

Subdivision

ORDINANCE NO. 615

WHEREAS, the Planning Commission conducted numerous meetings concerning the adoption of a new zoning ordinance, known as the "SmartCode", and received citizen's input over the past year and the City has also employed the services of Dr. Jeff Bounds, an urban planner, and others to study the matter and make recommendations regarding the matter; and

WHEREAS, the Mayor and Board of Aldermen conducted public hearings as required by State Statute to receive further citizen input; and

WHEREAS, due to the material and substantial changes in the community since the adoption of the previous zoning ordinance, including those changes brought about by the destruction caused by Hurricane Katrina and the anticipated increases in the flood elevations that will be required by FEMA, and the public need for rezoning, the City desires to adopt new Subdivision Regulations in the City of Pass Christian, MS; and

WHEREAS, the newly adopted Subdivision Regulations will support the objectives of the new Comprehensive zoning plan recently adopted by the City and will promote the purposes and objectives set forth in MCA Section 17-1-9, as amended; and

WHEREAS, it was in the best interests of the citizens of our community to protect their investment in their property and it has preserved the public health, safety and welfare of the City by adopting the new Subdivision Regulations; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN AS FOLLOWS:

I.

The new Subdivision Regulations as proposed by and recommended by the Planning Commission and the City's Urban Planner attached hereto and incorporated herein by reference as Exhibit "A" are hereby adopted. The previously adopted subdivision regulations are hereby repealed.

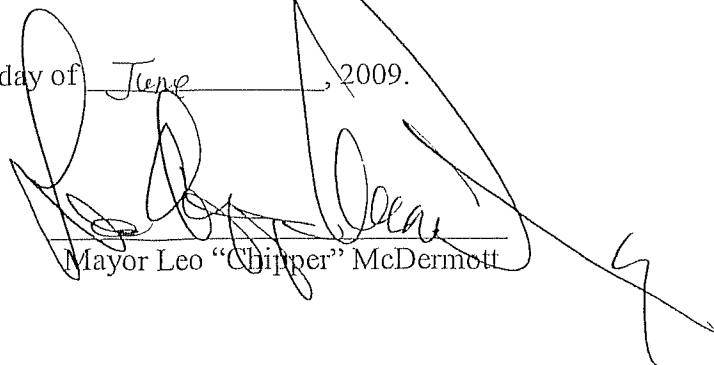
II.

That the sections of this Ordinance and the provisions of same are deemed to be Separate and independent from each other and if any section, provision, clause, phrase or portion of this Ordinance or the application thereof shall be held invalid or unconstitutional in any court of competent jurisdiction, such holding shall not affect or limit the enforcement of this Ordinance.

III.


This Ordinance shall not take effect and be in full force and effect until after it has been enrolled and published in the manner required by law and for a period of thirty days after its adoption.

SO ORDAINED this the 16 day of June, 2009.



Mayor Leo "Chipper" McDermott

ATTEST



Deputy City Clerk

Pass Christian Subdivision Regulations 2009

Article I

Section 101 – The Need for Land Subdivision Regulations

The Subdivision Regulations listed here are established to promote the health, safety, convenience, and general welfare of the residents and visitors of the City of Pass Christian. Minimum standards are used to guide the coordinated and efficient economic and aesthetic development of the land within the City.

Section 102 – Authority for Regulations

The authority for these Regulations comes from the powers delegated to the municipality by the State Constitution and the Mississippi State Statutes. This authority can be found in Mississippi Statute 17-1-23. The Regulations listed here are called the “Subdivision Ordinance of the City of Pass Christian, Mississippi.”

Section 103 – The Purpose of these Regulations

Fulfilling the objectives listed in Section 101, Article I is the purpose of these regulations. The following procedures, standards, and guidelines are put in place to accomplish this goal:

- A. Defining procedures and the minimum standards which must be followed to obtain approval and subsequently file land subdivision plats;
- B. Identifying the SmartCode and these regulations as guides to developing streets within the City of Pass Christian;
- C. Defining minimum standards for utilities and other required improvements within the subdivision;
- D. Identifying the penalty imposed for a violation of these Regulations; and
- E. Create a means for variance from these Regulations under specific conditions.
- F. To ensure that development contiguous to urban areas should be structured in the Neighborhood pattern and be integrated with existing urban development.
- G. To ensure the development non-contiguous to urban areas should be structured in the pattern of clusters and traditional Neighborhood or Villages;
- H. To ensure that development should be compact, pedestrian-oriented and mixed-use.

- I. To ensure that interconnected networks of Thoroughfares should be designed to disperse traffic and reduce the length of automobile trips.
- J. To ensure that development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public space.
- K. To ensure that within Neighborhoods, a range of housing types and price levels exists to accommodate diverse ages and income.
- L. To ensure that a range of open space, including parks, squares and playgrounds should be distributed within Neighborhoods and urban centers.

Section 104 – Subdivisions Governed by these Regulations - Jurisdiction

These Regulations shall apply to all the subdivisions of land under 10 acres which do not propose a new street into two or more lots within the City of Pass Christian, Mississippi upon adoption and following adoption. Where a conflict arises between these Regulations and the SmartCode, the SmartCode shall govern. These Regulations only apply to plats or subdivisions approved by the City and duly recorded upon and following the effective date of these Regulations, including re-subdivisions of land which was subdivided prior to the effective date of these Regulations.

Article II – Definitions

The following definitions provide the meanings for the words and phrases contained in these Regulations. Terms not defined here may be defined in the SmartCode, as such, the SmartCode definitions apply.

1. Alley: A street, public or private right-of-way, which allows vehicular access to the back or side of abutting properties. Alleys are the preferred location for public utilities.
2. Bicycle Lane: A travel lane dedicated to bicycle use running within a moderate-speed vehicular thoroughfare, demarcated by striping.
3. Bicycle Route: A thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.
4. Bicycle Trail: A bicycle way running independently of a high-speed vehicular thoroughfare.
5. Block: The aggregate of private lots, passages, rear lanes and alleys, circumscribed by thoroughfares and impassable natural features such as waterways.

6. Boulevard: A thoroughfare designed for high vehicular capacity and moderate speed. Boulevards are long-distance thoroughfares traversing urbanized areas. Boulevards are usually equipped with slip roads buffering sidewalks and buildings. Boulevards become arterials upon existing urban areas.
7. Board: The Board refers to the Mayor and Board of Aldermen of the City of Pass Christian, Mississippi.
8. Buildable Area of a Lot: The area of a lot remaining once the requirements of the SmartCode have been met.
9. Building Line or Setback Line: A line or lines showing the limits of how far away from the property edge a building must be placed.
10. Building Permit: A document issued by Pass Christian which allows the construction, erection, or placement of a structure upon a lot in an approved and recorded subdivision.
11. By Right Permit: A proposal for a building or community plan that complies with this code and may thereby be processed administratively, without public hearing.
12. Civic Space: An outdoor area dedicated for public use. Civic space types are defined in the SmartCode by the combination of certain physical constants including the relationship between their intended use, their size, their landscaping and their enfronting buildings. (Refer to Table 13 in the Pass Christian SmartCode.)
13. Composite Lot: A plot of land comprising several contiguous individual abutting lots under common ownership which are treated as a single lot for the purpose of meeting Setbacks and other Building Disposition requirements as defined in the SmartCode. Composite lots do not establish a vacation of existing parcel lines nor do they establish a new legal description for use in real estate interests.
14. Condominium: "means that form of ownership of property under which units of improvements are subject to ownership by different owners and there is appurtenant to each unit as part thereof an undivided share in the common areas," (Miss. Code of 1972, Sec. 89-9-5).
15. Condominium Common Areas: "Common areas" means the entire project excepting all units therein granted or reserved," (Miss. Code of 1972, Sec. 89-9-5).

16. Condominium Unit: "means the elements of a condominium which are not owned in common with the owners of other condominiums in the project," (Miss. Code of 1972, Sec. 89-9-5).
17. Consolidated Review Committee (CRC): An administrative body organized by the Planning Commission and consisting of the City Planner, the City Architect, and a representative from each of the various regulatory agencies that have jurisdiction over the permitting of a project, as well as a representative of the DDC, if one is established.
18. Curb: The edge of the vehicular pavement detailed as a raised curb or flush to a swale. The Curb usually incorporates the drainage system.
19. Dead End Street: A street, other than a cul-de-sac, which has access from only one end.
20. Developer: A person who develops or improves land or the structures on the land.
21. Development: The act of adapting land for human use by placement of structures or other site improvements.
22. Dwelling Unit: A building or portion of a building intended for human housing for a single social unit. For the purposes of this Code, any building or portion of a building with enclosed habitable space serving each of the following three functions in a mutually accessible arrangement shall be considered a single dwelling unit: (1) space sufficient to allow a person to sleep; (2) a kitchen or space functionally equivalent to a kitchen; (3) a bathroom or space functionally equivalent to a bathroom, including both toilet and bathing facilities. Any mutually accessible arrangement of such facilities which is separable from other such arrangements by means of lockable doors shall be considered a separate Dwelling Unit.
23. Easement: A right of a person to use another person's real property for specific purposes. Easements are commonly used to run utility lines across another person's property.
24. Engineer: A person qualified as a Professional Engineer in the State of Mississippi.
25. FEMA: The Federal Emergency Management Agency. FEMA administers the National Flood Insurance Program, which impacts development and buildings through local communities' Flood Damage Prevention Ordinances.
26. Flood Hazard Area: Any of several types of areas recognized for some degree of potential flood threat which may be identified and regulated by the City of Pass

Christian's Flood Damage Prevention Ordinance. See the Flood Damage Prevention Ordinance for detailed descriptions of the various regulated Flood Hazard Areas.

