



**SUBDIVISION
REGULATIONS**

EFFECTIVE DATE:
JULY 19, 1985

SUBDIVISION REGULATIONS
OF THE
CITY OF CLINTON, MISSISSIPPI

EFFECTIVE DATE:

JULY 19, 1985

Prepared By:

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And

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AN ORDINANCE ESTABLISHING REGULATIONS GOVERNING SUBDIVISION OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF CLINTON, MISSISSIPPI, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH.

PREAMBLE

WHEREAS, the Statutes of the State of Mississippi, Sections 17-1-3 (Local Government - General Powers) 17-1-23 (Subdivision Regulation), 17-1-25 (Acceptance for Maintenance of Subdivision Street before Subdivision Completed), and 21-19-63 (Requiring Maps of Subdivisions To Be Furnished and Approved) of the Mississippi Code of 1972, as amended and recompiled, empower the Mayor and Board of Aldermen of the City of Clinton, Mississippi, to enact subdivision regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton deem it necessary for the purpose of promoting the health, safety, morals, and general welfare of the City to enact a subdivision ordinance; and

WHEREAS, the Mayor and Board of Aldermen have caused to be prepared such a subdivision ordinance designed to set forth certain procedures and standards to be followed in the development or redevelopment of land subdivisions in the City of Clinton to assure that development of the City is orderly, healthful, efficient and economic; and

WHEREAS, the Mayor and Board of Aldermen have given due public notice of hearings relating to these subdivision regulations, and have held such public hearings in accordance with the requirements of Section 17-1-15 (Procedure for Establishing Regulations - Notice and Hearing) of the Mississippi Code of 1972, annotated, as amended:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN, FROM AND AFTER THE DATE OF ADOPTION OF THESE REGULATIONS, THAT THESE REGULATIONS SHALL GOVERN ALL SUBDIVISION OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF CLINTON, MISSISSIPPI.

ARTICLE I

GENERAL PROVISIONS

SECTION 100 - TITLE

This ordinance shall be known as the "Subdivision Regulations of the City of Clinton, Mississippi," and may be so cited; and further reference herein or elsewhere as "Subdivision Regulations", and herein as "this ordinance" or "these regulations" shall imply the same wording and meaning as the full title.

SECTION 101 - AUTHORITY

The provisions of these Subdivision Regulations are adopted pursuant to authority set forth in the Mississippi Code of 1972, annotated.

SECTION 102 - PURPOSES

The purposes of these regulations are as follows:

1. To establish procedures governing the filing and approval of land subdivision plats and construction plans in the City of Clinton, Mississippi;
2. To establish minimum standards governing the preparation and filing of land subdivision plats and construction plans to be submitted to the City for approval;
3. To establish minimum design standards governing streets, utilities and other required improvements;
4. To insure the proper coordination of future streets with existing or planned streets;
5. To fix penalties for the violation of the provisions of these regulations;
6. To provide that the City of Clinton may vary these regulations under certain conditions.

SECTION 103 - JURISDICTION

From and after the date of adoption, these Subdivision Regulations shall govern all subdivisions of land located within the corporate limits of the City of Clinton, Mississippi.

SECTION 104 - COMPLIANCE WITH THESE REGULATIONS REQUIRED

Any person desiring to subdivide any land, as such subdivision is defined herein, shall comply with all the requirements set forth in these Subdivision Regulations, unless specifically exempted under the terms of Section 111 of these regulations.

SECTION 105 - REQUIREMENTS DECLARED TO BE MINIMUM

It is the intent of these regulations that the interpretation and application of the provisions given herein shall be held to be minimum requirements necessary for promotion of the public health, safety, morals and general welfare. Adherence to higher standards than prescribed herein is strongly encouraged by the City of Clinton.

SECTION 106 - ATTACHMENT OF CONDITIONS TO SUBDIVISION OF LAND

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is a valid exercise of the police power delegated by the State of Mississippi to municipalities. The subdivider has the duty of compliance with reasonable conditions laid down by the Mayor and Board of Aldermen (upon recommendation by the Planning Commission) for design, dedication, improvement, and use of land.

SECTION 107 - FINAL PLAT APPROVAL AND RECORDING REQUIRED

No land lying within the City of Clinton, Mississippi, shall hereafter be divided or resubdivided until a final plat of such subdivision has been duly approved by the Mayor and Board of Aldermen and recorded in the Office of the Chancery Clerk of Hinds County, Mississippi.

SECTION 108 - ACCEPTANCE OF IMPROVEMENTS WITHHELD BY CITY UNTIL FINAL PLAT APPROVED AND RECORDED

The City of Clinton shall withhold acceptance of improvements of any nature, including maintenance of streets and the furnishing of water and sewer facilities until a final plat of the subdivision has been approved by the Mayor and Board of Aldermen and recorded in the Office of the

Chancery Clerk of Hinds County, Mississippi. If all required improvements except the final wearing surface of streets have been satisfactorily installed and a performance bond has been submitted with the final plat, acceptance of streets shall be withheld until the final surface has been satisfactorily constructed.

SECTION 109 - TRANSFER OF TITLE TO LOTS PROHIBITED PRIOR TO FINAL PLAT APPROVAL AND RECORDING

No owner or agent of the owner of any lots located in a subdivision, as defined by these Subdivision Regulations shall transfer title to any such lots before a final plat of such subdivision has been approved by the Mayor and Board of Aldermen and recorded in the Office of the Chancery Clerk of Hinds County, Mississippi.

SECTION 110 - ISSUANCE OF BUILDING PERMIT PROHIBITED PRIOR TO PLAT APPROVAL AND RECORDING

No building permit shall be issued by the Building Inspector of the City of Clinton for construction of any building or structure on any land within the City of Clinton, before the final plat of a subdivision has been duly approved and recorded in the Office of the Chancery Clerk of Hinds County, Mississippi.

SECTION 111 - EXCEPTIONS

Realizing that there are certain types of land uses or property transfer procedures wherein strict compliance with all or some of the requirements of these regulations would not be applicable, it is the purpose of this section to set forth the exceptions for which certain provisions of these regulations are not applicable.

111.1 Division of Land To Be Used For Agricultural Purposes: A division of land resulting in two (2) or more lots, tracts, sites or parcels to be used for bona fide agricultural purposes and for uses of a similar nature such as dairy, poultry and livestock farming, forestry and grazing ranges for livestock shall be exempt from the requirements of these regulations. However, this exception shall be applicable only where such division of land does not involve the construction of any new public street, road or other public improvement.

111.2 Cemeteries: Cemeteries, except for the preliminary plat thereof showing the layout of the cemetery, shall be exempt from other provisions of this ordinance.

111.3 Minor Property Line Adjustments: The transfer of land between adjacent property owners, whether by sale, gift or other method, but only where no additional building lots are created, shall be exempt and subject only to other applicable laws.

111.4 Subdivisions Recorded Prior To Enactment Of These Regulations: A subdivision legally recorded prior to the adoption of these regulations shall be exempt from the requirements of these regulations, but only if there are no alterations of said subdivision creating additional building lots.

SECTION 112 - COMPLIANCE WITH ZONING ORDINANCE

Compliance with the dimensional requirements of the Zoning Ordinance of Clinton, Mississippi, shall be required in the laying out of lots in subdivisions; and no lot shall be of less area than the minimum specified for the zoning district in which the land is located, nor shall the lot width, frontage and yard setbacks be less than the minimum specified therein, except as may be otherwise permitted by the granting of a variance.

ARTICLE II
DEFINITIONS

SECTION 200 - PURPOSE OF THIS ARTICLE

The purpose of this Article is to give the clearest and most specific meanings possible for certain words and phrases as they are used and intended to be used in these regulations.

SECTION 201 - GENERAL INTERPRETATION OF WORDS

For the purposes of these regulations, unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural and vice versa; the word "herein" means "in the regulations"; the word "person" includes a corporation, foundation, trust, or other groups as well as an individual; the word "shall" is always mandatory; the word "may" is permissive; the word "building" includes the word "structure"; and a "building" or "structure" includes any part thereof.

SECTION 202 - SPECIAL DEFINITIONS

For the purposes of these regulations, certain words and phrases are hereby defined in this Article. Where a specific definition is not given for any word or phrase used herein, its common or contemporary usage is inferred. Should a dispute arise as to the meaning of a word or phrase, the interpretation made by the Superintendent of Public Works, in accordance with Section 601.2 of these regulations, shall apply.

Alley: A public or private right-of-way primarily designed to serve as a secondary access to the sides or rear of those properties for which principal frontage is on some other street; alleys are intended to provide access for refuse collection, loading/unloading, and for fire protection.

Arterial Street/Highway: See "Street".

Base Flood: A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Block: A parcel of land intended to be used for urban purposes which is entirely surrounded by streets, highways, railroad rights-of-way, shorelines of waterways, public parks, boundary lines of municipalities, or combinations thereof.

Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Mayor and Board of Aldermen. All bonds shall be approved by the Mayor and Board of Aldermen whenever a bond is required by these regulations.

Bond, performance: A bond warranting the completion of required improvements in accordance with approved construction plans and specifications within a specific period of time after approval of the final plat.

Building: Any enclosed structure having a roof and intended for shelter, housing or enclosure of persons, animals or chattel (movable property). The term "building" shall be construed as if followed by the words "or parts thereof."

Building Inspector: The person or persons designated by the Mayor and Board of Aldermen to administer and enforce various building and construction codes adopted by the City of Clinton and the Zoning Ordinance.

Building Permit: A permit which a person is required by the Southern Standard Building Code and Zoning Ordinance to obtain from the Building Inspector granting permission to said person to construct any building or structure.

Building Setback Line or Setback Line: A line delineating the minimum allowable distance between the street right-of-way and the front of a structure within which no building or other structure shall be placed. The minimum distance is prescribed by the Zoning Ordinance of the City of Clinton. The building setback line is parallel to or concentric with the street right-of-way line.

City: The City of Clinton, Mississippi.

City Attorney: The person or persons designated by the Mayor and Board of Aldermen as responsible for advising that body and the Planning Commission regarding all legal matters pertaining to these regulations and applicable Mississippi and federal laws. Among other responsibilities, the City Attorney shall: (1) review all "Offers of Irrevocable Dedication" regarding all streets and utilities, public open space or parks, etc. proposed by a subdivider for dedication to the City; (2) review of all proposed Maintenance Agreements submitted by the subdivider and all contractors warranting the satisfactory performance of required improvements for a period of two (2) years after the date of formal acceptance by the City; (3) determine the amount to be specified in the title policy accompanying the warranty deed to all lands dedicated to the City by a subdivider; (4) prepare in proper legal form ordinances adopting amendments to these regulations; (5) represent the City regarding appeals to a court of law from any action, decision, ruling, judgment or order by the Mayor and Board of Aldermen; and (6) provide legal assistance to the Superintendent of Public Works with regard to enforcement of these regulations.

City Engineer: The person or persons designated by the Mayor and Board of Aldermen as responsible for performing the duties prescribed under Section 602 of these regulations.

Collector Street: See "Street".

Construction Permit: A permit which a person is required to obtain prior to initiating construction of any improvements required by these regulations. This permit serves as a construction checklist to be signed by the Superintendent of Public Works, City Engineer, or other authorized inspectors and the subdivider's engineer after each improvement has been satisfactorily installed.

Construction Plans: The maps and drawings showing the specific location and design of improvements to be installed in accordance with these regulations.

Cul-De-Sac or Dead-End Street: A local street which has only one end open to vehicular traffic and the other permanently terminated by a vehicle turn-around.

Curb Radius or Curb Line Radius: The radius used to join two intersecting streets.

Dead-End Street: See "Cul-De-Sac".

Developer: Any person engaged in developing or improving a lot or group of lots or placing structures thereon for use or occupancy.

Drainage System, Storm: The facilities to carry off rain water.

Easement: Authorization granted by a property owner for the use of a designated part of his property by the public, a corporation or persons for specified purposes.

Fill: The placing, storing or dumping of any material such as earth, clay, sand, rubble or waste of any kind upon the surface of the ground which results in increasing the natural surface elevation.

Frontage: Property on one side of a street measured along the right-of-way line of the street, or in the case of a corner lot, the property on each street measured along the rights-of-way lines of both streets.

Future Land Use Plan: One of the elements of a Comprehensive Plan, usually developed concurrently with another element, the "Thoroughfares Plan." The Land Use Plan indicates the allocation of space within the City of Clinton for future land use based upon projections of land use needs for various types of activities, including housing, commercial enterprises, industry and community facilities.

Grade or Finished Grade: The finished elevation of land, either horizontal or sloping, after completion of site preparations for lots, streets, etc. as shown on the construction plans submitted in accordance with these regulations.

Health Department: The Hinds County Health Department.

Improvements: Physical changes made to raw land and structures and utilities placed on or under the land surface.

Individual Sewage Disposal System: A septic tank, seepage tile sewage disposal system, or any other sewage treatment device approved by the Hinds County Health Department and the State Department of Natural Resources, Bureau of Pollution Control.

Land Use Plan: See "Future Land Use Plan."

Local Street: See "Street".

Lot: A parcel of land of at least sufficient size to meet the minimum requirements for use, coverage, and area and to provide such yards and other open spaces as specified in the Zoning Ordinance of the City of Clinton, Mississippi. Such

lot shall have frontage on an improved public (dedicated) street or on a private drive or parking lot specifically approved by the Mayor and Board of Aldermen through the subdivision plat review process prescribed herein or through the site plan review process required by the Zoning Ordinance for multifamily dwellings and other developments. A lot may consist of:

- (a) A single lot of record; or
- (b) A portion of a lot of record; or
- (c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; or
- (d) A parcel of land described by metes and bounds;

PROVIDED THAT IN CASE OF DIVISION OR COMBINATION, NO LOT OR PARCEL SHALL BE CREATED WHICH DOES NOT MEET THE REQUIREMENTS OF THE ZONING ORDINANCE.

