

**CHAPTER 23
APPENDIX A. BUILDING ORDINANCES**

**SUBDIVISION REGULATIONS OF THE CITY OF
FLORENCE, MISSISSIPPI**

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ARTICLE I GENERAL PROVISIONS

SECTION 101 - Title - These regulations shall be known as the “**Subdivision Regulations of the City of Florence, Mississippi**” and may be so cited.

SECTION 102 - Scope - It shall be unlawful for any person or entity to lay out, subdivide, re-subdivide, plat, or re-plat any land into blocks, lots, or streets within the City of Florence; or to sell property therein which has not been subdivided, re-subdivided, platted, re-platted, or recorded in accordance with these regulations.

In order to comply with the Code of Ordinances of the City of Florence, any person or entity attempting to develop any property within the City must, in addition to the subdivision regulations, comply with the Ordinances of the City of Florence.

The City of Florence shall withhold approval of any improvement of any kind whatsoever, including the maintenance of streets and the furnishing of water or sanitary sewer service, until a final plat of the subdivision has been approved by the Mayor and Board of Aldermen and thence recorded in the office of the Chancery Clerk of Rankin Country; and any thereafter either prohibit a continuation of improvement or require removal of new improvement undertaken during non-compliance with ordinances of the City.

All land subdivisions shall require a plat to be filed with and approved by the Mayor and Board of Aldermen. Any construction of more than two houses on a single piece of property is considered a subdivision and must comply with these regulations.

ARTICLE II DEFINITIONS

SECTION 201_ - Definitions - For the purpose of interpreting these regulations, certain words used herein are defined as follows:

- (A) **Arterial Highway** - A street designed to move large volumes of traffic to and from the major traffic generators within the City or which carries through traffic across the City (Included are all streets designed and owned by the Mississippi Department of Transportation);
- (B) **Board** - The duly elected governing body (Board of Aldermen) of the City;
- (C) **Building Setback Line** - A line beyond which buildings must be set back from the street right-of-way line on which the property fronts;
- (D) **Collector Street** - A street which is continuous through several residential districts and is intended as a connecting street between residential districts and arteries, highways, or business districts;
- (E) **Conditional** - Made or granted on the provisions set forth in these regulations;
- (F) **Crown Section** - Crown Section for the purpose of these regulations are defined as the distance measured from outside edge of asphalt to outside edge of asphalt;
- (G) **Cul-de-Sac** - A short minor street having but one (1) vehicular access to another street and terminated by a safe and convenient vehicular turnaround for the reversal of traffic movement;
- (H) **Local Street** - A street which is intended primarily to serve traffic within a neighborhood or limited residential district and which is used primarily for access to abutting properties;
- (I) **Planning and Zoning Commission** - The duly appointed Planning and Zoning Commission of the City. In the absence of an appointed Planning and Zoning Commission, the Mayor and Board of Aldermen shall act as said commission;
- (J) **Plat** - Drawing of any lot, tract, or parcel of land requested to be recorded in the Office of the Chancery Clerk;
- (K) **Public Works Director** - The person designated by the Board to be responsible for public works matters for the City including, but not limited to, the sanitary sewerage system, water system, storm drainage system, streets, buildings, and other developments;
- (L) **Re-Subdivision** - The re-dividing of any part or all of any block or blocks of a previously platted subdivision, addition, lot, or tract;

- (M) **Shall** - To be interpreted as being mandatory;
- (N) **Street, Dedicated** - A street with its right-of-way which has been given by the owner for public use and which has been accepted by the responsible political entity in which the street is located and is so dedicated and recorded in the Office of the Chancery Clerk;
- (O) **Street, Private** - Any private street which is platted as a principal means of access for abutting properties but which is not dedicated for public use;
- (P) **Street, Public** - Any way or place which is dedicated and accepted for public use which provides the principal means of access for abutting properties;
- (Q) **Subdivision or Addition** - Any division of any lot, tract, or parcel of land into two (2) or more lots or sites for the purpose, whether immediate or future, of sale, transfer of ownership, or of building development; also, re-subdivision or re-platting of land, lots, or tracts; divisions of land into parcels of three (3) acres or more shall not be included within this definition unless any such division of three (3) acres or more includes the planning or development of a new street or access easement;
- (R) **City Engineer** - A registered professional engineer or engineering firm licensed to practice in the State of Mississippi employed by the Mayor and Board of Aldermen and designated as the City Engineer; and
- (S) **Variance** - A variance is an adjustment of terms in these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

ARTICLE III SUBMITTAL PROCEDURES

SECTION 301 - Preliminary Development Conference - Prior to the submission of a preliminary plat, the developer shall submit a preliminary development layout to the Zoning Administrator. A preliminary development conference shall be scheduled to discuss the details of the development. The preliminary development layout shall include the following:

- (A) All land which the applicant owns and/or has an option to purchase related to the proposed subdivision;
- (B) A sketch plan or rendering at a minimum scale of one inch equaling two hundred feet (1"=200') showing the proposed layout of streets, lots, and other features proposed for the area to be subdivided;
- (C) General subdivision information necessary to explain and/or supplement the sketch plan; and
- (D) The name, address and telephone number of each Subdivider.