27. Grade, Finished: The final surface of land, road and walks that conforms to the approved plans.
28. Greenway: An open space corridor in largely natural conditions which may include trails for bicycles and pedestrians.
29. Gross Area: The total area of a development or district, including thoroughfares but not civic functions.
30. Light Imprint: Design framework integrating environmental engineering approaches with urban design, as specified by either the Light Imprint Handbook or the U.S. Environmental Protection Agency's Best Management Practices for Stormwater Management.
31. Lot: A duly recorded parcel of land.
32. Lot Area: The area contained within an individual lots parcel lines.
33. Lot-Level Area: The total area of a development or district included in individual lots, excluding the area covered by thoroughfares and civic functions.
34. Lot, Corner: A lot abutting two or more public Thoroughfares at the intersection of those Thoroughfares.
35. Lot, Depth: The mean horizontal length of the sidelines of a lot measured between the front and rear lot lines.
36. Lot, Double Frontage: A lot which abuts two streets on two opposite sides of the lot.
37. Lot Line: The boundary that legally and geometrically demarcates a lot. Such lines appear graphically on plans. Codes reference lot lines as the baseline for measuring setbacks.
38. Lot, Reverse Frontage: A lot which abuts two streets from opposite, parallel sides of the lot where one side fronts a minor street and the other side fronts a major street where access is only available to the minor street.
39. Lot Width: The length of the principal frontage line of a lot.

40. Outbuilding: An accessory building, usually located towards the rear of the same lot as a Principal Building. It is sometimes connected to the principal building by a Backbuilding.
41. Path: A pedestrian way traversing a park or rural area, with landscape matching the contiguous open space. Paths should connect directly with the urban sidewalk network.
42. Planning Commission: The Planning Commission of the City of Pass Christian, Mississippi.
43. Plat, Final: A map of the land prepared in accordance with these regulations as an instrument of real estate interests to be recorded.
44. Plat, Preliminary: A map of a proposed land subdivision showing the proposed layout of the property tract in enough detail to show that the intended use is suitable to the land. Guidelines for preparing the preliminary plat are a subject of these regulations.
45. Pocket Park: Civic space meeting the general size and location requirements of a playground but intended for general use rather than for the use of children. A pocket park shall include at a minimum seating for two, a trash receptacle, lighting, and landscaping. Pocket parks are generally quite small and should include more intensive landscaping and public art than other forms of civic space.
46. Primary-Secondary Grid: Thoroughfare designations appearing on the Regulating Plan.
47. Private drive: A street which is not dedicated for public use.
48. Private Frontage: The privately held layer between the frontage line and the principal building facade.
49. Public Frontage: The area between the curb of the vehicular lanes and the frontage line. Elements of the public frontage include the type of curb, walk, planter, street tree and streetlight.
50. Public Use: Administrative, civic and cultural buildings, lots, and facilities operated by any governmental agency.
51. Public Utility: Any person, firm, corporation, municipal department, or board which is authorized under state or municipal regulations to furnish public services such as electricity, gas, water, sewer, telephone, telegraph, or transportation.

52. Right-of-way: A grant by the property owner, usually in the form of a dedication to the public, of a strip or strips of land to be used primarily for transportation passage over the property owner's land.
53. Rear Alley: A vehicular driveway located at the rear of lots providing access to service areas and parking, and containing utility easements. Alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll curbs at the edges.
54. Rear Lane: A vehicular driveway located to the rear of lots providing access to parking and outbuildings and containing utility easements. Rear lanes may be paved lightly to driveway standards. Its streetscape consists of gravel or landscaped edges, no raised curb and is drained by percolation.
55. Sector: A neutral term for a geographic area. In the SmartCode there are six specific Sectors that establish the legal boundaries for several kinds of development.
56. Service Boundary Line: The extent of potential or feasible urban growth as determined by the extension of infrastructure, principally sewer.
57. Sidewalk: The paved layer of the public frontage dedicated exclusively to pedestrian activity.
58. Site Line Obstruction: Any visually obstructive object in the path of a protected sight line which is of greater than 32 inches width measured at or above 2 feet above street grade at least 10 feet from the nearest right-hand travel lane, or of greater than 24 inches width measured at or above 2 feet above street grade less than 10 feet from the nearest right-hand travel lane, and which in composite effect exceeds an average capacity of 75% below 32 inches height above frontage line grade, or which exceeds 25% capacity above 32 inches height above frontage line grade and below 8 feet height above frontage line grade. Such measure shall exclude fully obstructive horizontal bands of no more than 3.5 inches total vertical thickness below 4 feet above grade at the frontage line and 2 inches of total vertical thickness between 4 feet and 8 feet above grade at the frontage line.
59. Special District: Special district designations shall be assigned to areas that, by their intrinsic function, disposition, or configuration, cannot conform to one of the Transect Zones or Community Types specified by the SmartCode. Typical districts may include large parks, institutional campuses, refinery sites, airports, etc.

60. Streamside Corridor: The zone within which a waterway flows, its width to be variably interpreted according to the transect zone.
61. Street: A local urban thoroughfare of low speed and capacity. Its public frontage consists of raised curbs drained by inlets and sidewalks separated from the vehicular lanes by a planter and parking on both sides. The landscaping consists of regularly placed street trees. This type is permitted within the more urban Transect zones defined in the SmartCode.
62. Street, Arterial and Highway: A major thoroughfare used for fast or heavy traffic.
63. Street, Collector: A low-volume and low-speed minor street which runs within and between neighborhoods, funneling traffic onto the arterial streets.
64. Street, Cul-de-sac: A minor thoroughfare with a turn-around at one-end that is permanently closed to through traffic.
65. Street, Frontage or Service: A thoroughfare which is parallel to an arterial street, divided from the arterial, and providing access to abutting properties.
66. Street Grade: The officially established grade of the thoroughfare upon which a lot fronts. If there is not an official grade, the existing grade of the street at the center of the right-of-way shall be considered as the street grade.
67. Street, Major: A thoroughfare other than an arterial street or highway, which also provides access to various traffic generators within the city and connects with the city arterial street and highway system.
68. Street, Minor: A thoroughfare which is used primarily for access to the abutting properties.
69. Streetscape: The urban element that establishes the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).
70. Streetscreen: sometimes called Streetwall. A freestanding wall built along the frontage line, or coplanar with the adjacent Façade, often for the purpose of masking a parking lot from the thoroughfare.

71. Subdivider: A person or group acting as a unit proposing to subdivide land.
72. Subdivision: The division or re-division of land into 2 or more parcels in order to allow the transfer of ownership and/or development of the land. This also includes the dedication or vacation of a public or private right-of-way or easement.
73. Thoroughfare: A vehicular way incorporating moving lanes and parking lanes within a right-of-way.
74. Transect: A system of ordering human habitats in a range from the most natural to the most urban. The SmartCode is based upon six Transect Zones which describe the physical character of place at any scale, according to the density and intensity of land use and urbanism.
75. Transect Zone: Mixed-use zones regulated under Article 5 of the City's SmartCode Comprehensive Land Use Ordinance. Transect zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are integrated, including those of the private lot and building and the enfronting public streetscape. The elements are determined by their location on the Transect scale. The transect zones are defined in the SmartCode.
76. Use: The specific purpose or purposes for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" does not include any non-conforming use.

ARTICLE III

Administrative Procedures

Section 301. Preapplication Review

The subdivider or the subdivider's agent should meet with the Planning Office prior to submitting an application for preliminary plat approval. The meeting should cover current and proposed developments affecting the property being subdivided as well as the review of the minimum standards presented in these regulations and the Pass Christian SmartCode. A sketch of the proposed development will be provided by the subdivider at this time.

Section 302. When a plat is required.