(Note: "Lots" shown on a subdivision plat may be combinations of lots of record; lots do not become "lots of record" until a final plat is approved and the final plat is recorded in the Office of the Chancery Clerk of Hinds County.)

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

Lot, Double Frontage: A lot which runs through a block from street to street (i.e., has frontage on more than one street); double frontage lots are also called "through lots".

Lot Frontage: The front of a lot shall be construed to be that dimension abutting on a street. For the purpose of determining yard requirements on corner lots and through lots, all sides of lots abutting on public streets shall be considered lot frontage, and yards shall be provided as indicated in the Zoning Ordinance. Front yard set-back lines as required by the Zoning Ordinance shall be shown on the preliminary and final plats of proposed subdivisions.

Lot Line: A line bounding a lot as defined herein.

Lot of Record: A lot which is part of a subdivision recorded in the Office of the Chancery Clerk of Hinds County, Mississippi, or a lot described by metes and bounds, the description of which has been recorded in said office.

Major Street Plan: See "Thoroughfares Plan."

Mayor: The duly elected official acting as the chief executive of the City of Clinton, Mississippi.

One Hundred (100) - Year Flood: See "Base Flood."

Owner: Any person having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Pedestrian Crosswalk: A right-of-way dedicated by a subdivider across or within a block intended for use by pedestrian traffic; where such crosswalks are required, a sidewalk shall be constructed by the subdivider in accordance with these regulations.

Planned Unit Development (PUD): A land tract in which a multiplicity of uses may be permitted including single-family residential, multi-family residential, public use and compatible commercial use, and in which land not used by residential or commercial structures but required by the basic zoning of the site shall be reserved collectively in contiguous units accessible to all building sites in the development as open space for the purpose of providing recreational facilities and pedestrian circulation.

Planning Commission: An advisory board established by an ordinance on May 7, 1968, nominated by the Mayor of the City of Clinton, Mississippi, and confirmed and approved by the Board of Aldermen of the City, for the purpose of bringing about sound development in accordance with present and anticipated future needs of the City as reflected in various elements of a Comprehensive Plan. Also may be referred to as the "Planning Board".

Plat: A map, plan or layout of a subdivision showing the information required by these regulations. Three types of plats are required herein:

- (1) Sketch plat - A plat submitted by a subdivider prior to the filing of an application for approval of a preliminary plat, intended to afford the subdivider an opportunity to secure guidance from the Superintendent of Public Works, City Engineer and Planning Commission as to what will be required of him before he has incurred great expense in preparing the more detailed preliminary plat.
- (2) Preliminary plat - A detailed plat of a proposed subdivision which, together with the required construction plans, forms the basis upon which

construction of improvements will proceed; no construction shall be initiated until both the preliminary plat and construction plans have been approved in accordance with these regulations.

- (3) Final plat - A plat submitted by a subdivider following completion of construction of all required improvements or all improvements except the final wearing surfaces of streets (in which case the final plat must be accompanied by a performance bond); following approval of the final plat by the Mayor and Board of Aldermen, the subdivider is responsible for having the plat recorded in the office of the Chancery Clerk of Hinds County, Mississippi.

Primary Arterial Street/Highway: See "Street".

Principal Arterial Street/Highway: See "Street".

Private Drive (or Driveway): A right-of-way which has the characteristics of a "street" as defined herein, except that it has not been dedicated and accepted for public use.

Registered Professional Engineer: An engineer properly licensed and registered in the State of Mississippi.

Registered Land Surveyor: A land surveyor licensed and registered in the State of Mississippi.

Right-of-Way: A strip of land occupied or intended to be occupied by a street or highway, pedestrian crosswalk, railroad, electric transmission line, water main, sanitary or storm sewer main, or for another special use.

Sanitary Sewer System: A public sewage disposal system or private central sewage disposal system of a type approved by the Mississippi Department of Natural Resources, Bureau of Pollution Control; or an individual disposal system of a type approved by the Hinds County Health Department Sanitarian.

Setback Line: See "Building Setback Line."

Sidewalk: A paved walk for pedestrians. When a sidewalk is to be constructed within a dedicated right-of-way, the sidewalk shall be constructed in accordance with these regulations and the Standard Specifications for Construction of Streets, Pavements, Sewers, and Water Distribution System.

Site Plan: Also referred to as "Plot Diagram". A plan or drawing indicating the location of proposed buildings or

structures and of every existing building or structure on a single lot. A "site plan" differs from a "subdivision plat" in that a subdivision plat reflects certain required information for two or more lots. Site plans are required by the Zoning Ordinance for certain types of development.

Street: A publicly-owned thoroughfare which affords the principal means of access to abutting property; such thoroughfares are dedicated by a property owner for public use, accepted by the responsible political entity in which the street is located and is so dedicated, and recorded in the Office of the Hinds County Chancery Clerk. Each street within the City of Clinton is classified in an adopted Thoroughfares Plan. The five functional classifications of streets and highways as used in these Subdivision Regulations are:

- (1) Interstate highways - the National System of Interstate and Defense Highways (Federal-Aid Interstate System), consisting of highways which are of highest importance to the nation connecting, as direct as practical, the principal metropolitan areas and cities. These routes are fully-controlled access and are four or more lanes divided; they are limited to those designated by the Mississippi State Highway Department in conjunction with the Federal Highway Administration.
- (2) Principal arterial (or "primary arterial" or "major arterial") street or highway - A street or highway intended to move traffic as efficiently and expeditiously as possible between major centers of activity not only within the City of Clinton but the surrounding urban area; the function of providing service to abutting land uses is subordinate to the provision of travel service to major traffic movements. These streets and highways are the highest traffic volume corridors and serve the longest trip desires.
- (3) Minor arterial (or "secondary arterial") street - A street which interconnects with and augments the principal arterial street and highway system. The minor arterial street system contains facilities that place more emphasis on land access than principal arterial streets and highways and provides a lower level of traffic mobility. These arterial streets primarily serve intra-City travel desires rather than connecting the City with the surrounding urban area.

- (4) Collector street - A street intended to provide both land access and traffic circulation within residential neighborhoods, commercial and industrial areas. A collector street collects traffic from local streets and channels it to principal and minor arterial streets and highways.
- (5) Local street - A street intended to provide access to abutting land and access to collector streets and arterial streets and highways. A local street provides the lowest level of mobility, and service to through traffic movement is usually deliberately discouraged.

Street Right-of-Way Line: The legal property boundary line delineating the street right-of-way and the abutting property.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, and certain types of signs (see Zoning Ordinance). The term "structure" shall not include fences or "Transient Trailers" as the latter term is defined by the Zoning Ordinance. "Structure" shall be construed as if followed by the words "or part thereof."

Subdivider: Any person, firm, partnership, corporation or other entity acting as a unit, who, having an interest in land, causes it, directly or indirectly, to be divided into a subdivision.

Subdivision: The division of any lot, tract or parcel of land into two (2) or more lots for the immediate or future purpose of sale or building development by means of an appropriately recorded legal document; however, the term "subdivision" as used herein shall not include the exceptions to these regulations as cited under Article I.

Superintendent of Public Works or "Superintendent": The person or persons designated by the Mayor and Board of Aldermen as responsible for the administration and enforcement of the Subdivision Regulations. Said person is also responsible for planning, controlling, and supervising street maintenance, water distribution, wastewater treatment and drainage facilities.

Thoroughfares Plan: One of the elements of a Comprehensive Plan, usually developed concurrently with another element, the "Land Use Plan." As used in these regulations, "Thoroughfares Plan" shall refer to a document adopted by

the Mayor and Board of Aldermen as official policy for the improvement of the street and highway system within the City of Clinton.

Townhouse: A single-family dwelling forming one of a group or series of two or more attached single-family dwellings separated from one another by party walls without doors, windows or other provisions for human passage or visibility through such walls from the basement or first floor to the roof. The term "townhouse" includes: (1) single-family dwellings constructed immediately adjacent to one another in which both the dwelling and the adjacent land are individually owned by the occupants; (2) condominiums in which only the interiors of such townhouses are owned by the individual occupants and the exterior portions of the dwellings as well as the adjacent land are commonly owned by residents as a group and maintained by a homeowner's association; and (3) "apartments" in which the townhouses are rented.

Townhouse Subdivision: A subdivision in which the developer proposes to partition land into individual lots and construct townhouses wherein both the dwellings and the lots will be individually owned by the residents.

Utility: A public service, such as water, sewerage, electricity, gas, garbage disposal, telephone, or cable television, provided by any private or public organization.

Zoning Ordinance: The Zoning Ordinance of the City of Clinton, Mississippi.

ARTICLE III

PROCEDURES AND SPECIFICATIONS FOR SUBDIVISION PLATS AND CONSTRUCTION PLANS

SECTION 300 - PURPOSES OF THIS ARTICLE

The purposes of this article are:

- (1) To set forth the procedures to be followed in the fulfillment of the provisions of these regulations and to identify the persons or agencies involved in the review and approval of subdivision plats and construction plans; and
- (2) To set forth specifications for the various plans, plats, and supplementary material required by these regulations.

SECTION 301 - PRE-APPLICATION SKETCH PLAT REVIEW

Prior to the filing of an application for approval of a preliminary plat, the subdivider shall prepare a sketch plat for review by the Superintendent of Public Works and the City Engineer, and, if deemed necessary by those two officials, the Planning Commission. The purpose of the sketch plat is to afford the subdivider an opportunity to secure guidance as to what will be required of him before he has incurred great expense in preparing detailed plans.

- 301.1 Procedure for Review of Pre-Application Sketch Plat and Supplementary Data: The subdivider or his agent shall prepare a sketch plat and supplementary data as prescribed under Section 301.2 and submit three (3) copies to the Superintendent of Public Works. The Superintendent shall retain two (2) copies and forward one (1) copy to the City Engineer. It shall be the responsibility of the subdivider and his engineer to arrange an informal conference with the Superintendent and the City Engineer to review the sketch plat. At that informal conference, the Superintendent and the City Engineer may make suggestions relating to street layout, utilities, storm water drainage, open space or similar factors of concern. If the Superintendent and City Engineer determine that, because of the potential impact of the proposed subdivision on the City of Clinton or special considerations, the sketch plat should be reviewed by the Planning Commission, the Planning Commission

shall review the sketch plat at the next regularly scheduled meeting of that body following the informal conference with the City officials. If Planning Commission review is not warranted, the Superintendent and City Engineer may simply make their recommendations to the subdivider and advise him to proceed accordingly.

If review by the Planning Commission is deemed necessary by the Superintendent and City Engineer, the Planning Commission should evaluate the sketch plat giving consideration to proposed arterial or collector streets (from the Thoroughfares Plan), parks and playgrounds, school sites and other public facilities, and other planned projects (from the Future Land Use Plan) which may affect the property being considered for subdivision. The Superintendent and City Engineer may present their verbal or written recommendations regarding the sketch plat to the Planning Commission for consideration.

The Superintendent of Public Works and the City Engineer shall not "approve" or "disapprove" the sketch plat. If reviewed by the Planning Commission, the Secretary for that group shall simply record the Commission's principal recommendations to the subdivider in the minutes of the Planning Commission. Following the informal conference(s) with the Superintendent and City Engineer (and meeting with the Planning Commission, if necessary), the subdivider may proceed with preparation of the preliminary plat (see Section 302). The Superintendent may return a copy of the sketch plat to the subdivider with any notations deemed advisable.

301.2 Specifications for Pre-Application Sketch Plat and Supplementary Data: The sketch plat, which shall be drawn at an appropriate scale on sheets measuring eighteen by twenty-four inches (18" x 24"), may be a pencil sketch made directly on a print of a topographic survey. The sketch plat shall contain the following information:

- (1) Name, address and telephone number of the legal owner or agent of the subject property;
- (2) Name, address and telephone number of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys;
- (3) Name of subdivision if property is within an existing subdivision;

- (4) Proposed name if not within a previously platted subdivision; the proposed name shall not duplicate or too closely approximate, the name of any plat previously recorded;
- (5) Name of property if no subdivision name has been chosen (Note: This is commonly the name by which the property is locally known);
- (6) Location of property by section, township and range;
- (7) Graphic scale, north arrow and date;
- (8) Existing zoning of the proposed subdivision;
- (9) The approximate location and widths of proposed streets;
- (10) The approximate location, dimensions and areas (in square feet) of all proposed lots;
- (11) Preliminary proposals for connection with existing water supply and sanitary sewage systems; preliminary provisions for collecting and discharging surface water;
- (12) The approximate location, dimensions and area of all parcels of land to be transferred by the subdivider to a Homes Association for common open space or for recreational usage by residents of the proposed subdivision;
- (13) The approximate location, dimensions, and area to be dedicated to the City of Clinton or Clinton Municipal Separate School District for public parks, schools or other public use (in addition to dedicated streets); and
- (14) The approximate location, dimensions, and area of other land parcels, such as a shopping center or church site, to be retained by the subdivider or transferred to others.

If the proposed subdivision is to be part of a phased development, the subdivider shall indicate on the sketch plat the area proposed for future development.

Finally, the subdivider shall submit with the sketch plat copies of any existing covenants on the subject property.

SECTION 302 - PRELIMINARY PLAT PROCEDURES AND SPECIFICATIONS

Upon reaching conclusions as a result of the pre-application sketch plat conference(s), the subdivider or his designated agent

shall submit to the Superintendent of Public Works four (4) copies of a preliminary plat of the proposed subdivision, prepared as specified under sub-section 302.4 of these regulations. The subdivider or his agent shall complete a written application for preliminary plat approval and submit the original and three (3) copies of said application to the Superintendent of Public Works concurrently with submittal of the preliminary plat. "Applications for Preliminary Plat Approval" may be obtained at the office of the Superintendent of Public Works. The subdivider (or applicant) shall pay to the City Clerk the fee prescribed under Section 609 of this ordinance at the same time that the application is filed.

