

**Subdivision Ordinance of the
City of Waveland, Mississippi
Ordinance # 351**

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**Subdivision Ordinance
Ordinance No. _____**

An Ordinance by the Board of Mayor and Aldermen of the City of Waveland, Mississippi, creating and establishing General Rules and Regulations for the Subdivision of Land within said city, fixing design standards for streets, highways, and alleys within such subdivisions, requiring improvements to be made before such subdivision may be approved, and mandating review by the Planning and Zoning Commission and the approval of the Board of Mayor and Aldermen of said City before any map or plat of any subdivision within said city should be recorded with the Chancery Clerk of Hancock County, Mississippi, and providing penalties for any violation of this Ordinance.

THE BOARD OF MAYOR AND ALDERMEN NOW ORDAINS AND ENACTS INTO LAW THIS ORDINANCE:

**Article I
Introduction**

Section 101. Necessity for Regulation of Subdivision of Land.

In order to promote the health, safety, convenience, and general welfare of the inhabitants of the City of Waveland and to assist in bringing about the coordinated, efficient and economical development of the City, there exists a need for the following regulations and minimum standards to be followed in the development or redevelopment of land subdivisions in the City of Waveland, Mississippi.

Section 102. Authority.

This ordinance is hereby adopted pursuant to the Constitution and Statutes of the State of Mississippi including Sections 19-3-41, 17-1-23, 21-37-5, and Sections 17-1-3 through 17-1-21, inclusive of the Mississippi Code of 1972, Annotated, and may be cited as the "Subdivision Ordinance of the City of Waveland, Mississippi."

Section 103. Title.

These regulations shall also be known as the Official Subdivision Regulations of the City of Waveland and may also be so cited.

Section 104. Repealed.

Subdivision Regulations Ordinance No. 219 is hereby repealed.

Section 105. Purpose.

These regulations have as their purpose the attainment of objectives set forth in Section 101 of Article I through the application of procedures, standards, and requirements herein established. Specifically, these regulations are:

- A. To establish procedures governing the filing and approval of land subdivision plats and data in the City of Waveland.
- B. To establish minimum standards governing streets, utilities, and other required improvements.
- C. To establish minimum standards governing the preparation and filing of land subdivision plats and data to be submitted to the City of Waveland for approval.
- D. To insure the proper coordination of future streets and their development with existing or planned streets.
- E. To fix penalties for the violation of the provisions of these regulations.
- F. To provide that the City of Waveland may vary these regulations in certain cases or under certain conditions.

Section 106. Jurisdiction.

From and after the date of adoption, these Regulations shall govern all subdivision of land within the City of Waveland, Mississippi, provided, however, the provision of these regulations shall not be applicable to lands used for agricultural purposes or for the erection, maintenance, repair or extension of farm buildings or farm structures within the corporate limits; nor to plats of subdivisions recorded as required by law and approved by the City of Waveland prior to the effective date of these Regulations unless this recorded land is re-subdivided.

Section 107. Severability

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

Section 108. Conflict

In the event of a conflict between the Zoning Ordinance and Subdivision Regulations, the Zoning Ordinance shall control.

**Article II
Interpretations and Definitions**

Section 201. Interpretation of Terms

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

201.1 When not inconsistent with the context, words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

201.2 The word “shall” is always mandatory and not merely directory; the word “may” is permissive.

- 201.3 The word “building” includes the word “structure” or “premises”.
- 201.4 The word “lot” includes the word “plot”, “tract” or “parcel”.
- 201.5 The word “person” includes a firm, organization, association, partnership, trust, company, or corporation as well as an individual.
- 201.6 The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended”, “arranged”, or “designed” to be used or occupied.

Section 202. General Definitions

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings.

- 202.1 Accessory Building: A subordinate building located on the same lot with the main building, but the use of which is incidental to that of the main building.
- 202.2 Block: A parcel of land, intended to be used for development purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels or a combination thereof.
- 202.3 Board: Shall mean the Board of Mayor and Aldermen of the City of Waveland, Mississippi.
- 202.4 Buildable Area of a Lot: That portion of a lot bounded by the required rear and side yards and the building setback line, and the portion of the lot upon which a structure may be placed.
- 202.5 Building Line or Setback line: A line or lines designating the area outside of which buildings may not be constructed, erected or placed.
- 202.6 Building Permit: A certificate issued by the City of Waveland permitting the construction, erection or placement of a dwelling unit upon a lot of an approved and recorded subdivision, or any other building or structure constructed, erected or placed for the support, enclosure, shelter or protection of a person or persons, animals, chattels or property of any kind.
- 202.7 City Engineer: The City Engineer for the City of Waveland, Mississippi.
- 202.8 Commission: The Planning and Zoning Commission of the City of Waveland, Mississippi.

- 202.9 Construction Development Plan: The detailed submission of the design and specifications of infrastructure improvements (streets, storm drainage, sanitary sewer, water and electrical distribution and street trees) for a proposed subdivision.
- 202.10 Developer: Any person engaged in developing or improving a lot or group of lots or structures thereon for use of occupancy.
- 202.11 Development: The act of building structures or installing site improvements.
- 202.12 Dwelling Unit: Any building or structure designed for or used for human habitation.
- 202.13 Easement: A grant by the property owner for use of a strip of land by the public, an entity, a corporation or individual for specific purposes. For example:
- A. Access: An easement allowing a private path which is permanently reserved for vehicle or pedestrian access to abutting property. The terms of use which are public record.
 - B. Drainage: An easement reserving space for conveyance of water.
 - C. Utility: An easement reserving space for utilities.
- 202.14 Engineer: Shall mean a qualified Professional Engineer registered in the State of Mississippi.
- 202.15 Grade, Finished: The completed surfaces of lawns, walks and roads, brought to grades as shown on official plans relating thereto.
- 202.16 Land Development Permit: A permit issued by the Building Official authorizing site work such as clearing, grading, excavation, filling and temporary or permanent road construction.
- 202.17 Lot: A parcel of land which is or may be occupied by a building, its accessory buildings and uses customarily incident thereto, together with such yards or open space within the lot lines as may be required by this ordinance and fronting upon a public dedicated street.
- 202.18 Lot Area: The total horizontal area included within the lot lines.
- 202.19 Lot, Corner: A lot located at the intersection of and abutting on two (2) or more streets.
- 202.20 Lot Depth: The average distance from the street right-of-way line to the rear lot line, measured along the side of the lot.

- 202.21 Lot, Double Frontage: A lot which runs through a block from street to street and which abuts two (2) or more streets.
- 202.22 Lot, Reverse Frontage: A lot fronting on two (2) parallel streets, one a minor street and the other of higher classification with access only to the minor street.
- 202.23 Lot width: Shall mean the width of a lot at the building setback line measured parallel to the street right-of-way line.
- 202.24 Non-conforming use or building: A use or structure that was legal or conforming prior to adoption of this ordinance or amendments but is now in violation of this ordinance.
- 202.25 Plat, Final: A map of a land subdivision prepared in a form suitable for filing of record with all necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining boundaries, lots and blocks, streets, alleys, public areas and other dimensions of land.
- 202.26 Plat, Preliminary: A map or a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate suitability of the contemplated subdivision of land for the intended use.
- 202.27 Public Uses: Includes public parks and recreation, school and other educational or cultural facilities, libraries, hospitals, fire stations, police stations, jails, or other public offices or administrative facilities.
- 202.28 Public Utility: Any person, firm, corporation, municipal department, or board duly authorized under state or municipal regulations to furnish such public services as electricity, gas, water, sewer, telephone, telegraph, transportation or other public utility services to its subscribers or customers.
- 202.29 Right -of -Way: A grant by the property owner, usually in the form of a dedication to the public, of a strip of land to be used primarily for transportation passage over the land.
- 202.30 Sidewalk: That portion of a street or crossway, paved or otherwise surfaced and intended for pedestrian use only.
- 202.31 Site Plan Review Committee: A committee of City Officials, which reviews site plans for consistency with municipal regulations and ordinances.
- 202.32 State Agency: Such agency as the State of Mississippi may direct, and/or any successor agency as may be established by the State of Mississippi.

- 202.33 Street: A way for vehicular traffic, whether designed as a highway, thoroughfare, parkway, throughway, road, street, avenue, boulevard, lane, place, or otherwise designated.
- 202.34 (Street) Alley: A minor right-of-way dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
- 201.35 Street, Arterial and Highway: A street or roadway which is used principally for fast or heavy traffic movement and that forms a part of the primary street and highway system serving the City of Waveland.
- 202.36 Street, Collector: A street which carries traffic from minor streets to major streets and includes the principal entrance streets of a residential development and streets for circulation within such a development.
- 202.37 Street, Cul-De-Sac: A minor street with a turn-around and permanently closed to through traffic, used primarily for access to the abutting properties.
- 202.38 Street, Dead-end: Any local street, other than a cul-de-sac which has only one outlet.
- 202.39 Street, Frontage or Service: A minor street, auxiliary to and located along the side of a major street, for service to and abutting properties and adjacent area for control of access and protection from through traffic.
- 202.40 Street Grade: The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street at the center of the right-of-way shall be considered as the street grade.
- 202.41 Street, Major: A street, other than an arterial street or highway, which also provides access to the various traffic generators within the town and connects with the town arterial street and highway system.
- 202.42 Street, Minor: A street which is used primarily for access to the abutting properties.
- 202.43 (street) Private Drive: A right-of-way which has the characteristics of a street, as defined herein, except that it is not dedicated for public use. A driveway located on a lot which serves only that lot is not considered a private drive.