A plat is required when the following subdivisions are being proposed:

- A. The division of land into two or more lots or parcels when the land is under 10 acres.
- B. The division of land, previously subdivided or platted;
- C. The dedication, vacation or reservation of any public or private easement across any tract of land; and
- D. The dedication or vacation of any thoroughfare or alley.
- E. The division of property to create a condominium pursuant to and in accordance with Sec. 89-9-13 of the Mississippi Code of 1972.
- F. An exception to the plat submittal requirements may be granted by the Planning Commission when shown that undue hardship may be created by compliance to the platting requirements where unusual lot sizes are being subdivided and no new public street is being provided since a single private access point to the subdivided lots is being created. Under this circumstance, only a lot survey establishing dimensions of the lots to be created and proof of ownership of the land to be subdivided will be required. The dimensions of the access easement being created must be shown on the survey to allow the easement to be recorded along with the lot dimensions. Such easements shall meet length and width dimensions necessary to provide adequate fire protection for all of the lots proposed. Lots created by such subdivision shall meet the requirements of the SmartCode.

Section 303. Procedure for Plat Approval

303.1 Submit an application for preliminary plat approval

After the preapplication review has taken place, one of the following will take place:

- A. For subdivisions occurring within infill areas as defined by the SmartCode, an application as detailed in these regulations and five copies of the preliminary plat, drawn according to the guidelines of these Regulations, with a general plan for the development will be submitted to the CRC for review and administrative approval. If the development does not strictly adhere to these Regulations and the Pass Christian SmartCode, the application will go before the Planning Commission for consideration and public hearing. When platting a condominium project, the initial division of the property by plat to subdivide the ground may

occur prior to establishing lot lines for the condominium units. When platting the condominium units and defining the common areas, the review of the unit plat may occur administratively.

- B. For subdivision occurring in growth areas as defined by the SmartCode and applications in infill areas which do not strictly adhere to these Regulations and the Pass Christian SmartCode, the subdivider or the subdivider's agent at least thirty days prior to the next regular meeting of the Planning Commission, will submit to the CRC an application as detailed in these Regulations and five copies of the preliminary plat, drawn according to the guidelines of these Regulations, with a general plan for the development of the entire subdivision. Upon review and recommendation by the CRC, the Planning Commission will consider the application in a public hearing.

303.2 Preliminary Plat Requirements

- A. Scale

The preliminary plat will be drawn to a minimum scale of one inch equals one hundred feet.

- B. Sheet Size

The sheet size will be 30 x 40 inches. More than one sheet may be used if needed and an index map will be provided.

- C. Ground Elevations

The preliminary plat will show ground elevations based on mean sea level.

1. For land with slopes of less than 2 percent, contours will be shown at two foot intervals. Spot elevations along drainage channels, swales, and at selected points where changes are not easily seen by the contours will also be shown.
2. For land with slopes of and over 2 percent, contours will be shown at five foot intervals.
3. A tie to one or more benchmarks will be shown.

D. Existing Conditions

Existing conditions will be shown.

1. Title under which the proposed subdivision is to be recorded, with the name and addresses of all owners;
2. A statement of the acreage included in the subdivision;
3. The scale of the plat in graphic form with a north arrow and date of the survey;
4. A legal description;
5. A vicinity map showing the location and limits of the proposed subdivision;
6. Exact boundary lines of the tract with bearings and distances along the boundary and mathematical closure of the survey;
7. Thoroughfares on and adjacent to the tract, including the name, right-of-way width and type of surfacing;
8. Easements, including the location, width and purpose;
9. Location and sizes of trees as regulated under the City's SmartCode ordinance in conjunction with the City's Tree Protection Ordinance.
10. All utilities
 - a. Location, size and invert elevation of any sanitary, storm and/or combined sewers
 - b. Location and size of water mains
 - c. Location of any fire hydrants
 - d. Location and size of gas lines
 - e. Location of electric power lines, including pole or tower location
 - f. Location of telephone poles and street lights
 - g. The direction and distance to and size of nearest water supply mains and outfall sewers if these are not on or adjacent to the proposed subdivision.

11. Other existing conditions on or adjacent to the tract such as water bodies, swamps, wooded areas, general soil conditions, houses, barns and other buildings, or other natural or artificial features.

G. Proposed Improvements

All proposed improvements will be shown in accordance with these Regulations and the Pass Christian SmartCode.

1. Thoroughfare naming conventions and buildout shall be consistent with the requirements of the City's SmartCode.
2. Alleys shall be detailed in the same manner as Thoroughfares.
3. Lots, with lot and block numbers and dimensioned lot lines. Condominium unit lot lines and common area divisions shall be shown pursuant to and in accordance with Mississippi Code of 1972 Sec. 89-9-13.
4. Sites to be reserved or dedicated for public use, or for civic functions.
5. Location, width and purpose of all right-of-ways or easements.
6. All nonpublic uses exclusive of single-family dwellings;
7. Proposed transect zone assignments consistent with the designated proposed Community type in the case of a New Community Plan or Infill Plan, or existing Transect Zone assignments for proposed subdivisions within Infill areas without an Infill Plan.
8. Minimum and maximum setback lines;
9. All residential lots and lot sizes, numbering the lots for identification;
10. A copy of the proposed deed restrictions or protective covenants affecting the proposed subdivision;
11. The official zone of the property as shown on the official Zoning Map of the City of Pass Christian.
12. Engineer's or surveyor's seal and the date.

H. The Certificate of Preliminary Plat Approval

The following certificate will be shown on the plat:

"Pursuant to the Land Subdivision Regulations of Pass Christian, Mississippi, all the requirements for approval of a preliminary plat having been met, this preliminary plat was approved by the Pass Christian Planning Commission on _____, 20___. This approval does not constitute approval of a final plat or the authority to begin construction of improvements in the subdivision. This certificate of approval shall expire and be null and void on _____, 20___."

Signature _____

Secretary, Pass Christian Planning
Commission

Date _____

303.3 Review of the Preliminary Plat

Applications will be submitted to the CRC at least thirty days in advance of the next Planning Commission meeting. The CRC will make an initial review of all subdivision applications. Review of all applications will occur within two weeks after their submittal to the CRC.

For subdivisions occurring in the infill areas as defined by the Pass Christian SmartCode, the CRC will determine if the application strictly adheres to these regulations and the SmartCode. For subdivisions which do strictly adhere to these regulations and the SmartCode, the CRC will make an administrative determination of approval or denial. For such applications which are approved, such action will be noted on two copies of the preliminary plat. For applications which are denied, a statement of reasons for disapproval will be included on the plats. One copy of the plat will be returned to the subdivider and one copy will be kept in the Planning Commission records.

For subdivisions occurring in growth areas as defined by the Pass Christian SmartCode or subdivisions occurring in the infill areas which do not strictly adhere to these regulations and the SmartCode, the CRC will review the application and make a recommendation to the Planning Commission.

The Planning Commission will afford a hearing on such plats where the Planning Commission deems a hearing to be necessary. The subdivider will be notified by certified mail of the date, time and location of the hearing not less than ten days before the date of the hearing.

Action to approve or disapprove the plat will be taken by informal review or by public hearing and then noted on two copies of the preliminary plat. A statement of reasons for disapproval will be included on plats which do not obtain approval from the Planning Commission. One copy of the plat will be returned to the subdivider and one copy will be kept in the Planning Commission records.

All designs must be submitted to the proper reviewing authorities prior to consideration of the preliminary plat, and documentation of such must be provided to the City of Pass Christian and the City Engineer. A grading and drainage plan, including design calculations stamped by a professional engineer, shall be required, demonstrating compliance with the storm water ordinance.

Approval of a preliminary plat by the CRC or the Planning Commission does not afford the subdivider a right to begin construction. Approval of the preliminary plat is acceptance of the layout which will be used to guide the preparation of the final plat.

A preliminary plat must be approved by the governing body before any activity, including clearing of land, begins. After a preliminary plat has been approved by the governing body, the developer shall be notified in writing within ten days that the development of the proposed subdivision may proceed.

A final plat must be approved prior to any development activities beyond those required to file the final plat. Approval of a preliminary plat is acceptance of the layout which will be used to guide the preparation of the final plat.

Approval of a preliminary plat will expire one year after the date of the approval unless an extension of time is approved by the Planning Commission.

304 Procedure for Approval of a Final Plat

304.1 Submit an Application for Final Plat Approval

Upon approval of the preliminary plat and the thirty days for negotiation by the Mayor and Board of Aldermen, the subdivider will, within one year of approval of the preliminary plat, submit to the CRC an application for review and approval of a final plat. The name and address of the subdivider will be included along with five copies of the final plat and other required documents.

304.2 Final Plat Requirements

A. Scale of the Final Plat

The scale of the final plat will be one inch equals one hundred feet, unless otherwise approved by the CRC.

B. Sheet Size

The final plat will be drawn in permanent ink on a reproducible mylar or other material of equal durability and permanent quality. The sheet will be 30 x 40 inches and an index map on the same size sheet will be used when more than one sheet is needed to depict the subdivision.

C. Information to be Provided on the Final Plat

The final plat will fulfill the requirements of the state statutes of Mississippi relating to subdivision plats.

Large subdivisions may be submitted progressively in parts satisfactory to the CRC.