302.1 Procedure for Review and Approval of the Preliminary Plat: Upon receipt of the "Application for Preliminary Plat Approval", the prescribed filing fee and copies of the preliminary plat, the Superintendent of Public Works shall distribute copies of the application and plat as follows: (1) one copy to the City Engineer; (2) one copy to the Chairman of the Planning Commission.

The Superintendent shall retain the original and one (1) copy of the application and two (2) copies of the preliminary plat.

The subdivider shall submit the "Application for Preliminary Plat Approval" and plats to the Superintendent at least twenty-one (21) days prior to the next regular meeting of the Clinton Planning Commission.

Upon receipt of a copy of the preliminary plat from the Superintendent of Public Works, the City Engineer shall review the plat for compliance with the standards specified in these regulations. The City Engineer shall notify the subdivider or his agent in writing of any deficiencies at least seven (7) days prior to the regular meeting of the Planning Commission. The City Engineer shall transmit copies of his review letter to the Superintendent and to the Chairman of the Planning Commission. The subdivider or his agent may request a meeting with the Superintendent and the City Engineer to discuss any deficiencies noted by the Superintendent or the City Engineer prior to the Planning Commission meeting.

The Chairman of the Planning Commission shall also review the preliminary plat for compliance with standards specified in these regulations. He shall transmit to other members of the Planning Commission copies of the Application for Preliminary Plat Approval, copies of the City Engineer's letter to the subdivider (or his agent), together with any

of his own comments and those of the Superintendent of Public Works.

The subdivider or his agent must attend the Planning Commission meeting or his preliminary plat will not be reviewed by that body (and, hence, no recommendation made to the Mayor and Board of Aldermen). The Superintendent and the City Engineer may attend the Planning Commission meeting and present their recommendations regarding the preliminary plat.

The Planning Commission, at its next regular monthly meeting following submission of the preliminary plat by the subdivider or his agent, shall review said plat. The Commission may recommend approval or disapproval of the application as submitted, or may recommend that, before approval, the applicant modify, alter, adjust or otherwise amend the preliminary plat. The Commission shall make a written statement of its findings and recommendations (in the form of the Planning Commission minutes, which shall be submitted to the Mayor and Board of Aldermen. Written recommendations of the Superintendent and/or City Engineer shall also be submitted to the Mayor and Board of Aldermen.

Following a review of the preliminary plat and other materials specified under sub-section 302.4 by the Superintendent of Public Works, City Engineer and Planning Commission, the Mayor and Board of Aldermen shall take action on the "Application for Preliminary Plat Approval" at its next regular meeting. The Superintendent shall notify the applicant or his agent by registered mail or certified mail ("return receipt requested") of the time and place of the meeting of the Mayor and Board at which action on the application shall take place. Notification shall be sent to the applicant prior to the date of the meeting. The subdivider or his agent must attend the meeting of the Mayor and Board of Aldermen or his application shall not be considered at that meeting.

The Mayor and Board of Aldermen may approve or disapprove the preliminary plat or give conditional approval of that plat. The Superintendent of Public Works shall notify the applicant in writing of the action taken by the Mayor and Board of Aldermen, and shall return one (1) copy of the preliminary plat to the applicant with said written notification. The plat returned to the applicant shall be stamped "APPROVED" or "DISAPPROVED" and bear the signatures of the Superintendent of Public Works and other appropriate City officials;

or, if conditional approval was given by the Mayor and Board of Aldermen, any modifications or conditions applying to such approval shall be noted in writing by the Superintendent of Public Works. Likewise, if the plat was disapproved, the Superintendent shall note the reasons for disapproval.

The Superintendent of Public Works, City Engineer, and secretary of the Planning Commission shall each retain one (1) copy of each preliminary plat for their files.

302.2 Construction of Any Improvements Prior to Approval of Preliminary Plat Prohibited: No person shall construct any improvements in a proposed subdivision until a preliminary plat has been approved or conditionally approved by the Mayor and Board of Aldermen. However, after this approval is granted, the prohibition reverses and becomes an affirmative requirement that improvements be completed before the final plat is submitted for approval. (NOTE: The decision made on the preliminary plat is the most important step in the entire approval process, because work will begin on opening and constructing streets, installing utility systems, etc., on the basis of this decision.)

302.3 Re-submission of a Preliminary Plat: If a preliminary plat is disapproved due to substantial deficiencies, or if certain conditions have been placed on said plat, the subdivider may, at his option, re-submit the plat to the Superintendent of Public Works at least fourteen (14) days prior to the next regular monthly meeting of the Planning Commission. From this point on, the procedure for review of a re-submitted plat shall be the same as that of a plat submitted for initial review.

If a subdivider chooses to resubmit a preliminary plat that has previously been disapproved, the subdivider shall comply with all amendments to these Subdivision Regulations, amendments to the Zoning Ordinance and any other applicable laws that are in effect at the time of the resubmission.

The fee for resubmission of a preliminary plat is specified under Section 609 of these regulations.

302.4 Specifications for Preliminary Plat: The preliminary plat shall be prepared by a Professional Engineer or land surveyor licensed to practice in the State of Mississippi at a scale of not more than one inch equals one hundred (100) feet. The preliminary plat may be prepared in pen or pencil,

and shall be prepared on sheets measuring eighteen by twenty-four inches (18" X 24"). If the complete plat cannot be shown on one (1) sheet, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size; each sheet shall be numbered in sequence if more than one (1) is used.

The preliminary plat shall contain the following information:

1. The title under which the proposed subdivision is to be recorded; the proposed name of the subdivision shall not duplicate or too closely approximate the title of another subdivision within the City of Clinton;
2. The name(s), addresses(es), and telephone number(s) of the owner(s) and the subdivider if other than the owner;
3. The name and registration number of the registered Professional Engineer or registered Land Surveyor licensed to practice in the State of Mississippi;
4. Date of the survey, approximate true north point and graphic scale;
5. The location of the subdivision with respect to surrounding property and streets and the location of existing streets and highways (with names of same);
6. The names of all adjoining developments and names of adjoining property owners;
7. The location and dimensions of all boundary lines of the subdivision in feet and decimals of a foot;
8. The locations, dimensions and areas of all existing lots;
9. Data from which the location, bearing and length of all lines can be determined and reproduced on the ground;
10. The location of all proposed monuments;
11. The location of existing water mains, sanitary sewers, storm water culverts and drainage ditches, other utility lines and easements and fire hydrants (if any);

12. The location of existing bodies of water, streams, bridges, railroad rights-of-way, buildings, parks and other pertinent existing features;
13. Base flood elevation data for all proposed subdivisions having land within an area affected by a "base flood" (i.e., a flood having a one percent chance of being equalled or exceeded in a given year), as determined from Flood Hazard Boundary Maps produced by the Federal Insurance Administration. (Note: The Flood-plain Management Ordinance of the City of Clinton specifies that all new residential construction or substantial improvements of any residential structure shall have the lowest floor, including the basement, elevated to or above the base flood elevation).
14. Contour intervals to mean sea level datum of not more than two (2) feet referenced to a United States Geological Survey bench mark or monument or to a bench mark approved by the Superintendent of Public Works;
15. Total acreage of the land to be subdivided and the number of lots proposed;
16. The location of proposed streets, including dimensions of the street improvements and rights-of-way; the street name shall be sufficiently different in sound and spelling from other street names in the City of Clinton so as not to cause confusion; a street which is planned as a continuation of an existing street shall bear the same name;
17. The location of proposed alleys and easements and dimensions and purpose (i.e., utility or drainage) of same;
18. Proposed lot lines with dimensions; blocks shall be lettered in alphabetical order, and lots in each block shall be consecutively numbered;
19. Building set-back lines (dashed) as prescribed by the Zoning Ordinance;
20. The location and dimensions of property to be dedicated to the City of Clinton (in addition to streets) or the Clinton Municipal Separate School District, with designation of the

purpose thereof and conditions, if any, of the dedication; the location and dimensions of common properties (if applicable) to be transferred to and maintained by a Homeowners Association, with designation of the purpose thereof; and the locations and dimensions of any other parcels, such as a church site or shopping center, to be retained by the subdivider or transferred to others; and

21. A key or vicinity map at a scale of one inch equals one thousand feet (1" = 1,000') for subdivisions of twenty (20) or more lots, or a scale of one inch equals five hundred feet (1" = 500') for subdivisions or resubdivisions of less than twenty (20) lots; the vicinity map shall depict existing streets and highways, township, range and section designations, and drainage channels within one mile (5,280 feet) of the boundaries of the property to be subdivided.

302.5 Omitted or Improper Information on the "Application for Preliminary Plat Approval" or Preliminary Plat: The lack of information or the provision of improper data on the application or the preliminary plat shall either delay processing of the application/plat or cause disapproval of same.

302.6 Minor Changes to Approved Preliminary Plat: The Superintendent of Public Works shall have the power to approve minor changes (of a purely technical nature) in an approved preliminary plat without resubmission of the plat to the Planning Commission or Mayor and Board of Aldermen. Approval of such changes shall be made in writing, and the Superintendent shall provide a copy of such written notification to the City Engineer and the Planning Commission for their files.

302.7 Effective Period of Preliminary Plat Approval: Approval of the preliminary plat shall lapse if a final plat in substantial agreement with the preliminary plat is not submitted within two years (24 months) from the date of preliminary plat approval by the Mayor and Board of Aldermen, unless an extension of time is requested in writing by the subdivider or his agent and expressly granted in writing by the Superintendent of Public Works. Unless a time extension is approved, any plat not receiving final approval within two years (24 months) after approval of the preliminary plat shall be NULL and VOID. If any preliminary plat is declared null and void, the developer may resubmit a preliminary plat;

the new plat shall be subject to all new zoning restrictions and subdivision regulations.

302.8 Effect of Approval of Preliminary Plat: Approval of a preliminary plat shall not constitute approval of the final plat. Said approval of the preliminary plat indicates only approval of the layout as a guide to the preparation of the final plat, which must be submitted for approval by the Mayor and Board of Aldermen and for recording upon fulfillment of the requirements of these Subdivision Regulations and the conditions of preliminary plat approval, if any. The subdivider may proceed with the construction of required improvements and staking of lots after approval of the preliminary plat and construction plans (see Section 303 of these regulations).

302.9 Substantial Changes to Approved Preliminary Plats: If a subdivider desires to make substantial changes to an approved preliminary plat, the procedure for submitting the revised plat shall be the same as that for a new plat as prescribed under sub-section 302.1.

SECTION 303 - CONSTRUCTION PLAN PROCEDURES AND SPECIFICATIONS

After receiving written notification of preliminary plat approval (along with one copy of the plat stamped "APPROVED" and signed by the Superintendent of Public Works), the subdivider or his designated agent shall submit construction plans to the Superintendent of Public Works and the City Engineer for approval.

303.1 Procedure for Submission and Review of Construction Plans: Three (3) copies of the construction plans shall be submitted to the Superintendent of Public Works, who shall retain two (2) copies and forward one (1) copy to the City Engineer. The construction plans shall cover the entire development of the area given preliminary plat approval, together with a complete and accurate contour map using mean sea level datum (United States Geological Survey).

All improvements required by these Subdivision Regulations shall be designed by, certified by and constructed under the supervision of a qualified Professional Engineer registered in the State of Mississippi and employed by the subdivider.

The construction plans shall include the complete design of the water distribution system, sanitary wastewater system, storm drainage system, and street system for the area to be subdivided. Plans shall be prepared in accordance with sub-section 303.2 of these regulations.

It shall be recognized as a principle that the sanitary wastewater, water distribution and storm water facilities cannot be properly designed on a piece-meal basis, and that the entire area shall be evaluated as a unit giving due consideration to the problems which may be created by the subdivision of adjacent land.

Before approval is granted regarding construction plans and specifications for the proposed water and sanitary wastewater system, the subdivider or his agent shall obtain written approval of same from the Mississippi State Board of Health, Bureau of Health (public water systems) and the State Department of Natural Resources, Bureau of Pollution Control (sanitary wastewater system).

The Superintendent of Public Works and City Engineer shall approve or disapprove the construction plans and specifications within fifteen (15) working days (i.e., Monday through Friday) after receipt of the plans by the Superintendent. (Note: Unlike the preliminary plat, submission of the construction plans to the Planning Commission and Mayor and Board of Aldermen is not required; the Superintendent of Public Works and City Engineer shall have full approval authority regarding the construction plans without a review by either the Planning Commission or the Mayor and Board of Aldermen.)

The City Engineer shall review the construction plans and transmit his written comments to subdivider or his agent; a copy of the Engineer's written comments shall also be forwarded to the Superintendent of Public Works. Following his own review of the construction plans and the City Engineer's comments, the Superintendent of Public Works shall return one (1) copy of the construction plans to the subdivider or his agent, stamped either "APPROVED" or "DISAPPROVED" and signed by the Superintendent and the City Engineer. If the plans are disapproved, the Superintendent shall advise the subdivider or his agent in writing of the reasons for such disapproval.

If construction plans are not approved by the City Engineer and Superintendent of Public Works, the subdivider may modify them to bring them into conformance with these regulations and resubmit them to the Superintendent for a re-evaluation. The City Engineer and Superintendent shall complete a re-evaluation within fifteen (15) working days after receipt of the modified plans.

The subdivider shall not perform any construction work (other than clearing, grubbing and preliminary street grading) until: (1) his construction plans have been returned to him stamped "APPROVED" and signed by the Superintendent of Public Works and the City Engineer; and (2) the subdivider or his agent has obtained a Construction Permit from the office of the Superintendent in accordance with Section 304 of these regulations. After the construction plans have been approved and a Construction Permit secured, the subdivider may proceed to construct the required improvements and proceed with the preparation of the final plat.

