination playground and elementary school site, a combination play-field and junior high school site, or a combination athletic field and senior high school site, as shown in the comprehensive plan, then the owner of that subdivision shall dedicate, without charge, any land within such subdivision that is necessary to provide conformity with the comprehensive plan or the standards of the subdivision ordinance, such dedication to be shown on the preliminary and final plats..
- (4) If the proposed land to be subdivided does not lie within the force and effect of the existing SmartCode of the City of Long Beach, Mississippi, the planning commission shall transmit the plat to the city engineer, water board, sanitary department, or any other interested city or county department for review and recommendation in relation to specific service.

- (5) Recommendation for approval of the preliminary- plat by the planning commission shall not be deemed final approval of the overall plan. This recommendation for preliminary approval shall not be noted on the preliminary plat. One copy of this preliminary plat shall be retained in the files of the planning commission.

Section D. Observations

- (1) The city will conduct an observation of the installation of the improvements of the subdivision that are to be dedicated to the city to determine compliance with these subdivision regulations. Any recommendation to be made to the developer or his engineer and/or contractor will, in no way be construed as specific direction given to him; however, any recommendations for compliance with the subdivision regulations that are not followed by the developer may be noted in the final engineering inspection report and may cause some improvements not to be accepted by the city. The city will not be responsible for actual inspection or acceptability of any improvements until final engineering inspection. The city will not be responsible for delays, damages, costs, or latent defects associated with the impact of the city's observation of construction progress or of final inspection.
- (2) The developer and his engineer shall conduct a pre-construction conference with his contractor, prior to the start of any construction, with the city engineer and city inspector in attendance. General construction schedule and techniques as well as the city's observation will be discussed.
- (3) The city will prepare periodic observation reports while improvements are being constructed. The reports will be made a matter of public record and be available for review at city hall.

Section E. Final Plat

- (1) The final plat shall be submitted within two years after approval of the preliminary plat or such preliminary approval will lapse. The final plat shall be at a scale that is legible and functional and on sheets of 18 x 24 inches in size. Where only a portion of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within two years of the preliminary plat without payment of any additional filing fee by the sub-divider providing the final plat for the additional areas conform, substantially, with the approved preliminary plat.
- (2) From and after the effective date of the adoption of this ordinance (adopted date), effective 30 days later, all subdivisions developed in the City of Long Beach shall have the plats thereof certified by the developer's engineer for the subdivision, who is a registered, professional engineer in the State of Mississippi, which said certification will specify, without limitations or reservations that:

"The plans of said subdivision and the construction of all improvements therein., which are or may become the property the City of Long Beach, have been designed and constructed in accordance with the subdivision regulations of the City of Long Beach and all other laws, rules, ordinances, regulations and that they meet or exceed all accepted engineering standards".

- (3) Said engineer certificate shall be placed on the face of the final plat of said subdivision and properly certified to by said engineer at or prior to its submission to the planning commission for approval, and the failure to place such certificate thereon shall cause said plat to be unacceptable to the City of Long Beach, Mississippi. In the event any such approval is granted by the city without said engineer's certificate, such approval shall be void.
- (4) Upon completion of the improvements in the subdivision and before scheduling the final engineering inspection, the developer will have a registered engineer or surveyor check the final as-built elevations and locations of all improvements shown on the originally approved construction plans and preliminary plat and this information will be recorded on an as-built (contractor record drawing) copy of the plans which will be provided to the city. Any variations from the original plans will be reviewed by the city. Should the city reject such variation, the developer shall immediately take the necessary corrective measures to ensure the subdivision complies with the original plans. Both the lot numbers and the numerical street address designation will be shown on the site layout plans of the as-built (contractor record) consultation drawings.
- (5) The developer shall have all subdivision requirements completed and schedule the final engineering inspection so that it will be accomplished at least 15 working days prior to the regular monthly meeting of the planning commission. All administrative and construction requirements identified by the final inspection will be complete and all submittals made to the city at least seven working days prior to the regular monthly meeting of the planning commission. Otherwise, the city engineer will recommend that the plat not be given final approval by the planning commission. A subdivision may not be recommended for final plat approval if there are any contingent or outstanding requirements, which are not met.
- (6) Two working days prior to the scheduled final engineering inspection, submit to the city:
 - (a) One blue-line copy of the construction drawings to include all items as they were constructed.
 - (b) One blue-line print of the proposed plat to be recorded.
 - (c) Developer's performance or surety bond:
 - (i) Developer shall warrant proper engineering installation, materials and construction of all improvements on all property to be owned by the city for a period of one year after the date of final plat approval. Excluded from this warranty shall be all misuse or improper use of property for the improvement thereon by any party except the developer, his agents, subcontractors or any party acting on his behalf, or otherwise for his behalf of direction.
 - (ii) The developer will be required to post a security instrument as designated in Article 2, Section G.
 - (iii) The developer shall have the option of:

- (1) Maintenance bond;
 - (2) Irrevocable letter of credit from local financial institution; or
 - (3) Certification of deposit from local financial institution.
- (7) Prior to the consideration of final plat approval by the planning commission, the subdivision must satisfactorily pass the final engineering inspection. The city engineer will recommend approval of the final plat based upon all improvements which will be dedicated to the city conforming to these regulations, established engineering standards and the construction plans and specifications approved in conjunction with the preliminary plat.
 - (8) The developer shall be responsible for the costs of material, labor and equipment associated with the installation of all signs required in the subdivision, including street markers and stop signs at all street intersections as well as any other signs required by the current Manual of Uniform Traffic Control Device.
 - (9) The subdivision's water and sewage systems must have final approval of the appropriate Mississippi State and regional authority's immediately after construction of these systems and before recommendation for final plat approval may be made.
 - (10) The final plat shall include all information required on the preliminary plat, plus it shall show or include the following:
 - (a) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line and building setback line whether curved or straight.
 - (b) The names and lines of all proposed streets, alley lines, lot lines and building setback lines lots numbered in numerical order, reservations, easements, and areas to be dedicated to public use with notes stating their purpose and any limitations.
 - (c) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites.
 - (d) All dimensions shall be accurate to the nearest hundredth of a foot and all angles accurate to the nearest ten seconds.
 - (e) Location, dimensions and purpose of any easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and limitations.
 - (f) Accurate location, material and description of monuments and markers to be shown on plat.
 - (i) All benchmarks, including location, type or mark, and elevation.
 - (g) The following certificates and/or dedications:
 - (i) The certificate of accuracy by the developer's engineer; registered to practice in the State of Mississippi, as required by paragraph (2) of this Section.
 - (ii) A certificate of dedication of all public streets, highways, water, sanitary sewer, stormwater sewer, any other public utilities, and other rights-of-way, easements or parcels for public parks or other public use to the City of Long Beach, Mississippi, executed by the owners and all other parties who have a mortgage or lien interest in the property.
 - (iii) A certificate by a registered land surveyor of the State of Mississippi to the effect that the plat represents an accurate survey made by him or someone under his direct supervision and that all dimensional and other data is correct.
 - (iv) Certificates of approval by the planning commission and Board of Alderman and a certificate of recording by the chancery clerk of Harrison County, Mississippi.
 - (11) After satisfactorily passing the final engineering inspection, the developer shall provide the final construction contractor record as-built drawings to the city at least three (3) working days prior to the regular monthly meeting of the planning commission at which final plat will be considered. The copies of the final contractor record as-built drawings shall be as follows:
 - (a) One mylar diazo film; or
 - (b) One computer disc which contains all of the graphical information of these drawings as well as the final plat itself in a format compatible with the city engineer's computer system.

ARTICLE 4 STREETS AND SIDEWALKS

Section A. Public Streets And Private Roads In Subdivisions

- (1) Except as otherwise provided in this section, all lots created after the effective date of this section shall abut a public street at least to the extent necessary to comply with the access requirement set forth in the SmartCode, Article 6. For purposes of this Article, the term "public street" includes a preexisting public street as well as a street created by the sub-divider that meets the public street standards of this ordinance and is dedicated for public use. Unless the recorded plat of subdivision clearly shows a street to be private, the recording of such a plat shall constitute an offer of dedication of such street.
- (2) A subdivision in which the access requirement of Section 6.7 of Article 6 of the SmartCode is satisfied by a private road that meets neither the public street standards nor the standards set forth in the SmartCode may be developed so long as, since the effective date of this ordinance, not more than three lots have been created out of that same tract.
 - (a) The intent of this subsection is primarily to allow the creation of not more than three lots developed for single-family residential purposes. Therefore, the Long Beach planning commission may not approve any subdivision served by a private road authorized by this subsection in which one or more of the lots thereby created is intended for (i) two-family or multi-family residential use or (ii) any other residential or nonresidential use that would tend to generate

more traffic than that customarily generated by three single-family residences.