- 202.44 Subdivider: Any person or persons, firm, partnership, corporation, or other organization, acting as an entity, subdividing or proposing to subdivide land herein defined by these Regulations.
- 202.45 Subdivision: The division or re-division of land into two (2) or more lots, tracts, sites or parcels for the purpose of transfer of ownership or for development or both, or the dedication or vacation of a public or private right-of-way or easement.
- 202.46 Use: The specific purpose 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" or its equivalent shall not be deemed to include any nonconforming use.

Article III Administrative Procedures

Section 301. General

301.1 Applicability

A plat shall be required and these Regulations shall apply to the following forms of land subdivision:

- A. The division of land into two (2) or more lots, tracts, sites or parcels, any part of which, when subdivided shall contain less than three (3) acres in area; however, where a tract of land is serviced with all of the improvements required by this Ordinance, it shall not be necessary for the developer to file the plat set out herein, and sale of the lots will be permitted provided they meet all requirements of this Ordinance; however, in no event shall one (1) lot be subdivided into more than three (3) lots without filing the plat in accordance with the terms of this Ordinance; or,
- B. The division of land, previously subdivided or platted, into lots, tracts, sites or parcels, of less than three (3) acres in area; or,
- C. The dedication, vacation or reservation of any public easement through any tract of land regardless of the area involved, including those for use by public and private utility companies; or,
- D. The dedication or vacation of any street or alley through any tract, lot or parcel of land regardless of the area involved.

301.2 Exemption from the Subdivision Regulations

A division of land resulting in two (2) or more lots, tracts, sites or parcels, any one of which is less than three (3) acres in area and is to be used for agricultural purposes shall be exempt from the provisions and requirements of these Regulations when such division does not involve

the construction of any new public roads or streets or easements of access which are tendered to the City of Waveland for maintenance.

301.3 Previously Approved Plats

All preliminary plats approved prior to the adoption of these regulations and amendments to these regulations shall be considered approved by the Board of Mayor and Aldermen. Any subsequent plats must be submitted in accordance with these regulations; and the developer shall be required to adhere to the requirements of this Article, the new plat approval process, and all subsequent amendments to the City of Waveland Subdivision Ordinance.

301.4 Required Meetings and Approvals

Prior to beginning any building disturbance, street improvements, grading installation of utilities or any construction of a subdivision, the subdivider shall follow the procedure outlines below to obtain approval or required permits from the appropriate agencies.

- A. Pre-Application Review.
- B. Conceptual Plan Approval.
- C. Development Permit Approval.
- D. Preliminary Subdivision Plat Approval.
- E. Preliminary Construction Plan Approval.
- F. Final Subdivision Plat Approval.

301.6 Official Submission Dates and Deadlines

- A. All plats of subdivision shall be submitted to the Waveland Zoning Official no less than thirty (30) days prior to the regularly scheduled Planning and Zoning Commission meeting at which the plat is to be considered. Any plat submitted less than thirty (30) days prior to the regularly scheduled Planning and Zoning Commission will not be considered until the subsequent meeting.
- B. City staff, including the City Engineer, Zoning Official, Building Official, Floodplain Administrator, Fire Chief, Police Chief and Public Works Director will review the submission within ten (10) days of submission to ensure that it is consistent with city regulations.
- C. A revised plat that is re-submitted to the Commission to be on the agenda of a subsequent meeting shall be accompanied by a letter reporting how the revisions requested by the Planning and Zoning Commission or staff have been resolved. The re-submitted plat and accompanying letter shall be submitted to the Zoning Official for the Planning and Zoning Commission no less than fifteen (15) days prior to the regular meeting of the Planning and Zoning Commission.

301.7 Application Fees

The Board of Mayor and Aldermen shall establish the application and review fees.

Section 302. Pre- Application Review

Before preparing a Preliminary Plat and submitting it to the Planning and Zoning Commission for approval, the subdivider may meet and consult informally with the Commission and City Staff for the purpose of ascertaining the locations of proposed major streets, parks, playgrounds, school sites and other planned projects which may affect the property being considered for subdivision.

At the same meeting, the subdivider may review with the Planning and Zoning Commission the minimum standards of subdivision design set forth in Article III and standards for design set forth in Article IV. This informal review may prevent unnecessary and costly revisions in the layout and development of the subdivision. Formal application or filing of a plat with the Planning and Zoning Commission is not required for this informal advisory meeting.

Section 303. Conceptual Plan

303.1 The purpose of the Conceptual Plan is to provide the sub dividers an opportunity to consult early and informally with the Planning and Zoning Commission and Staff before preparation of a Preliminary and/or Final Plat and submission of a formal application to the Planning and Zoning Commission. The intent of this procedure is to assist the subdivider in preparing a plan which will meet the objectives of the Comprehensive Plan, the requirements of the Planning and Zoning Commission and of other public agencies, the improvements and uses of the subdivision and any other potential problems involved in the proposed subdivision.

303.2 The subdivider may submit to the Zoning Official a Conceptual Plan showing the boundaries of the proposed subdivision, its relationship to surrounding properties, natural features and the proposed street and lot pattern. This step does not require a formal application or filing fee. Upon receipt of the Conceptual Plan, the Site Development Plan Review Committee shall review the Plan, and submit the Plan for Planning and Zoning Commission review and recommendation to the Board of Mayor and Aldermen for approval, denial, or modification.

Section 304. Land Development Permit Required Before Land Disturbance Can Begin

A Land Development Permit is required before site clearing, grading, filling or any type of land disturbance can begin. Application for the Land Development Permit pursuant to Section 503 can be submitted prior to the application for the Preliminary Plat or concurrently with the application for the Preliminary Plat. The Building Official may issue the Land Development Permit upon review of all required information.

However, no improvements can be made until the Preliminary Plat is approved by the Board of Mayor and Aldermen following the process prescribed in this chapter, and a Land Development Permit is issued.

Section 305. Procedure for Approval of Preliminary Plat

305.1. Submit Application for Preliminary Plat Approval:

Following the pre-application review of a proposed subdivision the subdivider shall submit to the Zoning Official for review by the Site Plan Review Committee and the City Engineer at least thirty (30) days prior to the next regular meeting of the Planning and Zoning Commission, the following:

- A. An application, pages 32 through 35, conforming to the requirements of this Section and Article III of these Regulations, requesting review and approval of the preliminary plat, and,
- B. Five (5) black line or blue line copies of the preliminary plat conforming to the requirements set forth in Article III of these Regulations.
- C. General plat for development of the entire subdivision.
- D. A filing fee fixed by the governing authority of the City of Waveland under a separate ordinance.

305.2. Preliminary Plat Requirements

- A. Scale. The preliminary plat shall be clearly and legibly drawn at a minimum scale of one (1) inch equals one hundred (100) feet.
- B. Sheet Size. Sheet size shall be eighteen by twenty-four (18 x 24) inches. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.
- C. Ground Elevations. The preliminary plat shall show ground elevations, based on mean sea level.
 1. For land that slopes less than approximately two (2) percent, show contours with an interval of two (2) feet and spot elevations along all drainage channels, swales, and at selected points where changes in elevation are not readily discernible from the contours.
 2. For land that slopes more than approximately two (2) percent, show contours with an interval of five (5) feet.
 3. A tie to one (1) or more bench marks shall be shown.
 4. The preliminary plat shall be legibly drawn and show clearly, the location and description of all Special Flood Hazard Areas. This information shall be based on the current Digital Flood Insurance Rate Maps (DFIRMS) adopted by the City of Waveland on October 16, 2009.
- D. Existing Conditions. In addition, all preliminary plats shall show the following information on existing conditions:

1. Title under which the proposed subdivision is to be recorded, with name and address of owner or owners, notation stating acreage, scale of plat in graphic form, north arrow, dates, and date of survey.
 2. Vicinity map showing location and limits of the proposed subdivision.
 3. Exact boundary lines of the tract with bearings and distances along the boundary and mathematical closure of the survey.
 4. Streets on and adjacent to the tract: name, right-of-way width and type of surfacing.
 5. Right-of-Ways and Easements: location, width and purpose.
 6. Utilities: location, size and invert elevation of any sanitary, storm and/or combined sewers; location and size of water mains and location of any fire hydrants, location of gas lines, electric power lines including pole or tower locations; telephone poles and street lights (if water supply mains and outfall sewers are not on or adjacent to the tract indicate the direction and distance to and size of nearest ones and show invert elevation of sewers).
 7. Other existing conditions on or adjacent to the tract such as water courses, swamps, wooded areas, general soil conditions, houses, barns or other buildings, railroads and other significant manmade and/or natural features.
 8. Names and addresses of the owners of land immediately adjoining the tract of land being subdivided, deed book and page number.
 9. Name of the registered engineer and land surveyor.
 10. Locations of all Magnolia trees with a diameter greater than eighteen (18) inches, three (3) feet from the ground, and Live Oak trees with a diameter greater than eight (8) inches, three (3) feet from the ground.
- E. Proposed Improvements.
- The Preliminary Plat shall be prepared by an engineer registered in the State of Mississippi or a land surveyor registered in the State of Mississippi. In addition to the existing conditions, all proposed improvements shall be shown as follows:
1. Proposed Streets: street name, right-of-way and roadway widths approximate grades and gradients, and type of surfacing; similar data for alleys, if any.
 2. Proposed Lots: lot and block numbers and lot lines, with bearing and distances, square footage or acreage of each lot with approximate dimensions.
 3. Proposed sites, if any, to be reserved or dedicated for parks, playgrounds, lakes, ponds, and other public uses.
 4. Location, purpose and width of proposed right-of-way and, or proposed easements.