The final plat will show:

1. Approved primary control points, or descriptions and "ties" to such control points to which all dimensions, angles, bearings and similar data on the plat will be referred.
2. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves.
3. Name and right-of-way width of each street, alley or other right-of-way;
4. Location, dimension and purpose of any easements.
5. Number of each lot or site;
6. Purpose for which sites, other than residential lots, are dedicated or reserved;
7. Minimum building setback lines on all lots and other sites;
8. Location and description of boundary monuments;
9. Names of record owners of adjoining unplatted land;
10. Names of adjacent recorded subdivision plats with record name, book and page number or file number in accordance with the appropriate file numbering system;

11. All other information required by state statute. The statutes control when any conflict between these regulations and the statutes arises.

12. Title, graphic scale, north arrow, date and Engineer's or Surveyor's seal;

D. The final plat will include these certifications:

1. A certification by a registered surveyor or registered engineer to the accuracy of the survey and plat.
2. Certification by the owner that he is the owner of record and all State, City, and/or County taxes or other assessments now due on this land have been paid.
3. Certification by owner setting forth the description of rights-of-way, areas and improvements dedicated by the owner to the public and extent of the title which is being dedicated;
4. Certificate of Approval by the CRC.
5. Certificate of Approval by the Planning Commission.
6. Certificate of Approval of the Final Plat by the Mayor and Board of Aldermen of Pass Christian, Mississippi.

E. Supporting Documentation to submit with the Final Plat:

The following documentation will be submitted with the final plat:

1. Protective covenants in form for recording;
2. A copy of the Resolution adopted by the Mayor and Board of Aldermen accepting the streets, improvements, easements, and any other property dedicated by the owner for public use as indicated on the Final Plat.
3. Certificate from the Board of Health setting forth minimum size of any residential lots where a sanitary sewer system with adequate treatment facilities is not available.
4. Certificate from the Board of Health approving the sanitary sewer system and treatment facilities.
5. Certificates from the Mississippi State Board of Health and the Mississippi Public Service Commission approving the independent water system, where such system is utilized.

6. Certificate from the Mississippi State Board of Water Commissioners approving new manmade lakes or ponds where such lakes or ponds are part of the subdivision development.
7. Certification by the Mayor and Board of Aldermen that the subdivider has complied with one of the following options
 - a. Installation of all improvements in accordance with the requirements of these regulations and including a certification by an Engineer that the improvements were designed, constructed and completed in conformity with the plans and specifications as submitted to and approved by the Planning Commission and the Mayor and Board of Aldermen of Pass Christian.
 - b. A portion of the required improvements have been constructed and a performance bond has been posted in sufficient amount to assure proper completion of all remaining required improvements.

F. Required Improvements Prior to Final Plat Approval

1. Monuments

Monuments and pins shall be installed in accordance with the following requirements:

Permanent monuments: Permanent monuments shall be installed at all points of change in direction or curvature of new streets along the line separating the street right-of-way and the adjoining property, and at other points as shown on the final plan, where in the judgment of the City, permanent monuments are necessary. Monuments must be set so that they are visible one from another or as specified in this section, whichever is less. No permanent monuments shall be installed until all construction which could destroy or disturb the monuments has been completed. In the event that any monument is destroyed or disturbed during construction of subdivision improvements, the monument shall be replaced or repositioned prior to release of the subdivision construction bond. Monuments shall be a $\frac{3}{4}$ " iron rod at least 24" in length and shall be driven flush with the ground after all project grading has been completed. An alternative plastic cap or a metal disk bearing the license number of the surveyor under whose supervision it was set may be allowed by CRC approval and must be secure after grading is complete. Monuments shall be set on street right-of-way lines at beginnings and ends of all curves and rounding all changes in alignment. Additional monuments shall be installed in sufficient number so that at no point will the distance between monuments, on the same side of the road, exceed 500 feet.

All lot corners shall be marked by monuments as described in (a) above. This is to be done after the final approval of the Record Subdivision Map by the Commission. Until the accurate placement and location of such lot monuments are certified by the developer's Land Surveyor and are on the site, no Zoning Permit, Building Permit or Certificate of Occupancy shall be issued. A lot corner that may occur in wetlands or where monument installation is not feasible shall be triangulated by such means as shall be determined by the Land Surveyor.

Lot Markers: Permanent monuments as described above shall be installed at all lot corners. At other points of change in direction along property lines, the applicant shall have a choice of drill holes or permanent monuments. During construction, it is permissible to use temporary surveyor's stakes to delineate the boundaries.

Open Space Markers: Monuments shall be installed at all corners and at intervals no greater than 200 feet along the boundaries of all open space parcels. Rights-of-way to open space parcels which are 50 feet in width or less shall be marked at intervals no greater than 100 feet.

Driveway Access Markers: Driveway access strips for all rear lots shall be marked with monuments on both sides at intervals of not more than 100 feet for the length of the access strip.

Elevation Markers: Monuments indicating the flood elevation above sea level shall be installed at intervals no greater than 500 feet along all streets.

Certification of Installation: The accurate placement and location of markers and monuments shall be certified by a land surveyor and the cost of such shall be included in the construction bond. In subdivisions where property markers are the only "improvement", the applicant may

2. General Grading

- a. Grading and centerline gradients shall be in accordance with plans and profiles approved by the City.
- b. Areas to be graded by cutting or filling shall be roughgraded to within 0.5 of a foot of the accepted elevation after necessary allowance has been made for the thickness of the topsoil, paved areas and other installations.
- c. Grading must comply with the special tree protection requirements of the ordinances and regulations of the City of Pass Christian.

- d. Final cross-sections and profiles of streets and other installations shall conform to grades approved by the City. Elevations shall be based on mean sea level.
- e. All timber, logs, trees, brush, vegetation waste and other rubbish shall be removed or otherwise disposed of so as to leave the areas that have been disturbed with a neat and finished appearance.

3. Drainage

- a. Light Imprint Methods shall be permitted and are encouraged in all districts.
- b. The design of subdivision streets shall provide for the adequate drainage of run-off of storm water. Streets will be drained in accordance with the Pass Christian SmartCode, having curbs and gutters with drop inlets and underground storm drains in the infill/urban areas and curbside swales with proper gradients to natural outlets in the rural sections.
- c. In the case of surface drainage, the full width of the street between the property lines shall be utilized in the graded section in order to permit easy maintenance and grassing of the section from edge of shoulders to property lines.
- d. Driveways crossing side ditches shall be constructed to a minimum width of 10 feet with head walls at both ends or 12 feet without head walls at both ends of the culvert pipe drains laid to the profile of the ditch invert.
- e. The sizes and capacities of all drainage pipes and culverts, structures and ditches shall be determined from known drainage areas by the use of generally accepted engineering formulas, but no culvert pipe shall be smaller than 15 inches in diameter. Culvert pipe shall be concrete or material of a higher standard may be required by the CRC or Planning Commission. Open drainage ditches shall have concrete paved inverts or grass swales with a 2 to 1 slope. Sizing capacity of drainage pipes and culverts, and slope and cross-sections of drainage ditches and swales engineered to Light Imprint specifications shall be permitted by right.
- f. Drainage ditches placed alongside streets shall be so constructed as to prevent undermining of the street by storm waters. Where curbside

swales are indicated by the SmartCode, the swales shall be designed so that they comply with Light Imprint standards.

- g. Storm sewers and open drains shall be designed to carry not less than the storm water from the maximum 24 hour rainfall expected to occur once in 10 years with a run-off factor of 90 percent for pavements and buildings and a variable run-off factor for ground areas, dependent upon topographic conditions and other characteristics. The CRC or Planning Commission may require compliance with a higher standard or performance.

4. Thoroughfares:

- a. Wherever a tract or parcel to be subdivided embraces any part of a street designated in the SmartCode and Major Thoroughfare plan, such part shall be platted in the location and width indicated in the SmartCode and Major Thoroughfare plan.
- b. The arrangement, character, extent, width, grade, and location of all streets shall conform to the SmartCode and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, in their appropriate relation to the proposed uses of the land to be served by such streets and the most advantageous development of the surrounding neighborhood.
- c. Where such is not shown in the SmartCode or Major Thoroughfare Plan, the arrangement of streets in a subdivision shall either:
 - i. Provide for the continuation or appropriate projection of existing principal thoroughfares in surrounding areas; or
 - ii. Conform to a plan for the neighborhood approved or adopted by the Planning Commission;
- d. Minor thoroughfares shall be so laid out that their use by through traffic will be discouraged.
- e. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess

reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. Residential and nonresidential subdivisions located along arterial streets shall be encouraged to provide consolidated access points for all uses within the subdivision.