- (b) To ensure that the intent of this subsection is not subverted, the Long Beach planning commission may, among other possible options, require that the approved plans show the types and locations of buildings on each lot or that the lots in a residential subdivision served by a private road be smaller than the permissible size of lots on which two-family or multifamily developments could be located or that restrictive covenants limiting the use of the subdivided property in accordance with this Section be recorded before final plat approval.
- (3) No final plat that shows lots served by private roads may be recorded unless the final plat contains the following notations:
 - (a) "Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Long Beach Subdivision Ordinance".
 - (b) "The policy of the City of Long Beach is that, if the city improves streets: (i) that were never constructed to the standards required in the Subdivision Ordinance for dedicated streets, (ii) on which 75 percent of the dwelling units were constructed after the effective date of this ordinance, then 100% of the costs of such improvements shall be assessed to abutting landowners."
- (4) The recorded plat of any subdivision that includes a private road shall clearly state that such road is a private road. Further, the seller shall furnish the initial purchase of a newly created lot served by a private road with a disclosure statement outlining the maintenance responsibilities for the road.

Section B. Road And Sidewalk Requirements In Unsubdivided Developments

- (1) Within, un-subdivided developments, all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. The provisions of appropriate ordinance dealing with parking and drainage shall determine width of roads, use of curb and gutter, and paving specifications. To the extent not otherwise covered in the foregoing articles or the SmartCode, and to the extent that the requirements set forth in this article for subdivision streets may be relevant to the roads in un-subdivided developments, the requirements of this article may be applied to satisfy the standard set forth in the first sentence of this subsection.
- (2) Whenever a road in an un-subdivided development connects two or more sub-collector, collector; or arterial streets in such a manner that any substantial volume of through traffic is likely to make use of this road, such road shall be constructed in accordance with the standards applicable to subdivision streets and shall be dedicated. In other cases when roads in un-subdivided developments within the city are constructed in accordance with the specifications for subdivision streets, the city may accept an offer of dedication of such streets.
- (3) In all unsubdivided residential development, sidewalks shall be provided linking dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities. Notwithstanding the foregoing, sidewalks shall not be required where pedestrians have access to a road that serves not more than nine dwelling units.
- (4) Whenever the Long Beach planning commission finds that a means of pedestrian access is necessary from an un-subdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to reserve an unobstructed easement of at least 10 feet to provide such access.
- (5) The sidewalks required by this section shall be at least four feet wide and constructed according to the specifications set forth in the SmartCode, except that the Long Beach planning commission may permit the installation of walkways constructed with other suitable materials when it concludes that:
 - (a) Such walkways would serve the residents of the development as adequately as concrete side walks; and
 - (b) Such walkways could be more environmentally desirable or more in keeping with the overall design of the development.

Section C. Attention To Handicapped In Street And Sidewalk Construction

- (1) Whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the appropriate governing agency.
- (2) In. un-subdivided developments, sidewalk construction for the handicapped shall conform to the requirements of the local building code.

Section D. Street Names And House Numbers

- (1) The developer subject to the approval of the Long Beach planning commission shall assign street names. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the city's planning jurisdiction, regardless of the use of different suffixes (such as those set forth in Subsection (2)).
- (2) Street names shall include a suffix such as the following:
 - (a) Circle. A short street that returns to itself.
 - (b) Court or Place. A cul-de-sac or dead-end street.
 - (c) Loop. A street that begins at the intersection with one street and circles back to end at another intersection with the same street.
 - (d) Street. All public streets not designated by another suffix.

(3) Building numbers shall be assigned by the city.

Section E. Bridges

All bridges shall be constructed in accordance with the standards and specifications as designated by the City engineer.

Section F. Utilities

Utilities installed in public rights-of-way or along private roads shall conform to the requirements set forth in this ordinance.

ARTICLE 5 FLOODWAYS, FLOODPLAINS, DRAINAGE AND EROSION

Section A. Special Provisions For Subdivisions

- (1) An applicant for major subdivision and an applicant for minor subdivision final plat approval shall be informed by the building code department of the use and construction restrictions that apply, if any portion of the land to be subdivided lies within a floodway or floodplain.
- (2) Final plat approval for any subdivision containing land that lies within a floodway or floodplain may not be given unless the plat shows the boundary of the floodway or floodplain and contains in clearly discernible print the following statement: "Use of land within a floodway or floodplain is substantially restricted by the City of Long Beach's codes and ordinances."