- (E) A correct abstract of title of the land to be developed, same to deraign from at least to January, 1917, through the time of submission, and to include any unrecorded documents as affect title as known to applicant, plus reference, with at least Book and Page reference, to all unreleased easements granted or reserved, all mineral estate reservations granted or reserved, all life estates granted or reserved, all oil, gas and mineral leases within primary term, all covenants and restrictions as may run with the land and reference to the deeds or other means by which title may have passed, said abstract of title to be provided, along with Application for Approval of Preliminary Plat, as defined in Article III, Section 302. (Ord. No. 283, 3/3/09)

SECTION 302 - Procedure for Approval of Preliminary Plat - A preliminary plat shall be clearly and legibly drawn at a minimum scale of one inch equaling two hundred feet (1"= 200'). Minimum sheet size shall be eighteen by twenty-four inches (18"x 24'). If the complete plat cannot be shown on one sheet of said size, it may be shown on more than one sheet with an index on a separate sheet of the same size.

An application, in writing, for the conditional approval of a preliminary plat, together with ten (10) copies of the plat shall be submitted initially to the Zoning Administrator and a filing fee of \$200.00 shall be paid to the City Clerk. The Zoning Administrator will distribute the plats to the Public Works Director, City Engineer, Chairman of the Planning and Zoning Commission, Fire Marshal/Chief, and Architectural Review Committee within three (3) working days after their receipt. The Zoning administrator will notify the Applicant within fifteen (15) days of any deficiencies in the application. The Zoning Administrator at his/her discretion may recommend the application to the Mayor and Board of Aldermen or Planning and Zoning Commission for their consideration. The Mayor and Board of Aldermen at their discretion may require consideration by the Planning and Zoning Commission.

A preliminary plat shall contain the following information:

- (A) The proposed name of the subdivision;
- (B) North arrow, scale, and date;
- (C) The names and addresses of the subdivider and the engineer or surveyor;
- (D) The boundary lines and total acreage of the tract to be subdivided;
- (E) The location, widths, and names of all existing or platted streets or other public ways within and/or adjacent to the tract, railroad rights-of-way, and other important features, such as Section lines, political subdivisions, and corporation lines;

- (F) The location and sizes of existing sewers, water mains, culverts, or other underground structures within the tract and immediately adjacent thereto;
- (G) The layout, number, and dimensions of proposed lots;
- (H) All easements or rights-of-way for public services or utilities either proposed or existing;
- (I) Flood zone and flooding information;
- (J) Present zoning and building setback lines;
- (K) Private restrictions, if any;
- (L) Topographic survey with minimum contour interval of two (2) feet and elevations based on National Geodetic Vertical Datum (NVDG)
- (M) Typical street Section proposed; and
- (N) Vicinity map.

Following the preliminary plat and related material submitted for conformity to these regulations and following any negotiations with the subdivider on changes deemed advisable and/or the kind and extent of improvements to be made in the proposed subdivision, the City Engineer and either the Zoning Administrator or Planning and the Zoning Commission will make recommendations to the Mayor and Board of Aldermen. The Mayor and Board of Aldermen will consider the recommendations of the City Engineer and either the Zoning Administrator or the Planning and Zoning Commission regarding the preliminary plat and will thence take action to either approve or disapprove the plat or table the matter for further consideration.

The subdivider or his designated representative shall be present at the meeting of the Mayor and Board of Aldermen and/or the Planning and Zoning Commission at which the preliminary plat is scheduled to be discussed and reviewed. Failure of the subdivider or his designated representative to appear at either meeting may result in no action on the plat.

Four (4) copies of the preliminary plat and related materials shall be forwarded by the Zoning Administrator or the Planning and Zoning Commission to the Mayor and Board of Aldermen along with comments and recommendations in written form. The City Engineer will submit written comments to the Mayor and Board of Aldermen or to the Planning and Zoning Commission prior to the meeting at which the plat to be considered. The Mayor and Board of Aldermen will consider the recommendations of the City Engineer and either the Zoning Administrator and/or the Planning and Zoning Commission. Approval or disapproval of the preliminary plat will be issued by the Mayor and Board of Aldermen and said action will be so noted in the minutes of the meeting. One (1) copy of the preliminary plat will be retained by the City Clerk.

Approval of the preliminary plat shall not constitute approval of the construction drawings or final plat. Rather, it shall be deemed as authorization to proceed with the preparation of construction drawings and specifications for all improvements to be constructed. From the date of approval of the preliminary plat by the Mayor and Board of Aldermen, five (5) sets of construction drawings must be received by the Zoning Administrator no later than one (1) year thereafter. Failure to meet this deadline will nullify prior approval of the preliminary plat.

SECTION 303 - Procedure for Approval of Construction Drawings - Five (5) sets of construction drawings will be submitted to the Zoning Administrator. The Zoning Administrator will distribute the construction drawings to City Engineer, Fire Marshal, and City Director of Public Works for their review. Upon completion of the review, the City Engineer will issue a letter of comment and/or approval to the applicant for the construction drawings. A copy of said letter will be sent to the Public Works Director, and the Zoning Administrator. No construction, other than clearing, should be done prior to a letter of approval of the construction drawings being issued by the City Engineer. From the date of letter of approval of Construction drawings by the City Engineer, construction on the Subdivision must begin no later than (1) year thereafter. Failure to meet this deadline will nullify prior approval of construction drawings and preliminary plat. (Fees due at the time of submittal are enumerated in SECTION 601.)

The subdivider will be responsible for making submittals to the Mississippi Department of Environmental Quality and the Mississippi State Department of Health for procurement of respective approvals of proposed sanitary sewerage and water facilities or other environmental clearances as may be required by State or Federal laws and/or regulations. No utility construction will begin until the respective approvals of these agencies are issued.

Construction drawings will be submitted on standard 24-inch by 36-inch sheets and will be in bound sets. The drawings will bear the signature and seal of the engineer who prepared them. The sets of drawings will include a cover sheet, standard details, approved preliminary plat, master drainage plan (including drainage pattern for each lot) and appropriate data concerning the specific design of the proposed improvements. All information submitted shall conform to standard engineering practices and will comply with the minimum standards as set forth in Article IV of these regulations.

