



SUBDIVISION REGULATIONS

2022



TATE COUNTY, MISSISSIPPI SUBDIVISION REGULATIONS

ADOPTED MARCH 22, 2022

EFFECTIVE APRIL 22, 2022

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ARTICLE I: INTRODUCTORY PROVISIONS

SECTION 101. TITLE

These regulations shall be known as the “Tate County Subdivision Regulations” and may be so cited.

SECTION 102. PURPOSE

These regulations have as their purpose and are designed:

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

SECTION 103. SCOPE

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

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

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

SECTION 104. CONFLICT

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

SECTION 105. SAVING CLAUSE

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

SECTION 106. REPEAL OF CONFLICTING REGULATIONS

Upon the adoption of these regulations according to law, the Subdivision Regulations of Tate County, Mississippi adopted in 2009 are hereby repealed, except as to such sections expressly retained herein.

SECTION 107. EFFECTIVE DATE OF REGULATIONS

These Regulations shall become effective thirty (30) calendar days from and after its adoption. Amendments to these Regulations shall also become effective thirty (30) calendar days from and after their adoption.

SECTION 107. ADOPTION CLAUSE

Adopted this, the ____ day of _____, 2022 at the regular meeting of the Board of Supervisors of Tate County, Mississippi.

Attest:

President, Board of Supervisors

Tim Hale, Chancery Clerk

I, the undersigned, Tim Hale, Chancery Clerk of the Tate County, Mississippi, hereby certify that the above and foregoing is a true copy of an Ordinance adopted by the Board of Supervisors of Tate County at its meeting held on the as the same appear in Minute Book _____.

Given under my hand and official seal, this the ____ day of _____, 20__.

Chancery Clerk
Tate County, Mississippi
(SEAL)

ARTICLE II: INTERPRETATIONS AND DEFINITIONS

SECTION 201. INTERPRETATIONS

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

SECTION 202. DEFINITIONS

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

Major Subdivision: The division of any tract or parcel of land into six (6) or more lots, any one (1) of which has an area ten (10) acres or less, for the purpose, whether immediate or future for sale or building development. A family subdivision, as defined herein, shall become a major subdivision if the division results in nine (9) or more lots.

Minor Subdivision: The division of any tract or parcel of land into three (3) to five (5) lots, any one (1) of which has an area ten (10) acres or less, for the purpose, whether immediate or future for sale or building development. All new lots are accessed via public roadway or an access easement.

Family Subdivision: The division of a lot or parcel of land into three (3) to eight (8) lots, any one (1) of which has an area ten (10) acres or less, for the purpose of sale or gift to a member of the immediate family of the property owner, as defined by the Tate County Zoning Ordinance, or otherwise defined by State law. These subdivisions may be exempted from compliance with certain portions of the subdivision requirements imposed on unrelated parties.

ACCESS POINT: A driveway, local street or collector street intersecting an arterial street; or a driveway or local street intersecting a collector street; or a driveway or local street intersection a local street.

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

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

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

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

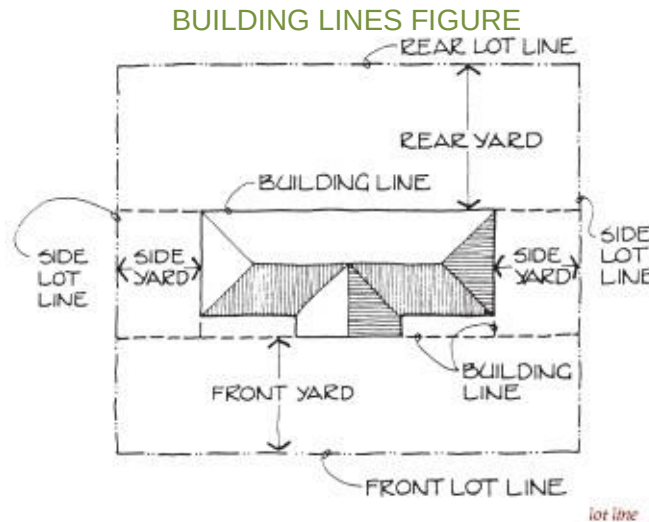
BLOCK: An area of land within a subdivision that is bounded by streets or bounded by streets and the exterior boundary of a subdivision.

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

BUILDABLE AREA: That portion of a lot bounded by the required front, rear and side yards. Also known as the Building Envelope.

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

BUILDING LINE - FRONT, SIDE, REAR: Lines which define the required area for the front, side and rear yards, as set forth in this Ordinance and illustrated below. This line is usually fixed parallel to the lot line and is equivalent to the required yard.



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

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

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

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

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

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

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

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

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

DEVELOPER: Any individual, firm, association, partnership, corporation, trust or other legal entity commencing proceedings under these regulations to subdivide land for either him or herself or for another. Also referred to as subdivider or applicant.

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

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

DWELLING: A building or portion thereof which is designed for human residential habitation. For the purpose of this Ordinance, the term "dwelling" shall not include boarding or rooming houses, motels, hotels, campers, recreational vehicles, tents or other structures designed for transient residence. Any structure not designed for human residential habitation such as storage buildings, shipping containers or similar shall not be considered a dwelling.

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

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

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

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

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

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

FINAL PLAT: A subdivision plat proposed in accordance with these regulations in which said plat is designated to be placed on record with the Chancery Clerk after installation of improvements or guarantee listed in Article VI Section 610 and after approval by the Planning Commission and the Board of Supervisors.

FINISHED FLOOR ELEVATION: The required first floor elevation of any building constructed within the 100 year floodplain. It is measured from the FEMA determined base flood elevation.

FLOOD INSURANCE RATE MAP (FIRMS): An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

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

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

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

FLOWAGE EASEMENT: Privately owned land on which the U.S. Army Corps of Engineers has acquired certain perpetual rights. Namely the right to flood it in connection with the operation of the reservoir; the right to prohibit construction or maintenance of any structure for human habitation; the right to approve all other structures constructed on flowage easement land, except fencing. This is typically based on elevation and is done to protect individual property during a flood event and allow hydrologist to better predict the changes in elevation a lake will undergo during high inflow.

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

GOVERNING AUTHORITY: The Board of Supervisors of Tate County.

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

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

INDIVIDUAL SEWAGE TREATMENT FACILITY: A sewage disposal system, such as a septic tank, developed to function on an individual lot basis.

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

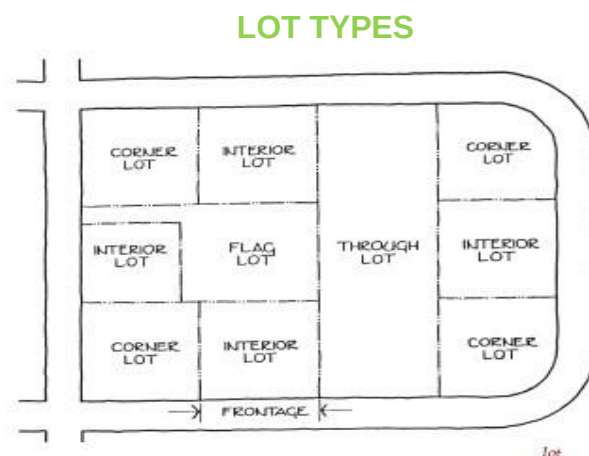
Lot, Corner: A lot that fronts on two or more streets at the junction of those streets.

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

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

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

Lot, Land-locked: Parcels that do not have frontage on or direct access to a County road or state/federal highway. These lots are accessed through easements.



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

LOT AREA: The total land area included within lot lines as calculated by multiplying the length and width of the lot dimensions.