- f. Where a subdivision borders on or contains a railroad right-of-way or limited access highway upper highway) right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades of future grade separations.
- g. Reserve strips (nonaccess easements) controlling access to streets shall be prohibited except where their control is definitely placed in the city under conditions approved by the City.
- h. Street jogs with centerline off-sets of less than one hundred twenty-five (125) feet shall be avoided.
- i. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- j. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no streets shall intersect any other street at less than sixty (60) degrees.
- k. Property lines at street intersections shall be rounded with a radius of twenty-five (25) feet, or of greater radius where the Planning Commission may deem it necessary.
- l. Street right-of-way widths shall be shown in accordance with the SmartCode.

- m. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- n. Dead-end streets are prohibited except those designed to be so permanently and in accordance with the SmartCode provisions. Permanent dead-end streets shall be not longer than five hundred (500) feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet. At the intersection of the turnaround and the straight portion of the right-of-way there shall be a twenty-five-foot radius as a transition.
- o. Street Names: A proposed new street, which is in alignment with a continuation of an existing street, shall have the same name as the existing street. In no case (including numbered or lettered streets) shall new streets have names or numbers which duplicate or which are phonetically similar to existing streets' names, regardless of the prefix or suffix used as "Avenue," "Boulevard," "Court," "Crescent," "Drive," "Place," "Street," and "Terrace." All street names shall be subject to approval of the City. Note: In this respect, it is required that the developer check over his proposed street names with the Planning Commission, before submitting his plat for approval.
- p. Grades and transition of grades must be approved by the city engineer and in no case shall be less than two-tenths (0.2) percent.
- q. Private streets: Private streets may be approved provided they are constructed according to the street design standards except that required private ingress and egress easements, private rights-of way or private common area widths and pavement widths may be less than required for public rights-of-way and street widths. In the event that a private street is approved, the following statement shall be shown on the preliminary and final plats: "All roads and rights-of-way shown on this plat are private and

are not subject to maintenance by the City of Pass Christian.” Where a private easement not constituting a private street has been approved, paving will not be required.

10. Water distribution system.

All water systems shall be designed, constructed, inspected and tested in accordance with the applicable and current Ten State Standards (Recommended Standards for Water Works) by the Great Lakes, Upper Mississippi River Board of Public Health and Environmental Managers, except for more stringent requirements set forth by the appropriate Mississippi state authorities.

- a. The developer shall provide water services to every lot, entrance way, median, and other landscaped areas in the proposed subdivision and connect the proposed subdivision to the Pass Christian Water Supply System. The developer will be responsible for any improvements required so that the existing water system can accommodate the increased demand placed upon it due to the new subdivision. No connections shall be made to city services prior to approval by the city in writing. The city shall be on-site during connection.
- b. The subdivision's water distribution system shall be designed to maintain a minimum static pressure of 40 pounds per square inch and a minimum dynamic pressure of 20 pounds per square inch with a minimum fire flow rate of 1,000 gallons per minute in residentially zoned developments and a minimum fire flow rate of 3,000 gallons per minute in commercially or industrially zoned developments.
- c. Prior to any construction of the water system element, approval from the Mississippi Department of Health and Mississippi Department of Environmental Quality shall be submitted to the Pass Christian Water Superintendent and a copy submitted to the city engineer.
- d. Pipe sizes: All water mains should be designed based on hydraulic analysis using an appropriate friction coefficient to obtain the above pressure and flow rate requirement and shall meet or exceed the following:
 - (1) The maximum Hazen-Williams C value to be used is 120.
 - (2) The minimum main size should be eight inches regardless of the results of the hydraulic analysis, except for short dead-end lines less than 400 feet. Water main size on dead end streets shall be six inches, as required by the Health Department for providing for fire flow.

(3) The minimum main size supplying fire hydrants should be as determined by hydraulic analysis using fire flows, but not less than eight inches.

e. Materials: All materials used shall be nontoxic and approved for use in potable water systems by AWWA, USEPA, Underwriters' Laboratories, National Sanitation Foundation, or other appropriate organization.

(1) Cast-iron, ductile iron, and steel pipes and fittings shall comply with the latest applicable standards issued by the American Water Works Association.

(2) PVC pipe shall be C900 class 150, DR 18 and bear the National Sanitation Foundation seal for potable water and meet the requirements of ASTM D 1784 class 12454A or 13454B compounds. The pipe shall meet the latest revision of the applicable AWWA or commercial standards.

(3) All ductile iron pipes shall meet AWWA specification C-104 or C-110, C-150, and C-151 for appropriate applications.

(4) All materials used in the subdivision water system shall not contain any lead substances.

(5) All fire hydrants shall be three-way traffic models with a minimum 5 1/4-inch valve opening, one pumper nozzle (4 1/2-inch pumper connection) and two hose nozzles (1 1/2-inch connection). Water hydrant shall have National Standard Threads.

(6) Gate valves shall meet AWWA C-500. Valves shall be DD, NRS, and IBBM with MJ ends.

(7) MJ fittings shall be compact ductile iron AWWA C-153. All MJ bells shall be equipped with EBBA MEGA-LUG retainer gland C-900 PVC or ductile/cast-iron pipe.

f. Pipe installation should comply with generally accepted standards of good workmanship, including applicable AWWA and industry standards. Water mains and services shall include the use of metallic warning tape and copper tracer wire (12 gauge minimum) to identify the location of piping systems. Tracer wire shall terminate inside the valve box.

g. Separation of water and sewer mains as well as water main crossings of surface water bodies and ditches shall be in accordance with the current standards of the appropriate Mississippi state authorities. Water mains

shall be located on opposite sides of the street right-of-way from sewers where possible.

- h. Fire hydrants shall be located on rights-of-way at points of intersection with lot lines. Fire hydrants shall be located throughout the subdivision so that there is a hydrant within the following distances to any possible structure:
 - (1) Five hundred feet for residentially zoned subdivisions.
 - (2) Three hundred fifty feet for commercially or industrially zoned subdivisions. This requirement however, is superseded by any more stringent standards in the current fire code adopted by the City of Pass Christian.
- i. At every fire hydrant installation, a six-inch gate valve and box shall be installed between the main line and the fire hydrant.
- j. The proposed subdivision water system shall be designed so that all water users are individually metered. All water services shall be sized not less than one and one-half (1 1/2) inches to provide adequate water pressure and volumes to accommodate irrigation systems or second meters.
- k. All services shall terminate in an approved meter box.
- l. A sufficient number of valves should be provided for line maintenance and repairs. Valve boxes shall be sized to extend for proper connection to system valves. The use of PVC risers is not allowed.
- m. Flushing hydrants and valves shall be installed on all dead-end lines, low areas, and in other places that might require flushing. Flushing hydrants and valves shall conform to city standards. Automatic flushing devices may be required at the ends of cul-de-sacs or dead end streets.
- n. "Looping" the water system shall be required unless determined to be not feasible or advantageous by the city engineer.
- o. Pressure leakage tests should be completed and conform to the current AWWA Standard C 600, section 4.
- p. Disinfection and bacteriologies testing shall be in accordance with the current standards as set forth by the proper Mississippi state authorities. Upon receipt, documentation shall be submitted to the city engineer.

- q. Cross connections: There shall be no physical connections between the distribution system and any pipes, pumps, hydrants, or tanks whereby unsafe water or any contaminants may be caused to enter the water system.
 - (1) An appropriate backflow prevention device should be installed on each service connection where an existing or potential health hazard exists or where a hazardous hydraulic condition may be allowed to exist.
 - (2) Prior to service being connected to the city's water system, all wells or water sources owned or used previously by the potential customer shall be physically disconnected from the plumbing to be supplied by the city's water system.
- r. The developer shall contact the city for approval prior to flushing system. When flushing system, meters provided by the city, shall be used to monitor water usage.
- s. Prior to construction, specifications for the construction materials and equipment shall be submitted for review by and approval of city personnel.

11. Sanitary sewer collection systems.

All sewer systems shall be designed, constructed, inspected, and tested in accordance with the applicable and current Ten State Standards (Recommended Standards for Sewage Works) by the Great Lakes, Upper Mississippi River Board of State Sanitary Engineers, except for more stringent requirements set forth by the appropriate Mississippi state authorities.

- a. The subdivider shall provide sewer services to each lot of the proposed subdivision and connect to the Pass Christian Sanitary Sewer System. The developer will be responsible for any improvements required so that the existing sanitary sewer system can accommodate the increased demand placed upon it due to the development of the new subdivision. The CRC or the Planning Commission may bar extension of sanitary sewer system to certain areas of the city deemed inappropriate for development.
- b. Sanitary sewers shall be laid in all street right-of-way easements, service connections installed to property lines and connections made to trunk sewer lines.
- c. The size and slope of the sewer lines shall be approved by the city. Gravity flow lines will not have more than a 90-degree turn in direction of

flow in any one manhole. Recommended standards for sewage works is a minimum diameter of eight inches for a gravity sewer. The minimum mean velocity, when flowing full or peak, is to be not less than 2.0 feet per second, (calculated with an n value of 0.013.) The following minimum slopes shall be observed, although greater slopes are desirable.