The Developer's Engineer will certify via cover letter that there are no deviations in the construction drawings from the approved preliminary plat. If there are deviations, the Developer's Engineer will provide the City with documentation of the deviations. The City reserves the right to require re-submittal of the revised preliminary plat for approval by the Mayor and Board of Aldermen. (Ord.283, 3/3/09)

SECTION 304 - Procedure for Approval of Final Plat - The final plat shall not be approved by the Mayor and Board of Aldermen and the City's Approval Certificate as cited hereinafter shall not be executed until the subdivider has completed the following:

- (A) Subject to item (B), immediately hereinbelow, construction of all required improvements as approved with the preliminary plat and construction drawings shall be completed and the As Built plans prepared by a registered Professional Engineer shall be presented before approval of the final plat.
- (B) A Subdivision Bond in an amount equal to 1.75 times the total Estimated Cost of Installation of Construction of any incomplete required improvements, and/or maintenance or other items deemed necessary by the City must be provided. The estimated cost thereof shall be submitted to the City in writing by the Developer's engineer. The City shall then, in its sole discretion, set the amount of such Subdivision Bond. Before acceptance the submission shall customarily be reviewed by the City Engineer and City Attorney. The City may utilize this bond in the event the developer fails to make required improvements and/or maintenance thereof for a period not to exceed one year from date of final plat acceptance or improvement acceptance, whichever occurs last. The one year period shall begin only after such time as a final surface course of asphalt is installed and approved, and required improvements completed and accepted after Final Inspection and Certificate of Final Acceptance has been issued by the City, whichever occurs last.
(Ord. No.285, 5/05/09)

- (C) As Built plans for all subdivisions are required as condition precedent to the acceptance of the final plat, with the exception that streets and/or other required improvements may be built under bond after the time that the plan is accepted; and that terms of the bond would not only require that the Developer finish the street(s), but that the developer must furnish the as builts. One (1) set of mylar reproducible as built and two (2) sets of prints are required.
(Ord No. 285, 5/05/09)

- (D) Five (5) copies of the proposed final plat shall be delivered to the Zoning Administrator prior to the approval of the Final Plat, with copies being distributed to City Engineer, Director of Public Works, and Fire Marshall/Chief for their review. Upon approval of the final plat by the above parties, City Engineer shall send a letter of approval to the Mayor and Board of Aldermen. (Ord. No. 285, 5/05/09)

The final plat shall conform substantially to the preliminary plat as approved; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which is proposed to be recorded and developed at the time, provided that such

portion conforms to all requirements of these regulations and that the Mayor and Board of Aldermen so agree.

In accordance with the laws of the State of Mississippi, the subdivider shall have the final plat recorded in the official land records of the Chancery Clerk of Rankin County, Mississippi. The final plat shall be prepared at a minimum scale of one inch equaling two hundred feet (1"= 200') on sheets of good muslin-backed paper 18-inches by 24-inches in size. If the complete plat cannot be shown on one sheet of said size, it may be shown on more than one sheet with an index on a separate sheet of the same size. In addition to the plat required for recording in the office of the Chancery Clerk, the subdivider shall file with the City Clerk three (3) prints of the final plat.

The following certificates shall be included on the final plat:

CITY'S APPROVAL CERTIFICATE:

I hereby certify that this is a true copy and that this plat was approved by the Mayor and Board of Aldermen of the City of Florence, Mississippi, in session on this the ____ day of _____, _____.

Signed: _____ Mayor
_____ Clerk

The final plat will also bear all other acknowledgments and certificates as set out by Laws of the State of Mississippi and standard practice. The final plat shall be considered a survey and shall conform to a minimum Class "B" survey as set out by the Mississippi State Board of Registration for Professional Engineers and Land Surveyors.

Upon finding that the final plat satisfies the requirements of these regulations, and upon motion and approval thereof, the Mayor and Board of Aldermen shall have entered into the minutes their approval of such plat. The Mayor and City Clerk shall sign the approval certificate on the original copy of the plat, after which the Developer shall have the plat recorded in the office of the Chancery Clerk of Rankin County, Mississippi, prior to the sale of any lot or lots by the Developer. (Ord. No. 285, 5/05/09)

SECTION 305 - Procedure for Final Acceptance - At such time when eighty percent (80%) of the lots have been improved with building and occupancy permits issued, and maintenance of all improvements has been accomplished by the developer, the developer shall request Final Inspection of the subdivision from the Zoning Administrator, City Engineer, Fire Marshall/Chief, Public Works Director and/or any other persons designated by the Mayor and Board of Aldermen. The Subdivision Bond, as described in Section 304 (B) above will expire one (1) year after date of Certificate of Final Acceptance. (Ord. No. 285, 5/05/09)

ARTICLE IV DESIGN STANDARDS

SECTION 401 - Subdivision Streets - The arrangement, character, extent, width, and location of all proposed streets shall conform to the general plat of the community, and their relationship shall be considered to that of the existing and planned streets and to public convenience and safety. The following street rights-of-way (ROW) and pavement widths shall apply:

<u>Type Street</u>	<u>Minimum Pavement Widths</u>			
	<u>ROW Width</u>	<u>Back of Curb to Back of Curb</u>	<u>Crown SECTION</u>	<u>Minimum Shoulder Width</u>
Arterial Highway	100 Ft.	-	36 Ft.	8 Ft.
Collector Street with Curb & gutter	60 Ft.	32 Ft.	28 Ft.	-
Collector Street without Curb & Gutter)	80 Ft.	-	28 Ft.	4 Ft.
Local Street (With Curb & Gutter)	50 Ft.	29 Ft.	25 Ft.	
Local Street (without Curb & Gutter)	60 Ft.	-	25 Ft.	3 Ft.
Pedestrian Ways/Public Utility Easement	15 Ft.	-		

Where not shown in the general plan for the community, the arrangement of streets in a subdivision shall provide for the continuation of appropriate projection of existing major streets.