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

LOT FRONTAGE: The width dimension of a lot or portion of a lot abutting on a public or private street.

LOT LINES: the lines bounding a lot as defined herein and as shown in the Building lines figure.

LOT NUMBER: The number assigned to a lot on a subdivision plat for identification purposes.

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

LOT WIDTH: The width of a lot measured at the building line.

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

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

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

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

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

PLANNING COMMISSION: The duly appointed Tate County Planning Commission. In absence of such appointed Planning Commission, the Tate County Board of Supervisors shall be considered the Planning Commission.

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

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

PROFESSIONAL ENGINEER: An engineer properly licensed and registered in the State of Mississippi.

PROFESSIONAL SURVEYOR: A land surveyor properly licensed and registered in the State of Mississippi.

PROPERTY OWNERS ASSOCIATION OR HOMEOWNERS ASSOCIATION: A legal entity made up of the property owners in a particular development that is created for such purposes as maintaining common areas or enforcing restrictive covenants for the development.

PROTECTIVE OR RESTRICTIVE COVENANTS: Private restrictions that may be recorded with the subdivision plat or as a separate document. These restrictions are the responsibility of private parties associated with the subdivision and are not enforced by the public entity. The covenants may be more restrictive than the Zoning Ordinance or Subdivision Regulations, but cannot be more permissive.

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

PUBLIC SEWER SYSTEM: A central sewer system that is owned, operated and maintained by a municipality, county or utility district.

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

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

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

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

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

SANITARY SEWER SYSTEM: A public or community sewage disposal system of a type approved by the State Department of Health.

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

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

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

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

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

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

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

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

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

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

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

Street, Public: A street constructed within the boundaries of an officially dedicated public right-of-way, which provides the principal means of access to abutting property and is maintained by the County.

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

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

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

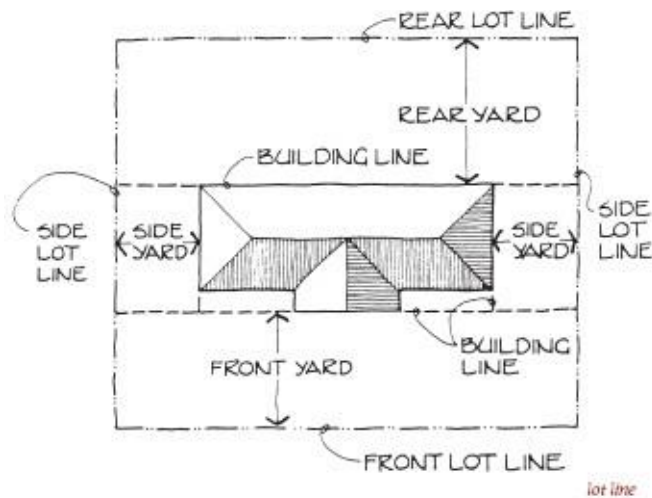
VARIANCE: A modification of the application of this ordinance, when strict enforcement of the requirements of this ordinance would cause undue hardship owing to the circumstances unique to the individual property.

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

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

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

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



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

ZONING DISTRICT: Any section of the County for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of the yards and the intensity of use are uniform.

ARTICLE III: GENERAL PRINCIPLES

SECTION 301. SUITABILITY OF LAND

Land subject to flooding, improper drainage, or erosion and land deemed to be topographically unsuitable for residential purposes shall not be platted for residential occupancy, nor shall such land be platted for any other uses as may continue such conditions or increase danger to health, safety, life or property unless approved steps are taken to diminish the above-mentioned hazards.

Such land within a proposed subdivision not detrimental to the development of the subdivision shall be set aside for uses as set out by the Planning Commission.

SECTION 302. CONFORMANCE TO THE TATE COUNTY COMPREHENSIVE PLAN, ZONING ORDINANCE AND OTHER REGULATIONS

302.1 EFFECTIVE

All proposed subdivisions shall conform to the Tate County Comprehensive Plan, Zoning Ordinance and other regulations such as building codes, in effect at the time of submission to the Planning Commission.

302.2 HIGHWAYS, STREETS AND OTHER FEATURES

All highways, streets, and other features of the Comprehensive Plan shall be platted by the subdivider in the location and to the dimensions, if any, indicated by the Comprehensive Plan, Zoning Ordinance, and other regulations.

302.3 COMMUNITY FACILITIES

Where community or public facilities of the Comprehensive Plan are located in whole or in part of a proposed subdivision, the public board, commission, or body having jurisdiction and/or financial responsibility for the acquisition of such facility or facilities shall execute a written option to acquire by purchase, file suit for condemnation, or relinquish the location of such facility or facilities. Provided further, however, the option to acquire must be exercised and fully consummated within 12 months following the date of the recording of the final plat.

302.4 FINAL PLAT

No final plat of land within the force and effect of an existing zoning code, building code, or other official code, ordinance, or regulation shall be approved unless it conforms to all such regulations.

SECTION 303. BUILDING PERMITS REQUIRED

303.1 ISSUANCE OF PERMIT

No building or structure shall be erected, structurally altered, or added to, until a building permit has been issued by Tate County except as noted below. All building permit applications shall be in accordance with the requirements of this ordinance.

303.2 REMODELING

No building permit is required for remodeling or improvement of any existing building in which remodeling or improvement does not alter the basic structure.

303.3 AGRICULTURAL USES

No permits shall be required with reference to land used for agricultural purpose, including forestry activities as defined in Section 95-3-29(2)(c) Mississippi Code of 1972, Annotated, or for the erection, maintenance, repair or extension of farm buildings or farm structures, including forestry buildings and structures (Section 17-1-3 of Mississippi Code).

303.4 CONFORMANCE

No building permits shall be issued unless it conforms to all regulations.

SECTION 304. SUBDIVISIONS UTILIZING INGRESS/EGRESS EASEMENTS

Any Minor or Family subdivisions as defined in these regulations and in the Tate County Zoning Ordinance which use an ingress/egress easement for access must comply with the following regulations.

304.1 ACCESS

Land-locked lots or other parcels with less than fifty (50) feet of road frontage may be developed in a limited manner using ingress/egress easements. Such easements may only be developed with easements that are a minimum of fifty (50) feet wide and no more than three (3) parcels may share an easement.

- a) The roadbed of the easement must be a minimum of twenty-two (22) feet in width, and must consist of, at a minimum, an all-weather surface of rock, stone, gravel, or similar material.

304.2 EMERGENCY ACCESS PLAN

If an ingress/egress easement is used then, the subdivider must also provide an Emergency Access Plan to the development. The plan shall include emergency access for police, fire, medical, rescue,

electric power supplier, natural gas supplier (if applicable), and other services or utilities as may be required by the County. The emergency access plan must be reviewed and approved by Tate County Emergency Management. Approval shall be evidenced by the appropriate signatures affixed to the Emergency Access Plan prior to issuance of any building permits.

304.3 SCHEDULED SERVICE PLAN

If an ingress/egress easement is used, the subdivider must also provide a Scheduled Service Plan that must include the plan for access for mail service, household garbage collection, school bus service, telephone service personnel, cable television service personnel, and any and all other service personnel that may be identified.

304.4 UTILITIES

The subdivider must receive approval from the appropriate agency for the proposed supply of potable water, on-site sewer disposal, and other necessary utilities.

304.5 RECORDING REQUIREMENTS

- a) Plats shall clearly indicate that ingress/egress easement is not public street and will not be maintained by the County.
- b) Documents used for the transfer of ownership of lots within the development shall include verbiage which clearly states that the ingress/egress easement within the development are not public streets and that the County will not maintain the easement. The documents shall also include verbiage that explains how the maintenance of the easement will be financed. The developer shall provide a sample copy of the document to be used for County review.