TABLE INSET:

Sewer Size (inches)	Minimum Slope (ft/100 ft)
8	0.40
9	0.33
10	0.28
12	0.22
14	0.17
15	0.15
16	0.14
18	0.12
21	0.10
24	0.08
27	0.067
30	0.058
36	0.046

- d. All sewer pipe shall be manufactured and installed in accordance with the following specifications:

Polyvinyl chloride (PVC): Pipes shall conform to ASTM designation D-3034-SDR35 or equal and shall have a minimum wall thickness in accordance with ASTM 3034. Force main pipes shall conform to ASTM designation D-2241, 160PSI, (SDR 26). All joints shall be push-on type with the bell being formed integrally with the pipe. Elastomeric gaskets shall be factory installed on each bell by the manufacturer. All compounds used shall be in accordance with ASTM E-1784. All pipe shall be installed in accordance with ASTM D-2321.

Ductile iron: All pipe shall meet AWWA specifications C-104, C-110, C-111, C-150, and C-151 for appropriate applications.

Truss pipe: All pipe shall conform to ASTM designation D-2680-72 and shall be installed in accordance with ASTM D-2321.

Cast iron: All pipe shall meet AWWA specifications C-101, C-106, C-110, C-111 for appropriate applications.

- e. Infiltration shall not exceed 100 gallons per inch diameter per mile per day.
- f. Sewer service clean out shall be capped and extended three feet above natural grade.
- g. At the location of each sewer service, an "S" shall be stamped or cut into the curb for locating service lines.
- h. *Lift stations:* All sanitary sewer lift stations shall be sized to accommodate future growth or the potential thereof.
 - (1) Lift station elements shall be sized for peak flow and calculations provided at preliminary plat.
 - (2) Pumps for sanitary sewer lift stations shall be common city stock or as approved by the city.
 - (3) Lift station control panels shall conform to the city's most current specifications.
 - (4) All lift stations shall be enclosed in a wooden privacy fence minimum six feet in height and locking gate.
 - (5) Wet wells and valve boxes shall have a lockable aluminum access door.
- i. Prior to construction, specifications for the construction materials and equipment shall be submitted for review by and approval of city personnel.
- j. No connection shall be made to city services without approvals by the city in writing. City personnel shall be present to inspect all connections to the city services systems.
- k. Where there are no existing sewage treatment facilities, or where existing sewage treatment plants cannot adequately serve the

subdivision, proper provisions for sewage treatment shall be made by the subdivider, subject to the approval of the Mississippi Board of Health. The subdivider shall furnish the Planning Commission with a certificate from the Mississippi Board of Health that they have made a physical inspection of the subdivision and approve the sewage treatment facilities. The CRC or Planning Commission may impose additional performance requirements on private sewage treatment facilities permitted.

12. Sidewalks

- a. Sidewalk locations shall be established by the city and indicated on the approved plat. Sidewalks may either be installed by the developer or left for later installation by lot owners. The city may install sidewalks through property assessment sidewalk construction programs, or, if determined by the Board of Aldermen to be for the protection of the health, safety and general welfare of the public, the city may install or repair sidewalks and the cost of such construction may be paid from the revenues of the city.
- b. Attention to Handicapped in Street and Sidewalk construction
 - (1) Whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the appropriate governing agency.
 - (2) In un-subdivided developments, sidewalk construction for the handicapped shall conform to the requirements of the local building code.

13. Street Name Signs and Street Addresses

a. The developer subject to the approval of the CRC or Planning Commission shall assign street names. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the city's planning jurisdiction, regardless of the use of different suffixes (such as those set forth in Subsection (b)). For almost a century Pass Christian has followed the convention used in many municipalities

that *Streets* run east and west while *Avenues* run north and south. But now Smart Code has used the terms *Streets* and *Avenues* to define specifics of roadway design.

While potentially confusing the use of both sets of definitions is not a matter that is too hard to for a person of normal intelligence to understand. In matters of roadway design *Street* and *Avenue* as defined in SmartCode refer only to the design of the roadway. In matters of general geographic direction *Street* and *Avenue* are used as suffixes to the name of the roadway only to indicate the general geographic directions that may be traveled by its use".

- b. Street names shall include a suffix such as the following:
 - (1) *Avenue*. A roadway running generally in a north/south direction.
 - (2) *Boulevard*. A roadway with a neutral ground dividing traffic traveling in opposite directions.
 - (3) *Circle*. A short street that returns to itself.
 - (4) *Court or Place*. A cul-de-sac or dead-end street.
 - (5) *Drive*. A roadway which curves or meanders in a given direction.
 - (6) *Lane*. A narrow roadway.
 - (7) *Loop or turn*. A street that begins at the intersection with one street and circles back to end at another intersection with the same street.
 - (8) *Road*. A roadway which held the suffix "Road" prior to adoption of standard suffixes.
 - (9) *Street*. All public streets not designated by another suffix.
 - (10) Other suffixes such as alley, cove or way may be applied to roadways upon review by the planning commission and approval by the Mayor and Board of Aldermen.
- c. Market Street although it runs in a generally north/south direction retains the designation Street because it is the zero base line for the city's street numbering system for east/west roadways. Prefixes for streets which cross east of Market Street are:

(1) East for those portions of streets east of Market Street;

(2) West for those portions of streets west of Market Street.

d. The "seawall" is the zero base line of the city's street numbering system for north/south roadways. Prefixes to street names for south of the seawall are South. No prefix is required or allowed for north/south roadways north of the seawall. Only two streets extend south of the seawall and the use of North as a prefix may confuse people with North Street, which has been known by that name for 150 years.

e. Street Addresses shall be assigned by the city

14. Sight Distances

No fence, wall, hedge or shrub planting which will create Site Line Obstruction at elevations specified in the SmartCode or between 18 inches and 8 feet above the roadways shall be constructed or permitted to remain on any corner lot within the triangular area formed by the delineated travel lanes, or the projection thereof from a distance of 25 feet from the actual intersection, or in the case of a rounded property corner from the intersection of the street lines extended. The same sight line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway pavement or alley boundary.

15. Approval of Construction Plans Required

- a. The subdivider shall have prepared 5 sets of 24 inch by 36 inch prints of the construction plans for the required improvements with one 11 inch by 17 inch print and said plans shall be submitted and approved as hereinafter set forth before construction of any type is begun in the subdivision.
- b. All improvements required in these Regulations shall be designed by and constructed under the supervision of a qualified Professional Engineer registered in the State of Mississippi and employed by the subdivider. Where no streets or major utilities are to be installed, this requirement may be waived by the Planning Commission.
- c. Construction plans shall be submitted on 24 inch by 36 inch sheets, with one copy of prints printed to an 11"x17" size, and shall consist of combination plan and profile for each thoroughfare 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 applicable, standard plans issued by the Mississippi State Highway Department may be included for reference. The plan and profile sheets (thoroughfares and sanitary sewers) shall be drawn to scale of 1 inch equals 5 feet vertical, and shall be based on U.S. Government Datum (mean sea level). The materials and construction methods must comply with the standards of the City of Pass Christian and generally accepted practices.

- d. The construction plans shall first be approved by the Mississippi Air and Water Pollution Control Commission, the Mississippi State Board of Health and the Mississippi Public Service Commission as required by these Regulations and have certificates of approval from said agencies attached thereto. Also, there shall be attached a certification by the engineer of the subdivider stating that such plans have incorporated all changes, if any, recommended by the respective State agencies.
- e. The subdivider shall then submit 5 sets of the construction plans complete, with attached certificates to the Planning Commission for review and approval. Upon approval of said plans with such changes and alterations as may be ordered by the Planning Commission, and approval by the City of Pass Christian, the 5 sets of construction plans will be stamped, approved, dated and signed by they Chairman and Secretary of the Planning Commission and by the Mayor of the City of Pass Christian, and an order authorizing the construction of improvements in accordance with the approved plans and specifications will be entered upon the minutes of the City of Pass Christian. Two sets (2) of the approved plans will be returned to the subdivider; two (2) sets of the approved plans will be retained by the Planning Commission and one (1) set of the approved plans will be retained by the City of Pass Christian.
- f. Upon completion of the work, the Engineer of the subdivider shall furnish the City of Pass Christian and the Planning Commission with a certification stating that all work has been completed in conformity with the approved construction plans and specifications. The Planning Commission may require that the City Engineer make a field inspection of the completed work to verify that the required improvements have been

properly constructed in conformity with the approved construction plans and specifications, however, such a field inspection shall not relieve the subdivider of responsibility for any subsequent failure to the constructed improvements in whole or in part.