5. Proposed sites, if any for apartment buildings, commercial development, or other nonpublic uses, exclusive of single-family dwellings.
6. Minimum building set-back lines.
7. Site data, including number of residential lots and lot sizes, acreage of total tract, smallest lot size, and linear feet in streets.
8. A copy of the deed restrictions or protective covenants which directly affect the land being subdivided, if any.
9. The zoning district or districts in which the land to subdivide is located according to the Zoning Ordinance, if such Zoning Ordinance exists.
10. Engineer's or surveyor's seal and the date.
11. Name of owners of record.
12. Name of engineer or land surveyor, registered in the State of Mississippi.
13. Any area within the subdivision and any area within one hundred (100) feet of the proposed subdivision that is subject to inundation by the 100-year flood as defined herein, or subject to periodic inundation by storm water drainage overflow or ponding shall be clearly shown and identified if all or any part of the proposed subdivision lies within an existing flood hazard zone as indicated on the current Digital Flood Insurance Rate Maps (DFIRMS) adopted by the City of Waveland on October 16, 2009, a statement to that effect should be written on the Preliminary Plat, as well as the extent of the flood hazard area.
14. A copy of the deed restrictions or protective covenants, which directly affect the land being subdivided, if any.
15. Minimum driveway culvert sizes for subdivisions with swale parallel to the road and right-of-way.

F. Preliminary Construction Plan

At the time of submission of the Preliminary Plat, the applicant shall also submit construction plans for all required improvements. All Plats shall meet the minimum standards for design and general requirements for the construction of public improvements as set forth in these regulations. Construction plans shall be prepared by an Engineer registered in the State of Mississippi. The following construction plans shall be included:

1. Streets:
 - a. Locations of all proposed and existing street or rights-of-way in or adjacent to the subdivision.
 - b. Width of existing and proposed rights-of-way and easements.
 - c. Street names.

- d. Plan and profile of all streets, showing natural and finished grades drawn to scale of not less than one inch (1) inch equals one hundred feet (100) and one inch (1) equals five (5) feet vertical.
 - e. Cross sections of proposed streets at a minimum of one hundred (100) feet stations;
 - f. Curve data for the centerline of each street; delta, tangent, and radius, horizontal and vertical curve data.
 - g. Location of all required sidewalks and crosswalks.
 - h. Soils analysis supporting the road section design(s).
2. Storm Drainage Plan:
- a. Location of proposed drainage ways, existing streams and ponds in the subdivision.
 - b. Topography at one (1) foot contour intervals.
 - c. Location, size, and invert elevations of proposed drainage structures, including culverts, bridges, storm water retention structures, pipes, drop inlets, and top elevations of head walls, etc., showing details on the drainage plan, including a conduit schedule.
 - d. Construction details of typical manholes, connections and other drainage structures proposed.
 - e. The area of the land contributing run-off to each drainage structure along with run-off calculations of each area and drainage calculations for each drainage structure and drainage ditch, for a twenty-five (25) year storm event.
 - f. Location of easements and rights-of-way for drainage ways and maintenance access thereof.
 - g. Typical cross sections of each drainage way.
 - h. Direction of water flow throughout the subdivision and compatibility with existing drainage.
3. Sanitary Sewer Plan:
- a. Location and size of all existing and proposed sewers in the subdivision and tie-points of the subdivision and location of sewer laterals.
 - b. Direction of flow of each sewer line.
 - c. Location of manhole and other sewage system appurtenances including lift stations, sewer force mains and air release stations, if any.
 - d. Construction details of typical manholes, connections and other sewage structures proposed.
 - e. Plan and profile of sewage system.
 - f. Letter from the Hancock County Utility Authority stating that the wastewater treatment system has the

- capacity to treat the wastewater proposed to be generated from the subdivision.
4. Water Distribution Plan:
 - a. Location and size of water distribution system including valves, pipes and pumps.
 - b. Location of fire hydrants and typical specifications.
 5. Electrical Distribution Plan:
 - a. Location of all poles or subsurface facilities as necessary to serve each lot or parcel of land within the subdivision.
 - b. Location of street lights and typical specification and drawing.
 6. Street Trees
 - a. Location of existing trees incorporated into the subdivision design.
 - b. Location of new street trees in relation to utility rights-of-way, with typical tree type and proposed size at maturity.

305.3. Review of Preliminary Plat

- A. The Site Plan Review Committee shall review the Preliminary Plat to ensure compliance with these regulations and other municipal regulations, as well as conformance with the City's Comprehensive Plan. Upon a review by the Site Plan Review Committee a recommendation will be made to submit the Preliminary Plat to the Planning and Zoning Commission for Review.
- B. The Planning and Zoning Commission shall consider the Plat for conformance to the rules and regulations of this Ordinance and the Comprehensive Plan.

The Planning and Zoning Commission shall hold a public hearing on the Preliminary Plat. Notice of such hearing shall be sent to all adjoining property owners by regular mail at least fifteen (15) days prior to the date of the public hearing. Additionally, the Zoning Official will notify the applicant of the time and place of the public hearing by certified mail not less than ten (10) days prior to the date of the hearing. Additionally, a notice shall be placed in a newspaper with general circulation in the City of Waveland of the date, time, location of the public hearing and the reason for the public hearing. Notice shall be consistent with Mississippi Statutes.

Thereafter, the Planning and Zoning Commission shall recommend approval or disapproval of the Preliminary Plat. A decision for final approval or disapproval will be made by the Board of Mayor and Aldermen. One (1) copy of the Plat will be retained for the records of the Planning and Zoning Commission.

- C. Approval of a Preliminary Plat does not constitute approval of a Final Plat or authority to begin construction of improvements. It indicates only approval of the layout as a guide to the preparation of the Final Plat.
- D. Approval of a Preliminary Plat shall expire and be null and void after a period of one (1) year unless an extension of time is approved by the Board of Mayor and Aldermen.
- E. The Planning and Zoning Commission shall not consider for a period of twelve (12) months a Preliminary Plat, which has been submitted for approval after disapproval, unless the applicant has fully addressed the Planning and Zoning Commission's required changes and/or additions. Any resubmission shall be subject to another public hearing and further payment of all required fees.
- F. Upon approval of both the Preliminary Plat and the Construction plans, proof of a NPDES Phase II Storm Water Permit is required before construction of improvements can begin.
- G. Upon approval of both the Preliminary Plat and the Construction plans, the Building Official shall issue a Land Development Permit so that construction of improvements can begin.

305.4 Certificate of Preliminary Plat Approval.

A certificate of approval of the Preliminary Plat shall be inscribed on the plat as follows:

"Pursuant to the Land Subdivision Regulations of the City of Waveland, Mississippi, all the requirements for approval of a Preliminary Plat having been fulfilled, this Preliminary Plat was approved by the Board of Mayor and Aldermen of the City of Waveland on the ____ day of _____, 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: _____
Waveland City Clerk

Date: _____

Section 306. Procedures for Approval of Final Plat

306.1 Submit Application for Final Plat Approval.

No lot may be sold within any subdivision of land as defined herein until the Final Plat has been approved by the Board of Mayor and Aldermen upon the recommendation of the Planning and Zoning Commission.

After the Preliminary Plat of the proposed land subdivision has been approved by the Board of Mayor and Aldermen, the sub divider may,

within one (1) year from Preliminary Plat approval, submit to the Planning and Zoning Commission an application for approval of the Final Plat. The following documents are required to be submitted:

- A. An application requesting review and approval of a Final Plat, and giving the name and address of the applicant to whom notice of a hearing by the Zoning Official on the Final Plat shall be sent, should such a hearing be deemed necessary (see page 34).
- B. Five (5) copies of the final plat and other required documents.
- C. Five copies of the final construction plans.
- D. Accompanied by a filing fee fixed by the Governing Authority of the City of Waveland under a separate ordinance.

306.2 Final Plat Requirements.

- A. **Scale of Final Plat:** The Final Plat shall be clearly and legibly drawn at a minimum scale of one (1) inch equals one hundred (100) feet, unless otherwise approved by the Commission.
- B. **Sheet Size:** The Final Plat shall be drawn in permanent ink on a reproducible Mylar or other material of equal durability and permanent quality. Sheet size shall be eighteen by twenty-four (18 x 24) inches, and where more than one (1) sheet is required, an index map shall be required on the same size sheet.
- C. **Information to be provided on Final Plat:** The Final Plat shall be prepared as required by the statutes of the State of Mississippi relating to subdivision plats. For large subdivisions, the Final Plat may be submitted progressively in contiguous sections satisfactory to the Planning and Zoning Commission and to the Board of Mayor and Aldermen.

The Final Plat shall show the following:

- 1. Primary control points or descriptions and "ties" to such control points to which all dimensions, angles, bearings and similar data on the plat shall be determined by subdivider and/or its surveyor/engineer.
- 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, dimensions and purpose of any easements.
- 5. Number to identify each lot or site.
- 6. Purpose for which sites, other than residential lots, are dedicated or reserved.
- 7. Minimum building setback line on all lots and other sites.
- 8. Location and description of boundary monuments.