304.6 PLAT PROCEDURES AND REQUIREMENTS AND DESIGN STANDARDS

Subdivisions utilizing ingress/egress easements for primary access must meet all plat procedures and requirements as directed by the Tate County Subdivision Ordinance. An exemption from certain design standards may be granted at the recommendation of the County Planner and County Engineer and approval of the Planning Commission and Board of Supervisors.

ARTICLE IV: PLAT PROCEDURES AND REQUIREMENTS

SECTION 401. PRE-APPLICATION CONFERENCE

- a) Prior to filing a Preliminary Plat, the subdivider may submit to the Planning Commission, County Planner and County Engineer plans and data that include, at minimum, general subdivision information that describes or outlines the existing condition of the site and the type of subdivision proposed. This information may include data on existing zoning, land characteristics, available community facilities and utilities, and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, public areas, proposed protective covenants and proposed utilities and street improvements.
- b) The purpose of the Pre-application Conference is to afford the subdivider an opportunity to avail him/herself of the advice and assistance of the County Planner and the County Engineer before preparation of the Preliminary Plat and before formal application for its approval.
- c) The subdivider should also consult with other parties potentially interested in the development, such as the County Health Department, Water Association, or Volunteer Fire Department, with a view to reaching, at this initial state, firm conclusions regarding the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangement of streets and lots, and the type of water and sewer systems to be installed.

SECTION 402. PRELIMINARY PLAT

- a) On reaching conclusions regarding his general program and objectives, the subdivider shall submit a Preliminary Plat to the Planning Commission for approval.
- b) Four (4) copies of the Preliminary Plat and supplementary material as specified in Sections 402(d) and 402(e) shall be submitted initially to the Planning Commission staff with a letter requesting approval. An AutoCad DWG or DXF file in electronic format shall also be submitted. These items shall be submitted at least fifteen (15) days prior to the Planning Commission meeting at which they are to be considered.
- c) The Preliminary Plat shall be prepared by a professional land surveyor or a professional engineer who is properly registered and/or licensed to work in the State of Mississippi. The Preliminary Plat shall be at a scale of not less than one (1) inch equals one hundred (100) feet.

- d) Data required as a basis for the Preliminary Plat and construction plans submitted to the Planning Commission shall, at minimum, include the following existing conditions associated with the tract of property to be subdivided:
1. A vicinity map at a minimum scale of one (1) inch equals eight hundred (800) feet (meaning that a scale of 1" equals 1000' would also be acceptable) showing the location of the site relative to its surroundings.
 2. Notations stating the acreage, graphic scale, north arrow (true north), datum, benchmarks and date of survey.
 3. The title under which proposed subdivision is to be recorded, with names and addresses of owners.
 4. Boundary lines, including the bearings and distances along the boundary and mathematical closure of survey and also including a legal description(s) giving total acreage for the property.
 5. Adjoining properties, including the names of the property owners and adjoining subdivisions, including the name, section, and plat book number.
 6. Any City and County political boundary lines, section lines or other significant information to locate the particular parcel of land.
 7. The boundary location of the 100 year floodplain as defined by FEMA and illustrated on the FIRM maps or the Tate County Zoning Map.
 8. The name and location of any water courses, marshes, wooded areas, and other significant environmental features on or adjacent to the tract.
 9. The location, width, purpose and instrument number of all existing easements, including access easements.
 10. Location, width, and purpose of all proposed easements, including access easements. Access easements to adjoining, land-locked parcels that are not part of the proposed plat shall not utilize street stubs or extend through the proposed street network, but rather be located on the exterior of plat.
 11. Name, location, right-of-way width and type of surfacing of existing streets on and/or adjacent to the tract.
 12. Access restrictions for all corner lots or double frontage lots stating where lots are allowed to access the street.
 13. All existing utilities, including the location, size, and invert elevation of any sanitary and storm sewers; location and size of water mains; location of any gas lines, fire hydrants, electric and telephone poles or street lights. If water supply mains and

outfall sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers.

14. Ground elevations on the tract, based on mean sea level, showing contours with a two (2) foot interval.
 15. Any existing structures on the tract.
- e) In addition to the data specified in Section 402(d), the Preliminary Plat and construction plans shall show, at minimum, the following proposed improvements and conditions:
1. The names, rights-of-way, and roadway widths of any streets, with approximate grades and gradients. If applicable, similar data for alleys shall be provided. Typical cross sections of all street improvements may be required if deemed necessary.
 2. The location, width and purpose of all proposed easements.
 3. The location and dimensions of lot lines.
 4. The total number of residential lots and lot sizes.
 5. Lot numbers for each residential lot and common area. Lots shall be numbered consecutively within a block.
 6. Any sites that will be reserved or dedicated for parks, playgrounds, or other public uses.
 7. Any sites that will be used for apartment buildings, shopping centers, churches, industry, or other nonpublic uses exclusive of single family dwellings.
 8. All proposed utilities, including the location, size, and invert elevation of any sanitary and storm sewers; location and size of water mains; location of any gas lines, fire hydrants, electric and telephone poles or street lights; and cross sections of principal drainage ditches. If water supply mains and outfall sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers.
 9. The proposed method of sewage disposal and the proposed method to accommodate storm drainage.
 10. The minimum building setback lines in accordance with the zoning district in which the tract is located.
 11. Required or proposed landscape buffering as defined by the Tate County Zoning Ordinance.
 12. Any proposed protective covenants.
 13. Proposed phase lines, if applicable.

- f) Following a review of the Preliminary Plat and other material submitted for conformity to these regulations by the Planning Commission and County Engineer, including any discussion with the subdivider on changes deemed advisable and the kind and extent of improvements to be made in the proposed subdivision, the Planning Commission shall express their approval or disapproval and the reasons therefore at the public meeting where the application is scheduled to be heard.
- g) The action of the Planning Commission and any conditions thereof shall be noted on the copies of the Preliminary Plat. Two (2) copies shall be returned to the subdivider, one (1) retained by the Planning Commission, and the other retained by the County Engineer.
- h) Approval of the Preliminary Plat shall not constitute approval of the Final Plat, nor shall the Preliminary Plat be recorded in the Chancery Clerk's office.

SECTION 403. APPROVAL OF CONSTRUCTION PLANS

- a) Plans for the required improvements specified in Article VI (Required Improvements) shall be considered a part of the Preliminary Plat process and shall be submitted to the Planning Commission staff as part of the application for Preliminary Plat approval. In order to obtain approval to begin the construction of improvements in a subdivision, the owner or owners shall submit together with the Preliminary Plat, four (4) large sets of the construction plans showing the types of improvement contemplated. Said plans shall be submitted and approved as hereinafter set forth before construction of any type is begun in the subdivision. The construction plans shall consist of a combination plan and profile for each street and a typical cross section of the proposed grading, drainage, base course, and pavement. Detailed plans shall be submitted for the water and sanitary sewer systems and for culverts, drainage structures, and bridges, or if any applicable, standard plans issued by the Mississippi State Highway Department may be included for reference. The plan and profile sheets (streets and sanitary sewers) shall be drawn to a horizontal scale designated by the County Engineer and a vertical scale of one (1) inch equals five (5) feet and shall be based on U.S. Government datum (mean sea level). Such plans and specifications for the proposed water and sewer system shall be accompanied by written certification from the Mississippi State Board of Health and the Mississippi Air and Water Pollution Control Commission that the proposed systems and treatment facilities are in conformance with all applicable laws and regulations.
- b) The improvements specified herein shall be designed by and constructed under the supervision of a Registered Professional Engineer.