Streets shall be laid out so as to intersect as nearly as possible at right angles (90 degree); and the minimum angle of intersection shall be seventy-five (75) degrees.

All residential streets shall have curbs and gutters except in developments with lots of front widths in excess of 150 feet where a variance is specifically requested by the subdivider and said variance is subsequently recommended by the Planning and Zoning Commission and thence approved by the Board. To be considered for a variance from the requirements for curbs and gutters, lot widths around a cul-de-sac shall have a minimum street frontage of 100 feet with a minimum of 120 feet at the building setback line.

Dead-end streets (cul-de-sacs) shall provide a turn with a radius of at least 50 feet and a right-of-way radius of at least 60 feet. Cul-de-sacs in residential areas shall not exceed 1,000 feet in length.

SECTION 402 - Lots and Blocks - The lengths, widths, and shapes of blocks shall be determined regarding the provision of adequate building sites suitable to the special needs of the type of subdivision. However, in no event shall a block exceed 1,400 feet in length between two (2) intersecting streets.

The lot size, width, area, and building setback lines shall be as prescribed in the Zoning Ordinances of the City of Florence. (See Schedule of District Area, Setback and Height Regulations.)

SECTION 403 B Other Uses - Any lot, parcel or area of land within any area zoned for single-family detached residences, which is used for other than single-family Residences, or which is the subject of an application for a conditional use permit or building involving any other such use, is designated as an architectural control district, subject to the Commercial Landscape Requirements Ordinance, Commercial Architectural Controls Ordinance and Site Plan Ordinance.

SECTION 404 - Addresses - Builder/Developer shall apply for all street addresses with Rankin County E-911 Emergency Response Department and shall post house numbering on all lots and otherwise comply with all requirements of the Code of Ordinances.

SECTION 405 - Flood Prone Areas - Land subject to flooding with a frequency of a one hundred (100) year flood shall not be subdivided unless evidence is provided by a Registered Professional Engineer outlining the steps to be taken to eliminate or minimize flood hazards. All areas which will remain subject to flooding after the subdivision is

constructed shall be delineated on the final plat. Such lands must comply with FEMA Flood Ordinance, Chapter 10 Code of Ordinances, ordinance Regulating Development and/or Building in a Flood Plain.

SECTION 406 - Subdivision Entrance - Each developer will provide at the time of filing the preliminary plat (prior to construction), a complete set of plans showing the detailed layout of the entrance and exit to the development. Construction of the identification entrance shall be of stone, brick, or other similar material. Each developer shall be required to obtain a building permit prior to construction of entrance identification into the development. All subdivision entrance features shall be outside a then previously existing right of way. The entrance shall comply otherwise with the Commercial Landscape Requirements Ordinance.

SECTION 407 - Final Grading of Slopes and Clean-up - All areas between the back of curb and the street rights of way will be graded, fertilized, and seeded upon completion of installation of underground utilities. Maintenance of the grassed areas will become the responsibility of the Lot Owner. All pipe or utility trenches that experience settlement within one (1) year of acceptance by the City will be repaired by the Developer. Erosion control measures will be spelled out in the Construction Drawings on a separate Erosion Control Plan. The plan will meet the requirements of the Department of Environmental Quality and will be monitored by the City. Installation and maintenance of these measures will be the responsibility of the Developer. Upon completion of development construction, each individual lot will be required to have individual erosion control measures. Maintenance of these measures will be the responsibility of the lot owner and will be monitored by the City.

SECTION 408 - Signage - Signage shall comply with the Sign Ordinance of the City of Florence.

ARTICLE V REQUIRED IMPROVEMENTS

SECTION 501- Policy - It is hereby declared to be the general policy of the Mayor and Board of Aldermen of the City of Florence to require the owner or owners, or their successors in interest, of any subdivision in or addition to the City of Florence to pay all costs of improvements made within such subdivision or addition and to pay all costs of the development thereof and expenses incidental thereto, including but not limited to, the following:

- (A) Cost of survey and plat prepared by a professional land surveyor registered to practice in the State of Mississippi;

- (B) Cost of establishing grades prescribed by the City for streets, alleys, and sidewalks;
- (C) Cost of construction of sanitary sewerage facilities for the subdivision or addition thereto;
- (D) Cost of construction of water facilities for the subdivision or addition thereto;
- (E) Cost of construction of street paving and storm drainage facilities, including storm sewerage, ditching, or curb and gutter as required, for the subdivision or addition thereto;
- (F) Cost of preparation of construction drawings and specifications for all proposed improvements as prepared by a professional engineer registered to practice in the State of Mississippi;
- (G) Fees as may be required or incurred by the City for engineering review of plats, construction drawings, and specifications related to the subdivision or addition thereto;
- (H) Fees as may be required or incurred by the City for legal consultation regarding the subdivision or addition thereto; and
- (I) Costs of obtaining and providing a correct abstract of title of the land to be developed, as required in Article III, Section 301 (E) above.

SECTION 502 - General - All utilities shall be installed underground. All excess construction materials shall be removed from site. Under no circumstance shall excess construction materials be buried on-site. Developer/Builder shall provide portable non-sewered toilets for all construction sites and comply with the Portable Toilet Ordinance.