Section B. Water Supply And Sanitary Sewer Systems

- (1) Whenever any portion of a proposed development is located within a floodway or floodplain, the agency or agencies responsible for certifying to the city the adequacy of the water supply and sewage disposal systems for the development shall be informed by the developer that a specified area within the development lies within a floodway or floodplain. Hereafter, approval of the proposed system by that agency shall constitute a certification that:
 - (a) Such water supply system is designed to minimize or eliminate infiltration of floodwaters into it.
 - (b) Such sanitary sewer system is designed to eliminate infiltration of floodwaters into it and discharges from it into floodwaters.
 - (c) Any on-site sewage disposal system is located to avoid impairment to it or contamination from it during flooding.

Section C. Additional Duties Of Administrator Related To Flood Insurance And Flood Control

The administrator shall:

- (1) For the purpose of determination of applicable flood insurance risk premium rates within Zone A on the city's Flood Insurance Rate Map provided by the U.S. Department of Housing and Urban Development:
 - (a) Obtain the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures; and
 - (i) Obtain, for all structures that have been flood-proofed (whether or not such structures contain a basement) the elevation (in relation to mean sea level) to which the structure was flood proofed; and
 - (ii) Maintain a record of all such information.
- (2) Notify, in riverine situations, adjacent communities and the [appropriate state agency] prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Federal Insurance Administrator.
 - (a) Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

Section D. Location Of Boundaries Of Floodplain And Floodway

As used in this article, the terms floodplain and floodway refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms. Therefore, the administrator is authorized to make necessary interpretations as to the exact location of the boundaries of floodways or floodplains if there appears to be a conflict between a mapped boundary and actual field conditions. Such interpretations, like other decisions of the administrator, may be appealed to the board of adjustment in accordance with the applicable provisions of this ordinance.

Section E. Setbacks From Streams Outside Designated Floodplains

In any area that is located outside a designated floodplain but where a stream is located, no building or fill may be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or 20 feet on each side, whichever is greater.

Section F. Natural Drainage System Utilized To Extent Feasible

- (1) To the extent practicable, all development shall conform to the natural contours of the land and natural and preexisting man-made drainage ways shall remain undisturbed.
- (2) To the extent practicable, lot boundaries shall be made to coincide with natural and preexisting man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.

Section G. Developments Must Drain Properly

- (1) All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site and conforms to the appropriate City ordinances. Surface water shall not be regarded as unduly retained if:
 - (a) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or
 - (b) The retention is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.

- (2) No surface water may be channeled or directed into a sanitary sewer.
- (3) Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.
- (4) Use of drainage swales rather than curb and gutter and storm sewers in subdivisions are provided for in the SmartCode, where appropriate. Private roads and access ways within un-subdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.
- (5) Construction specifications for drainage swales, curbs and gutters, and storm drains are contained in Article 5 Specifications for Street Design and Construction.

Section H. Storm Water Management

- (1) All developments shall be constructed and maintained according to appropriate City ordinances and so those adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:
 - (a) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties;
 - (b) No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties; and
- (2) All developments shall be designed and constructed in accordance with all applicable Federal, State and Local laws, regulations, and ordinances relating to the preservation or enhancement of the water quality of stormwater runoff both during and after construction. Developer shall file copies of any needed state water quality permits with the City Building Official, prior to beginning work.

Section I. Sedimentation And Erosion Control

- (1) No final plat approval for subdivisions may not be given with respect to any development that would cause land disturbing activity, unless the City Engineer has certified to the city, that:
 - (a) The engineer has examined the preliminary plans for the development and it reasonably appears that an erosion control plan can be approved upon submission by the developer of more detailed construction or design drawings. However; in this case, construction of the development may not begin (and no building permits may be issued) until the commission approves the erosion control plan.
- (2) For purposes of this Section I, and disturbing activity means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, and highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever water; air, gravity, or ice from the site of its origin transports solid particulate matter, mineral or organic.

ARTICLE 6 SPECIFICATIONS FOR STREET DESIGN AND CONSTRUCTION

Section A. Design Speed, Sight Distance, And Centerline Radius

	Minor	Local	Sub-Collector	Collector
Design Speed	25 mph	25 mph	30 mph	35 mph
Minimum Sight Distance On Vertical Curve	200 feet	150 feet	150 feet	200 feet
Minimum Centerline Radius	250 feet	150 feet	150 feet	200 feet