- c) Approval of the Preliminary Plat and the Construction Plans by the Planning Commission and the County Engineer shall constitute authorization for the subdivider to proceed with construction of the subdivision improvements. Construction of all required improvements is subject to inspection and approval by the County Engineer and other appropriate officials or agencies which have a lawful interest in the development. All construction shall be done in conformance with the approved Preliminary Plat and construction plans.

SECTION 404. FINAL PLAT

- a) A signed letter from the Mississippi State Department of Environmental Quality (DEQ) approving the subdivision and the water, septic or sewer systems, as applicable, shall be required at the time that the application for Final Plat approval is submitted to the Tate County Planning Commission.
- b) The Final Plat shall not be approved by the Planning Commission or the Board of Supervisors until the subdivider has done one (1) of the following:
 - 1. Actually completed satisfactory and inspected construction of all improvements as required in Article VI and as approved on the Preliminary Plat; or
 - 2. Prepared and signed a Letter of Agreement for Subdivision Improvements that states that the applicant shall construct and maintain all of the required improvements as detailed in this ordinance to the specifications as outlined in this ordinance and will comply with Tate County regulations.
 - 3. Given to the Board of Supervisors a performance bond, certified check or established an escrow account in an amount equal to the total estimated cost of installation of the required improvements. The amount of such bond shall be approved by the Board of Supervisors and the County Engineer and shall be held by the County for a minimum of eighteen (18) months.
- c) The Final Plat shall conform substantially to the Preliminary Plat as approved, and, if desired by the subdivider, may constitute only that portion of the approved Preliminary Plat which is proposed for recording and developing at the time, provided, however, that such portion conforms to all requirements of these regulations and is clearly designated on the plat.
- d) Four (4) originals and three (3) prints of the Final Plat shall be submitted to the Planning Commission and County Engineer within eighteen (18) months after approval of the Preliminary Plat. An AutoCad DWG or DXF file in electronic format shall also be submitted. Original copies shall be drafted or reproduced on a stable base drafting film. The Final Plat shall be no larger than eighteen (18) inches by twenty-four (24) inches prepared at a scale

of one (1) inch equals one hundred (100) feet and shall show the following in addition to the preliminary plat requirements:

1. Primary control points, approved by the County Engineer, or descriptions and "ties" to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
 2. Monuments, tract boundary lines, right-of-way lines of streets and easements, and property lines of residential lots and other sites. Sufficient data, including accurate dimensions, bearings, deflection angles and radii, arcs, and central angles of all curves to determine readily and reproduce on the ground any line on the map.
 3. Names and width of each street or other right-of-way.
 4. Radii, arcs and chords, points of tangency, central angles for an curvilinear streets and radii for all rounded corners.
 5. Location, dimensions, and purpose of any easements.
 6. The location and dimensions of lot lines.
 7. The total number of residential lots and lot sizes.
 8. Numbers to identify each lot, site or common area.
 9. Purpose for which sites, other than residential lots, are dedicated or reserved.
 10. Minimum building setback line on all lots and other sites.
 11. Location and description of boundary monuments.
 12. Title, graphic scale, north arrow (true north), date and names of adjacent property owners.
 13. Any proposed protective covenants in form for recording.
 14. A list of the conditions of approval for the Preliminary Plat as specified by the Planning Commission.
 15. The Final Plat shall show clearly and legibly drawn, the location, and description of all Special Flood Hazard Areas. This information shall be based on the latest version of the current FIRM maps.
 16. The final plat for developments greater than 50 lots or 5 acres, whichever is the lesser, must include within base flood elevation data.
- e) The following certificate information shall appear on the original tracing of the Final Plat and shall be filled in and signed as appropriate (examples are shown and may be modified to meet specific circumstances):
1. Surveyor's Certificate:

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision.

By _____ Certificate No. _____

2. Owner's Certificate: (There are several different methods for the owner certification depending on the ownership entity. A notary would have the appropriate wording.)

The undersigned owner(s) of the property shown hereon hereby adopt this plat as our plan of subdivision and dedicate the street rights-of-way, utilities, and easements as shown to public use forever.

Signed _____

Notary

My Commission Expires: _____

3. County Engineer's Recommendation:

I have examined this plat and find that it conforms to all conditions set forth on the Preliminary Plat as approved by the Planning Commission and recommend approval. The Engineers' recommendation applies only to this Plat and does not constitute a certification of design or construction of improvements per the Subdivision Regulations of Tate County, Mississippi.

County Engineer

4. County Approval Certificate:

I hereby certify that this is a true copy and that this plat was approved by the Board of Supervisors in session on _____.

President, Board of Supervisors
Tate County, Mississippi

Chancery Clerk
Tate County, Mississippi

- f) It shall be the duty of the Planning Commission, County Planner, and County Engineer to examine the Final Plat to be certain that it conforms to existing streets, drainage and utility systems and that all conditions set forth on the Preliminary Plat have been satisfied, including any conditions established by the Planning Commission, the County Engineer shall forward same to the Board of Supervisors recommending that it be approved.
- g) Upon approval of the Final Plat by the Board of Supervisors, an endorsement shall be made thereon by the president of the Board of Supervisors and attested by the Chancery Clerk indicating approval together with the date of the order of the Board of Supervisors. One (1) original copy of the Final Plat shall be returned to the subdivider, one (1) original copy of the Final Plat shall be filed with the Chancery Clerk and three (3) prints shall be retained by the Planning Commission, with one (1) print transmitted to the County Health Department.
- h) Upon approval of Final Plat and of completion of construction of any such utilities or improvements, one set of reproducible tracings of complete final plans, dated, signed, and certified by the engineer in charge, shall be filed with the County Engineer of Tate County showing all features as actually installed, including materials, size, location, depth, or elevation, numbers, ends of lines, connections, wyes, valves, storm sewer drains, inlets, and all other pertinent information. There shall be no connections made to such utilities serving the subdivision until the foregoing has been complied with and approved by the State of Mississippi Department of Health and the Department of Environmental Quality.

SECTION 405. REVISIONS/AMENDMENTS TO THE PLAT

405.1 CRITERIA FOR MINOR REVISIONS

- a) Minor revisions to an approved Preliminary Plat may be permitted by the Planning Commission or County Engineer if the revisions are within the scope and intent of the original approval. Proposed revisions are subject to technical review by the County Planner and County Engineer.
- b) Minor revisions to an approved or recorded Final Plat may be permitted by the Planning Commission or County Engineer under the following circumstances, if the revisions are within the scope and intent of the original approval:
 - 1. To revise or correct dimensions
 - 2. To change street names
 - 3. To add, delete or modify easements or protective covenants

4. To change the subdivision name
5. To make other such modifications that are within the scope and intent of the original approval.

Proposed minor revisions to an approved Final Plat are subject to technical review by the County Engineer.

405.2 PROCEDURE FOR MINOR REVISIONS

- a) When minor revisions are proposed to an approved Preliminary Plat, the applicant shall submit a copy of the revised plat with a letter to the County Planner describing the revisions and requesting administrative approval in accordance with this section. The County Planner shall notify the applicant if the proposed revisions qualify for administrative approval and the basis for the determination. If the revisions are approved, they shall be shown on the Final Plat when it is presented to the Planning Commission for approval.
- b) When minor revisions are proposed to an approved Final Plat, the applicant shall submit a copy of the revised plat with a letter to the County Planner describing the revisions and requesting administrative approval in accordance with this section. If the plat has been recorded, the applicant shall submit the recorded plat with a statement describing the revisions and a signature block for the Board of Supervisors President and the County Engineer. If the ownership of the subdivision has changed or lots have been sold since the previous recording, an owner's and notary's certificate shall be provided on the plat for each new owner. The applicant shall be subject to the required fees for processing and re-recording the plat.
- c) Proposed revisions to a Preliminary or Final Plat that do not comply with the criteria identified in Sections 405.1(a) or 405.1(b) of this chapter shall be submitted and processed in accordance with the procedure for new proposals outlined in this chapter.