- 303.2 Notification of Superintendent of Public Works Required Prior To Initiation of Construction of Improvements: The subdivider shall inform the Superintendent of Public Works by letter of the date on which the work is anticipated to begin on the proposed subdivision.
- 303.3 Effective Period of Construction Plan Approval: Approval of construction plans shall be valid for a period of two years (24 months) from the date of approval by the Superintendent of Public Works and the City Engineer. The Superintendent and the Engineer shall have authority to cancel and revoke approval or grant extensions in writing of all construction plans under which no work is commenced within the two year period. If approval is cancelled or revoked on such construction plans, the subdivider or his agent shall submit new construction plans conforming with the regulations in effect at the time of resubmission; these new plans must be approved by the Superintendent of Public Works and the City Engineer before the subdivider may begin construction of any improvements.
- 303.4 Specifications for the Preparation of Construction Plans: Construction plans shall be prepared on standard twenty-four by thirty-six inch (24" x 36") reproducible layout and plan/profile sheets. The plan assembly shall consist of the following:
1. Front sheet: The front sheet of the assembly shall include: a vicinity map at the same scale as the vicinity map submitted with the preliminary plat; name of the subdivision; name of the owner/developer of the subdivision; name of the Professional Engineer and registration number; and an index ("Contents") to all construction drawings included in the assembly.
 2. Storm drainage and street/lot layout sheet(s):
Storm drainage and street/lot layout sheet(s)

shall be prepared encompassing the entire subdivision and sufficient additional area to include all water sheds which might be a factor in the design of the storm water drainage system. The storm drainage/street and lot layout sheet(s) shall be prepared at a scale of one inch equals one hundred feet (1" = 100') and shall contain an arrow showing the approximate true north point and scale notation; the sheet(s) shall depict contour intervals to mean sea level of not more than two (2) feet referenced to a United States Geological Survey bench mark or monument or a bench mark approved by the Superintendent of Public Works. The layout plan shall indicate the location and sizes of all existing and proposed drainage structures; typical cross-sections shall be included for ditches.

The location and dimensions of all existing and proposed streets and lots shall be shown, along with curve data sufficient to define all proposed street curves. Typical street cross-sections shall also be drawn indicating proposed grading, base course and pavement depths and material types, curbs and gutters, drainage, sidewalks, shoulders, and rights-of-way.

3. Water and sanitary wastewater layout sheet(s): Water and sanitary wastewater layout sheet(s) shall also be prepared encompassing the entire subdivision. The water/sanitary wastewater layout sheet(s) shall be prepared at a scale of one inch equals one hundred feet (1" = 100') and shall contain an arrow showing the approximate true north point and scale notation. The layout sheets shall indicate the sizes and locations of existing and proposed water mains and sanitary sewer mains and the locations of manholes, fire hydrants and other appurtenances.
4. Standard plan-profile sheets: Plan-profile sheets shall be drawn to a scale of one inch equals fifty feet (1" = 50') horizontal and one inch equals five feet (1" = 5') vertical. The plan-profile sheets shall depict a finished street grade along the center line of each proposed street based upon the U.S. Geological Survey Datum (Mean Sea Level). The plan-profile sheets shall indicate: lot (property) lines abutting each proposed street along with lot numbers; curb lines (double lines); the location, size, and invert elevations of all existing or proposed water lines, sanitary sewers, stormwater

drains, and fire hydrants, showing connections to any existing or proposed utility systems; and the locations of street trees, street lighting standards and street name/number signs.

5. Construction detail sheets: Standard construction detail sheets of the City of Clinton or equal shall be submitted for the water distribution system, sanitary sewer appurtenances and storm water system appurtenances.
6. Special detail sheets and design computations: Special design specifications for drainage structures, pumping stations, etc., shall be submitted with the construction plans. Design computations used by the designer shall always be submitted with the construction plans.
7. Utility plans: The subdivider shall be responsible for obtaining copies of electrical, natural gas and telephone service plans from the appropriate private utility companies and attaching copies of these utility plans to the construction plans.

SECTION 304 - INSPECTION OF IMPROVEMENTS REQUIRED

After the construction plans have been approved (and the plans filed with the Superintendent of Public Works and the City Engineer) in accordance with Section 303 of these regulations, the subdivider may, after obtaining a Construction Permit as specified below, proceed to construct the required improvements. The Superintendent, City Engineer, or their designated agents shall inspect all improvements required by these regulations as they are installed.

However, in no way shall this relieve the subdivider and his engineer of close supervision and compliance with the approved plans and specifications. The developer shall employ a registered professional engineer, acceptable to the City Engineer, to inspect all improvements as they are installed. This engineer shall certify on the Construction Permit, as indicated under Section 304.1, that each improvement has been constructed in accordance with the requirements of these regulations.

304.1 Construction Permit and Scheduling of Inspections:

The Subdivider or his agent shall obtain a Construction Permit from the office of the Superintendent of Public Works prior to the initiation of construction of any improvements. This Construction Permit shall include a check-list of required improvements to be signed by the Superintendent, City Engineer, or other authorized inspectors and the subdivider's engineer after each improvement has been satisfactorily installed.

The subdivider shall notify the Superintendent of Public Works as to the expected completion date for various stages of construction as work progresses with sufficient advance notice being given to allow inspection before underground utilities are covered or before subsequent stages of work are begun. The subdivider or his agent shall make the subdivider's copy of the Construction Permit available at the work site at the time the inspection is performed. If requested by the authorized inspector, the subdivider or his engineer shall be present at the work site during the inspection.

If deficiencies are detected, the Superintendent or City Engineer shall notify the subdivider in writing of those deficiencies. The appropriate space on the subdivider's copy of the Construction Permit shall be signed by an authorized inspector

of the City of Clinton and the subdivider's engineer before work on the next stage of improvements is begun. The Superintendent shall retain a copy of the Construction Permit, signed by the City Inspector and the subdivider's engineer, as a record of inspections that have been performed as each improvement is satisfactorily completed. In no case shall underground improvements be covered until inspected by the Superintendent, City Engineer or their designated agents. The City of Clinton shall refuse to accept for dedication any improvements installed without proper inspections.

304.2 Changes in Construction Plans: Any changes in the approved construction plans shall be approved in writing by both the Superintendent of Public Works and the City Engineer prior to construction.

304.3 Unacceptable Work and Repairs To Improvements: Unacceptable work, whether the result of poor workmanship, use of defective materials, damage through carelessness or any other cause found to exist prior to final acceptance of improvements for dedication shall be removed and replaced in an acceptable manner at no cost to the City of Clinton.

Furthermore, the subdivider, his representative, builder, contractor, or their successors and assignees shall be held responsible for repairs of any damage done to streets or other improvements during the construction of residences or other buildings in a subdivision, even after the improvements have been accepted by the City of Clinton. The provisions of this paragraph shall also apply to damage done in areas other than approved subdivision during the construction of residences or other buildings, whether by construction vehicles, equipment or other cause; and such repair or replacement shall be accomplished at no expense to the City of Clinton.

304.4 Removal of Dirt, Mud, or Debris from Streets Within or Leading to Subdivision: At periodic intervals during the construction of a subdivision as specified on the Construction Permit, the subdivider or his agent or their successors and assignees shall remove all mud, dirt, or debris from streets within or leading to the subdivision under construction where such materials were deposited on those streets as a result of construction in the subject subdivision. Removal of these materials shall be accomplished at no cost to the City of Clinton.

304.5 Authority of the Superintendent of Public Works and City Engineer: The Superintendent, City Engineer or their duly delegated inspectors, shall be authorized to inspect all work done and all materials furnished for required improvements. Said officials shall not be authorized to alter or waive the requirements established by these regulations.

304.6 Acceptance of Improvements by the City of Clinton: After the Superintendent and City Engineer have verified that all required improvements have been completed and are free from defect, the Planning Commission shall be advised of their findings. Upon receipt of the final plat in accordance with Section 307 of these regulations, the Mayor and Board of Aldermen may, following a recommendation by the Planning Commission, accept the dedication of the improvements (see Section 307.8).

SECTION 305 - FINAL CONSTRUCTION PLAN "AS-BUILTS" AND MARKED LOCATION OF WATER AND SANITARY SEWER SERVICES

When construction is complete in accordance with the approved construction plans and specifications, the subdivider or his agent shall submit to the Superintendent of Public Works two (2) sets of good quality reproducible "as built" construction plans depicting the exact location of all required improvements. Such plans shall contain a certified statement by the Registered Professional Engineer employed by the subdivider attesting that a final survey was conducted and that the "as-built" plans resulted from said survey and are true and correct to the best of the engineer's knowledge.

It shall be the responsibility of the subdivider to mark or to cause to be marked the "as built" location of all water and sanitary sewer services to individual lots. The locations of water and sanitary sewer services shall be marked on the face of the curb with the letter "W" to denote water and with the letter "Y" to denote sewer.

SECTION 306 - MAINTENANCE AGREEMENT REQUIRED

Prior to acceptance by the City of Clinton of an offer of dedication of improvements within a subdivision, the subdivider (or owner if not the same person as the subdivider) and ALL CONTRACTORS shall submit to the Superintendent of Public Works a maintenance agreement(s) in a form acceptable to the City Engineer and the City Attorney warranting the satisfactory performance of all required improvements for a period of two (2) years after the date of formal acceptance (dedication) of all such improvements by the City of Clinton.

SECTION 307 - FINAL PLAT PROCEDURES AND SPECIFICATIONS

The final plat shall conform substantially to the approved preliminary plat. The final plat shall not be approved by the Mayor and Board of Aldermen until the subdivider has complied with one of the following alternatives:

1. The subdivider has actually completed construction of all improvements required by these Subdivision Regulations and any conditions attached to the preliminary plat; or
2. If all improvements except the final wearing surface of streets constructed by the subdivider have been completed at the time at which the subdivider wishes to submit the final plat for approval, he may, after obtaining written approval from the Superintendent of Public Works, post a performance bond in an amount sufficient to properly complete such improvements in accordance with the approved construction plans and specifications. The City Engineer in conjunction with the subdivider shall determine the appropriate amount of the performance bond after reviewing the construction plans for the required improvement. The City Engineer shall then recommend the amount estimated to the Mayor and Board of Aldermen for approval. The bond shall be subject to the condition that the final wearing surface of the street(s) shall be completed within one (1) year after approval of the final plat unless a written extension of the bond is approved by the Superintendent and the City Engineer. Said bond shall be returned to the subdivider when the final inspection of the required improvements has been made by the Superintendent of Public Works and City Engineer and the Superintendent of Public Works and City Engineer have certified that the improvements have been satisfactorily constructed.

(Note: Except for the performance bond required by the Zoning Ordinance regarding open space/recreational facility improvements within a Planned Unit Development or "PUD", construction of the final wearing surface of streets shall be the only required improvement for which a performance bond shall be authorized. The purpose of this provision is to assist the subdivider in avoiding damage to the wearing surface by trucks and heavy equipment during the construction of buildings within the subdivision.)

- 307.1 Sequential Approval of Subdivision Segments: If desired by the subdivider, the final plat 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 Subdivision Regulations. The Mayor and Board of Aldermen shall grant approval (upon recommendation by the Planning Commission) to only one such portion at a time, with plat approval for each succeeding section being contingent upon completion of all required improvements in each preceding section and acceptance of those improvements by the City of Clinton in accordance with Section 307.8 of these regulations. No building permits shall be issued by the Building Inspector until the final plat has been approved by the Mayor and Board of Aldermen and recorded in the office of the Chancery Clerk of Hinds County, Mississippi.

307.2 Procedure for Review and Approval of the Final Plat: Following completion of all required improvements, or completion of all improvements except the final wearing surface of streets, the subdivider or his designated agent shall submit five (5) copies of a final plat to the Superintendent of Public Works within two (2) years (24 months) after approval of the construction plans for the subdivision, unless a time extension is requested and granted in writing by the Superintendent of Public Works. The final plat shall be prepared in accordance with Section 19-27-23 of the Mississippi Code of 1972, as amended and recompiled, and as specified under subsection 307.5 of these regulations. The subdivider or his agent shall complete a written application for final plat approval and submit the original and three (3) copies of said application to the Superintendent of Public Works concurrently with submittal on the final plat. "Applications for Final Plat Approval" may be obtained at the office of the Superintendent of Public Works. The subdivider or applicant shall pay to the Superintendent the fee prescribed under Section 609 of this ordinance at the same time the application is filed.

Upon receipt of the "Application for Final Plat Approval", the prescribed filing fee and copies of the final plat, the Superintendent of Public Works shall distribute copies of the application and plat as follows: (1) one copy to the City Engineer; and (2) one copy to the Chairman of the Planning Commission. The Superintendent shall retain the original and one (1) copy of the application and two (2) copies of the final plat.

The Superintendent of Public Works, City Engineer and Chairman of the Planning Commission shall review the application and final plat for the purpose of determining compliance with these regulations and to determine whether or not the conditions (if any) attached to approval of the preliminary plat have been satisfied. The Superintendent and Chairman of the Planning Commission shall contact the City Engineer to advise him of any deficiencies that they detect. The City Engineer shall notify the subdivider or his agent in writing of any such deficiencies within ten (10) working days (i.e., Monday through Friday, excluding holidays) after the Superintendent's receipt of the application, filing fee, and final plat. The subdivider shall be advised that the deficiencies must be rectified before action on the final plat may be taken by the Mayor and Board of Aldermen.

Following rectification of any deficiencies regarding the "Application for Final Plat Approval" and the final plat, or if there be no deficiencies, the Mayor and Board of Aldermen shall take action on the application at its next regular meeting. The Superintendent shall notify the applicant or his agent by registered mail or certified mail ("return receipt requested") of the time and place of the meeting of the Mayor and Board at which action on the application shall take place. The subdivider or his agent must attend the meeting of the Mayor and Board of Aldermen or his application shall not be considered.