Section B. Cut And Fill Slopes

Cut and fill slopes on any street right-of-way may not exceed 2:1

Section C. Sight Distances At Intersections

- (1) At no-stop intersections, the intersection shall be constructed so that a person standing at a location on the centerline of any street 90 feet from the intersection of the street centerlines has an unobstructed view to a point located on the centerline of the intersecting street 90 feet (in either direction) from the intersection of the street centerlines. See Standard Drawing No. 1.
- (2) Subject to Subsection (3), at stop intersections, the intersection shall be constructed so that a person standing on the stop street 30 feet back of the edge of pavement of the through street has an unobstructed view to a point in the center of the lane of traffic on the through street located 200 feet to either side. See Standard Drawing No. 2.
- (3) At stop intersections where a residential street intersects with a state-maintained primary road, the intersection shall be constructed so that a person standing on the stop street 30 feet back of the edge of pavement of the through street has an unobstructed view to a point in the center of the lane of traffic on the through street located 400 feet to either side. See Standard Drawing No. 3.

Section D. Radius At Street Intersections

At street intersections, the intersection of the paved surfaces shall be rounded with a minimum radius as shown in Standard Drawings No. 4 and No. 5. Where streets intersect at less than right angles; a greater radius may be required.

Section E. Clearing And Grubbing

Clearing and grubbing shall be performed within the limits shown on the plans. All timber, brush, roots, stumps, trees, or other vegetation cut during the clearing operations shall become the contractor's responsibility to dispose of, and shall be either removed from the project by him, or satisfactorily disposed of on-site.

Section F. Grading And Compaction

Streets shall be graded in accordance with the lines and grade set by the developer's engineer. Before placing curb and gutter or base on the graded sub-grade, the sub-grade shall be compacted to 95 percent AASHO T180 (modified proctor density) for a depth of six inches and then shall be proof rolled with a one-half loaded tandem axle truck (or equivalent) in the presence of the developer's engineer and the city engineer, or their designees. Places that are found to be loose, or soft, or composed of unsuitable materials, whether in the sub-grade or below it, must be dug out and refilled with suitable material. All embankments or fills shall be made in one-foot horizontal lifts of suitable material. The fill shall be rolled with a sheepsfoot roller after each lift, followed by a wheel roller, each weighing not less than eight tons.

Where indications are observed to reasonably indicate that the sub-base may become saturated with groundwater under unfavorable weather conditions, subsurface perforated underdrains (french drains) shall be installed to carry groundwater to drainage inlets.

Section G. Street Base

Base course for asphalt streets shall generally be eight inches thick, unless otherwise directed by the city engineer; and shall be crushed limestone conforming with M.D.O.T. requirements for use as a road base. The limestone base course shall be placed in four-inch layers, watered as necessary, compacted to 95 percent AASHO T180 (modified proctor density) and then shall be proof rolled with a one-half loaded tandem axle truck (or equivalent) in the presence of the developer's engineer and the city engineer, or their designees. The contractor shall be responsible for keeping the limestone base free of contamination from clay or other foreign materials. Handling and placement of limestone base shall all be in accordance with M.D.O.T. specifications.

Section H. Street Surfaces

- (1) The asphalt surface course shall meet M.D.O.T. specifications for Type SC-I or SC-2 asphalt. The asphalt shall be placed in one two-inch layer, and shall be handled and placed in accordance with M.D.O.T. specifications.
- (2) A properly compacted and proof-rolled sub-base and six-inch thick portland cement concrete pavement of thirty-five hundred (3500) pounds per square inch compressive strength concrete may be substituted for the limestone base and asphalt pavement. Concrete pavement will be reinforced by a six-inch by six-inch number 6 welded wire fabric, where deemed reasonably necessary. When required, wire mesh will be placed in the lower half of concrete pavement.

Section I. Pavement Section Variations

- (1) Sections G, H, and F set the standards that shall apply under normal soils conditions. However, where soils are unusually unstable, the city engineer may allow or require the developer to have soil tests run and a pavement design made by a qualified soil engineer. Under these circumstances, the city engineer may require pavement sections constructed to greater standards than those set forth above (for unstable soils).
- (2) Alternative base and paving sections may be considered on a case-by-case basis, subject to City Engineer's review of design data submitted by Developer's engineer, which demonstrates that the proposed alternative base and paving Section is at least equivalent to the ones specified herein.

Section J. Street Cross Sections

Streets shall be constructed and utilities located in accordance with Standard Drawing No. 6 or No. 7, as applicable.