SECTION 503 - Private Streets - If the owner(s) of private street(s) should request that said private street(s) be changed to public street(s), such owner(s) shall bear the full expense of any reconstruction, testing, or other action necessary to make the street(s) conform to the City's requirements. Before the acceptance of such street(s) by the City, owner(s) shall dedicate the street(s) to the City for public use without compensation to the owner(s).

SECTION 504 - Public Streets - All roadways shall be paved. Pavement widths shall be in accordance with the type of street and the required minimum surfaces as stated in these regulations.

Prior to placement of pavement or curb and gutter, subgrade shall be compacted to not less than ninety-five percent (95%) of standard Proctor maximum dry density (ASTM D 698) with stability present. Stability shall be demonstrated by proof-rolling with heavy construction equipment in the presence of City Personnel and/or City Engineer. During

the proof roll the City shall visibly mark any failed areas. The process shall be repeated until the City notes no failed areas.

The rights-of-way shall be graded for their full width to provide suitable finished grades for pavements, sidewalks, planting strips, adequate surface drainage, and convenient access to lots.

Minimum pavement thickness for collector or minor streets shall be one of the following options:

<u>Minimum Pavement Design Thickness for Collector and Minor Streets</u>			
<u>Compacted Clay Gravel</u>	<u>Asphalt Base (BB-1)</u>	<u>Asphalt Surface (SC)</u>	<u>Total Thickness</u>
<u>Residential Streets</u>			
6.0"	3.0"	1.5"	10.5"
-	3.0"	2.75"	5.75"
-	4.0"	2.0"	6.0"
-	5.0"*	1.5"	6.5"

*-4.0: will be allowed if lime treatment of the entire subgrade is performed.

<u>Commercial/Industrial Street</u>			
6.0"	7.5"	1.5"	15.0"
9.0"	7.5"	1.5"	17.0"
12.0"	5.5"	1.5"	19.0"
15.0"	4.5"	1.5"	21.0"
-	9.5"	1.5"	11.0"

Surface course asphalt shall not be placed until a minimum of 80% of structures (houses, in residential subdivisions) are completed, unless directed otherwise by the City.

(Ord. No. 285, 5/05/09)

Prior to placement of surface asphalt the City shall perform an inspection of existing conditions; and advise the developer and/or its assigns of requirement to be completed, if any, prior to placement of asphalt. Should requirements have been set out, conditional inspections are to be likewise performed, with no requirement remaining to be completed.

Construction and material requirements for street pavements shall conform to the current requirements of Mississippi Standard Specifications for State Aid Road and Bridge

Construction, 1989 Edition. All pavement designs shall have the approval of the City Engineer.

Speed humps shall be provided on all residential streets unless approved by the City.

Concrete sidewalks shall be installed on both sides of the subdivision streets by the Developer. Sidewalks shall be ADA compliant, and shall be a minimum of 4-inches thick. Where the property upon which the sidewalks are to be situated is vested in the City, said sidewalk shall be at least 1-foot from the back of curb and within the street right-of-way and shall extend along the street frontage. Where the sidewalks shall be placed upon land that is owned by a respective property owner but is subject to an easement in favor of the City, said sidewalk shall be within the easement and shall extend along the street frontage. (Ord. No. 285, 5/05/09)

SECTION 505 - Monuments - Boundary monuments shall be either rebar or steel pipe three-fourths inch in diameter and 24-inches long or concrete monuments made of 4-inch diameter or four inch square concrete posts at least 30-inches long and reinforced with a single one-half inch steel rod or reinforcing bar in the center extending approximately three inches above the top of the concrete.

Boundary monuments shall be placed on all boundary corners, block corners, curve points, and angle points.

Lot markers shall be 2-inch reinforcing bars 18-inches long, or approved equal, and shall be placed at all lot corners flush with the ground, or countersunk if necessary, in order to avoid being disturbed.

SECTION 506 - Storm Drainage - Materials and construction requirements for storm drainage shall conform to the current requirements of Mississippi Standard Specifications for State Aid Road and Bridge Construction, current edition.

Pipe and other storm drainage structures shall be sized by a professional engineer licensed to practice in the State of Mississippi and shall be designed in accordance with current Stormwater/Rainwater Regulations Ordinance. All storm drainage pipe and structures shall have the approval of the City Engineer.

Pipe material for storm drainage shall be reinforced concrete pipe (RCP), except that in locations not subjected to vehicular traffic, corrugated high density polyethylene (HDPE)

pipe or polymer-coated corrugated steel pipe (CSP) may be used. Reinforced concrete round pipe shall be Class III (minimum) and shall conform to the current requirements of ASTM Designation C-76. Reinforced concrete arch pipe shall be Class III (minimum) and shall conform to the current requirements of ASTM C-506. Corrugated high density polyethylene pipe shall have a corrugated exterior and a smooth interior and shall conform to the current requirements of AASHTO C294 and ASTM F-667. Polymer-coated corrugated steel pipe shall conform to the current requirements of AASHTO C245 and ASTM A-762; and polymer coating shall have a minimum thickness of 10 mils on each (interior and exterior) surface. Pre-cast reinforced concrete box culvert shall conform to the current requirements of ASTM C-789 for cover of 2-feet or more and to the current requirements of ASTM C-850 for cover less than 2-feet. Joint materials for concrete pipe and box culverts shall be bituminous plastic cement as recommended by the pipe manufacturer. All pipe shall be installed in strict accordance with the manufacturer=s recommendations.

Reinforced concrete headwalls shall be provided on storm drains whose diameter or equivalent is 18-inches or larger; except that flared-end sections may be provided in lieu thereof with the approval of the City Engineer. All side drains and cross drains shall have a minimum diameter or equivalent of 15-inches. Adequate protection of invert slopes shall be provided to prevent erosion.