9. Names of owners of record of adjoining unplatted land.
 10. Reference to recorded subdivision plats of adjoining platted land by record name, book and page number.
 11. Title, graphic scale, north arrow, date and Engineer's or Surveyor's seal.
 12. The following certifications:
 - a. Certification by Surveyor or Engineer to the accuracy of survey and plat.
 - b. Certification by Owner that he is Owner of record of the land embraced in the subdivision and that all State, City, County and/or School taxes or other assessments now due on this land have been paid.
 - c. Certification by owner which sets forth the description of rights-of-way, areas and improvements dedicated by the Owner to the public and extent of title which is being dedicated.
 - d. Certificate of Approval of Final Plat by the Board of Mayor and Aldermen of the City of Waveland, Mississippi.
 13. The Final Plat shall show clearly and legibly drawn, the location, and description of all Special Flood Hazard Areas. The information shall be based on current Digital Flood Insurance Rate Maps (DFIRMS) adopted by the City of Waveland on October 16, 2009.
 14. Any other data required by the statutes of the State of Mississippi relating to subdivision plats. In any conflict between these Regulations and a Statute of the State of Mississippi, the Statute shall control.
- D. Supporting Documentation. The following documentation shall be submitted with the Final Plat:
1. Protective covenants in form for recording, if applicable.
 2. A copy of the Resolution adopted by the Board of Mayor and 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 MDEQ Office of Pollution Control setting forth minimum size of any residential lots where a sanitary sewer system with adequate treatment facilities is not available.
 4. Certificate from the MDEQ Office of Pollution Control approving the sanitary sewer system and treatment facilities.
 5. Certificates from the Mississippi State Department of Health and the Mississippi Public Service Commission approving the independent water system, where such system is utilized.

6. Certificate from the appropriate State Agency approving a new manmade lake or pond, where such lake or pond is part of the subdivision development.
 7. Certification by the Board of Mayor and 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 certificate by the Engineer employed by the subdivider that the improvements were designed by and constructed under his/her supervision, and that the construction has been completed in conformity with the plans and specifications as submitted to and a recommendation is made by the Planning and Zoning Commission, with final approval by the Board of Mayor and Aldermen of the City of Waveland.
 - b. A portion of the required improvements have been constructed and a performance bond has been posted in an amount sufficient to assure proper completion of all remaining required improvements.
- E. Required Improvements Prior to Final Plat Approval.
The owner of the subdivision shall cause to be constructed the following improvements according to the requirements set forth in this Article.
1. Monuments
 - a. Monuments shall be placed at all corners or changes in alignment along the boundary of the subdivision and at all block corners, angle points, or curves in street right-of-way lines.
 - b. These monuments shall be an iron rod or pipe three-quarter inch (3/4) to one and one-quarter inch (1-1/4) in diameter and at least eight (8) inches long, driven flush with the surface of the ground.
 - c. Concrete monuments shall be placed in strategic locations as determined by the City Engineer and these monuments shall consist of four (4) inch by four (4) inch concrete posts not less than thirty (30) inches in length, reinforced with a single one-half (1/2) inch steel rod extending not less than one-quarter (1/4) inch or more than one-half (1/2) inch above the top of the concrete. Elevation from mean sea level datum may be established on a permanent bench mark at the corner of the subdivision or at a distance no greater than two-thousand (2,000) feet on the perimeter.
 - d. Markers shall be placed at all lot corners or changes in alignment in lot boundaries. These markers shall

consist of an iron pipe or iron pin not less than one-half ($\frac{1}{2}$) inch in diameter and not less than twenty-four (24) inches in length.

- e. All monuments or markers shall be set with the top thereof flush with finished grade. Where farming operations or other land uses might destroy or disturb the monument, it shall be sunk underground and referenced to permanent landmarks.
2. General Grading.
 - a. Grading and centerline gradients shall be in accordance with plans and profiles approved by the City Engineer.
 - b. Areas to be graded by cutting or filling shall be rough graded to within one-half ($\frac{1}{2}$) foot of the accepted elevation after necessary allowance has been made for the thickness of topsoil, paved areas and other installations.
 - c. Final cross-sections and profiles of streets and other installations shall conform to grades approved by the City Engineer. Elevations shall be based upon mean sea level.
 - d. 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. The design of subdivision streets shall provide for the adequate drainage and run-off of storm water. Streets may be drained by curbs and gutters with drop inlets and storm drains underground or they may be drained by surface ditches with proper gradients to natural outlets.
 - b. In the case of surface drainage, the full width of the street between property lines shall be utilized in the graded section in order to permit easy maintenance and grassing of the section from edge of shoulders to property lines.
 - c. Driveways crossing side ditches shall be constructed to a minimum width of ten (10) feet with head walls at both ends or fifteen (15) feet without head walls at both ends of the culvert pipe drains laid to the profile of the ditch inverts.
 - d. The sizes and capacities of all drainage pipes and culverts, storm water retention structures, other drainage 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 fifteen (15) inches in diameter. Culvert pipe may be either reinforced concrete or corrugated polyethylene (HDPE). Corrugated HDPE pipe shall not be used under existing or proposed City roadways. Open drainage ditches shall have concrete paved inverts or grass swales with a 2 to 1 slope.

- e. Drainage ditches placed alongside streets shall be so constructed as to prevent undermining of the street by storm waters, or to create a traffic hazard.
 - f. Storm sewers and open drains shall be designed to carry not less than the storm water from the maximum twenty-four (24) hour rainfall expected to occur once in twenty-five (25) years with a runoff factor of ninety (90) percent for pavements and buildings and a variable run-off factor for ground areas, dependent upon topographic conditions and other characteristics. The City Engineer shall have the right to apply such other storm frequency as may be considered appropriate.
 - g. The subdivider shall design and build a storm water management system certified by a professional engineer such that once the improvements and lots are developed, the rate of stormwater run-off leaving the development site does not exceed the rate of stormwater run-off prior to development. The minimum run-off coefficients used to calculate the pre-construction and post-construction conditions shall be as given above, or shall be industry standard coefficients based on the existing terrain and the proposed improvements, and shall be submitted for review by the City Engineer.
4. Streets.
- a. The subdivider shall construct streets, including all grubbing, grading, laying of sub-base, base, pavements, curbs and gutters, culverts, bridges and other structures in accordance with the Mississippi Standard Specifications For Road and Bridge Construction (most recent addition) from Mississippi Department of Transportation (MDOT), and Mississippi Neighborhood Standards, Land Planning Bulletin Number 3, Federal Housing Administration. Design and supervision of all work shall be submitted to the City Engineer prior to the initiation of construction.

- b. All pavement or surfacing design plans must be approved by the City Engineer before any construction is undertaken to ensure adequate design for the existing soil conditions and proposed use to which it is to be subjected.
 - c. Specifications for all materials and street work shall conform to the appropriate provisions of the Mississippi Standard Specifications For Road and Bridge Construction (most recent addition), the Mississippi Neighborhood Standards, Land Planning Bulletin Number 3, Federal Housing Administration.
 - d. Street name markers shall be placed at the corner of all street intersections. Said markers shall be of a standard design in current use and placed at locations the Commission may direct. Street signs shall comply with the Manual of Uniform Traffic Control Devices.
 - e. Bridges of primary benefit to the applicant, as determined by the City Engineer, shall be constructed at the full expense of the applicant without reimbursement from the City.
 - i. All bridges shall be constructed according to the Mississippi Standard Specifications For Road and Bridge Construction (most recent addition) in effect at the time the subdivision is approved.
 - ii. All bridges shall accommodate a minimum of a 50-year frequency design storm, however, conditions may dictate that a 100-year frequency design storm.
 - iii. The City Engineer may consider other such standards which may improve safety or which may effectively address the needs of residents proposed to live within the subdivision.
 - f. All water, sewer and underground utilities shall be installed before the applicant shall construct curbs and gutter, where applicable and shall base and surface or cause to be based and surfaced all pertinent streets to the widths prescribed in the regulations.
5. Water Systems.
- a. When an approved municipal water supply is reasonably accessible and the municipal system is capable of meeting the water supply needs of the subdivision, the subdivider shall connect with the municipal water supply system and shall construct

- and install a water system in accordance with the Municipal specifications and Mississippi State Department of Health and shall provide a water connection for each lot.
- b. Fire Protection shall be provided in accordance with the standards of the Mississippi State Rating Bureau, and with Municipal standards.
 - c. When an independent water system, including water well, distribution lines, and elevated reservoir or pressure storage tank is utilized the water shall be tested for purity and approved by the Mississippi State Department of Health upon completion of the system and prior to its use.
 - d. The subdivider shall furnish the City Engineer with a design approval letter from the Hancock County Utility Authority and from the State of Mississippi Department of Health.
 - e. Where public water is available or reasonably accessible, fire hydrants shall be installed along each street every four hundred (400) feet and within five hundred (500) feet of any structure, or at the ends and center of each block. The water supply and pressure shall be sufficient to adequately serve the potential needs of the intended land use and designed and installed as per requirements of the Mississippi State Rating Bureau. The fire hydrants shall be based upon the standards and specifications required by the Municipal Standards.
6. Sanitary Sewer System
- a. All new subdivisions shall be served by the extension of an existing municipal or other sanitary sewer system with sufficient line and treatment capacity to accept the loads that would be imposed by the subdivision, and the subdivider shall enter into an agreement with the agency owning the same for the extension of the said sewer system at the subdivider's expense so that sanitary sewer service shall be made available for each lot within the Subdivision. The subdivider shall submit to the City Engineer plans for each extension of a municipal or other sanitary sewer system with a design of approval letter from the Hancock County Utility Authority and the MDEQ Office of Pollution Control prior to the initiation of construction.