Section K. Curb And Gutter

- (1) The concrete curb and gutter shall be constructed according to the lines and grades established by the engineer. The concrete shall meet the state highway requirements. The curb and gutter shall be 24 inches wide, and shall have a rolled type curb, except for collector and arterial streets. The forms shall be of metal, free of marks or kinks, and shall be rigidly held in position. The engineer shall approve the positioning of the forms before concrete is poured. The concrete shall be placed in the forms in a manner to prevent segregation, and tamped or vibrated sufficiently to prevent honeycombs. The concrete shall be finished smooth and even by means of rollers or floats. Expansion joints shall be provided at curve points and at a minimum of every 100 feet on long runs and false joints every ten feet.
- (2) Curb and gutter shall be provided constructed in accordance with Standard Drawing No. 8.

Section L. Sidewalks

Sidewalk construction shall be similar to street construction, with sub-grade compacted to 95 percent AAASHO T180 (modified proctor density). Concrete sidewalks shall be four inches thick (increasing to six inches thick at driveway entrances), and shall be at least four feet wide. Expansion joints shall be provided every 100 feet and false joints at 10 feet. In the case of residential development, sidewalks may be constructed upon completion of the house, however they must be constructed and approved prior to occupancy. Normally, sidewalks shall be placed at the street right-of-way line.

Section M. Wheelchair Ramps

Where required, wheel chair ramps shall be constructed in accordance with Standard Drawing No. 9.

Section N. Storm Water Runoff Control

- (1) The minimum design frequency for storm runoff shall be 10 years for storm sewer collection and 25 years for cross drainage

(i.e., drainage facilities crossing a street).

- (2) Storm drainage pipes shall be reinforced concrete or corrugated wall polyurethane pipe and no pipe may be smaller than 15 inches in diameter. Polyurethane pipe will not be accepted for use under road pavement or where less than one pipe diameter of earth cover will be provided over the top of the pipe.
- (3) Culvert outlet protection and swale erosion protection shall be designed based on a 10-year storm.
- (4) All storm drainage structures and pipes shall be designed and constructed in accordance with Department of Transportation specifications and Standard Drawings No. 10 through No. 13. However, in case of a conflict, the standard drawings shall prevail.

Section O. Sedimentation Control

Road shoulders, swales, back-of-curbs, and cut and fill banks shall be completely dressed up by the contractor and seeded as soon as possible.

Section P. Monuments

- (1) Lot and block corners shall be marked with iron pipes or rods at least one-half inch in diameter and 24 inches long.
- (2) The outer boundary corners of the subdivision and intermediate points as required by the city shall be marked with either concrete blocks six inches square and 30 inches long or with iron pipes two inches in diameter and four feet long; markers shall be provided with center points.
- (3) The developer will provide permanent concrete monument benchmarks with elevation in accordance with Long Beach datum (National Geodetic Vertical Datum, 1929 adjustment).
 - (a) Minimum of one per every 1,500 feet of pavement for developments containing more than four lots.
 - (b) Exact benchmark location and information to be shown on all plats and construction plans.
 - (c) The concrete monument benchmark shall be six inches by six inches square and four feet long with iron rod encased in it and a flat-head survey marker cast in the top of the benchmark as a central point. The non-corrosive marker must have at least a two-inch shank and a head diameter of two inches or more.

ARTICLE 7 UTILITIES

Section A. Utility Ownership And Easement Rights

In any case in which a developer installs or causes the installation of water, sewer, electrical, power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

Section B. Lots Served By Governmentally Owned Water Or Sewer Lines

- (1) Whenever it is legally possible and practicable in terms of topography to connect a lot with a city water or sewer line by running a connecting line, then no use requiring water or sewage disposal service may be made of such lot unless connection is made to such line.
- (2) Connection to such water or sewer line is not legally possible if in order to make connection with such line by a connecting line it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and, after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.
- (3) For purposes of this article, a lot is "served" by a city-owned water or sewer line if connection is required by this section.
- (4) All connections required by this section shall be at the owner, sub-divider or developer's expense.

Section C. Sewage Disposal Facilities

Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that comply with all applicable health regulations.

Section D. Determining Compliance With Section C

- (1) Primary responsibility for determining whether a proposed development will comply with the standard set forth in Section C often lies with an agency other than the city, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in Subsection (2). Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system the authority issuing a permit under this ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with Section C. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.
- (2) The type of development and the agency that must certify to the city whether the proposed sewage disposal system complies with the standard set forth in Section C in as follows.

If:

The use is located on a lot that is served by the city sewer system, or a previously approved, privately owned package treatment plant, and the use can be served by a simple connection to the system (as in the case of a single-family residence) rather than the construction of an internal collection system (as in the case of a shopping center or apartment complex):

Then:

City engineer must certify that the proposed connections comply with city design standards (refer to Subsection (3), below).