Surface drainage and runoff during construction of a subdivision site shall meet the requirements of the Erosion Control Ordinance and plan shall address applicable requirements of the Mississippi Department of Environmental Quality for the control of erosion, sediment, and stormwater from construction sites.

SECTION 507 - Sanitary Sewerage - Sanitary sewerage shall be provided to adequately service the subdivision for which it is proposed and shall conform to the City's requirements and to all applicable requirements of the Office of Pollution Control of the Mississippi Department of Environmental Quality or its successor regulatory entity.

Sanitary sewer pipe materials shall be one of the following:

- (A) Solid-wall, SDR 26 or SDR 21, Polyvinyl Chloride (PVC) sewer pipe conforming to the current requirements of ASTM D-3034 with flexible elastomeric push-on type joints conforming to the current requirements of ASTM Designation and PVC fittings conforming to the current requirements of ASTM D-3034; or

(B) Ductile iron gravity sewer pipe conforming to the current requirements of ASTM A-746, Pressure Class 350 with exterior bituminous coating, interior cement lining, rubber-gasketed push-on type joints conforming to the current requirements of ANSI/AWWA C111/A21.11, and ductile iron fittings conforming to the current requirements of ANSI/AWWA C110/A21.10 (standard) or ANSI/AWWA C153/A21.53 (compact).

Solid wall PVC sewer pipe shall be installed in Class A or B bedding and ductile iron sewer pipe shall be installed in Class A, B, or C bedding as defined by Manual of Practice No. 37 of the American Society of Civil Engineers.

All sanitary sewer pipe shall have select backfill material placed to a minimum depth of 6-inches over the top of the installed pipe. Sewer pipe installed under streets, roadways, parking lots, or other designated traffic areas shall have select backfill material placed and compacted from the pipe bedding to the trench surface.

Minimum diameter of sanitary sewers shall be 8-inches. All sewers shall be designed to provide for a minimum velocity of 2 feet per second when flowing full.

Sanitary sewers shall be located between the edge of street pavement and the street right-of-way where possible.

Manholes shall generally be spaced no further apart than 400 feet and shall be installed at each change in alignment or grade. Manholes shall be pre-cast reinforced concrete units conforming to the current requirements of ASTM C-478 and shall be provided with cast iron frames and covers and non-corrosive/non-breakable manhole steps acceptable to the City. Xypex additive or approved equivalent shall be used in the manufacture of the manhole sections unless otherwise approved by the City Engineer. Addition of additive shall be in compliance with Xypex manufacturer, or approved equivalent.

Sanitary sewer service stub-outs shall be a minimum of 6-inches in diameter and shall extend from the sewer to the property line of the property to be served and extend four (4') feet above grade at 45 degrees.. Each stub-out shall be plugged with an approved plug or stopper specifically made for such purpose and which shall be removable without causing damage to the stub-out. A clean out shall be provided on the service stub out to each lot. Clean out shall be placed in a meter box but at ground level. Pipe for sanitary sewer stub-outs shall be of the approved pipe materials for sanitary sewers. Sanitary sewer service shall be marked in the curb.

Where practical, sanitary sewer pipe shall be installed with a minimum cover of 3-feet. Where not practical to provide a minimum of 3-feet of cover, sanitary sewer pipe shall be ductile iron. All gravity sewer with a cover greater than or equal to 13 feet shall be ductile iron pipe. When ductile iron pipe is installed on piers or piles for ditch or stream crossings, the crossing design and details of construction shall be approved by the City Engineer.

All gravity sewer piping shall be air tested. The sewer shall be tested between manholes. The sewer shall be pressurized to 4 PSIG and allowed to stabilize to between 3.5 and 4 PSIG. After the pressure has been stable for approximately five (5) minutes at a pressure above 3.5 PSIG, the air supply shall be isolated from the pipe and the time measured for the pressure to drop to 2.5 PSIG. If the elapsed time is greater than the allowable time indicated in the Table below, then that section of sewer shall be passed. If the elapsed time is less than that specified, then that section of sewer shall be failed; and all leaks shall be located and repaired and said section of sewer re-tested.

TIME IN SECONDS REQUIRED FOR PRESSURE TO DROP TO 2.5 PSIG

Length (Ft.)	Pipe Diameter D in Inches of test										
Section	<u>4</u>	<u>6</u>	<u>8</u>	<u>10</u>	<u>12</u>	<u>15</u>	<u>18</u>	<u>21</u>	<u>24</u>	<u>27</u>	<u>30</u>
25	4	16	22	28	93	62	89	121	158	200	248
50	10	33	43	55	158	124	178	243	317	401	495
75	19	49	66	83	240	186	267	364	475	601	743
100	30	66	87	95	305	248	275	525	639	765	851
125	41	82	109	110	349	372	510	650	680	765	851
150	60	98	131	132	381	455	610	650	680	765	851
175	79	115	153	154	413	575	610	650	680	765	851
200	86	131	174	176	436	575	610	650	680	765	851
225	95	147	196	294	459	575	610	650	680	765	851

250	109	164	218	338	459	575	610	650	680	765	851
275	113	189	240	382	459	575	610	650	680	765	851
300	122	197	262	382	459	575	610	650	680	765	851
350	131	213	306	382	459	575	610	650	680	765	851
450	147	246	306	382	459	575	610	650	680	765	851
500	156	246	306	382	459	575	610	650	680	765	851
550	165	246	306	382	459	575	610	650	680	765	851
600	174	276	306	382	459	575	610	650	680	785	851
650	183	240	306	382	459	575	610	650	680	765	851

All gravity sewer piping may be subjected to a “light and mirror” test by City Engineer and Public Works Representative.