16. Deferred Improvements

a. Deferment of Required Improvements

Where the Planning Commission shall determine that it is not necessary or not desirable that all required streets and other improvements be completed prior to the approval of the Final Plat, the Planning Commission, following consultation with the subdivider and the engineer employed by the subdivider, may defer the construction and/or completion of such required improvements as deemed appropriate, provided however, that such deferment shall in no way serve to nullify the intent and purposes of these Regulations. Upon recommendation of the Planning Commission, the City of Pass Christian shall require that the subdivider provide for the completion of deferred improvements by complying with the necessary Sections and provisions of this Article.

b. Performance Bond

The City of Pass Christian shall require the subdivider to post a performance bond in an amount sufficient to properly complete all deferred improvements in accordance with the approved construction plans and specifications. The Planning Commission shall recommend to the City the amount of the performance bond deemed appropriate by the Commission.

c. Deferred Sanitary Sewer System

- (1) Where the construction of a sanitary sewer system and/or sewage treatment facilities has been deferred, the subdivider shall follow the procedure set forth by these Regulations so as to comply with the water quality criteria of the Mississippi Board of Health.
- (2) When a subdivision contains lot sizes less than the minimum size established by the Mississippi Board of Health for residential lots where a public sanitary sewer system is not available (Article III), the subdivider shall submit to the Planning Commission two (2)

certified true copies of the subdivision plat showing location, all lots and their dimensions and streets, upon which shall be delineated component segments of the subdivision, not to exceed thirty (30) acres in size or fraction thereof. A duplicate set of such delineated subdivision plats shall be provided the City of Pass Christian for use by the City Zoning Enforcement Official.

- (3) Building permits (Article III) shall be issued until the average density reaches one (1) dwelling unit per three (3) acres, not to exceed ten (10) dwelling units per thirty (30) acres of developable land, or such other density of dwelling units as may be established for the particular subdivision by the Mississippi Board of Health. Lakes, ponds, other bodies of water and swamps shall not normally be considered as a part of developed lands for the purpose of these density computations.
- (4) It is further provided that when established density is reached, no further building permits shall be issued until at such time the subdivider requests in writing and receives from the City of Pass Christian approval to initiate installation of sanitary sewers and treatment facilities in accordance with the approved construction plans and specifications. The subdivider shall certify that within sixty (60) days after receipt of approval by the City of Pass Christian construction work of said system shall start and shall be completed by or within the time period stated by the subdivider's Engineer, or as may be deemed appropriate by the City.
- (5) Initial sanitary sewer system construction may be for the entire subdivision, or for component segments and fractions thereof, where additional dwelling units will result in densities exceeding the average dwelling unit density established for the particular subdivision. All such sanitary sewer construction shall provide adequate sewage treatment facilities, and where construction is staged for a component segment of a subdivision, treatment facilities shall be approved by the Mississippi State Board of Health for each component state until the subdivision is totally served.

d. Completion of Deferred Required Improvements

- (1) When the Planning Commission shall determine that all or certain deferred improvements for a subdivision are necessary to ensure and protect the public health, safety or convenience, the subdivider shall be required to meet with the Planning Commission to establish a construction schedule for the initiation and completion of such required improvements. The Planning Commission shall then recommend to the City of Pass Christian that the subdivider be ordered by the City to start construction of required improvements deemed necessary in the public interest and that such work be completed in accordance with the approved construction plans and specifications and the time period established.
- (2) The subdivider is not required to wait for a statement of public need by the Planning Commission but may, at any time, with the consent of the Planning Commission and the Mayor and Board of Aldermen, proceed with the installation of any or all deferred improvements in accordance with the approved construction plans and specifications.

17. Variances

In granting variances and modifications, the Commission may require such conditions as will, in its judgment, substantially secure the objectives of the standards and requirements so varied or modified.

a. Hardship and Modifications

- (1) Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these Regulations and of the Pass Christian SmartCode Comprehensive Land Use Ordinance, it may vary the Regulations so that substantial justice may be done and the public interest secured, provided that such variance will not have the effect of nullifying the intent and purposes of these Regulations.
- (2) The fact that a subdivider could realize a greater financial return by the use of his property that is contrary to these Regulations is not sufficient reason for change. Hardship cannot be proved where it can be shown that property was purchased without the knowledge of existing

restrictions, nor can hardship be claimed in terms of prospective sales or potential customers.

b. Large-scale Development

Large-scale developments will be designed in accordance with the provisions of the Pass Christian SmartCode. Deviation from the requirement of the SmartCode must be processed in accordance with the SmartCode provisions. Variance from these Regulations will only be permitted when variance from the provisions of the SmartCode for large-scale development is permitted.

(3) Procedural Variance

Where a proposed subdivision would contain no new streets and no more than ten (10) lots, the procedure of preparing a Preliminary Plat may be waived by the Planning Commission.

18. Review of the Final Plat

- a. The final plat shall conform substantially to the preliminary plat as approved by the Planning Commission and the City of Pass Christian except by specific instruction of the Planning Commission and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided however, that such portion conforms to all requirements of these Regulations.
- b. The CRC shall check the final plat for confirmation with the approved preliminary plat; requirements set forth in Article III (Final Plat Requirements) and with the rules and regulations of this Ordinance. If deemed necessary, the Planning Commission may afford a hearing on the final plat when the Planning Commission deems a hearing to be necessary, notice of the time and place of which shall be sent by the secretary of the Planning Commission by registered or certified mail to the applicant requesting final plat approval, not less than five (5) days prior to the date of the hearing. For Final Plats which are part of a New Community Plan and which are consistent with requirements of Article 3 of the Pass Christian SmartCode, with the assigned Transect zones for

such Community Plan, and not substantially inconsistent with the preliminary plat, no such hearing shall be required.

- c. Prior to final plat approval, documentation from the Health Department and Mississippi Dept. of Environmental Quality approving the final construction of the water and sewer must be submitted to the City of Pass Christian and the City Engineer prior to the acceptance of the utilities.
- d. The Planning Commission through informal review or by public hearing shall recommend to the City of Pass Christian approval or disapproval of the final plat based on conformance with all SmartCode requirements and with the terms of any issued Warrants or Variances, and based on general conformance with the approved preliminary plat. A notation of the action taken by the City of Pass Christian shall be made on the original and two (2) copies of the final plat, including a statement of the reasons therefore if the final plat is disapproved.

19. Recording the Final Plat

- a. Upon approval of the final plat, the subdivider shall have the plat duly recorded in the Office of the Chancery Clerk of Harrison County as required by law, and shall be responsible for payment of the recording fee.
- b. Following recording of the final plat, two (2) copies of the final plat with all certificates required shall be provided by the subdivider for the records of the Planning Commission. The Book, Volume, and Page Numbers where the plat is recorded shall be shown on each copy of the final plat furnished to the Planning Commission.
- c. The City approval of the final plat will become null and void if it is not recorded within thirty (30) days after final approval.

Article IV

Section 401 – Suitability of Land for Subdivision Development

The Planning Commission shall not approve the subdivision of land, if, after adequate investigations have been conducted by the public agencies concerned, it is determined that in the best interest of the public, the particular site is not suitable for the type of platting or

development proposed. Land deemed to be unsuitable shall not be platted for residential occupancy, nor for any other use which may increase the flood hazard, aggravate erosion, or endanger health, life or property, including encroachment upon adjacent properties. Proposed subdivision of land designated by Sector Zones O-1, O-2, G-1, G-2, or G-3 under an adopted Pass Christian SmartCode Community Plan or on an officially adopted SmartCode Sector Map shall comply with the SmartCode requirements and restrictions on allowed new community types.

401.1 Thoroughfares - Conformity to the Major Street Plan and the SmartCode

The pavement, widths, rights-of-way and location of all thoroughfares shall conform with the SmartCode and Major Street Plan with reference to provisions for Thoroughfares herein.

401.2 Blocks

- A. Length – Dimensions subject to the Pass Christian SmartCode.
- B. Width – Dimensions subject to the Pass Christian SmartCode.

401.3 Lots

- A. Relationship to Streets

All lots shall front on a public street or road for a minimum distance of sixty (60) feet, except that lots which front on the turnarounds of permanent dead end streets shall front on such turnarounds for a minimum distance of forty (40) feet.

Except where unfeasible, side lot lines shall be at right angles to straight street lines, and radial to curved street lines.

- B. Flooding

Where platted lots and lands of a subdivision are subject to inundation, the limits of such areas subject to inundation shall be clearly indicated on the preliminary plat and final plat.

- C. Dimensions

1. The size, shape and orientation of lots shall conform to the Pass Christian SmartCode. Variation from strict SmartCode requirements which satisfies overall intent of the SmartCode for up to 15% of lots may be approved by Warrant. Aspects of lot size, shape, and orientation not otherwise regulated shall be as deemed appropriate by the Planning Commission for the type of development and use proposed.

2. The minimum width and minimum area of residential lots to be served by individual private wells shall be determined by the City Health Officer or City Engineer after investigation of soil conditions, the proposed sewerage system, and the depth of ground water.
3. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to meet the needs of the type of use and development contemplated and provide for proper off-street service and parking facilities. Lot depth shall in no case be less than the lesser of 50 feet or the minimum depth sufficient to meet the areal requirement for one Equivalent Housing Unit under the Pass Christian SmartCode for a lot of minimum allowed width for the applicable zone.