The power of approval of a final plat shall be reserved exclusively to the Mayor and Board of Aldermen. Such approval shall be required before the acceptance by the City of Clinton of any lands, streets, utilities, easements or other property or rights, or fees-in-lieu thereof proffered by the subdivider (for the final wearing surface of streets only) for public use and maintenance.

The Superintendent of Public Works shall notify the applicant in writing of the action taken by the Mayor and Board of Aldermen, and shall return one (1) copy of the final plat to the applicant with said notification. All copies of the final plat shall be stamped "APPROVED" or "DISAPPROVED" and shall bear the signature of the Mayor of Clinton; the Mayor's signature shall be attested by the City Clerk with an indication on the plat of the date of action by the Mayor and Board of Aldermen.

If the plat is disapproved, the Superintendent shall state the reasons for such disapproval in his written notification to the applicant.

The Superintendent of Public Works, City Engineer, and secretary of the Planning Commission shall each retain one (1) copy of the approved or disapproved plat for their files. The Chairman of the Planning Commission shall advise other members of the Planning Commission concerning action taken by the Mayor and Board of Aldermen concerning the final plat.

- 307.3 Recording of the Final Plat: Upon approval of the final plat, the subdivider or his agent shall have the plat duly recorded in the office of the Chancery Clerk of Hinds County, Mississippi as required by laws. The subdivider shall be responsible for payment of all recording fees. Prior to the issuance of any building permits by the Building Inspector, the City of Clinton shall have received five (5) copies of the final plat as recorded.
- 307.4 Resubmission of a Final Plat: If a final plat is disapproved, the subdivider may resubmit a plat correcting any noted deficiencies. The procedure for resubmitting the final plat shall be the same as with the initial submission. However, the subdivider shall comply with any new regulations or laws in effect at the time of resubmission.
- 307.5 Specifications for Final Plat: In accordance with the Statutes of Mississippi relating to subdivision plats, the final plat "shall in every case be made on a scale of not less than two hundred feet (200') to an inch on sheets of good muslin-backed paper, eighteen inches by twenty-four inches (18" X 24") in size. The plat shall include the following information:
1. A full and detailed metes and bounds description of the land embraced in the map or plat, showing the township and range in which the land is situated and the sections and parts of sections platted;
 2. A notation that the subdivision or addition platted is located in the City of Clinton;
 3. The name(s) of the owner(s) of the land platted and the name(s) of the licensed surveyor(s) making the plat with the date that the plat was prepared;

4. The signatures of the owner(s) and surveyor(s), which shall be acknowledged as deeds are acknowledged;
5. The sections and parts of sections platted designated by the lines drawn upon the final plat with appropriate letters and figures;
6. A plain designation of the cardinal points of the compass and correct graphic scale;
7. The point of beginning of the survey to which all dimensions, angles, bearings and similar data on the plat shall be referred;
8. The location and description of all iron pins and other monuments and sufficient data from which the location, bearing and length of all lines can be determined and reproduced on the ground;
9. All streets and alleys by their courses lengths, widths and other dimensions and curve data, together with the names of all streets as approved by the Mayor and Board or Aldermen in the preliminary plat stage of the review process;
10. All the lots intended for sale showing lot lines and dimensions; blocks shall be lettered in alphabetical order and lots in each block shall be consecutively numbered;
11. Building set-back lines (dashed) as prescribed by the Zoning Ordinance.
12. Lot lines and dimensions of all non-residential use lots, together with an indication of the expected use of the lot;
13. Name and location of adjoining subdivisions, streets and the location and ownership of adjoining unsubdivided property;
14. Location and dimensions of all property to be set aside for park or playground use, or other public or private reservation, together with designation of the purpose thereof, and conditions, if any, of the dedication or reservation;
15. Location, purpose and dimensions of all utility and drainage easements;

307.6 Required Certificates on Final Plat: The following certificates shall appear on the final subdivision plat:

1. Registered Professional Engineer's or Registered Land Surveyor's Certificate --- See Appendix A-1.
2. Owner's Certificate --- See Appendix A-2.
3. Certificate of Acknowledgement (Notary Public) --- See Appendix A-3.
4. Certificate of City's Approval --- See Appendix A-4.
5. Certificate of Comparison (with Original of the Final Plat) --- See Appendix A-5.
6. Certificate of Filing and Recordation --- See Appendix A-6.

307.7 Performance Bond for Final Wearing Surface of Streets: If the subdivider wishes to delay construction of the final wearing surface of streets within a subdivision until the potential for damage to the wearing surface is past (i.e., damage resulting from trucks and heavy equipment using the street during the construction of buildings), the subdivider shall submit to the Mayor and Board of Aldermen a performance bond, as specified under paragraph 2 of Section 307, at the time the final plat is submitted to the Mayor and Board of Aldermen for approval. The performance bond shall be in a form satisfactory to the City Attorney and in an amount recommended by the City Engineer.

307.8 Application for Final Plat Approval Must Be Accompanied By Offer of Dedication: At the same time the subdivider submits an "Application for Final Plat Approval", he shall submit a formal "Offer of Irrevocable Dedication" for all streets utilities, public open space or parks, etc., in a form satisfactory to the City Attorney. The final subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

"The owner, or his representative, hereby irrevocably offers for dedication to the City of Clinton all the streets, easements (except drainage easements), required

utilities and public open space or parks,
shown in this subdivision plat and
construction plans for the same subdivision
in accordance with an Offer of Irrevocable
Dedication dated _____.

By _____
(Owner or Representative)

Date _____

The applicant shall deliver a full covenant and
warranty deed to all such lands in proper form
for recording, together with a title policy for
the City of Clinton in a sum determined by the
City Attorney.

- 307.9 Approval of Final Plat Shall Not Constitute
Acceptance of Required Improvements by the City
of Clinton: Approval of a final plat by the
Mayor and Board of Aldermen shall not constitute
or imply acceptance by the City of Clinton of any
lands, streets, utilities, easements, or other
required improvements for public use or maintenance.
Acceptance of formal offers of dedication of such
lands and improvements shall be by Resolution
adopted by the Mayor and Board of Aldermen.

ARTICLE IV

REQUIRED IMPROVEMENTS AND DESIGN STANDARDS FOR SUBDIVISIONS

SECTION 400 - PURPOSE OF THIS ARTICLE

The purposes of this article are to prescribe the minimum required improvements to be installed or constructed within all subdivisions in the City of Clinton and to set forth design standards which are to be applied in installing or constructing such improvements.

SECTION 401 - GENERAL POLICY REQUIREMENTS

Prior to the assumption by the City of Clinton of the responsibility for maintaining or repairing dedicated streets and other capital improvements within any subdivision, the owner or owners of the subdivision shall cause to be constructed or installed, at no expense to the City of Clinton, the following minimum improvements in accordance with the approved plans and the Standard Specifications for Construction of Streets, Pavements, Sewers and Water Distribution System adopted by the City of Clinton:

1. Grading of streets and sidewalks shall be for the full width of the right-of-way;
2. Surface drainage of streets shall be by concrete curb and gutter with curb inlets, manholes and underground storm sewers, except in subdivisions that will consist entirely of lots one acre in area or greater; within subdivisions consisting of lots one acre or greater in area, surface drainage of streets may be by open ditch or by curb and gutter with curb inlets, manholes and underground storm sewers.
3. Installation of pipe culverts, box culverts, bridges or other drainage structures as required by the approved construction plans;
4. Excavation of drainage ditches;
5. Dedication of land within designated floodways and along other drainage channels (as shown on the Land Use Plan) to the City of Clinton as part of a proposed Linear Park System and construction of bicycle/pedestrian trails within those floodways and along those drainage channels.

6. Topping of subgrades with selected sub-base materials as required by the approved construction plans;
7. Construction of pavement base and surface courses;
8. Grading and erosion control measures on shoulders and slopes;
9. Construction of water distribution systems, including water mains, service to all lots, fire hydrants, valves and all appurtenances in accordance with construction plans approved by the Superintendent of Public Works, City Engineer and the Mississippi State Board of Health;
10. Construction of sanitary sewer system, including collection sewers, service to all lots, force mains, manholes, lift stations and all appurtenances, and connecting sewers to all existing sanitary sewers in accordance with construction plans approved by the Superintendent of Public Works, City Engineer, and the State Department of Natural Resources, Bureau of Pollution Control;
11. Construction of sidewalks on at least one side of all streets functionally classified by the Superintendent of Public Works and City Engineer (and by the Planning Commission, if the sketch plat is reviewed by the Planning Commission) as "local" streets during the sketch plat review process prescribed by these regulations; and construction of sidewalks on both sides of all streets functionally classified as "collector" or "arterial" (either "principal" or "minor" arterial) during the sketch plat review process; arterial streets shall include those listed under Section 404 of these regulations. All sidewalks shall have curb cuts at street intersections and be constructed in accordance with Section 410 of these regulations; and
12. Street name signs.

SECTION 402 - SUITABILITY OF LAND

The subdivision of land affected by conditions undesirable to urban development shall not be approved until satisfactory evidence has been provided by a registered professional engineer outlining steps to be taken to overcome these conditions.

The subdivision of land which has an elevation below that of the "base flood" or "100-year flood" (i.e., a flood having a one percent chance of being equalled or exceeded in a given year), as determined from Flood Hazard Boundary Maps produced by the Federal Insurance Administration, shall not be permitted for

residential, commercial, or industrial uses unless provision has been made to either raise the elevation of the building site above such flood elevation by means of filling or channelization or to raise the lowest floor or any structure to be erected thereon above such flood level by the use of piles or piers. If the building site is raised by filling, channeling and/or a combination of both, such filling/channelization shall not impede or restrict the flow of water in the main channel nor increase flood heights in lower regions of the subject drainage basin. The flood limits of the "base flood" or Intermediate Regional Flood shall be delineated on the preliminary plat of the proposed subdivision.

Land on which development cannot take place may be set aside for open space uses which do not require year-round dry conditions.

SECTION 403 - MONUMENTS

The subdivider shall cause to be placed permanent reference monuments in the subdivision as required herein and as approved by a licensed land surveyor.

403.1 External Subdivision Boundaries, Street Right-of-Way Lines, and Block Corners: Concrete monuments shall be placed at all corners or changes in alignment along the boundary of the subdivision; these monuments shall be placed no more than 1,400 feet apart in any straight line. Concrete monuments shall also be placed at all block corners and at angle points of curves in street right-of-way lines. All such monuments shall consist of four (4) inch by four (4) inch, or four (4) inch diameter, concrete posts not less than thirty (30) inches in length, reinforced with a single one-half (1/2) inch steel rod in the center that extends not less than one quarter (1/4) inch above the top of the concrete. Concrete markers shall be firmly set in the ground to a depth of twenty-four (24) inches, except at intersections where they shall be set flush with the ground.

403.2 Lot Boundaries: Markers shall be placed at all lot corners or changes in alignment in lot boundaries. These markers shall consist of steel rods of not less than one-half (1/2) inch in diameter and not less than twenty-four (24) inches in length. Markers shall be set with the top thereof flushed with the finished grade. Where necessary to prevent disturbance, the monument shall be sunk underground and referenced to permanent landmarks.

SECTION 404 - LOTS

404.1 Lot Dimensions: Except where lot design is accomplished through an approved site plan for a

Planned Unit Development (PUD) as prescribed under Article XIV of the Zoning Ordinance, all lot dimensions shall comply with the minimum standards of the Zoning Ordinance for the zone in which the subdivision is located. Except for such approved PUD's, each lot shall front for the minimum width distance required by the Zoning Ordinance on a public dedicated street or approved private drive.

404.2 Lot Arrangement: Side lot lines shall be as close as possible to right angles to straight street lines and radial to curved street lines.

404.3 Frontage of Residential Lots on Arterial Streets: In order to alleviate traffic congestion on arterial streets in the City of Clinton and to avoid safety hazards caused by vehicles entering traffic on such arterial streets, no lot shall front on an arterial street unless such frontage is specifically approved in writing by the Superintendent of Public Works. Lot frontage on an arterial street shall not be approved by the Superintendent unless special circumstances (as determined by the Superintendent) prevent frontage on a non-arterial street.

For the purposes of these regulations, arterial streets shall include the following and any others designated by the Mayor and Board of Aldermen through the amendment of these regulations:

1. Pinehaven Road;
2. Clinton - Tinnin Road;
3. Northside Drive (including West Northside Drive);
4. Old Vicksburg Road;
5. Cynthia Road;
6. Magnolia Road;
7. Clinton Boulevard;
8. Shaw Road;
9. U. S. Highway 80;
10. Springridge Road;
11. Clinton - Raymond Road;
12. McRaven Road;
13. Wells Road; and
14. Midway Road.

404.4 Planting Screen Easement Required for Lots Abutting Arterial Streets: A planting screen easement of at least ten (10) feet in width shall be provided along the line of lots abutting the arterial streets listed under Section 404.3. The spacing, sizes, and specific types of landscaping material to be installed within this planting screen easement shall be shown on the preliminary plat of the proposed subdivision,

and said preliminary plat shall not be approved unless the subdivider's proposals for the planting screen easement are acceptable to the Mayor and Board of Aldermen (upon recommendation from the Planning Commission). This requirement is intended to insure consistent treatment along the traffic frontage, which is essential for appearance and permanency.

If the proposed subdivision is to be developed as a Planned Unit Development, the planting screen easement shall be maintained as common open space in accordance with the requirements of the Zoning Ordinance for maintenance of such open space within PUD's. The planting screen easement shall not, however, be counted toward meeting the common open space reservation requirements of the PUD.