- b. Sanitary Sewer systems shall conform to the following requirements and/or such requirements as the MDEQ Office of Pollution Control may prescribe:
 - i. Minimum pipe size allowed shall be eight (8) inches in diameter, except when a line provides service for no more than four (4) single family residences and does not exceed one-hundred and fifty (150) feet in length, a six (6) inch diameter pipe may be used.
 - ii. Gradients, pipe type, location and type of manholes, characteristics of lift stations and treatment facilities shall comply with the requirements of the MDEQ Office of Pollution Control.
 - iii. Sanitary manholes shall be spaced at intervals not to exceed four hundred (400) feet and at each junction or change in alignment or grade.
 - iv. Sanitary sewers shall be designed to carry peak rates of flow as required by the MDEQ Office of Pollution Control, based upon an average flow of one-hundred (100) gallons per capita per day.
 - v. Infiltration rate in designated high water table areas shall not exceed two hundred (200) gallons per day per inch of pipe diameter for each linear mile of pipe.
7. Sidewalks. Sidewalks shall be provided on both sides of all arterial, major, collector and frontage streets, or only on one side where deemed appropriate by the Board of Mayor and Aldermen upon recommendation by the Planning and Zoning Commission. Sidewalks shall be concrete and a minimum of four (4) feet wide in residential areas and six (6) feet wide in business areas, and shall conform to the requirements and specifications for concrete sidewalks of the Mississippi Neighborhood Standards, Land Planning Bulletin Number 3, Federal Housing Administration. The requirements of this section may be modified by the Board of Mayor and Aldermen upon recommendation by the Planning and Zoning Commission when it can be shown that sidewalks serve no useful purpose.
8. Street Name Signs. Street name markers shall be placed at the corner of all street intersections. Said markers shall be of a standard design in current use and placed at locations the City Engineer may direct. Street signs shall comply with the Manual of Uniform Traffic Control Devices.

9. Sight Distances. On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede visibility across the corner between a height of two and one-half (2 ½) feet and ten (10) feet above the centerline grades of the intersecting streets and within twenty-five (25) feet of the corner as measured at the property line. The same sight line limitations shall apply on any lot within twenty-five (25) feet from the intersection of a street property line with the edge of a driveway pavement or alley boundary.
10. Approval of Construction Plans Required
 - a. The subdivider shall have prepared five (5) sets of blue-line prints of the construction plans for the required improvements 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.
 - c. Construction plans shall be submitted on a minimum twenty-two (22") inch by thirty-four (34") inch and a maximum of twenty-four (24") inch by thirty-six (36") inch sheets and shall consist of combination plan and profile for each street and a typical cross-section of the proposed grading, drainage, base course, and pavement. Detailed plans shall be submitted for the water and sanitary sewer systems and for culverts, drainage structures and bridges, or if applicable, standard plans issued by the Mississippi Department of Transportation (MDOT) may be included for reference. The plan and profile sheets (streets and sanitary sewers) shall be based to a scale of one (1) inch equals one-hundred (100) feet horizontal and one (1) inch equals five (5) feet vertical, and shall be based on U. S. Government Datum (mean sea level).
 - d. The construction plans shall first be approved by the MDEQ Office of Pollution Control and the Mississippi State Department of Health 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 five (5) sets of the construction plans complete, with attached certificates, to the Planning and Zoning Commission for review. Upon approval of said plans by the Board of Mayor and Aldermen with such changes and alterations as may be recommended by the Planning and Zoning Commission, the five (5) sets of construction plans will be stamped, approved, dated and signed by the Chairman and the Secretary of the Planning and Zoning Commission, and by the Mayor of the City of Waveland.
- f. Upon completion of the work, the Engineer of the subdivider shall furnish the City of Waveland with a certification stating that all work has been completed in conformity with the approved construction plans and specifications. The Planning and Zoning 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.

F. Deferred Improvements.

1. Deferment of Required Improvements.

Where the Planning and Zoning Commission shall recommend 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 Board of Mayor and Aldermen 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 and Zoning Commission, the Board of Mayor and Aldermen shall require that the subdivider provide for the completion of deferred improvements by complying with the necessary Sections and provisions of this Article.

2. Performance Bond.

The City of Waveland 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 and Zoning Commission shall recommend to the Board of Mayor and Aldermen the amount of the performance bond deemed appropriate by the Planning and Zoning Commission. See Sub-section 306.5(A)(1).
3. Completion of Deferred Required Improvements.
When the Planning and Zoning Commission shall determine that all or certain deferred improvements for a subdivision are necessary to insure and protect the public health, safety or convenience, the subdivider shall be requested to meet with the Planning and Zoning Commission to establish a construction schedule for the initiation and completion of such required improvements. The Planning and Zoning Commission shall then recommend to the Board of Mayor and the Aldermen of the City of Waveland that the subdivider so 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 in the time period established.
- G. Variances. In considering variances and modifications, the Planning and Zoning Commission may recommend to the Board of Mayor and Aldermen that they require such conditions as will, in its judgment, substantially secure the objectives of the standards and requirements so varied or modified.
1. Hardship and Modifications.
 - a. Where the Planning and Zoning Commission finds that extraordinary hardships may result from strict compliance with these Regulations, it may propose to the Board of Mayor and Aldermen that the Board 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.
 - b. 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.
 2. Large Scale Development
 - a. Application of the standards and requirements of these Regulations may be modified in the case of a plan and program for development of a new village, or

- complete community, a neighborhood or other form of planned or mixed-use development, which in the judgment of the Board of Mayor and Aldermen upon recommendation by the Planning and Zoning Commission provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated and which also provides such covenants or other legal provisions as will assure its development.
- b. A comprehensive group housing development including the construction of two (2) or more buildings together with the necessary drives and ways of access and which is not subdivided into customary lots, blocks, and streets may be considered by the Planning and Zoning Commission if in the opinion of the Planning and Zoning Commission, departure from these Regulations for subdivisions can be made for such a development without compromising the intent of the Regulations. Plans for all such developments shall be submitted to the Planning and Zoning Commission for a recommendation and then a final decision by the Board of Mayor and Aldermen.
3. Procedural Variance. Where a proposed subdivision would contain no new streets and no more than ten (10) lots, the requirement to prepare a Preliminary Plat may be waived by the Board of Mayor and Aldermen upon recommendation by the Planning and Zoning Commission.

306.3 Review and Approval of Final Plat

- A. The final plat shall conform substantially to the preliminary plat as approved by the Board of Mayor and Aldermen and shall reflect the subdivision with the improvements as built. 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 Site Plan Review Committee and the Planning and Zoning Commission shall check the Final Plat for conformity 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 and Zoning Commission may require a hearing on the Final Plat. Notice of the place and time of which shall be sent by the Zoning official 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.

- C. The Planning and Zoning Commission shall recommend to the Board of Mayor and Aldermen approval or disapproval of the Final Plat. A notation of the action taken by the Board of Mayor and Aldermen 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.

306.4 Recording the Final Plat.

- A. Upon approval of the final plat by the Board of Mayor and Aldermen, the subdivider shall have the Plat duly recorded in the Office of the Chancery Clerk of Hancock County as required by law, and shall be responsible for payment of the recording fee.
- B. Following recording of the final plat, (2) copies of the final plat with all certificates required shall be provided by the subdivider for the records of the Planning and Zoning 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 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.

306.5 Guarantee of Completion of Improvements

- A. Installation of Required Improvements
The subdivider shall be responsible for the provision of all required improvements to the subdivision. This may be accomplished by either the full installation of all required improvements by the developer at the time the Final Plat is to be submitted to the Planning and Zoning Commission or by the provision of a financial guarantee of performance.
 - 1. Subdivision Improvement Bond
The guarantee of performance by the subdivider shall be in the form of an acceptable surety and shall meet the following requirements:
 - a. Acceptance of Surety. The surety must be approved by the City Attorney and the Board of Mayor and Aldermen.
 - b. Value of Surety. The surety must be in an amount equal to one hundred and twenty-five percent (125%) of the cost of installing all improvements that have not been installed, as estimated by an independent source.
 - 2. Failure to Complete Work
If within twelve (12) months after filing said surety, the subdivider has not completed all necessary improvements or if in the opinion of the Planning and Zoning Commission said

improvements have not been satisfactorily installed, the bond shall be used by the City to complete the improvements in a satisfactory fashion, or the City may take such steps as may be necessary to require performance under the bond.

B. Inspection and Certification of Improvements

If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the City's adopted construction standards and specifications, the applicant shall be responsible for completing the improvements in accordance with such standards and specifications. Whenever the cost of improvements is covered by a surety, the applicant and the surety company shall be separately and jointly liable for completing the improvements according to specifications.

Upon completion of the improvements, the applicant shall file with the City Engineer a statement stipulating the following:

1. That all required improvements are complete.
2. That these improvements are in compliance with the minimum standards recommended by the Planning and Zoning Commission and approved by the Board of Mayor and Aldermen for their construction.
3. That the applicant knows of no defects from any cause in these improvements.
4. That these improvements are free and clear of any encumbrance or lien.

The applicant shall also file with the Planning and Zoning Commission an agreement dedicating improvements to the City.

Upon completion of these improvements, the City Engineer shall file with the Zoning Official a statement either acknowledging that the applicant has stated in writing that the improvements have been completed in the specified manner, or that the applicant has provided a listing of the defects in these improvements.

Upon receipt of the statements and agreements detailed above, the Board of Mayor and Aldermen upon recommendation of the Planning and Zoning Commission and the City Engineer, may accept the dedication of these improvements. The City may, at its discretion, accept the dedication of any portion of the required improvements, provided that all statements and agreements specified above have been received for that portion of the improvements.