If:

Lots within the subdivision are to be served by simple connection to existing city lines or lines of a previously approved private system:

Then:

City engineer must certify to the city that the proposed system meets the city's specifications (refer to Subparagraph (3), below) and will be accepted by the city.

If:

Lots within the subdivision are to be served by the city system but the developer will be responsible for installing the necessary additions to the city system:

Then:

The city engineer must certify to the city that the proposed system meets the city's specifications (refer to Subsection (3), below) and will be accepted by the city. Extensions to the city sewerage system also require written approval by the Mississippi Department of Environmental Quality.

If:

Lots within the subdivision are to be served by a sewage treatment system that has not been approved, that has a design capacity of 3,000 gallons or less, and that does not discharge into surface waters:

Then:

The County Health Department must certify that the proposed system complies with all applicable state and local health regulations. If each lot within the subdivision is to be served by a separate on-site disposal system, the CHD must certify that each lot shown on a major subdivision preliminary plat can probably be served, and each lot on a major or minor subdivision final plat can be served by an on-site disposal system.

If:

Lots within the subdivision are to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity in excess of 3,000 gallons or that discharges effluent into surface waters:

Then:

The Mississippi Department of Environmental Quality must certify that the proposed system complies with all applicable state regulations. (A "Permit to Construct" and a "Permit to Discharge" must be obtained from DEQ)

- (3) All extensions to the Long Beach city sewerage system, including sewer service connections to connect new lots to existing city sewer mains, shall conform with the design guidelines promulgated by the Mississippi Department of Environmental Quality and also the "Long Beach Standard Technical Specifications for Water & Sewer Improvements" and the "Long Beach Standard Details for Water & Sewer Construction," which are bound separately. Deviations from the Standard Specifications and Standard Details will be considered for approval on a case-by-case basis, for valid cause. In case of conflict between the requirements of the D.E.Q and the Long Beach Standard Specifications, the D.E.Q. design guidelines will govern.

Section E. Water Supply System Required

Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

Section F. Determining Compliance With Section E

- (1) Primary responsibility for determining whether a proposed development will comply with the standard set forth in Section E often lies with an agency other than the city, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in Subsection (2). Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing a permit under this ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed water supply system to determine compliance with Section D. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and say appropriate permits issued by such agency.
- (2) The type of development and the agency that must certify to the city whether the proposed water supply system complies with the standard set forth in Section E is as follows:

If:

The use is located on a lot that is served by the city water system or a previously approved, privately owned public water supply system and the use can be served by a simple connection to the system (as in the case of a single-family residence) rather than the construction of an internal distribution system (as in the case of a shopping center or apartment complex);

Then:

City engineer must certify that the proposed connections comply with city design standards (refer to Subsection (3), below).

If:

Lots within the subdivision are to be served by the city system but the developer will be responsible for installing the necessary additions to the city system:

Then:

The city engineer must certify to the city that the proposed system meets the city's specifications (refer to Subsection (3), below) and will be accepted by the city. Extensions to the city water system also require written approval by the Mississippi State Department of Health.

If:

Lots within the subdivision are to be served by individual wells:

Then:

The County Health Department must certify to the city that each lot intended to be served by a well can be served in accordance with applicable health regulations

- (3) All extensions to the Long Beach city water system, including water service connections to connect new lots to existing city water mains, shall conform with the design guidelines promulgated by the Mississippi State Department of Health and also the "Long Beach Standard Technical Specifications for Water & Sewer Improvements" and the "Long Beach Standard Details for Water & Sewer Construction," which are bound separately. Deviations from the Standard Specifications and Standard Details will be considered for approval on a case-by-case basis, for valid cause. In case of conflict between the requirements of the M.D.O.H. and the Long Beach Standard Specifications, the M.D.O.H. design guidelines will govern.

Section G. Electric Power

- (1) Every principle use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:
 - (a) If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.
 - (b) If the use is a subdivision or is not located on a lot served by an existing power line or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the city that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

Section H. Telephone Service

Every lot within a subdivision must have available to it a telephone service cable adequate to accommodate the reasonable needs of such lot. Compliance with this requirement shall be determined as follows:

- (1) If the use is a subdivision or is not located on a lot served by an existing telephone line or a substantial internal distribution system will be necessary, then the telephone utility company must review the proposed plans and certify to the city that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

Section I. Underground Utilities

- (1) All electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, and cable television lines in subdivisions constructed after the effective date of this ordinance shall be placed underground in accordance with the specifications and policies of the respective utility service providers.
- (2) Whenever an un-subdivided development is hereafter constructed on a lot that is undeveloped on the effective date of this ordinance, then all electric power, telephone, gas distribution, and cable television lines installed to serve the development that are located on the development site outside of a previously existing public right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility companies.