If the proposed subdivision is not to be developed as a PUD, the planting screen easement shall be maintained by the City of Clinton as part of the City's maintenance of street rights-of-way.

- 404.5 Double Frontage Lots: Double frontage lots ("through lots") shall be avoided except where essential to provide separation of residential development from arterial streets (as required under Section 404.3) or to overcome specific disadvantages of topography and orientation.

SECTION 405 - BLOCKS

- 405.1 Minimum/Maximum Block Length: As a usual practice, blocks shall be no less than four hundred (400) feet nor more than sixteen hundred (1,600) feet in length, except where it is necessary to secure an efficient use of land such as institutional, commercial or industrial areas, or desired features of the street pattern. Necessary variances in the length of blocks may be granted in accordance with the provisions of Section 605 of these regulations.
- 405.2 Pedestrian Crosswalk: For any block proposed to exceed eight hundred (800) feet, the Mayor and Board of Aldermen (upon recommendation by the Planning Commission) may require the subdivider to dedicate at least one (1) pedestrian crosswalk not less than fifteen (15) feet wide through the block at an appropriate location to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Where such crosswalks are required, a sidewalk shall be constructed in accordance with Section 410 of these regulations.

405.3 Block Widths: Blocks shall be wide enough to allow two (2) rows of lots that are of the dimensions required by the Zoning Ordinance. However, where topographic or physical conditions would prevent the design of two (2) rows, the Mayor and Board of Aldermen (upon recommendation by the Planning Commission) may approve a variance under the provisions of Section 605 to allow the design of a single row of lots of adequate depth in keeping with the dimensional requirements of the zoning district wherein located. Furthermore, a single row of lots shall be required where the lots border an arterial street listed under Section 404.3 or shown on the Thoroughfares Plan.

SECTION 406 - UTILITIES AND EASEMENTS

An easement is defined as authorization granted by a property owner for the use of a designated part of his property by the public, a corporation or persons for specified purposes. The locations, dimensions, and purpose(s) of all required or proposed easements shall be indicated on both the preliminary and final plats of all subdivisions.

406.1 Utility Easements: It shall be the responsibility of the subdivider to coordinate the location of all private utilities. Where practical, private utilities (i.e., electrical power, gas, telephone, and cable television) shall be located within a utility easement at least five (5) feet in width located on the outside of and parallel to street right-of-way lines. No private utility distribution line (excluding individual service lines and street light circuits) shall be located outside of this special utility easement without approval of the Superintendent of Public Works and the City Engineer.

Where electrical power distribution lines are located within the special utility easement described above (i.e., along the street right-of-way lines), the water and sewer contractor(s) shall be required to extend the water and sewer stub-outs beyond the private utility easement (at a different level below the ground surface than that of the electrical power distribution line) in order to prevent an interruption of electrical power service in the subdivision when individual water and sewer service lines are installed to each dwelling or other building within a subdivision.

When necessary, easements across lots or centered on rear or side lot lines shall be provided for utilities. An easement shall also be provided for electrical power transformers.

- 406.2 Required Underground Utilities: Except for electrical overhead feeder routes, all private utility lines shall be located underground unless terrain, soil conditions, or other special circumstances would prevent the location of such utility lines underground. Where such special conditions exist, the developer and/or utility company shall request a variance in accordance with Section 605 of these regulations. Where existing utility lines are located above ground within a proposed subdivision, except where existing in a street right-of-way, the subdivider shall be responsible (i.e., bear the cost) for removing the above ground utilities and placing them underground.
- 406.3 Underground Utility Street Crossings: All underground utility street crossings shall be installed prior to the construction of the base course of streets, or in lieu thereof, such utility lines shall be jacked under the street after the base course has been applied; this process shall be performed without breaking or weakening the pavement.
- 406.4 Utility Connections for Townhouses To Be Offered For Sale With Lots: Where townhouses are to be offered for sale with lots, all underground utilities (including water, sanitary sewer, electrical power, gas, telephone, cable television) shall be installed in such a manner that the utility lines do not cross the lots of adjoining townhouses; this provision is intended to prevent the need for excavation of the yards of adjoining townhouses for utility repairs. The building plans submitted by the developers of townhouses shall indicate the locations of all utility lines, and the location of such lines shall comply with this Section or the building plans shall not be approved.
- 406.5 Intersection Easements or Sharp Changes in Allignment of Easements: Where easements intersect or sharp changes in alignment are necessary, corners shall be "rounded off" to permit equipment access as determined by the Superintendent of Public Works and the City Engineer.
- 406.6 Buildings, Fences, Paving, Planting of Vegetation Within Easements: The erection of fences, buildings or other structures, the paving of surfaces, or the

planting of vegetation within any utility or drainage easement may be done at the risk of the property owner.

406.7 Removal of Vegetation Forming an Obstruction Within Easements: Any overhanging limbs, shrubbery, or other vegetation forming an obstruction may be moved if necessary from within a utility easement at the discretion of the maintenance personnel who have installed or who are installing utilities within the easement.

406.8 Dead-End Easements: Easements which do not open at both ends upon a street, alley or another easement shall not be permitted unless the Superintendent of Public Works approves a dead-end easement in writing; a dead-end easement shall only be approved when circumstances prevent opening at both ends. Each cul-de-sac shall have provisions for a fifteen (15) foot water utility easement extending therefrom to prevent dead-end mains.

SECTION 407 - ALLEYS

Alleys shall be provided in commercial and industrial subdivisions and in commercial shopping centers unless the Superintendent of Public Works, in consultation with other City officials and the Planning Commission, determines that alleys are not necessary in a particular part of a development. For the purpose of these regulations, an alley shall be defined as a public or private right-of-way primarily designed to serve as secondary access to the sides or rear of those properties for which principal frontage is on some other street. Alleys are intended to provide service access for refuse collection and loading/unloading and for fire protection equipment.

Alleys are not required in residential areas.

407.1 Required Width: The right-of-way width of an alley in commercial and industrial areas shall be a minimum of twenty-five (25) feet.

407.2 Alley Intersections and Sharp Changes in Alignment: Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

407.3 Dead-End Alleys: Dead-end alleys shall be avoided where possible, but if unavoidable, such alleys shall be provided with adequate turn around facilities at

the dead-ends as determined by the Superintendent of Public Works in consultation with other City officials and the Planning Commission.

SECTION 408 - GENERAL GRADING AND PRESERVATION OF NATURAL FEATURES AND AMENITIES

- 408.1 Grading and Centerline Gradients: Grading and centerline gradients shall be in accordance with plans and profiles approved by the Superintendent of Public Works and the City Engineer.
- 408.2 Rough Grading Tolerance: Areas to be graded by cutting or filling shall be rough graded to within two-tenths (0.2) of a foot of the accepted elevation after necessary allowance has been made for the thickness of topsoil, paved areas, and other installations.
- 408.3 Final Cross Sections and Profiles: Final cross sections and profiles of streets and other installations shall conform to grades approved by the Superintendent and the City Engineer. Elevations shall be based on mean sea level (U. S. Geological Survey).
- 408.4 Preservation of Trees, Watercourses, and Other Assets: Existing features which would add value to residential development or to the City of Clinton as a whole, such as certain trees (i.e., those trees having a trunk diameter of six inches or more measured twelve inches above the ground), watercourses, historic spots and similar irreplaceable assets shall be preserved in the design of the subdivision. All trees measuring six (6) inches or more in diameter measured twelve (12) inches above the ground shall be retained unless removal is necessary for street construction or installation of other required improvements. This requirement is not intended, however, to prevent the removal of trees on individual lots as necessary for the construction of residences, driveways, accessory structures, etc. following approval of the final plat by the Mayor and Board of Aldermen (and the subsequent issuance of building permits).
- 408.5 Removal/Disposal of Rubbish and Other Material: No cut trees, debris, rocks, junk, rubbish or other waste material of any kind shall be buried in any land in a subdivision. All such material shall be removed or otherwise disposed of in accordance with the regulations of the Mississippi Department of Natural Resources, Bureau of Pollution Control, so as to leave the subdivision with a neat and finished appearance.

- 408.6 Approval of Superintendent of Public Works Required Prior to Installation of Base Course of Streets:
When the subdivider is ready to install the base course of any street, he shall not do so until he notifies the Superintendent of Public Works and receives approval for the installation of same from the Superintendent.

SECTION 409 - STREETS

- 409.1 Frontage on Improved Streets: No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from:
- (a) An existing state, county, or city street or highway; or
 - (b) A street shown upon a plat approved by the Mayor and Board of Aldermen upon recommendation by the Planning Commission. Such street or highway must be suitably improved as required by these subdivision regulations, with the width and right-of-way required by these regulations and the adopted Thoroughfares Plan.
- Whenever the area to be subdivided is to utilize existing road frontage, such road shall be suitably improved as provided herein above.
- 409.2 Grading and Improvement Plan: Roads shall be graded and improved and conform to the City of Clinton construction standards and specifications and shall be approved as to design and specifications by the Superintendent of Public Works and the City Engineer, in accordance with the construction plans required to be submitted prior to final plat approval.
- 409.3 Topography and Arrangement:
- (a) Roads shall be related approximately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grade of the streets. A combination of steep grades and curves shall be avoided. Specific standards are contained in Table 1 of these regulations.
 - (b) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated right-of-way as established by the adopted Thoroughfares Plan for the City of Clinton.

TABLE 1. DESIGN STANDARDS FOR ROADS

IMPROVEMENT	DEVELOPMENT DENSITY			
	(A1,R1) LOW	RESIDENTIAL (R2) MEDIUM	(R3) HIGH	BUSINESS- INDUSTRIAL
<u>MINIMUM WIDTH RIGHT-OF-WAY (IN FEET)</u>				
Local Road	50	50	50	50
Collector Road	60	60	60	60
Minor Arterial	70	70	70	80
Principal Arterial	100	100	100	100
<u>MINIMUM WIDTH TRAVELED ROAD (IN FEET)</u>				
Local Road	28	28	32	28
Collector Road	28	28	32	36
Minor Arterial	36	36	36	36
Principal Arterial	48	48	48	48
<u>MAXIMUM GRADE (PER CENT)</u>				
Local Road	8	8	8	6
Collector Road	8	8	8	6
Minor Arterial	6	6	6	5
Principal Arterial	4	4	4	4
<u>MINIMUM GRADE (Percent)</u>	.4	.4	.4	.4
<u>MINIMUM RADIUS OF CURVE (IN FEET)</u>				
Local Road	175	175	175	200
Collector Road	175	175	175	200
Minor Arterial	300	300	300	400
Principal Arterial	500	500	500	500
<u>MINIMUM LENGTH OF VERTICAL CURVES</u>				
Local Road	100 feet, but not less than 20 feet for each 1 percent of algebraic difference in grade			
Collector Road	algebraic difference in grade			
Minor Arterial	200 feet, but not less than 50 feet for each 1 per cent of algebraic difference in grade			
Principal Arterial	300 feet, but not less than 50 feet for each 1 percent algebraic difference in grade			
<u>MINIMUM LENGTH OF TANGENTS BETWEEN REVERSE CURVES (IN FEET)</u>				
Local Road	100	100	150	200
Collector Road	100	100	150	200
Minor Arterial	200	200	250	300
Principal Arterial	300	300	350	400
<u>MINIMUM SIGHT DISTANCE (IN FEET)</u>				
Local Road	200	200	200	250
Collector Road	200	240	240	250
Minor Arterial	275	275	300	300
Principal Arterial	275	300	300	400
Intersection	Across Corners - 75 feet Back of Intersection			

MINIMUM TURNAROUND DIAMETER (IN FEET)

Local Roads				
Right-of-Way				
Diameter	80	80	80	100
Pavement	60	60	60	80

DESIGN SPEED (MILES PER HOUR)

Local Roads	25	30	30	30
Collector Roads	30	30	30	30
Minor Arterial	40	40	40	50
Principal Arterial	40	40	40	55

MINIMUM LENGTH OF CUL-DE-SAC

Permanent	Not exceeding 600 feet in length.			
Temporary	Not exceeding 1,000 feet in length.			

MINIMUM RADIUS AT CUL-DE-SAC (IN FEET)

At Right-of-Way	25	25	30	30
At Pavement	25	25	30	30

- (c) All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
- (d) Minor or local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- (e) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

409.4 Access To Principal and Minor Arterials: Where a subdivision borders on or contains an existing or proposed arterial, the Mayor and Board of Aldermen upon recommendation by the Planning Commission may require that access to such streets be limited by one of the following means:

- (a) The subdivision of lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial, and screening shall be provided in a strip of land along the rear property line of such lots.
- (b) A series of cul-de-sacs, U-shaped streets, or short loops centered from and designed generally at right angles to a local or collector street, with the rear lines of their terminal lots backing onto the major arterial.
- (c) A marginal access or service road (separated from the arterial by a planting or grass strip and having access thereto at suitable points).

409.5 Reserve Strips: The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street.

409.6 Construction of Roads and Dead-End Roads:

- (a) Construction of Roads. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection or for efficient provision of utilities. If the adjacent property is undeveloped and the street must be a dead-end temporarily, the right-of-way shall be extended to the property line. A temporary T- or L- shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued.
- (b) Dead-End Roads. Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Mayor and Board of Aldermen upon recommendation by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Mayor and Board of Aldermen upon recommendation by the Planning Commission may require the reservation of an appropriate easement to accommodate pedestrian traffic or utilities. A cul-de-sac turnabout shall be provided at the end of a permanent dead-end street in accordance with City of Clinton construction standards and specifications.

409.7 Design Standards:

- (a) General. In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, sanitation, and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for roads are hereby required.

The functional classification of streets and highways shall be as shown on the adopted Thoroughfares Plan; otherwise, the functional classification shall be determined by the Superintendent of Public Works and the City Engineer (and the Planning Commission, if the sketch plat is referred to that Commission) during the sketch plat review process.