D. Building Setback Line

Building setback lines shall meet the requirements of the Pass Christian SmartCode. Where no zoning ordinance applies, building setback lines along Primary and Secondary Frontages shall not be located closer to the street right-of-way line than one-half the distance of the total right-of-way.

E. Corner Lots

Corner lots shall be governed by the Pass Christian SmartCode and shall have sufficient extra width to meet the building setback line requirements for both front street and side street.

F. Yard Requirements

Yard requirements for residential subdivisions or the portions thereof within the City shall be the same as the yard requirements set forth in the Pass Christian SmartCode for the proposed Transect Zone. Minimum yard requirements regarding building setbacks for residential subdivisions, or the portions thereof located where no zoning ordinance is in effect, shall be as follows:

Front yard	½ distance of right-of-way
Rear yard	25 feet
Side yards	10 feet each

401.4 Off Street Loading and Parking Facilities

In commercial and industrial subdivisions and in the portions of residential subdivisions reserved for commercial or industrial uses, the lots or parcels platted for commercial or industrial sites shall be large enough to provide for off street loading and unloading facilities and sufficient off-street parking facilities to meet requirements of the Pass Christian SmartCode.

401.5 Utility 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 fifteen (15) feet wide.
- B. Where easements intersect or sharp changes in alignment are necessary, corners shall be cut off sufficiently to permit equipment access, subject to the approval of the Planning Commission.
- C. No buildings, fences or structures shall be permitted within utility easements unless specifically approved by the Planning Commission.
- D. Any overhanging limbs, shrubbery or other vegetation forming an obstruction may be removed from within the limits of a utility easement at the discretion of the maintenance personnel of the utilities installed or to be installed in or above the easements.
- E. Every easement shall terminate at both ends upon a street, alley, or another easement, except that dead-end easements will be permitted, where necessary, upon review and approval by the Planning Commission.
- F. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement for drainage of not less than fifteen (15) feet in width, conforming substantially with the alignment of such water course, drainage way, channel or stream. Storm water easements for drainage may be of greater widths as determined by the Engineer of the Planning Commission to accommodate anticipated storm flows, future construction and channel maintenance. No building fence, poles or other obstruction shall be permitted within the drainage easement, unless specifically approved by the Planning Commission. Fences and poles may be permitted along the edge of the drainage easement if such fences and poles do not obstruct the water flow of a ten (10) year flood. The Planning Commission may

change the time period of flood frequency to that deemed appropriate for the particular location of the subdivision.

401.6 Conformance with the Pass Christian SmartCode and Other Regulations

No Final Plat of land within the area of jurisdiction of an existing zoning order will be approved unless it conforms with such order. Wherever there is a discrepancy between the minimum standards set forth in these Regulations and those contained in the zoning order, building code, or other official regulations, the highest standard shall apply.

401.7 Public Sites and Open Spaces

The provision of public sites and open spaces shall be consistent with the Pass Christian SmartCode requirements. Land for Civic Functions, including Civic Space and Civic Building sites, shall be allocated in accordance with the provisions of Article 3 of the Pass Christian SmartCode. Site planning and design and construction shall adhere to the requirements of the Pass Christian Tree Protection Ordinance and the Article 1 Special Tree Provisions of the Pass Christian SmartCode.

401.8 Large Tracts or Parcels

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical resubdivisions.

Article V

Filing Fee and Building Permits

Section 501 Filing Fee

In order to defray the cost of notification, field and special studies and recording on the city's base map, there shall be paid to the City Clerk at the time of submission of the preliminary plat a fee of five dollars (\$5) per lot for the first ten (10) lots and two dollars (\$2) per lot for the next ten (10) lots and one dollar (\$1) per lot for each additional lot. Where only a portion of any approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within two (2) years of the Preliminary plat without payment of any additional filing fee by the subdivider providing the final plat for the additional area conforms substantially with the approved preliminary plat. Fees shall be subject to revision by resolution by the City of Pass Christian.

Section 502 Building Permits

Before any building designed, built or used for human habitation, hereafter termed a dwelling unit, shall be constructed, erected or placed on any lot of any subdivision, the owner shall first acquire a building permit from the City of Pass Christian or their designee in accordance with the requirements of the city's Building Code Ordinance.

502.1 Building permits shall be issued only upon receipt by the Mayor and Board of Aldermen, or their designee, of a certified true copy of the plat showing and describing the property of the lot owner.

502.2 The Mayor and Board of Aldermen shall appoint, as their designee, a City Subdivision Regulation Enforcement Officer (who may be synonymous with the Zoning Enforcement Officer) for the purpose of enforcing the provisions of this Article and Section of these Regulations.

Article VI

Administration, Enforcement and Penalties

Section 601 Administration

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

Section 602 Enforcement

The duly created Pass Christian, Mississippi, Planning Commission is hereby designated as the administrative agency of Pass Christian for the purposes of these subdivision regulations, and said Planning Commission is authorized and empowered and directed, and with the assistance of the CRC when needed, to make determinations as to whether or not said regulations are being complied with by any subdivider and to recommend to the Mayor and Board of Aldermen such action or actions as are necessary to enforce these regulations. The City shall take such action as may be deemed necessary to enforce these regulations including injunction or other remedial relief as shall be considered proper. The Planning Commission is further authorized and empowered to conduct all hearings provided for by these Regulations and to make its recommendations to the Mayor and Board of Aldermen.

602.1 No final plat of any subdivision requiring review by the Mayor and the Board of Aldermen shall be eligible for registration in the office of the Clerk of the Chancery Court until such Final Plat has received approval by the Mayor and Board of Aldermen. The Mayor shall certify in writing on the Final Plat that approval of the Mayor and Board of Aldermen. For plats not subject to Mayoral and Board review, the signature of the Planning Commission Chair shall be required.

602.2 All decisions of the city shall be reached in open public sessions when public review is required. No qualifying application shall be acted upon by the City until such application shall have been reviewed and recommendations made by the Planning Commission, appropriate personnel, public agency or agencies, and where deemed necessary, concerned public and/or private utility company or companies.

602.3 No owner or agent of the owner of any land located in a subdivision as defined by these Regulations, shall transfer, sell, or offer such land for sale before a plat of such subdivision has been duly approved and recorded in the office of the Clerk of the Chancery Court.

602.4 No building permit shall be issued for the construction, erection, or placement of any building in the City on any lot, tract or parcel of land except for on a duly approved and recorded subdivision as required by these Regulations.

602.5 The main building shall front the street which the lot fronts in all approved and recorded subdivisions unless otherwise permitted on review of the subdivision plans by the CRC, Planning Commission and Mayor and Board of Aldermen.

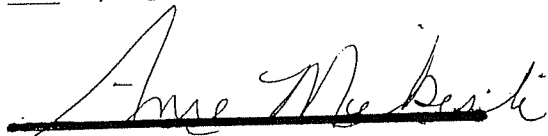
602.6 In approved and recorded subdivisions where street numbers may be required, street numbers for only one main building shall be issued for each lot, provided, however, that where it satisfactorily appears to the City that the construction, erection or placement of more than one building on a lot, tract or parcel of land does not in any way violate the purpose of these regulations herein set forth, it may issue street numbers for more than one building on such lot, tract, or parcel of land.

602.7 No sewer, water or gas main or pipe or other improvement shall be voted or made by the City, nor shall any public money be expended within any lands laid out in building lots, streets or alleys, where the improvements are for the benefit of such lands, until the plat or replat of such lands shall have been approved by the City and recorded in the office of the Clerk of the Chancery Court.

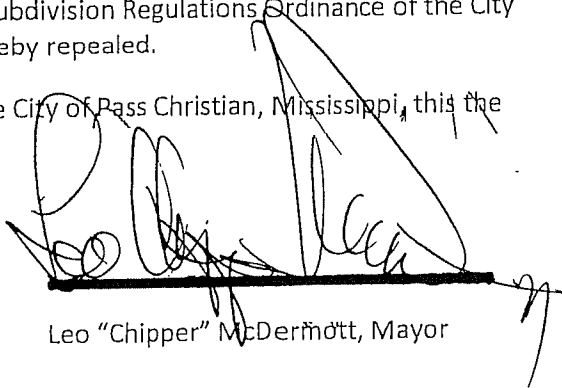
802. These subdivision regulations shall take effect and be in force immediately upon their adoption and publication of a notice of such adoption.

803. Ordinance no 352, as amended, the previous Subdivision Regulations Ordinance of the City of Pass Christian, Mississippi, be and the same is hereby repealed.

Adopted by the Mayor and Board of Aldermen of the City of Pass Christian, Mississippi, this the 16th day of June, 2009.



Anne Mikish, Deputy City Clerk



Leo "Chipper" McDermott, Mayor