Section J. Utilities To Be Consistent with Internal and External Development

- (1) Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constricted so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.
- (2) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development

Section K. As Built Drawings Required

Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the city with a copy of a drawing that shows the exact location of such utility lines. The utility service provider must verify such drawings as accurate. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

Section L. Fire Hydrants

- (1) Every development (subdivided or un-subdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.

- (2) The presumption established by this ordinance is that to satisfy the standard set forth in Subsection (1), fire hydrants must be located so that all parts of every building within the development may be served by a hydrant by lying not more than 500 feet of hose connected to such hydrant. However, the fire chief may authorize or require a deviation from this standard if in his professional opinion another arrangement more satisfactorily complies with the standard set forth in Subsection (1).
- (3) The fire chief shall determine the precise location of all fire hydrants, subject to the other provisions of this section. In general, fire hydrants shall be placed six feet behind the curb line of publicly dedicated streets that have curb and gutter.
- (4) The fire chief shall determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified by the fire chief, all hydrants shall have two 2-v2 -inch hose connections and one 4 V2-inch hose connection. The 2 V2-inch hose connections shall be located at least 21 V2-inches from the ground level. All hydrant threads shall be national standard threads.
- (5) Water lines that serve hydrants shall be at least six-inch lines when looped to provide two-way flow to the hydrant lead or at least 8-inch when the hydrant is on a dead-end water main.

ARTICLE 8 ADMINISTRATION

Section A. Variances

The Mayor and Board of Aldermen shall have the power to vary these regulations when it can be shown by the subdivider that extraordinary hardships are brought about by strict compliance with these regulations and that a variance is required so that substantial justice may be done and the public interest secured provided that such variations will not have the effect of reducing or nullifying the intent and purpose of the comprehensive plan. Any variance approved by the Mayor and Board of Aldermen must be entered into the minutes of the Board of Aldermen along with the reasons and justifications set forth. Prior to consideration of such variance, the planning commission shall conduct a hearing thereon and shall forward to the Mayor and Board of Aldermen its written recommendations.

Section B. Hearing and Amendments

Prior to any sketch plat, preliminary plat, or final plat which involves a variance to these regulations or any amendments, supplements, modifications, or changes to this ordinance the following requirements shall be met:

- (1) There shall have been held in relation thereto a public hearing before the planning commission at which parties in interest and citizens shall have had an opportunity to be fully heard.
- (2) Notice of the proposed request and of the time and place of the hearing shall have been published at least 15 days prior to the date of the hearing in an official paper, of a paper having a general circulation in the City of Long Beach.
- (3) After the public hearing as provided above, commission shall have submitted its report and recommendations upon the proposed request to the mayor and Board of Aldermen. The Mayor and Board of Aldermen shall not take official action upon the request until the report of the planning commission has been received; provided, however, that if the report has not been filed within 30 days after date of the public hearing, the Mayor and Board of Aldermen may the take official action upon the request.
- (4) Approvals, denials, amendments, supplements, changes and modifications may, additionally be made in accordance with the laws of the State of Mississippi.

Section C. Appeals

Appeals may be granted from any decision of the building official or his designated representative by presenting the request in writing to the planning commission within ten days after the decision has been rendered. Any decision of the planning commission may be appealed to the Mayor and Board of Aldermen by giving written notice, including grounds for the appeal, to the chairman of the planning commission. The chairman of the planning commission shall then arrange for a prompt hearing of the matter before the Mayor and Board of Aldermen.

Should any person be aggrieved by any decision of the mayor and Board of Aldermen, they shall have the right to appeal same to the Circuit Court of Harrison County, Mississippi, in the manner prescribed by Section 11-51-75 of the Mississippi Code, 1972, as amended.

Section D. Penalties

Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine as designated by law. In addition to such fine, the City of Long Beach, Mississippi, through its proper officer or officers, may take such other action by injunction or other court proceeding as it may deem necessary to enforce the provisions of this ordinance.

Section E. Effective Date

This ordinance shall not take effect and be in force until 30 days from and after its passage, and the same shall be published and recorded in the ordinance book as required by law.

The Mayor and Board of Aldermen adopted the foregoing ordinance on the 30th day of November, 2001.