C. Reduction of Guarantee

In those cases where an improvement guarantee has been made under subsection 306.5.A.1 of these regulations, the amount of the surety may be reduced upon acceptance in compliance with these regulations, of the dedication of a portion of the required improvements. A surety shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvements dedicated bears to the total public improvements for the plat. In no event shall a surety be reduced below twenty-five percent (25%) of the principal amount.

D. Release of Guarantee

Upon acceptance, in accordance with these regulations of the dedication of the final portion of improvements, the City Engineer shall recommend to the Board of Mayor and Aldermen the release of the remaining portion of the improvements guarantee.

E. Maintenance of Improvements

The applicant shall be required to file a maintenance surety with the City prior to dedication in an amount considered adequate by the City Engineer, and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements for a period of one (1) year after the date of the acceptance of the Final Plat by the Board of Mayor and Aldermen and dedication to the City with the option for renewal by the City is routine maintenance is not considered adequate.

**Application Form
Planning and Zoning: Commission
City Hall
Waveland, Mississippi
APPLICATION FOR PRELIMINARY SUBDIVISION PLAT APPROVAL**

Name of Subdivision: _____

Number of Lots in Subdivision: _____

Zoning Classification of Said Property: _____

(Attested by City Zoning Official)

Name of Owner: _____

Name of Engineer: _____

Name of Applicant: _____

Address of Applicant: _____

Telephone Number of Applicant: (Business) _____ (Home) _____
(Cell) _____

Date of Application: _____

Name and Address of Adjacent Land Owners:

Legal Description of Property: Attached _____ Not Attached _____

As recorded in Book _____, Page _____, in the records of Hancock County, Mississippi, legal description of said property is as follows:

There are (are no) restrictive covenants or deed restrictions which are attached.

Notification to Appropriate State Agencies of Proposed Development.

A copy of this completed application form has been provided to the following State Agencies:

MDEQ Office of Pollution Control: Date Mailed: _____

MSDH Bureau of Public Water Supply: Date Mailed: _____

Other Agencies _____ Date Mailed: _____

Fee

Attached herewith is a certified check in the amount of Fifty Cents (\$0.50) per lot, subject to a minimum fee Fifty Dollars (\$50.00) made payable to the City of Waveland, Mississippi, to defray the cost of processing this application.

Signed: _____
Name of Applicant

Check Number _____
(File Original and 4 copies)

Refer to Section (s) _____ of the Zoning Ordinance.

**Application Form
Planning and Zoning Commission
Waveland, Mississippi
APPLICATION FOR FINAL SUBDIVISION PLAT APPROVAL**

Name of Subdivision: _____

Number of Lots in Final Plat: _____

Zoning Classification of Said Property: _____

(Attested by City Zoning Official)

Name of Owner: _____

Name of Engineer: _____

Name of Applicant: _____

Address of Applicant: _____

Telephone Number of Applicant: (Business) _____ (Home) _____
(cell) _____

Date of Application: _____

Certification by Applicant	Date Approved
1. Preliminary Subdivision Plat Approved	_____
2. Construction Plans for Subdivision Approved	_____
3. Sanitary Sewer System Approved by the Mississippi Department of Environmental Quality, (MDEQ), Office of Pollution Control.	_____
4. Water System Approved by Mississippi State Department of Health, Bureau of Public Water Supply	_____
5. New Manmade Lakes approved by the MDEQ Office of Land and Water Resources	_____

Installation of Improvements

Date Approved

Option Number 1

All required improvements in place, inspected and accepted prior to the filing of application for final plat approval.

Option Number 2

A portion of the required improvements in place and a performance bond posted in an amount sufficient to assure proper completion prior to the filing of application for final plat approval.

Signed: _____
Name of Applicant

(File original and 4 copies)

Article IV Minimum Standards of Design

Section 401. Suitability of Land for Subdivision Development

The Planning and Zoning Commission shall not recommend approval of 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 subject to flooding, or land deemed to be topographically 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.

401.1 Streets.

- A. Conformity to the Major Street Plan. The pavement, widths, rights-of-way and locations of all streets shall conform to the City's Major Thoroughfare Plan.
- B. Street Extensions.
 - 1. The street layout of the proposed subdivision shall provide for the continuation of streets already existing in areas adjacent to the area being subdivided unless the City Engineer or Planning and Zoning Commission deems such continuation or extension undesirable for specific reasons of topography or design.
 - 2. Where, in the opinion of the Board of Mayor and Aldermen upon recommendation of the City Engineer or Planning and Zoning Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the City Engineer deems it necessary, such dead end streets shall be provided with a turn-around having a radius of at least forty (40) feet.
 - 3. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

C. Dedication of Right-of-Way for New Streets.

1. The dedication of right-of-way for new streets measured from lot line to lot line shall be as shown on the City Transportation Plan, or, if not shown thereon, shall meet the following standards:

Street Type	Minimum Dedicated Right-of-Way Width
Arterial Streets*	120 feet
Major Streets	80 feet
Collector Streets	60 feet
Minor Streets	50 feet
Dead-End Streets or Cul-de-sacs	50 feet
Marginal Access Streets	40 feet
Alleys	
Commercial & Industrial Areas	40 feet
Residential Areas	30 feet

* The City Transportation Plan may indicate greater right-of-way widths for certain arterial streets, but in no case shall the subdivision be required to dedicate a right-of-way width of more than eighty (80) feet for any one street.

2. All streets classified as arterial streets may be considered as limited access (controlled access). All points of access shall be as approved by the Board of Mayor and Aldermen upon recommendation by the Planning and Zoning Commission and with input from the City Engineer for subdivision fronting on arterial streets.
3. Through proposed business areas, street widths shall be increased ten (10) feet on each side if needed to provide parking without interfering with normal traffic movements.
4. In cases where topography or other physical conditions make a street of the required minimum width impracticable, the Board of Mayor and Aldermen upon recommendation by the Planning and Zoning Commission and with input from the City Engineer may modify these requirements.

D. Dedication of Right-of-Way for Existing Streets.

Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements as previously set forth.

1. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street.
2. One-half (1/2) of the required right-of-way width measured from the center line of the existing roadway, shall be

dedicated where the subdivision is located only on one side of an existing street.

3. Dedication of one-half (1/2) of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.

E. Standards for street width of Right-Of-Way (ROW), and width of pavement shall be as follows:

ROW Width	Curbed Pavement Width	Uncurbed Pavement Width
120 feet	As per AASHTO Recommendations	
80 feet	34 feet	24 feet
60 feet	30 feet	22 feet
50 feet	26 feet	20 feet
40 feet or less	22 feet	18 feet

F. Curbs and Gutters. All minor streets shall have curb and gutter, unless otherwise approved by the Planning and Zoning Commission.

1. Curb and gutter shall be installed in all residential, commercial and industrial zoned subdivisions using the Mississippi Specifications for Road and Bridge Construction, as approved by MDOT.
2. In residential, commercial and industrial subdivisions the Board of Mayor and Aldermen upon recommendation by the Planning and Zoning Commission and with input from the City Engineer may allow the developer to provide curb and gutter that is of such character as to be suitable for the expected traffic and in harmony with similar improvements in the surrounding area.
3. The developer shall have material and compression tests of the concrete performed and the results submitted to the City Engineer.

G. Intersections.

1. Streets shall intersect as nearly as possible at right angles. No streets shall intersect at less than 75 degrees unless approved by Board of Mayor and Aldermen upon recommendation by the Planning and Zoning Commission with input from the City Engineer.
2. Street curb intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of a street intersection is less than sixty (60) degrees curb radii of greater length are required. Wherever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at a street corner to less than normal

width, the property line at such street corner shall be rounded or otherwise setback sufficiently to permit such curb construction.

3. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred feet (100) therefrom.
4. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Board of Mayor and Aldermen upon recommendation by the Planning and Zoning Commission and with input from the City Engineer.
5. Property lines at street intersection shall be rounded with a minimum radius of twenty feet (20) with easement for site clearance of not less than thirty feet (30).
6. Deceleration and/or acceleration lanes may be required where necessary to maintain a safe flow of traffic on existing or proposed streets.
7. Proposed new intersections along an existing street shall, whenever practical, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where minor streets intersect collectors or arterials, their alignment shall be continuous. Intersections of arterials shall be at least eight hundred (800) feet apart. Where a street intersects a state highway, the design standards for the State Highway apply.

H. Curves in Streets - Horizontal and Vertical.

1. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
2. Where there is a deflection angle of more than ten (10) degrees in the alignment of a street, a curve with radius adequate to insure safe sight distance shall be made. The minimum sight distance shall be:

Street Type	Minimum Sight Distance
Arterial	350 feet
Major	275 feet
Collector	150 feet
Minor	100 feet

3. All changes in grade for streets shall be connected by a vertical curve of a minimum length necessary to provide adequate sight distance and other safety factors.
- I. Street Grades and Elevations. The City Engineer shall review all street grades and elevations before giving input to the Planning and

Zoning Commission who shall then give recommendation to the Board of Mayor and Aldermen for approval.

All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage, for adequate drainage, the minimum street grade shall not be less than one-half (1/2) of one (1) percent.

The City Engineer or Planning and Zoning Commission shall not recommend for approval streets which will be subject to inundation or flooding. All streets must be located at elevations which make them flood-free in order that portions of the subdivision will not be isolated by floods. Where flood conditions exist, profiles and elevations of streets shall be required to be submitted in order to determine the advisability of permitting the proposed subdivision activity.