ARTICLE V: DESIGN STANDARDS

SECTION 501. STREETS AND ROADWAYS

- a) The County Engineer and Planning Commission shall review the street system for the proposed subdivision and shall classify all proposed streets in one of the following categories:
1. Arterial Highway: An officially designated Federal or State Aid highway.
 2. Arterial Roadway: An officially designated existing county road.
 3. Collector: Streets that carry traffic from local streets to arterials, including the principal entrance streets of the subdivision.
 4. Local: Streets that are used primarily for access to abutting properties.
 5. Cul-de-sac: Short streets primarily used for low residential traffic.
 6. Alley: Streets used for secondary circulation or service access in both commercial and residential settings.
 7. Access Easements: An area of land intended for the purpose of providing vehicular or pedestrian access across one parcel to a different parcel or to a land-locked parcel. Such as easement is not a public road and will remain private.
- b) Minimum street right-of-way and pavement widths shall conform to the dimensions in the following table. Minimum pavement width is measured from the edge of pavement.

Street Type	Minimum ROW Width (Feet)	Minimum Pavement Width (Feet)
Arterial Highway	100	36
Arterial Roadway	100	36
Collector	60	22
Local	50	22
Cul-de-sac Turnaround	100	80
Alley	20	16
Ingress/Egress Easement	50	22

- c) Any variations in right-of-way requirements shall be requested in writing and shall only be granted in unique circumstances related to the topography or shape of the property.

- d) In the event that a subdivision is platted along any existing State Highway or county road, the Board of Supervisors may require the dedication of additional right-of-way in order that the right-of-way of the existing road may be increased to the standards as specified in these regulations. Provided, however, that the dedication of additional right-of-way be limited only to the side of the road which the proposed subdivision abuts, and then only to the extent that one-half (1/2) of the right-of-way needed to bring the total right-of-way to the specified standard shall be dedicated. In the event that a subdivision abuts both sides of an existing road or highway, then the total additional right-of-way necessary to bring such road or highway to the specified standard shall be so dedicated.
- e) The arrangement of streets in a subdivision shall either (a) provide for the continuation of existing streets to surrounding areas; or (b) conform to a plan for the neighborhood as a whole that has been devised to meet an unusual situation such as topography or other conditions that make continuation of existing streets impractical. Such a neighborhood plan shall be prepared by the subdivider and shall be approved by the County Engineer and Planning Commission. Street stubs to adjacent, undeveloped properties shall be discouraged unless the adjacent property is included in future phases of the platted subdivision.
- f) The arrangement of streets in a subdivision shall provide for adequate vehicular access to all properties within the subdivision.
- g) When connecting street lines deflect from each other at any point by more than ten (10) degrees, they shall be connected by a curve with a radius sufficient to ensure an adequate sight distance, or of such radii as the County Engineer shall determine for special cases. Minimum sight distance for streets shall be as follows:

Street Type	Minimum Curve Radius
Arterial Highway	1,000'
Arterial Roadway	1,000'
Collector	450'
Local	150'

- h) At no street intersection in any zoning district shall an obstruction to vision exceeding two and one-half (2-1/2') feet in height above the street grade be placed or permitted to grow on any lot within the sight triangle formed by the right of way lines abutting the

intersection and a line connecting points on these street lot lines at a distance of thirty-five (35') feet from the point of intersection of each right of way line.

- i) Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
- j) A tangent of at least one hundred (100) feet shall be introduced between reverse curves on collector streets. Horizontal curves on collector streets shall have a minimum of a two hundred and fifty (250) foot radius computed from the center line. Horizontal curves on local streets have a minimum of a one hundred (100) foot radius computed from the center line.
- k) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than seventy-five (75) degrees.
- l) Property lines at street intersections shall be rounded with a radius of twenty-five (25) feet or of a greater radius when the County Engineer deems it necessary. The County Engineer may require comparable cutoffs or chords in place of rounded corners. A comparable chord shall be considered a chord or line connecting the points of tangency of the radius it is replacing.
- m) Residential developments with fifty (50) or more dwelling units or lots shall provide a minimum of two (2) access points. Residential developments with two hundred (200) or more dwelling units or lots shall provide a minimum of three (3) access points.
- n) Half streets shall be prohibited, except in such cases where there exists a half street contiguous thereto. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street dedication of right-of-way shall be platted within such tract and two full lanes of pavement shall be required on the developing property.
- o) Cul-de-sacs shall not be longer than eight hundred (800) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet.
- p) All stub streets shall be properly signed temporarily as "Dead End" at the entrance.

- q) No street names shall be used that will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Planning Commission staff.
- r) Street grades of minor streets shall not exceed ten (10) percent or be less than five- tenths (0.5) of one (1) percent. Street grades of collector streets and major streets shall not exceed five (5) percent. Street profiles shall not change more than three (3) percent per one hundred (100) feet. Grades approaching intersections shall not exceed five (5) percent for a distance of not less than one hundred (100) feet from the centerline of said intersection streets.
- s) All lots shall be provided with at least one (1) driveway for egress and ingress with an approved drainage structure or culvert if necessary. Any culverts that are required shall be provided at the expense of the lot owner or developer, not Tate County.
- t) Shared driveways or ingress/egress easements for residential lots may be approved by the Planning Commission. A maximum of two residential units shall served by one shared driveway.
- u) Shared curb cuts and internal access points between commercial or industrial uses shall be encouraged.

SECTION 502. EASEMENTS

- a) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least twenty (20) feet wide at ground level with an additional six (6) foot overhang on each side from twelve (12) feet above ground and up, or a width designated by the County Engineer.
- b) Where easements intersect or sharp changes in all alignment are necessary, corners shall be cut off sufficiently to permit equipment access as determined by the County Engineer.
- c) No fences or buildings shall be permitted in easements.
- d) Any overhanging limbs, shrubbery, or vegetation of any kind may be removed from the easements at the sole discretion of the maintenance personnel of the utilities installed or to be installed in or above the easements.

- e) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course or an accepted canal or drainage course, and such further width of construction, or both, as determined by the County Engineer to be adequate for drainage purposes.
- f) All easements of any type shall be shown on subdivision plats and recorded.
- g) No ingress/egress easement shall be more than six hundred (600) feet long unless otherwise approved by the Planning Commission and Board of Supervisors.
- h) Land-locked lots or other parcels with less than fifty (50) feet of road frontage in major subdivisions shall be discouraged. However, they may be developed in a limited manner using ingress/egress easements. Land-locked lots of eight (8) acres or less may be developed for two lots with a minimum thirty (30) foot wide easement. This thirty (30) foot wide ingress/egress easement shall not be converted to a public road in the future due the lack of necessary right-of-way. Land-locked parcels of more than eight (8) acres may only be developed with easements that are a minimum of fifty (50) feet wide.
- i) Land-locked lots or other parcels adjacent to the platted subdivision shall be provided an ingress/egress or access easement, however, said easement shall not be an extension of a public street within a platted subdivision. Any existing easement should be relocated to the exterior of the development.

SECTION 503. BLOCKS

- a) The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - 1. The provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - 2. The need for convenient access, circulation, control, and safety of street traffic.
 - 3. The limitation and opportunities of topography.
- b) As a usual practice, blocks shall be generally rectangular and lengths shall not exceed eighteen hundred (1,800) feet or be less than six hundred (600) feet.
- c) Block design shall consider the requirements for individual lots described below.