The residential development density shall also be determined during the sketch plat review process by the Superintendent of Public Works and City Engineer (and the Planning Commission, if the sketch plat is referred to that Commission for review).

409.8 Street Surfacing and Improvements: After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters if required and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be approved by the Superintendent of Public Works and the City Engineer. Adequate provision shall be made for culverts, drains, and bridges.

All roads pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Board of Aldermen and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

409.9 Excess Right-of-Way: Right-of-way widths in excess of the standards designed in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be steeper than three to one.

409.10 Railroads and Limited Access Highways: Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- (a) In all residential zoning districts a buffer strip of at least 100 feet in depth in addition to the normal setback required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots (or apartment/condominium complex) and shall be designated on the plat: 'This strip is reserved for screening. The placement of structures hereon is prohibited.'
- (b) In districts zoned for commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, whenever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

- (c) Streets parallel to the railroad where intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

409.11 Intersections:

- (a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Mayor and Board of Aldermen upon recommendation by the Planning Commission.
- (b) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection.
- (c) Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- (d) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than two per cent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

409.12 Street Dedications and Reservations:

- (a) New Perimeter Streets. Street systems in new subdivisions shall be laid out so as to eliminate or

avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Mayor and Board of Aldermen upon recommendation by the Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.

- (b) Widening and Re-alignment of Existing Streets. Where a subdivision borders an existing narrow street or when the Thoroughfares Plan, or zoning setback regulations indicate plans for alignment or widening a street that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his expense such areas for widening or realignment of such streets. Such frontage streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these subdivision regulations. Land reserved for any street purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance whether the land is to be dedicated to the municipality in fee simple or an easement is granted to the City.

SECTION 410 - SIDEWALKS

- 410.1 Sidewalks Required for New Development Abutting Arterial Streets: In order to alleviate hazards to pedestrians walking along arterial streets in the City of Clinton, any person constructing new residential, commercial, industrial, or public/quasi-public buildings on land abutting arterial streets, as listed under Section 404.3 of these regulations, shall construct, or cause to be constructed, a sidewalk or sidewalks of at least four (4) feet in width along the side or sides of all such arterial streets upon which the subject land abutts. The sidewalk(s) shall be constructed in accordance with the Standard Specifications for Construction of Streets, Pavements, Sewers, and Water Distribution System adopted by the City of Clinton, and shall be dedicated to the City.

The term "building" as used under this section shall not include accessory buildings (as defined by the Clinton Zoning Ordinance) or additions to existing main buildings. "Public/quasi-public buildings" shall include churches, all governmental buildings,

schools, hospitals, civic organization buildings or buildings erected by charitable organizations, buildings erected by privately-owned utilities, and other buildings determined by the Planning Commission as consistent with the purposes of these regulations.

410.2 Sidewalks Required Along All Dedicated Streets in Residential Developments: Any person constructing residential buildings (single-family, two-family, or multi-family) abutting streets dedicated to the City of Clinton after the effective date of these regulations shall construct or cause to be constructed sidewalks in accordance with Table 2 and the Standard Specifications for Construction of Streets, Pavements, Sewers, and Water Distribution System. The functional classification of streets shall be determined by the adopted Thoroughfares Plan and during the sketch plat review process (for new subdivision streets). With regard to all streets within subdivisions proposed to contain lots of one (1) acre or more in area, the Superintendent of Public Works and the City Engineer (and the Planning Commission if the sketch plat is referred to that body for review) during the sketch plat review process shall direct the subdivider as to which side of such streets he shall construct the required sidewalk.

410.3 General Requirements for Sidewalks: General requirements for the construction of sidewalks are:

- (a) Sidewalks shall be included in the dedicated non-pavement right-of-way of all streets as shown in Table 2.
- (b) A median strip of grassed or landscaped area of at least two (2) feet in width shall separate all sidewalks from adjacent curbs (in subdivisions where curbs and gutters are required by these regulations). In subdivisions proposed to contain lots of one (1) acre or more in area (curbs and gutters not required), the required sidewalk (see Table 2) may abut the shoulder of the street.

410.4 Pedestrian Accesses: The Mayor and Board of Aldermen may require (upon recommendation by the Planning Commission), in order to facilitate pedestrian access from streets to schools, playgrounds, shopping centers and other community facilities, that the subdivider dedicate crosswalks at least fifteen (15) feet in width. Where such crosswalks are required, a sidewalk shall be constructed in accordance with the Standard Specifications for Construction of Streets, Pavements, Sewers, and Water Distribution System.

TABLE 2

SIDEWALK REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS

Functional Classifications of Streets	Residential Development Density	
	Lots of 1 Acre or More	Lots of Less Than 1 Acre
Local (Excluding Cul-de-Sac Streets on Which <u>No Side- walk</u> is required)	4-foot wide sidewalks required--at least one side of street*	4-foot wide side- walks required -- at least one side of street*
<u>All</u> Collector and Arterial Streets	4-Foot wide sidewalks required--at least one side of street*	4-foot wide sidewalks required -- <u>both</u> sides of street

*During the sketch plat review process, the Superintendent of Public Works and City Engineer (and Planning Commission where applicable) shall direct the subdivider as to which side of street the sidewalk is to be constructed.

Crosswalks shall be indicated on the preliminary and final plats. (See also Section 406.2 of these regulations).

SECTION 411 - WATER FACILITIES

411.1 General Requirements:

- (a) Necessary action shall be taken by the applicant to extend the water distribution system for the purpose of providing a water supply system capable of providing domestic water use and fire protection.
- (b) Where a public water main is accessible the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the State and the City of Clinton. All water mains shall be at least six (6) inches in diameter. See Table 3.
- (c) Water main extensions shall be approved by the Mississippi State Board of Health and the City of Clinton.
- (d) To facilitate the above, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat.

411.2 Fire Hydrants:

- (a) Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than 450 feet apart and within 200 feet of any structure and shall be approved by the Clinton Fire Department and the City Engineer. This spacing shall be considered a minimum and in all cases the actual hydrant spacing shall conform to National Fire Protection Association Guidelines. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat. All hydrants shall be connected to mains with a six (6) inch diameter hydrant lead. Gate valves are required on all hydrant leads.
- (b) Fire hydrants located in parking areas must be accessible and protected. Hydrants must be accessible without obstructions. One access area

TABLE 3 DESIGN STANDARDS FOR FIRE FLOW

GENERAL

Fire flow required shall be computed by the use of the following formula:

$$F = 18C (A)$$

F = Fire Flow (GPM)

C = 1.5 For Wood Frame Construction

1.0 For Ordinary Construction

0.8 For Noncombustible Construction

0.6 For Fire Resistive Construction

A = Total Floor Area For All Stories Excluding Basements, Square Feet.

R1 and R2 Fire Flows

<u>DISTANCE BETWEEN DWELLING UNITS</u>	<u>REQUIRED FIRE FLOWS (GPM)</u>
Over 100	500
31 - 100	1000
11 - 30	1500
10 or Less	2000
Continuous	2500

REQUIRED DURATION

<u>FIRE FLOW (GPM)</u>	<u>DURATION (HOURS)</u>	<u>MINIMUM COVERAGE (SQ. FT.)</u>
10,000 or Greater	10	50,000
9,500	9	52,500
9,000	9	55,000
8,500	8	57,500
8,000	8	60,000
7,500	7	65,000
7,000	7	70,000
6,500	6	75,000
6,000	6	80,000
5,500	5	85,000
5,000	5	90,000
4,500	4	95,000
4,000	4	100,000
3,500	3	110,000
3,000	3	120,000
2,500	2	130,000
2,000	2	140,000
1,500	2	150,000
1,000 or Less	2	160,000

ten (10) feet wide must be kept for the placement of the pumper. The hydrant shall be located near the outer portion, within three feet (3) of the driveway. The hydrant shall be protected by an eight (8) inch elevated concrete curbing.

SECTION 412 - SANITARY SEWER SYSTEM

412.1 General Requirements: The applicant shall install sanitary sewer facilities in a manner prescribed by the City of Clinton construction standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the City of Clinton, Bureau of Pollution Control and County Sanitarian. Plans shall be approved by the above agencies.

412.2 Medium Density (R-2), High Density Residential (R-3) and Nonresidential Zoning Districts: Sanitary sewerage facilities shall connect with public sanitary sewerage systems. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. No individual disposal system or treatment plants shall be permitted. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the City and appropriate State agencies.

412.3 Low (A1, R1) Density Residential Zoning Districts: Sanitary sewerage systems shall be constructed as follows:

- (a) Where a public sanitary sewerage system is reasonably accessible the applicant shall connect with same and provide sewers accessible to each lot in the subdivision.
- (b) Where public sanitary sewerage systems are not reasonably accessible but will become available within a reasonable time (not to exceed fifteen (15) years), the applicant may choose one of the following alternatives:
 1. Central Sewerage System, the maintenance cost to be assessed against each property benefited. Where plans for future public sanitary sewerage systems exist, the applicant shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or

2. Individual disposal systems, provided the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer main.

(c) Where sanitary sewer systems are not reasonable accessible and will not become available for a period in excess of fifteen (15) years, the applicant may install sewerage systems as follows:

1. Low Density (R1) Residential Zoning Districts: A central sewerage system only. No individual disposal system will be permitted. Where plans exist for a public sewer system to be built, for a period in excess of fifteen (15) years, the applicant shall install all sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer main.
2. Agricultural Zone (A1) Residential District: Individual disposal systems or central sewerage systems may be used.

(d) In all cases, approval of the selected alternative will be required from the City of Clinton, Bureau of Pollution Control and County Sanitarian.

412.4 Mandatory Connection to Public Sewer System: If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

412.5 Individual Disposal System Requirements: If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance and percolation tests and test holes shall be made as directed by the County Sanitarian and the results submitted to the Health Department. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall also be approved by the County Sanitarian.

412.6 Design Criteria For Sanitary Sewers:

- (a) These design criteria are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where considered justified by the Superintendent of Public Works, City Engineer, State Board of Health, and County Sanitarian.
- (b) Design Factors: Sanitary sewer systems should be designed for the ultimate tributary population. Due consideration should be given to current zoning regulations and approved planning and zoning reports where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewerage and industrial waste together with an adequate allowance for infiltration and other extraneous flow. The unit design flows presented hereinafter should be adequate in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area using the following criteria:
 - 1. One and Two-Family Dwellings: .02 cubic feet per second (c.f.s.)/acre.
 - 2. Apartments: One and Two Story - .02 c.f.s./acre. Three through Six Story - .03 c.f.s./acre.
 - 3. Commercial: Small Stores, Offices and Miscellaneous Business - .02 c.f.s./acre; Shopping Centers - .02 c.f.s./acre; Other - As directed by City Engineer.

These design factors shall apply to watersheds of 300 acres or less. Design factors for watersheds larger than 300 acres and smaller than 1,000 acres shall be computed on the basis of a linear decrease from the applicable design factor for an area of 300 acres to a design factor of

.01 c.f.s./acre for an area of 1,000 acres unless otherwise directed by the City Engineer. Design factors for watersheds larger than 1,000 acres shall be .01 c.f.s./acre unless otherwise directed by the City Engineer.

- (c) Maximum Size. The diameter of sewers proposed shall not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by the City Engineer.
- (d) Minimum Size. No public sewer shall be less than eight (8) inches in diameter.
- (e) Minimum Slope. All sewers shall be designed to give mean velocities when flowing full of not less than 2.7 feet per second. All velocity and flow calculations shall be based on the Manning Formula using an N value of 0.013. The design slopes shall be evenly divisible by four (4). The slopes shall be minimum for the size indicated. Exceptions to these minimum slopes shall be made at the upper end of lateral sewers serving under thirty (30) houses. Said sewers shall have a minimum slope of 0.76 per cent. Where lateral sewers serve less than ten (10) houses, the minimum slope shall be not less than 1 per cent. (See Table 4.)

TABLE 4
MINIMUM SLOPES FOR SEWER SIZE INDICATED

Sewer Size (In Inches)	Minimum Slope in Feet Per 100 Feet
8	0.60
10	0.44
12	0.36
15	0.28
18	0.24
21	0.20
24	0.16

- (f) Alignment. All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by the City Engineer.
- (g) Manhole Location. Manholes shall be installed at the end of each line; at all changes in grade, size, or alignment; at all intersections; and at distances not greater than 400 feet.

- (h) Manholes. The difference in elevation between any incoming sewer and the manhole invert shall not exceed 12 inches except where required to match crowns. The use of drop manholes will require approval by the City Engineer. The minimum inside diameter of the manholes shall be four (4) feet. When a smaller sewer joins a larger one, the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes shall be 0.2 feet.
- (i) Sewerage Locations. Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. When located in easements on private property, access shall be provided to all manholes. A manhole shall be provided at each street or alley crossing. End lines shall be extended to provide access from street or alley right-of-way where possible. Imposed loading shall be considered in all locations. Not less than six (6) feet of cover shall be provided over top of pipe in street and alley rights-of-way or three (3) feet in all other areas, unless otherwise approved by the City Engineer.
- (j) Relation of Sewers to Water Mains. A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of ductile iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measuring perpendicular to the water line. This will not be required when the water main is at least two (2) feet above the sewer.