Fill may be used in areas subject to flooding in order to provide flood-free streets if such fill does not unduly increase street heights. Drainage openings shall be designed so as not to restrict the flow of water and thereby unduly increase flood heights.

J. Access to Arterials

Where a subdivision borders on or contains an existing or proposed arterial, the Board of Mayor and Aldermen upon recommendation by the Planning and Zoning Commission and with input from the City Engineer may require that access to such arterial be limited by one of the following means:

1. The subdivision of lots so as to back onto the arterial and front onto a parallel minor street. No access shall be provided from the arterial and screening shall be provided in a strip of land along the rear property lines of such lots.
2. A series of cul-de-sacs, u-shaped streets or short loops entered from and designed generally at right angles to such a parallel street with the rear lines of their terminal lots backing onto the arterial.
3. A marginal access or service road (separated from the arterial by a planting or grass strip and having access thereto to suitable points).

K. Street Jogs. Street jogs with center line offsets of less than one hundred and twenty-five (125) feet shall not be made.

L. Cul-de-sac or Dead-end Streets. Cul-de-sacs shall be provided at the closed end of a street with a turn-around having an outside roadway diameter of at least eighty (80) feet and a right-of-way diameter of at least one hundred ten (110) feet. A cul-de-sac street shall not exceed six hundred (600) feet in length measured from the street entrance to the center of the turn-around unless specifically

approved by the Board of Mayor and Aldermen upon recommendation by the Planning and Zoning Commission with input from the City Engineer and Fire Chief. Dead-end streets are intended to be extended at some point in the future and may be required to have a temporary turnaround at the end of this phase of pavement construction.

M. Street Names.

1. Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of such existing streets, no matter if the existing streets are in the City or not.
2. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing street irrespective of the use of the suffix- street, avenue, boulevard, drive, place, court, land, road, pike, highway, parkway, or similar suffix, whether located in the City, Bay St. Louis, or Hancock County. There shall be no duplication of street names for streets in any part of Hancock County or its municipalities.
3. Street names are subject to a recommendation by the Planning and Zoning Commission and final approval by the Board of Mayor and Aldermen.

N. Private Streets and Reserve Strips.

1. There shall be no private streets platted within a subdivision.
2. There shall be no reserve strips in a subdivision except here their control is definitely vested in the City or County under conditions recommended by the Planning and Zoning Commission and approved by the Board of Mayor and Aldermen.

O. Alleys.

1. Alleys shall be provided in commercial and industrial districts, except that the Board of Mayor and Aldermen upon recommendation by the Planning and Zoning Commission with input from the City Engineer may elect to waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking, consistent with and adequate for the uses proposed.
2. The width of an alley in commercial and/or industrial sections shall be a minimum of forty (40) feet.
3. Alley intersections and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
4. Dead-end alleys shall be avoided where possible, but, if unavoidable, such alleys shall be provided with adequate

turn-around facilities at the ends as determined by the City Engineer.

5. Where alleys are used in residential areas, the width shall be a minimum of thirty (30) feet.

P. Street Lights.

Street lighting shall be required in accordance with standards approved by the City Engineer and utility company.

1. Appropriate street lights shall be provided by the developer in all subdivisions. The placement of such lights shall be designed to avoid interference with other utilities or street paving and shall be shown on the development plat.
2. The development shall submit a plat to the Planning and Zoning Commission indicating the proposed location of all wiring, together with any design, drawing and specifications as may be required by the City Engineer.

Q. Street Trees.

It is a requirement of the Ordinance to plant street trees in new subdivisions in order to enhance the appearance of the community. The types, location and placement of street trees shall be approved by the Board of Mayor and Aldermen upon recommendation by the Planning and Zoning Commission with input from the Site Plan Review Committee prior to installations, and should be indicated on the preliminary plat. General standards for required street trees include:

1. Trees may be spaced alternatively on each side of the street instead of directly opposite of one another.
2. Trees may be spaced at regular intervals at least forty (40) feet apart and without regard to property lines to give the street a well-balanced appearance.
3. Narrow streets may have trees on one side only, subject to approval by the Board of Mayor and Aldermen upon recommendation by the Planning and Zoning Commission with input from the City Engineer.
4. Streets with long curves should have street trees on both sides or on the outside of the curve.
5. Trees for an entire block shall be planted at the same time.
6. Newly planted street trees shall be located in a manner that will they will not damage streets, sidewalks, or drainage or utility installations

401.2 Blocks.

- A. Length. Block lengths shall not exceed one thousand two hundred (1,200) feet or be less than four hundred (400) feet, except where the Board of Mayor and Aldermen upon recommendation by the Planning and Zoning Commission with input from the City Engineer

considers it necessary to secure a more efficient use of land or a more desirable street layout.

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

- B. Width. Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth. However, where this would require lots to front on an arterial street or highway, or where topographical conditions or the size of the property prevent two (2) tiers of lots the Planning and Zoning Commission may recommend approval of a single tier of lots of minimum depth, with final approval from the Board of Mayor and Aldermen.

401.3. Lots.

- A. Relationship to Streets. All lots shall front on a public street or road for a minimum distance of seventy (70) feet, except that lots which front on the turn-around of permanent dead end streets shall front on such turn-around 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 or flooding, the limits of such areas subject to inundation shall be clearly indicated on the preliminary plat and final plat. If possible each lot in a subdivision shall contain a building site completely free from the danger of flooding.
- C. Dimensions. The size, shape, and orientation of lots shall be such as the Board of Mayor and Aldermen deems appropriate for the type of development and use contemplated.
 - 1. Lot dimensions within the City shall conform to the requirements of the City Zoning Ordinance.
 - 2. In areas where no zoning ordinance is in effect residential lots not served by public sewer shall have a minimum lot width at the building setback line and a minimum lot area as determined by the MDEQ Office of Pollution Control. The subdivider shall furnish a certificate from the MDEQ Office of Pollution Control setting forth the minimum size of each such residential lot.
 - 3. The minimum width and minimum area of residential lots to be served by individual private wells shall be determined by the County Health Officer after investigation of soil conditions, the proposed sewerage system and the depth of ground water.

4. 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.
- D. Building Setback Line. The building setback line shall not be located closer to the street right-of-way line than one-half (1/2) the distance of the total right-of-way.
- E. Corner Lots. Corner lots shall have sufficient extra width to meet the building setback line established on both the front street and the 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 City Zoning Ordinance for the zoning district or districts in which they are located.
- G. Double Frontage Lots. Double frontage lots should be avoided, except where essential to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography or orientation.
- H. Minimum lot size should be usable land.

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 off street parking facilities, in conformance with the City's Zoning Ordinance.

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 a recommendation from the City Engineer and Planning and Zoning Commission, and upon final approval from the Board of Mayor and Aldermen.
- C. No buildings, fences or structures shall be permitted within utility easements unless there is a recommendation specifically from the City Engineer and Planning and Zoning Commission, and the final approval of the Board of Mayor and Aldermen.
- 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 recommendation by the City Engineer and Planning and Zoning Commission, and upon final approval from the Board of Mayor and Aldermen.
- F. Drainage Easements.
 - 1. 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 City Engineer to accommodate anticipated storm flows, future construction and channel maintenance.
 - 2. No building, fence, poles, or other obstruction shall be permitted within the drainage easement, unless a recommendation is made by the Planning and Zoning Commission and it is specifically approved by the Board of Mayor and Aldermen. Fences and poles will not obstruct the water flow of a twenty-five (25) year flood event. The Board of Mayor and Aldermen upon recommendation of the Planning and Zoning Commission with input from the City Engineer may change the flood frequency to that deemed appropriate for the particular location of the subdivision.
 - 3. Easements should be indicated on the plat.
 - 4. The applicant shall dedicate either in fee or by conservation easement, land on both sides of the water course, to a distance to be determined by the City Engineer.
 - 5. Low-lying lands along water courses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state.
 - 6. When a proposed new drainage system will divert water into an unnatural water system or on private land adjacent to the subdivision, appropriate drainage rights must be secured by the applicant and indicated on the plat.

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

401.7 Public Sites and Open Spaces.

- A. Due consideration shall be given to the allocation of suitable areas for schools, parks, playgrounds and other community facilities to be dedicated for public use as shown in the City Comprehensive Plan.
- B. Due regard shall be shown for all natural features such as large trees, unusual land formations, water courses, historic areas and similar City assets, which, if preserved, will add attractiveness and value to the subdivision and City.
- C. Lakes, ponds and similar areas will be accepted for maintenance only if sufficient space is dedicated as a public recreation area, or if such area constitutes a necessary part of the drainage control system. Such areas must have a recommendation by the appropriate State Agency(s), with final approval by the Board of Mayor and Aldermen upon recommendation of the Planning and Zoning Commission with input from the City Engineer.

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 re-subdivision.

401.9 Care of Area During Construction

- A. Builders and contractors shall be responsible for cleaning up all loose paper and material subject to be scattered by wind each day and prevent such material from scattering through a subdivision or adjoining property. The premises will be kept in a manner reasonably clear of litter. Building permits may be withheld from builders and contractors who fail to maintain premises free of litter and loose paper after being warned by the Building Department.
- B. Builders and contractors shall not permit waste materials, dirt and debris to be placed or allowed to remain in a public street. The violator may be prosecuted for unlawfully placing an obstruction in a public road.
- C. Every construction site shall have access to an onsite waste receptacle and portable latrine. Said facilities shall be placed and maintained on the site of construction and shall not pose any nuisance to adjoining properties.
- D. Every construction site will have an emergency spill plan, as required by the Mississippi Department of Environmental Quality.
- E. Preservation of Live Oak and Magnolia Trees
 - 1. Without a permit, it shall be unlawful for any person, firm or corporation to cut down, remove, destroy or effectively destroy any Live Oak growing within the City of Waveland with a trunk size of more than eighteen (18) inches in diameter measured at a point three (3) feet above ground level or a Magnolia tree growing within the City of Waveland

with a trunk size of more than eight (8) inches in diameter measured at a point three (3) feet above the ground level.