SECTION 504. LOTS

- a) All subdivisions shall be surveyed and laid out in such a manner that each and every lot intended for sale shall face a public thoroughfare. Flag lots shall be discouraged.
- b) The minimum size, width, yard and area requirements of all lots or parcels shall be in accordance with the zoning district in which they are located.
- c) Residential lots in a subdivision with individual direct access onto an arterial highway shall be discouraged. In instances where such access is permitted, each lot shall have sufficient depth to accommodate a driveway that provides for vehicular egress from the driveway to the arterial in forward motion.
- d) Corner lots and double frontage lots shall have sufficient width to accommodate the required front yard setback from both streets and provide a comparable building area to other lots in the subdivision.
- e) Corner lots and double frontage lots shall have access from only one (1) street. This shall be the street inside the subdivision, a local road and not an arterial. This shall be noted on the subdivision plat.
- f) All lots shall have a minimum frontage of fifty (50) feet measured at the road right-of-way to ensure adequate access width in the future for driveways or proposed roads. Land-locked lots or other parcels with less than fifty (50) feet of road frontage may be developed in a limited manner using ingress/egress easements.
- g) All lots shall have a maximum length to width ratio of 4: 1 meaning the length or depth of a lot cannot be more than four (4) times the lot width measured at the road right-of-way.

ARTICLE VI: REQUIRED IMPROVEMENTS

SECTION 601. IMPROVEMENTS IN SUBDIVISIONS

- a) In consideration of the acceptance by the County and assumption of the responsibility for maintaining the dedicated streets constructed therein, the developer, subdivider or owner of the subdivision shall cause to be constructed, at no expense to the County, the following improvements according to the specifications set forth hereinafter.
- b) All services for utilities shall be made available for each lot in such a manner as will prevent the disturbance of the street pavement and drainage structures when connections are made.

SECTION 602. MONUMENTS

- a) Monuments shall be placed at all corners or changes of alignment along the boundary of the subdivision and at all block corners, angle points of curves in street right-of-way boundary lines. These monuments shall consist of a four (4) inch by four (4) inch concrete post not less than thirty (30) inches in length reinforced with a single one-half (1/2) inch steel rod in the center extending not less than one-fourth (1/4) inch above the top of the concrete.
- b) Markers shall be placed at all corners or changes in alignment in lot boundaries. These markers shall consist of reinforcing rod of not less than one-half (1/2) inch in diameter and not less than twenty-four (24) inches in length.
- c) All monuments or markers shall be set with the top thereof flush with finish grade. Where necessary to prevent disturbance, the monument shall be sunk underground and referenced to permanent landmarks.

SECTION 603. STREETS

- a) The typical cross section for subdivision streets shall conform to minimum standards as follows:

1. Roadway width:

Type of Roadway	Width (as measured from edge of pavement)
Arterial Highway	36 feet
Collector	22 feet
Local	22 feet
Cul-de-sac	80 feet
Alley	16 feet

2. Transverse grade: two (2) percent minimum.
 3. Longitudinal grade: As approved by the County Engineer.
- b) Pavement design for the subdivision shall be as follows:
1. The minimum wearing surface for all roads shall be three and one-half (3 1/2) inches of hot mix asphalt, installed in two (2) lifts of two (2) inches of 12.5mm asphalt and one and one-half (1 1/2) inch of 12.5 mm or 9.5 mm asphalt, and as specified in the most current edition of the Mississippi Standard Specifications for State Aid Road and Bridge Construction. The material shall conform to the appropriate subsection of the same edition unless otherwise approved by the County Engineer.
 2. The minimum pavement design thickness for subdivision streets shall be an twelve (12) inch compacted granular base course or the recommended base thickness as calculated for the estimated daily traffic count recommended for the particular subdivision development conforming to the most current procedures for structure thickness as established by the Office of State Aid Road Construction and as specified in the most current edition of the Mississippi Standard Specifications for State Aid Road and Bridge Construction, Section 304. The materials required and mixing, shaping and compacting of the material shall conform to all applicable sections and subsections for granular material, Class 4, Group B. Tate County reserves the right to inspect the material in place for compliance with these specifications. The owner shall employ an independent laboratory to conduct field compaction tests with a minimum 97% compaction of standard proctor. The County shall require proof rolling, witnessed by the County Engineer or County Engineer's personnel, of the entire roadway subgrade prior to placement of granular material or soil cement or base and immediately prior to the placing of the hot mix surface. The proof roll shall be accomplished with a loaded dump truck as directed by the County Engineer or his

representative. The owner/developer's contractor shall give sufficient notice to the County Engineer in order for the proof roll to be arranged in a timely manner. Upon approval of the subgrade, the contractor may proceed with installation of the base material. After installation of the base material, the contractor shall request another proof roll. Upon approval of the base material, the contractor may place the hot mix asphalt surface. The owner/developer shall be billed by the County Engineer for all proof rolling and inspection on an hourly basis.

3. Alternate methods of base construction include (1) using sand clay topping with either six (6) inch soil cement or eight (8) inch lime fly ash or (2) using existing subgrade material with soil cement percentage based upon a soil cement lab mix design. Both methods for setting up an approved base may be allowed but shall conform and comply with all applicable sections and subsections of the most current edition of the Mississippi Standard Specifications for State Aid Road and Bridge Construction, if requested and approved by the County Engineer. The Owner shall employ an independent laboratory to establish soil cement mix design percentage and conduct field compaction tests with a minimum of 97% compaction of standard proctor.
 4. The minimum wearing surface shall be three and one-half (3 1/2) inches of Hot Bituminous Pavement (Surface Course) conforming to the most recent edition of the Mississippi Standard Specifications for State Aid Road and Bridge Construction, Section 403. The material and construction requirements shall conform to all applicable sections and subsections for surface course hot bituminous mix mixed in a central plant and placed hot, all according to the above mentioned specifications. Two (2) inches of 12 mm asphalt surface course shall be installed upon approval of the base material by the County Engineer. The remaining one and one-half (1 1/2) inches of 12.5 mm or 9 mm surface course shall be installed no sooner than (6) months nor later than eighteen (18) months after installation of the initial surface course, provided, however, that upon completed of at least 70% of the homes and/or other buildings located within the subdivision and with approval by the County Engineer, the Subdivider may install the final lift of asphalt. Prior to the installation of final surface course, the initial surface course shall be inspected by the County Engineer and any defects in the surface course, base, and/or subgrade shall be corrected by the Subdivider.
- c) All residential driveways shall be paved with gravel as a minimum. All commercial driveways shall be paved with a dust-free surface as a minimum.

- d) New or proposed streets shall be constructed at or above 100-year floodplain base flood elevations as determined by FEMA. Exceptions may be made when the existing public street from which access is obtained is below the 100-year flood elevation.
- e) Street signs shall be provided at all intersections.