All PVC gravity sewer pipe shall be tested for excessive deflection by pulling a mandrel through each section of the sewer. The mandrel shall be designed such that movement through the sewer will become impaired when encountering deflections of greater than 5 percent. The deflection test shall be performed in the presence of the City Engineer or Public Works Representative. Areas of excessive deflection shall be located and repaired.

Wastewater pumping facilities shall be of a design approved by the City Engineer and shall feature submersible pumps, controls, and other equipment components acceptable to the City. All pumping stations shall be 3-phase power unless approved by Public Works. All tie-ins to existing well wells shall be done by coring. All pumping stations shall be constructed with a quick-connect bypass to allow for a temporary pump to be used if the existing pump must be taken out of service.

All proposed sanitary sewerage facilities shall have the approval of the Office of Pollution Control of the Mississippi Department of Environmental Quality, or any successor regulatory entity, prior to construction of said facilities.

All excess construction materials shall be removed from site. Under no circumstance shall excess constructions materials be buried on-site.

SECTION 508 - Water Systems - Water systems shall have sufficient outlets and shall be large enough to furnish an adequate domestic water supply, to furnish fire protection to all lots in the subdivision, and to conform with all applicable requirements of the City and the Mississippi State Department of Health.

Where practical, water mains shall be located in the street right-of-way at least 2-feet behind the curb line. Where such location is not practical, alternative locations may be utilized with the approval of the City Engineer.

Water pipe materials shall be one of the following:

- (A) Ductile iron pipe, Pressure Class 350, conforming to the current requirements of ANSI/AWWA C151/A21.51 with rubber-gasketed push-on type joints conforming to the current requirements of ANSI/AWWA C111/A21.11 or mechanical joints conforming to the current requirements of ANSI/AWWA C153/A21.53 and ductile iron fittings conforming to the current requirements of ANSI/AWWA C110/A21.10 (standard) or ANSI/AWWA C153/A21.53 (compact); or
- (B) Polyvinyl chloride (PVC) pipe, DR 18, conforming to the current requirements of ANSI/AWWA C-900 with rubber-gasketed push-on joints conforming to the current requirements of ANSI/AWWA C-900 and ductile iron fittings conforming to the current requirements of ANSI/AWWA C110/A21.10 (standard) or ANSI/AWWA C153/A21.53 (compact).

Water pipe shall be installed with a minimum cover of 30 inches.

Minimum diameter of water mains shall be 8 inches.

Fittings for water main pipe shall be mechanical joint ductile iron fittings which conform to AWWA C110/A21.10-93 or AWWA C153/A21.53-8.

Connection of fittings to pipe shall be secured with restrained joint system equal to Mega Lug mechanical joint restraint for ductile iron pipe and Series 2000PV mechanical joint restraint for PVC pipe as manufactured by EBAA Iron Sales, Inc.

Gate valves shall conform to the current requirements of ANSI/AWWA C-500 or ANSI/AWWA C-509.

Collision-type 3-way fire hydrants with a single 42 -inch steamer connection and two (2) two and one-half inch hose connections shall be installed at each block corner or not more than five hundred (500) feet apart in residential subdivisions. Hydrants shall have a minimum main valve opening of five and one-quarter inches. A 6-inch gate valve with box shall be installed between the water main and each hydrant; and the valve shall be connected to the main and the hydrant using a restrained joint system approved by the City. All fire hydrants shall be accessible without obstructions and must be located so that they may be operated without interference with the ground or any structure. The bottom flange of the fire hydrant shall not be below the finished grade of the surrounding ground. The fire hydrant shall be a minimum of 5 feet from any adjacent utility pole, utility box, or other structure.

Concrete valve pads shall be installed on all valves.

For each lot that is to be served by the water system, a tapping saddle and bronze corporation stop, a bronze meter stop, a plastic meter box enclosing the meter stop, and polyethylene or polybutylene service tubing shall be installed from the main to the lot line to be served. Service tubing shall be three-fourths inch diameter or larger as may be required in the case of industrial or commercial users. All water taps shall be marked in the curb.

All creek crossings shall be directional bored with HDPE pipe with 6' minimum coverage.

All installed water pipe shall be subjected to and pass hydrostatic and bacteriological tests prior to connection to the City's water system. Hydrostatic test pressure shall be 150 pounds per square inch (psi) unless a higher pressure is required by the City and test duration shall be a minimum of four (4) hours. Maximum allowable pressure drop over the test duration shall be 5 psi. All installed water pipe shall be disinfected and subjected to bacteriological testing in accordance with the requirements of the Mississippi State

Department of Health. The City and the City Engineer shall be furnished with copies of all hydrostatic and bacteriological test results.

All proposed water systems shall have the approval of the Mississippi State Department of Health, or any successor regulatory entity, prior to construction of said facilities.

All excess construction materials shall be removed from site. Under no circumstance, shall excess constructions materials be buried on-site.

SECTION 509 - Landscaping Common Areas - Proposed street tree planting and landscaping of common areas shall be in accordance with the Commercial Landscape Requirements Ordinance.