2. A permit for the cutting down or destruction of a Live Oak or Magnolia tree or trees as herein described shall be issued only if the tree or trees proposed to be cut are in such poor health or bad physical condition as to be a hazard to human safety, or if proposed construction cannot be practically located in such a way as to preserve the tree or trees.
 - a. Any person, firm or corporation desiring to cut down any Live Oak or Magnolia tree or trees as described, shall file an application with the City Building Official accompanied by a fee.
 - i. The application shall state the legal description of the property on which the tree or trees is located.
 - ii. The mailing address and telephone number of the applicant.
 - iii. The reason for the request.
 - b. Inspection by Building Official. Within four (4) working days of the application, the Building Official shall inspect such tree or trees specified on the application.
 - i. The approximate spread and the actual trunk circumference shall be calculated, measured at a point three (3) feet above ground level, of tree or trees.
 - ii. The health and physical condition of the tree or trees.
 - iii. Whether or not in his opinion removal is justified by reason of:
 1. The poor health or dangerous condition of the tree or trees.
 2. Construction or other improvements to be made on the property.
 - c. Approval or Denial. The Planning and Zoning Commission shall review the application together with the information gathered under the above section and shall make a recommendation to the Board of Mayor and Aldermen to either approve or deny the application. If approved by the Board of Mayor and Aldermen, the Building Official shall issue the permit to the applicant.
 - d. Any permit issued herein under is not transferable from one tree to another tree, shall expire three (3) months from date of issuance, and shall expire in the

event the specified construction project for which it was issued is cancelled.

- e. Remaining trees to be protected. Prior to cutting down any live oak or magnolia tree, as herein described, and pursuant to a permit issued hereunder, the applicant shall protect all other trees in the vicinity of those to be cut which could be damaged in the process. It shall be unlawful for any person to place material or machinery within six (6) feet of the trunk or any live oak or magnolia tree as herein described.

401.10 Erosion and Sediment Control

- A. The smallest practical area of land shall be exposed at any one time during development.
- B. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
- C. Temporary vegetation or mulching shall be used to protect critical areas exposed during development.
- D. Best Management Practices for the control of sediment shall be installed and maintained with the purpose being to remove sediment from runoff waters of land undergoing development. Such Best Management Practices are those recommended by the Mississippi Soil and Water Conservation Commission in the Erosion and Sediment Control on Construction Sites Handbook.
- E. Provisions shall be made to effectively accommodate the runoff caused by changes to soil conditions during and after development.
- F. Permanent final vegetation and structures shall be installed as soon as practical in the development.
- G. The development plan and the choice of Best Management Practices shall be fitted to the topography and soils so as to create the least possible erosion.
- H. Whenever feasible, natural vegetation shall be retained and protected.

Article V Administration, Enforcement, and Penalties

Section 501. Administration

Subject to the approval of the Board of Mayor and Aldermen the Planning and Zoning Commission of the City of Waveland, Mississippi may 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 Board of Mayor and Aldermen of the City of Waveland, as prescribed by law.

Section 502. Land Development Permit Required

To provide for the conservation of natural resources, the preservation of existing natural drainage patterns, the provision of adequate open space and buffers, and to ensure that all municipal ordinances regarding the conservation of natural resources and the provision of adequate drainage, a Land Development Permit must be received before any clearing, grading, excavation or filling can begin on a site.

A Land Development Permit issued by the Building Official is required in advance of the initiation of any land disturbing activities which include clearing, grading, excavating or filling, but is not limited to solely these activities. No land development permit shall be issued by the building official except where all provisions of this Ordinance and other municipal ordinances related to land disturbance have been complied with.

The Floodplain Administrator is required to also review all developments within a Special Flood Hazard Area to ensure compliance with the current Flood Damage Prevention Ordinance.

Section 503. Application for a Land Development Permit

An application for a land development permit shall be accompanied by the Preliminary Plat. In addition to information required as part of the Preliminary Plat, the following information shall also be required and shall be drawn to scale:

- A. The location of all live oak and magnolia trees within the proposed subdivision that meet or exceed the minimum trunk sizes specified in Subsection 401.9.E.
- B. The natural drainage paths that exist on the lot, and all existing manmade drainage ways and easements that exist on the lot.
- C. The actual dimensions of the lot to be built upon.
- D. The width of the street, or streets, upon which the lot fronts or abuts.
- E. The setback lines of buildings on adjoining lots.
- F. The exact sizes and locations on the lot of buildings if already existing.
- G. The location and dimension of the proposed building or alteration.
- H. The number of dwelling units the building is designed to accommodate.
- I. Location of any proposed fill, with proposed new elevation due to the disposition of the fill.

- J. Location of any proposed grading, with proposed new elevation due to proposed grading.
- K. Such other information as may be necessary for the Building Official to reasonably consider the proposed land disturbance activity in relations to the preservation and conservation of trees and natural drainage patterns as provided for within this Ordinance, and other City Ordinances.
- L. Such other information as may be necessary for the Floodplain Administrator to reasonably consider the proposed land disturbance activities in relation to the Flood Damage Prevention Ordinance.

If the proposed land disturbance activities as set forth in the application is in conformity with the provisions of this Ordinance and other Ordinances of the City of Waveland, Mississippi, then in force, the Building Official shall sign and return one (1) copy of the plans to the applicant and shall issue a land development permit upon payment of any required fees. The Building Official shall retain one (1) copy of the land development permit and one (1) copy of all plans.

Any land development permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months of the date of issue, or if the work authorized by it is suspended, or abandoned, for a period of one (1) year.

If the work described in any land development permit has not been substantially completed within one (1) year of the date of issuance thereof, said permit shall expire and be cancelled by the Building Official; and written notice thereof shall be given to the person affected, together with notice that further work, as described in the cancelled permit, shall not proceed unless, and until, a new land development permit has been obtained.

Section 504. Enforcement

The Zoning Official is hereby designated as the administrator for the City of Waveland for the purpose of these Subdivision Regulations. The Zoning Official with the Planning and Zoning Commission is authorized and empowered and directed, with the assistance of the City Engineer or Site Plan Review Committee, as needed, to make determinations as to whether or not said regulations are being complied with by any subdivider and to recommend to the Board of Mayor and 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.

504.1 No Final Plat of any subdivision shall be eligible for registration in the office of the Clerk of the Chancery Court until such Final Plat has received approval by the Board of Mayor and Aldermen. The Mayor and City Clerk shall certify in writing on the Final Plat the approval of and Board of Mayor and Aldermen.

504.2 All decisions of the City shall be reached in open public sessions. No application shall be acted upon by the City until such application has been

reviewed and recommendations made by the Planning and Zoning Commission, appropriate personnel, public agency or agencies, and where deemed necessary, concerned public and/or private utility company of companies.

- 504.3 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.
- 504.4 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 Planning and Zoning Commission and the Board of Mayor and Aldermen.
- 504.5 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.
- 504.6 No sewer, water or gas main or pipe or other improvement shall be voted on 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 re-plat of such lands shall have been approved by the City and recorded in the office of the Clerk of the Chancery Court.

Section 505. Penalties

Any person or persons, firm, corporation or agent who shall violate a provision of these Subdivision Regulations, or fail to comply therewith, or with any of the requirements thereof shall be guilty of a misdemeanor. Each person or persons, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day during which any violation of any of the provisions of these regulations is committed or continued and upon conviction of any violation shall be punished within the limits and as provided by State Law.

Any person or persons, firm, corporation or agent aggrieved at any final decision of the Board of Mayor and Aldermen approving or disapproving a subdivision plat may appeal there from to the Circuit Court of Hancock County, Mississippi within the time and in the manner prescribed by Section 11-51-75, Mississippi Code of 1972, Annotated.

Section 506. Amendment Procedure

The Board of Mayor and Aldermen may from time to time on its own motion or on petition from a property owner or on recommendation of the Planning and Zoning Commission amend the regulations set forth in this Ordinance. All proposed amendments shall be forwarded to the Planning & Zoning Commission for its review, comments, and recommendations to the Board of Mayor and Aldermen for its consideration. No change in regulation shall become effective until after a public hearing is held by the Planning & Zoning Commission, at which time interested agencies and citizens shall have the opportunity to be heard. At least fifteen (15) days notice of the time and place of the public hearing shall be published in an official newspaper or newspaper of general circulation in Hancock County, Mississippi.

**Article VI
Effective Date**

Section 601. Effective Date

This Subdivision Ordinance shall be in full force and effect from and after August 1, 2010 following its adoption as recorded herein and promulgation as required by law.

UPON MOTION of Alderman _____ moved for adoption, duly seconded by Alderman _____, the aforesaid Ordinance was put to a roll call vote with the Aldermen voting as follows:

Lili Stahler	Voted: Yes
Ricky Geoffrey	Voted: Yes
Brian Schmitt	Voted: Yes
Charles Piazza	Voted: Yes

APPROVED AND ADOPTED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF WAVELAND, HANCOCK COUNTY, MISSISSIPPI on the 28th day of May, 2010.

John T. Longo, Mayor

Lisa B. Planchard,
City Clerk