SECTION 604. WATER SYSTEM

- a) Water facilities shall be provided for all lots in all subdivisions. The water system shall have a sufficient number of outlets and shall be of sufficient size to furnish adequate water supply. Individual water wells may be used only if written approval is obtained from the State Health Department. Where available, new water facilities shall connect to existing facilities, and central water systems are safer and preferred for all types of development. However, a central water system is required for development only in zoning districts R-2 and PD.
- b) In the event that the proposed subdivision is near or adjacent to an existing municipal water system, every effort shall be made by the subdivider to connect the water system of the proposed subdivision with that of the municipality. If the proposed subdivision abuts any municipality or if the subdivision is to be connected to a municipal system, the water system within the subdivision shall conform to specifications required by that municipality as if the subdivision were within the corporate limits of such municipality. In any event, the water system constructed within the subdivision shall meet the requirements of these regulations.
- c) In the event that the proposed subdivision is located within or abuts an existing water district association, the water system within the subdivision shall be connected to such water district association and shall conform to the specifications of such water district association. However, the water system constructed with the subdivision shall meet the minimum requirements of these regulations.
- d) Where possible, water mains shall be located outside of the street right-of-way in a utility/drainage easement, as approved by the County Engineer.
- e) All water systems shall be designed in accordance with the edition of the State of Mississippi Department of Health, Division of Water Quality, Recommended Minimum Design Criteria for Mississippi Public Water Systems that is in effect at the time that the subdivision is approved.

- f) Services in subdivisions receiving water supply from existing municipalities or utility districts shall be in accordance with that municipality or utility district specifications.

SECTION 605. SANITARY SEWERS

- a) Sanitary sewer facilities shall be provided for all lots in all subdivisions and shall conform to all applicable State and local laws pertaining to sewage collection and treatment. Septic tanks or other types of individual sewage treatment facilities may be used only if written approval is obtained from the County Health Department. Where available, new sanitary sewer facilities shall connect to existing facilities because central sewer systems are safer and preferred for all types of development. However, central sewage systems are a pre-requisite to development only for the R-2 and PD zoning districts.
- b) In the event the proposed subdivision is near or adjacent to an existing municipal sewer system, every effort shall be made by the subdivider to connect the sewer system of the proposed subdivision with that of the municipality. If the proposed subdivision abuts any municipality or if the subdivision is to be connected to a municipal system, the sewer system within the subdivision shall conform to the specifications required by that municipality as if the subdivision were within the corporate limits of such municipality. In any event, the sewer system constructed within the subdivision shall meet the minimum requirements of these regulations.
- c) All sanitary sewer systems shall be designed in accordance with the State of Mississippi Department of Environmental Quality regulations as published in the most current version of the Guidelines for the Design of Publicly Owned Wastewater Facilities in effect at the time that the subdivision is approved.

SECTION 606. STORM DRAINAGE

- a) Materials and construction shall conform to the most current edition of the Mississippi Standard Specifications for State Aid Road and Bridge Construction that is in effect at the time that the subdivision is approved.
- b) Drainage structures shall be sized in accordance with the most current edition of the Mississippi Standard Specifications for State Aid Road and Bridge Construction that is in effect at the time that the subdivision is approved. Drainage structures are subject to the approval of the County Engineer.
- c) Reinforced concrete headwalls or flared end sections shall be provided on eighteen (18) inches of pipe, and larger. The minimum diameter for storm drain pipe shall be eighteen

(18) inches and the length shall be based upon the typical section of the road as approved by the County Engineer. All corrugated metal culverts shall have a minimum wall thickness of fourteen (14) gauge metal with an asphalt coating. Concrete culverts shall be a minimum of Class III reinforced concrete. All driveway culverts shall have a minimum pipe length of twenty (20) feet.

- d) Adequate protection of invert slopes shall be provided to prevent erosion.

SECTION 607. GENERAL GRADING

- a) Grading and centerline gradients shall be in accordance with plans and profiles approved by the County Engineer.
- b) Areas to be graded by cutting or filling shall be rough graded to within two-tenths (0.2) of a foot of the accepted elevation after necessary allowance has been made for the thickness of topsoil, paved areas, and other installations.
- c) Final cross sections and profiles of streets and other installations shall conform to grades approved by the County Engineer. Elevations shall be based on mean sea level.
- d) All timber, logs, trees, brush, vegetable matter, and other rubbish shall be removed, or otherwise disposed of in accordance with the rules and regulations of the Mississippi Air and Water Pollution Control Commission so as to leave areas that have been disturbed with a neat and finished appearance.

SECTION 608. EROSION AND SEDIMENT CONTROL

- a) Installation of the required improvements shall be done in such a manner as to provide for the most effective control of erosion and sediment. Each plat shall be accompanied by an erosion and sediment control plan that shall be submitted to the County Engineer and the Tate County Soil and Water Conservation District for review and recommendations. At minimum, the controls shall be in accordance with the standards set forth in the most current edition of the Mississippi Department of Environmental Quality (MDEQ) Planning and Design Manual for the Control of erosion. Sediment and Stormwater, or equivalent MDEQ publication that is in effect at the time that the subdivision is approved. The erosion and sediment control plan, at minimum, shall include the following:
 - 1. A list and brief description of each control measure that will be used.
 - 2. A scaled site map clearly showing the existing and proposed contour lines, drainage ways, north arrow and location and type of each erosion and sediment control measure.

3. An implementation sequence indicating the order in which the erosion and sediment control activities will take place.
 4. An inspection and maintenance schedule for all disturbed areas, material storage areas and erosion and sediment controls that were identified in the plan.
 5. The plan should designate areas for equipment maintenance and repair, provide waste receptacles at convenient locations, provide regular collection of waste, provide protected storage areas for chemicals, paints, solvents, fertilizers, and other potentially toxic materials and provide adequately maintained sanitary facilities.
 6. Examples of acceptable vegetative controls include, but are not limited to, the following: vegetative buffer zones, sod stabilization, protection of trees, tillage with lime and fertilizer, temporary seeding, permanent seeding, mulching, erosion & sediment control blankets and surface roughening.
 7. Examples of acceptable temporary structural controls include, but are not limited to, the following: diversion, silt fences, straw bale barriers, storm drain inlet protection, sediment basins, riprap outlet protection, check dams, level spreaders and construction entrances and exits.
- b) The erosion and sediment control plan shall be developed using the following technical principles:
1. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
 2. Whenever feasible, natural vegetation shall be retained and protected.
 3. The smallest practical area of land shall be exposed at any one time during development.
 4. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
 5. Divert upslope water around disturbed areas.
 6. Slow rainfall runoff velocities to prevent erosive flows.
 7. Remove sediment from storm water before it leaves the site by allowing runoff to pond in controlled areas or by using natural vegetation, brush barriers, silt fences or hay bales.
 8. Transport runoff down deep slopes through lined channels or piping.
 9. Minimize the amount of cut and fill.

10. Provisions shall be made to effectively accommodate the runoff caused by the changed soil conditions during and after development.
 11. Permanent final vegetation and structures shall be installed as soon as practical in the development.
- c) If work is discontinued for thirty (30) days or more in a disturbed area before the project is completed, appropriate interim controls shall be initiated within seven (7) calendar days from the day that work was discontinued.
 - d) Non-functioning control measures shall be repaired, replaced or supplemented within twenty-four (24) hours of discovery or as soon as field conditions allow.
 - e) Erosion and sediment controls shall remain in place and in functioning condition for the duration of construction activity and until the areas that they protect are completely stabilized.
 - f) Project sites with areas of five (5) acres or more will be subject to the Mississippi Department of Environmental Quality (MDEQ) Office of Pollution Control (OPC) requirements for a Storm Water Construction General Permit if the project includes any clearing, grading, excavation and/or other land disturbance.
 - g) In accordance with State law, any subdivision that is five (5) acres or greater in size shall be required to have the following statement on the final subdivision plat or in the restrictive covenants prior to recording:

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

The Purchaser shall be required to maintain property in such a condition as to minimize off-site damage from erosion, sediment deposits and storm water. This requirement will be in effect from the beginning of site preparation and continued through the establishment of permanent vegetative cover. Purchaser acknowledges and agrees that Seller is not responsible for damages which may be suffered by

Purchaser or other property owners or parties as a result of site preparation work carried out by Purchaser and his/her subcontractors and Purchaser agrees to hold Seller harmless from any such damages sustained in connection therewith.