SECTION 510 - Drainage Patterns - Builder or Contractor will indicate on the Construction documents, submitted to the City Building Department with the building Permit application for construction in any new subdivision or on any vacant lots in an existing subdivision, a proposed drainage pattern for the entire lot. The dwelling finish floor elevation relative to the curb shall be shown. Any slope steeper than one (1) unit vertical and three (3) units horizontal on the lot or on an adjacent lot shall be specifically labeled. (Ord. No. 283, 3/3/09)

ARTICLE VI MISCELLANEOUS

SECTION 601 - Fees and Charges -A base filing fee of two hundred dollars (\$200.00) shall be paid to the City Clerk by the subdivider when preliminary plat is submitted to the City Clerk, as required by SECTION 302. A base filing fee of five hundred dollars (\$500.00) plus two dollars (\$2.00) per lot shall be paid to the City Clerk by the subdivider when construction drawings are submitted to the City Clerk, as required by SECTION 303. The fee shall be paid to the City Clerk. No approval of construction drawings shall be granted until the fee has been paid to the City Clerk. This fee shall be charged on all construction drawings, whether approved or disapproved.

SECTION 602 - Financial Guarantee - No financial guarantee is required for common areas within the development which will be dedicated to the City by prior agreement with the City. All other common areas in the development not dedicated to the City that are to be maintained by the Homeowners Association will require a financial guarantee as follows:

- (A) An escrow deposit in cash, Certificate of Deposit, time certificate, irrevocable letter of credit, or other form approved by the City in the sum of 125% of the estimated annual expense required to maintain the common areas in the development, as agreed upon between developer/builder and the City; and,
- (B) Authority for the City of Florence to assess costs against the land in the event City expends resources on such upkeep and maintenance, which they will do only in the event of failure of the Homeowners Association.

In subdivisions consisting of five (5) single family residential lots or fewer, the provisions of a Homeowner Association may be waived.

SECTION 603 - Variances - As long as the public welfare and interests of the City are protected and the general intent and spirit of these regulations are preserved, the Planning and Zoning Commission or the Zoning Administrator may recommend and the Mayor and Board of Aldermen may grant a variance from these regulations when, in their opinion, undue hardship may result from strict compliance. Application for a variance shall be made and the consideration and recommendations thereof shall be in accordance with the Zoning Ordinances of the City.

In recommending any variance, the Planning and Zoning Commission or Zoning Administrator shall prescribe only conditions that are deemed necessary or desirable for the public interest. In making its findings, as required herein below, the Planning and Zoning Commission or the Zoning Administrator shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the requested variance. No variance shall be granted unless the Planning and Zoning Commission or the Zoning Administrator finds:

- (A) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of these regulations would deprive the applicant of the reasonable use of his or her land;
- (B) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- (C) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated;
- (D) That the proposed project will constitute a desirable and stable community development; and
- (E) That the proposed project will be in harmony with adjacent areas.

Application for a variance shall be submitted to the Zoning Administrator in writing by the subdivider at the time when the preliminary plat is filed for consideration. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

In granting variances and modifications, the Governing Authority may impose conditions necessary and/or prudent to better serve the objectives of this ordinance.

SECTION 604 – Homeowner’s Association - All subdivisions which include common areas that are not to be exclusively maintained and accepted by the City shall have a Homeowner’s Association which is made aware of these Ordinances. The constitution and by-laws for the homeowners association shall be presented to the Planning and Zoning Commission at the time that the preliminary plat is submitted. The covenants of the subdivision shall likewise be so presented. If there is an assessment feature to secure revenue for any facet of common area maintenance, the covenants shall include the following features:

- (A) Standing of the City of Florence to enforce assessment features against Homeowners and the Homeowners Association;
- (B) All attorney fees and expenses of enforcement of assessment fees recoverable to the City;
- (C) Such attorney fees and expenses of enforcement may be entered as a lien against the current owner and acquiring owner, if any; and,
- (D) In the event the common property is in such a state of uncleanness as to be a menace to the public health and safety of the community, and after properly noticed hearing by the Governing Authorities, the City may clean and clear the property, with cost and penalties to the City in accordance with Code of Ordinances, Chapter 13, SECTION 21-19-11, *Mississippi Code of 1972*, as annotated, with such cost and penalties assessed as a lien against the land.
- (E) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums, including City of Florence authority to assess costs against the land in the event City expends resources on such upkeep and maintenance, which they do only in the event of failure of Homeowner’s Association.

Membership in the Homeowner’s Association is mandatory for all purchasers of homes in the development, as well as their successors and assigns. In addition to other regulations,

the Homeowners Association by-laws shall guarantee continuing maintenance of any open space and all other common facilities, including detention ponds and/or retention ponds, in the subdivision, which have not been dedicated and accepted by the City. The Homeowners Association by-laws shall contain at least the following information:

- (A) The legal description of the common land;
- (B) A legal description of common facilities;
- (C) The restrictions placed upon the use and enjoyment of the lands or facilities by landowners and their guests;
- (D) Persons or entities entitled to enforce restrictions, including the City of Florence, Mississippi as against both Homeowners and Homeowners Associations;

SECTION 605 - Penalties - Violation by developer and/or building permittee of any provision or provisions of these Subdivision Regulations and ordinances expressly referenced in same, shall constitute an ordinance violation and upon conviction of such violation there shall be imposed a fine not exceeding one-thousand dollars (\$1000.00), and/or imprisonment not exceeding ninety (90) days or both, in accordance with Section 21-13-1, Mississippi Code of 1972, as annotated. In case a corporation is the violator of any provision of these regulations, each officer, agent, and/or employee in any way responsible for such violation thereof shall be individually and severally liable for the penalties herein prescribed.

SECTION 606 - Severability - If any portions of these ordinances shall be declared by a final decision of a tribunal of competent jurisdiction to be invalid, ineffective, and/or unconstitutional, the balance of these ordinances shall nonetheless remain in full force and effect.

SECTION 607 - Superceding effect - To the extent his ordinance is found to be in conflict with any prior ordinance of the City of Florence, this ordinance shall supercede and govern.