SECTION 609. CARE OF AREA DURING CONSTRUCTION

- a) Contractors and builders shall be responsible on a daily basis for cleaning up all loose paper and/or other material that may be scattered by the wind and for preventing such material from scattering through a subdivision or to adjoining property. The project site shall be kept in a clean and unlittered manner. Contractors and builders who fail to comply with this requirement shall be subject to the penalties outlined in Article VII, Section 703 of these regulations.
- b) Contractors and builders shall not allow waste materials, glass, dirt and debris to be placed or to remain in a public street or road. Surplus dirt shall not be graded or pushed into a street or road. Contractors and builders who fail to comply with this requirement and/or fail to remove any of the above items from the street or road when instructed by the County Engineer shall be subject to the penalties outlined in Article VII, Section 703 of these regulations.
- c) All job sites shall have access to portable toilet facilities provided by the contractor. The facilities shall be located within three hundred (300) feet of the job site and must be maintained until the job has been through final inspection or toilet facilities within the job site are usable and accessible.

SECTION 610. PERFORMANCE AND MAINTENANCE BONDS

610.1 GUARANTEE OF COMPLETION OF IMPROVEMENTS

- a) Installation of Required Improvements: The developer shall be responsible for the provision of all required improvements to the subdivision at no cost to the County. This may be accomplished by either the full installation of all required improvements by the developer at the time the Final Plat is to be submitted to the Board of Supervisors or by the provision of a financial guarantee of performance.
1. Subdivision Improvement Bond: The guarantee of performance by the developer shall be in the form of an acceptable bond and shall meet the following requirements:

- i. Acceptance of Bond: The bond must be approved by the Board of Supervisors and the Board Attorney.
 - ii. Licensing: The bond shall be obtained from a company that is licensed to do business in Mississippi.
 - iii. Value of Bond: The bond must be in an amount equal to one hundred and twenty-five percent (125%) of the cost of installing all improvements that have not been installed, as estimated by the County Engineer.
2. Failure to Complete Work: If within twelve (12) months after filing said bond, the developer has not completed all necessary improvements or if in the opinion of the County Engineer or Board of Supervisors said improvements have not been satisfactorily installed, the bond shall be used by the County to complete the improvements in satisfactory fashion, or the County may take such steps as may be necessary to require performance under the bond. The developer is responsible for all costs of providing the required and necessary improvements. This includes amounts that may be beyond those covered in the performance bond. In case of the developer's failure to complete the required work, it shall include any costs to complete the work, all attorneys' fees, and other costs incurred in the collection of the amount for the required improvements.
- b) Inspection and Certification of Improvements: If the County Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the County's adopted construction standards and specifications, the developer shall be responsible for completing the improvements and bringing need improvements to compliance with these regulations. Whenever the cost of improvements is covered by a bond, the developer and the bond company shall be severally and jointly liable for completing the improvements according to specifications.

Upon completion of the improvements, the developer shall file with the Board of Supervisors a statement stipulating the following:

1. That all required improvements are complete.
2. That these improvements are in compliance with the minimum standards specified by the Board of Supervisors and the County for their construction.
3. That the developer knows of no defects from any cause in these improvements.
4. That these improvements are free and clear of any encumbrance or lien.

The developer shall also file with the Board of Supervisors an agreement dedicating said improvements to the County. Upon completion of these improvements, the County Engineer shall file with the Board of Supervisors a statement either certifying that the

improvements have been completed in the specified manner or listing the defects in these improvements.

If the County Engineer has certified that the contracted improvements are complete and free from defect, then upon receipt of the other statements and agreements detailed above, the County may accept the dedication of these improvements. The County may, at its discretion, accept the dedication of any portion of the required improvements, provided that all statements and agreements specified above have been received for that portion of the improvements.

- c) Reduction of Guarantee: In those cases where an improvement guarantee has been made under these regulations, the amount of the performance bond may be reduced upon acceptance and compliance with these regulations and of the dedication of a portion of the required improvements. The bond shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall the bond be reduced below twenty-five percent (25%) of the principal amount.
- d) Release of Guarantee: Upon acceptance, in accordance with these regulations of the dedication of the final portion of improvements, the Board of Supervisors may release of the remaining portion of the performance bond.
- e) Maintenance of Improvements: The applicant shall be required to file a maintenance bond with the County prior to dedication in an amount considered adequate by the County Engineer, and in a form satisfactory to the Board's Attorney, in order to assure the satisfactory condition of the required improvements for a period of (2) years or until 85% of the lots are developed, whichever is greater, after the date of the acceptance of the Final Plat by the Board of Supervisors and dedication of the County. This may be the performance bond that has been adjusted and converts to a maintenance bond. After the maintenance period and building has been completed, the County Engineer may recommend reduction or release of the maintenance bond for approval by the Board of Supervisors.

ARTICLE VII: ADMINISTRATION

SECTION 701. FEES

- a) At the time of filing an application for Preliminary Plat approval and Final Plat approval with the Tate County Planning Commission, the subdivider/developer shall pay to the Chancery Clerk a filing fee satisfactory to and as approved by the Board of Supervisors. No action of the Planning Commission or Board of Supervisors shall be valid until the fee has been paid to the Chancery Clerk. This fee shall be charged on all plats, regardless of the action taken, whether the plat is approved or disapproved.
- b) At the time of final inspection, the subdivider/developer shall pay engineering fees in an amount satisfactory to and as approved by the Board of Supervisors plus the prevailing mileage rate to cover the cost of final inspection by the County Engineer.

SECTION 702. VARIANCES

- a) Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, and/or the purpose of these regulations may be served to a greater extent by an alternative proposal, minor modifications from the regulations may be granted, provided that such variance will not have the effect of nullifying the intent and purpose of these regulations. The Planning Commission shall not grant variances unless it shall make findings based upon the evidence presented in each case that:
 - 1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the surrounding vicinity or neighborhood in which the property is located.
 - 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not generally applicable to other property.
 - 3. Because of the particular physical surroundings, shape or topographical conditions of the specific piece of property involved, a particular hardship to the owner would result, as distinguished from an inconvenience to the property owner or a self-inflicted condition caused by the property owner.
 - 4. The purpose of the variance is not based primarily upon financial consideration to the property owner.

- b) In granting variances, the Planning Commission may require such conditions that are necessary, in their judgment, to secure substantially the objectives of the standards or requirements so varied or modified.
- c) The County Planner may administratively grant variances that are up to 25% of the total request possible if it is determined that the variance would be granted if heard by the whole Commission, and the delay in construction would be detrimental to the applicant who would have to wait for hearing before the Commission. This approval would be followed up with an affirmation by the Commission at its next hearing.
- d) In all instances, a petition for a variance from these regulations shall be submitted in writing by the applicant to the Planning Commission for approval. The written request shall specifically state the variance(s) requested and the justification under which it (they) should be granted.

SECTION 703. PENALTIES

Any person, firm, entity or corporation using an unapproved and unrecorded plat in the sale of subdivided land or violating any of the terms or provisions of these subdivision regulations shall be guilty of a misdemeanor and, upon conviction, shall be punished by fine of not more than one hundred dollars (\$100.00). Each violation and each day of failure to comply with the provisions of these regulations shall constitute separate violations.

SECTION 704. AMENDMENTS

The Planning Commission may from time to time recommend adoption of amendments in order to increase the effectiveness of these subdivision regulations. The subdivision regulations may be revised or amended by the Board of Supervisors after holding at least one (1) public hearing and providing adequate public notice at least fifteen (15) days prior to the hearing as required by law.