SECTION 413 - DRAINAGE AND STORM SEWERS

- 413.1 General Requirements: The Planning Commission shall not recommend for approval any plat of a subdivision which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers shall be designed by methods approved by the Superintendent of Public Works and the City Engineer and a copy of design computations shall be submitted along with plans. Standards set forth for the design of stormwater facilities are included in Table 5. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations

TABLE 5 DESIGN STANDARDS FOR STORMWATER FACILITIES

GENERAL

Rainfall Recurrence Interval - 50 years
 Rainfall Duration - 6 hours
 Initial Infiltration Rate - 5 in./hr.
 Final Infiltration Rate -.25 in./hr.
 Soil Type - Based On SCS Soil Survey
 Antecedent Moisture Condition - Saturated

RAINFALL RUNOFF CONSTANTS

<u>ZONE</u>	<u>IMPERVIOUS AREA PERCENT</u>	<u>DIRECTLY CONNECTED IMPERVIOUS AREA PERCENT</u>
R1	40	20
R2	55	30
R3	65	50
C1	85	75

STORMWATER CONVEYANCE FACILITIES

Minimum Velocity - 3 Feet per second.
 Maximum Velocity - 10 Feet per second.
 Open Ditch Sections - 5 Feet per second maximum velocity unless paved ditch is used.
 Minimum Size Pipe - 15 Inches (NOTE: Headwalls or flared end sections required on all pipe 18 inches or larger in diameter).

indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

413.2 Location of Storm Water Facilities: The applicant may be required by the Mayor and Board of Aldermen upon recommendation by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the Clinton construction standards and specifications.

413.3 Accessibility to Public Storm Sewers: Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the City Engineer. However, in subdivisions containing lots of less than 17,500 square feet in area and in commercial and industrial districts, underground storm sewer systems shall be constructed throughout the subdivisions and be conducted to an approved out-fall. Inspection of facilities shall be conducted to an approved out-fall. Inspection of facilities shall be conducted by the Superintendent of Public Works and the City Engineer.

If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer and the Planning Commission, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval.

413.4 Accommodation of Upstream Drainage Areas: A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The City Engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.

413.5 Effect on Downstream Drainage Areas: The City Engineer shall study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. City of Clinton drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an

existing downstream drainage facility, the Planning Commission may recommend withholding approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the Planning Commission shall recommend. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

413.6 Areas of Poor Drainage: Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission may recommend approval of such subdivision provided that the applicant fills the affected area of said subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the base flood, as determined by the City Engineer. The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the City Engineer. Areas of extremely poor drainage should be discouraged.

413.7 Flood Plain Areas: The Planning Commission, may when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, recommend the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course not be approved by the Mayor and Board of Aldermen. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.

413.8 Dedication of Drainage Easements

(a) General Requirements. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with paved or landscaped banks and adequate width for maximum potential volume of flow.

(b) Drainage Easements.

1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
2. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
3. The applicant shall dedicate, either in fee simple or by drainage or conservation easement, land on both sides of existing watercourses, to a distance to be determined by the Planning Commission.
4. Low-lying lands along watercourses 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 as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedure nor for computing the area requirement of any lot.

SECTION 414 - LINEAR PARK SYSTEM:

Where a developer proposes an apartment or condominium complex (within a multiple-family zoning district) or a residential subdivision, he shall dedicate to the City of Clinton all areas within the proposed multi-family development or subdivision that are designated as floodways on the Floodway: Flood Boundary and Floodway Maps produced by the Federal Emergency Management Agency (FEMA), Federal Insurance Administration. These dedicated floodways shall become part of a proposed Linear Park System for the City of Clinton. Furthermore, the apartment/condominium developer or subdivider shall dedicate to the City of Clinton a thirty (30) foot wide right-of-way within all additional areas designated as part of the Linear Park System on the adopted Land Use Plan of the City of Clinton; said additional areas of the Linear Park System parallel creek channels throughout the City.

Within the floodways and additional portions of the Linear Park System, the apartment/condominium developer or subdivider shall construct at his expense a bicycle/pedestrian trail in accordance with the Standard Specifications for Construction of Streets, pavements, Sewers and Water Distribution System of the City of Clinton.

The proposed Linear Park System is intended to connect apartments/condominiums and residential subdivisions with the Natchez Trace Parkway and various community facilities, providing a safe, continuous system of bikeways, pedestrian trails and other park facilities accessible to all neighborhoods within the City. Furthermore, the Linear Park System is intended to provide to the City of Clinton permanent access to floodways and drainage areas for maintenance of creek channels and banks.

Following acceptance of the floodways and other portions of the Linear Park System, the City shall be responsible for maintaining the bicycle/pedestrian trails as well as maintaining the drainage areas.

The subdivision sketch plat or preliminary site plan (apartment or condominium complex) shall indicate the location of floodways (where applicable) and the approximate location of the thirty (30) foot rights-of-way for remaining portions of the Linear Park System in accordance with the adopted Land Use Plan. The preliminary and final subdivision plats and final site plans for apartments or condominiums shall indicate the precise location of floodways and rights-of-way within the Linear Park System.

ARTICLE V

PLANNED UNIT DEVELOPMENTS AND TOWNHOUSE SUBDIVISIONS

SECTION 500 - PURPOSE OF THIS ARTICLE

The purpose of this article is to prescribe special regulations pertaining to the subdivision of land for Planned Unit Developments (PUD's) and townhouse subdivisions in accordance with the Zoning Ordinance of the City of Clinton.

SECTION 501 - SUBMISSION OF PLATS FOR PLANNED UNIT DEVELOPMENTS (PUD's)

Any persons desiring to subdivide land for the purpose of creating a Planned Unit Development (PUD) shall first prepare a sketch plat and submit same to the Superintendent of Public Works in accordance with Section 301 of these regulations. All sketch plats for proposed PUD's shall be reviewed by the Planning Commission as well as the Superintendent and the City Engineer.

Since a Planned Unit Development district is a super-imposed designation over one or more existing residential districts and subject to the maximum residential development density(ies) of the underlying district(s), no public hearing shall be required in connection with the designation of the land proposed for development as a PUD, unless the subdivider wishes to construct dwelling units at a higher density than that allowed by the basic zoning. However, the preliminary plat of the proposed PUD must be approved by the Mayor and of Aldermen prior to the designation of the subdivision as a "PUD" district on the Official Zoning Map.

If the subdivider wishes to develop a PUD at a higher density than that allowed by the basic zoning of the area proposed for development as a PUD, the subdivider shall file an application for rezoning in accordance with the Zoning Ordinance. The application for rezoning shall be accompanied by a sketch plat. A rezoning to permit the higher density may only be approved upon the condition that the preliminary plat substantially conforms to the sketch plat.

SECTION 502 - OPEN SPACE RESERVATION AND MAINTENANCE IN PLANNED UNIT DEVELOPMENTS

In accordance the Zoning Ordinance, a subdivider who wishes to develop a Planned Unit Development shall reserve at least 25% of the gross area (total acreage) of the PUD as

common open space. All proposed open space improvements shall be shown on the sketch plat and the preliminary plat, and may include pedestrian walking or jogging trails or bicycle trails, tennis courts, a golf course, swimming pool, and similar facilities. Raw, unimproved land shall not be considered in meeting the open space requirements of the Zoning Ordinance.

The maintenance of open space or recreational facilities within a PUD shall be as prescribed in the Zoning Ordinance.

SECTION 503 - SUBMISSION OF PLATS FOR TOWNHOUSE SUBDIVISIONS

Any person desiring to construct townhouses wherein the dwelling and the adjacent land will be sold to individual residents shall prepare a sketch plat, preliminary plat and final plat indicating the approximate location of property lines between dwelling units. Following approval of the final plat, the subdivider who proposes such townhouses shall submit a plot diagram in accordance with the Standard Building Code to the Building Inspector prior to issuance of a building permit; said plot diagram shall indicate the as nearly as possible the exact location of the property lines between the townhouses.

SECTION 504 - UNDERGROUND UTILITY CONNECTIONS FOR TOWNHOUSES

When a developer proposes to construct townhouses and to sell such dwelling units and the adjacent land to individual residents, all underground utilities (including water, sanitary sewer, electrical, natural gas, telephone, and cable television) shall be installed in such a manner that the utility lines do not cross the lots of adjoining townhouses. This provision is intended to prevent the need for excavation of the yards of adjoining townhouses for utility repairs. The construction drawings submitted by the developers of such townhouses to the Building Inspector shall indicate the proposed location of all utility lines, and these locations shall comply with this section prior to the issuance of a building permit.

SECTION 505 - REQUIRED OFF-STREET PARKING FOR FEE SIMPLE TOWNHOUSES

Where a developer proposes to construct a fee simple townhouse subdivision (i.e., where each individual resident has title to both the dwelling unit and adjacent land, as opposed to a condominium townhouse in which only the interior of the townhouse is owned by the resident and the exterior portions and common areas are owned and maintained by a homeowner's association), each such fee simple townhouse shall front directly on a public (i.e., dedicated) street rather than a common parking lot or common driveway. Access to required parking by means of easements shall be prohibited. Each such fee-simple townhouse lot shall be served by a private driveway; common or "flag-type" driveways which serve adjoining townhouse lots shall be prohibited.

Said off-street parking for fee-simple townhouses shall be provided as follows:

- (1) For all townhouses having 1,500 square feet or less living (heated) area: A fully enclosed garage of adequate size to house at least one (1) full-size automobile; or a carport or paved parking pad in the rear of each townhouse of adequate size for at least two (2) full-size automobiles.

- (2) For all townhouses having in excess of 1,500 square feet living (heated) area: A fully enclosed garage of adequate size to house at least two (2) full-size automobiles; or a carport or paved parking pad in the rear of each townhouse of adequate size for a least two (2) full size automobiles.

ARTICLE VI

ADMINISTRATION AND ENFORCEMENT

SECTION 600 - PURPOSE OF THIS ARTICLE

It is the purpose of this Article to prescribe the legal devices and procedures for administering and enforcing these regulations and to define the duties, powers limitations and scope of jurisdiction of various persons and groups or bodies which are concerned with the administration and enforcement of these regulations.

SECTION 601 - DESIGNATION , DUTIES AND POWERS OF SUPERINTENDENT OF PUBLIC WORKS

The Superintendent of Public Works is hereby designated as the subdivision administrative officer who shall administer and enforce these Subdivision Regulations in accordance with the provisions herein. He may be assisted by such other persons as the Mayor and Board of Alderman may direct.

601.1 Duties of the Superintendent of Public Works:

The duties of the Superintendent shall include, but not necessarily be limited to, the following:

1. Coordination of the subdivision review and approval process with the City Engineer, Building Inspector, Planning Commission, Mayor and Board of Aldermen and other persons or groups of persons as necessary.
2. Provision of application forms and information regarding procedures and requirements specified in these regulations to subdividers and their agents.
3. Maintenance of the City of Clinton's official copies of subdivision plats, construction plans and other information and plans relating to subdivisions.
4. Receipt and distribution of subdivision plats (sketch, preliminary and final) to the City Engineer and Chairman of the Planning Commission; examination of all plats for compliance with these regulations.

5. Receipt and distribution of construction plans to City Engineer; examination of such plans for compliance with these regulations.
6. Issuance of Construction Permits to subdividers after approval of preliminary plats and construction plans.
7. Coordination of inspection of required improvements with the City Engineer.
8. Coordination with the City Engineer and the City Attorney to insure that performance bonds (for the final wearing surface of streets) and maintenance agreements submitted by subdividers are for sufficient amounts to cover the cost of the street wearing surface and any necessary repairs (within a two year period after acceptance) and in proper legal form.
9. Appearances before the Planning Commission and Mayor and Board of Aldermen to furnish any information to those bodies that might be helpful in reaching decisions.
10. Coordination with the City Attorney to prevent or halt violations of these regulations.

601.2 Powers of the Superintendent of Public Works: In addition to the duties listed under Section 601.1, the Superintendent shall have the following powers:

1. Administrative interpretation: Should questions arise as to the general intent or specific meaning of any provision of these regulations, the Superintendent shall have the power to make such administrative decisions and interpretations.
2. Minor changes to approved preliminary plat: The Superintendent shall have the power to approve minor changes (of a purely technical nature) in an approved preliminary plat without resubmission of the plat to the Planning Commission or Mayor and Board of Aldermen. Approval of such changes shall be in writing, and the Superintendent shall provide a copy of such written notification to the City Engineer and the Planning Commission for their files.
3. Variances of a minor technical nature: The Superintendent, in consultation with the City Engineer, may approve variances of a minor

technical nature without review by the Planning Commission or action by the Mayor and Board of Aldermen. (See Section 605 - Variances - of these regulations).

- 601.3 Limitation of Powers of the Superintendent of Public Works: The power of administrative interpretation allowed under Section 601.2 shall in no manner be construed to include, or used in a way which would permit, the granting of a major variance from any of the provisions of these regulations.

SECTION 602 - DESIGNATION AND DUTIES OF CITY ENGINEER

The City Engineer is hereby designated as the authority whose duties, in accordance with the provisions herein, shall include, but not necessarily be limited to:

1. Review of subdivision sketch plats and supplementary data with the Superintendent of Public Works and the subdivider and/or his agents in a pre-application conference to make suggestions concerning streets, utilities, etc.; joint determination with the Superintendent as to whether the sketch plat should be referred to the Planning Commission.
2. Review of preliminary plats for compliance with these regulations and notification of the subdivider (in writing) of any deficiencies prior to the regular monthly meeting of the Planning Commission; joint signature with the Superintendent on the preliminary plat following approval/disapproval of same by the Mayor and Board of Aldermen.
3. Review of all construction plans and transmittal of written comments regarding such plans to the subdivider or his agent and joint approval/disapproval of the construction plans with the Superintendent.
4. Inspection of all required improvements to determine compliance with these regulations and the Standard for Construction of Streets, Pavements, Sewers and Water Distribution System adopted by the City of Clinton; notification of the subdivider (in writing) of deficiencies detected during inspections; and joint verification (with the Superintendent) on the subdivider's copy and the City of Clinton's copy of the Construction Permit that all required improvements have been satisfactorily completed.
5. Review of all maintenance agreements with the City Attorney warranting the satisfactory performance of all required improvements for a period of two

(2) years after the date of formal acceptance of such improvements by the City of Clinton.

6. Estimation of the amount necessary to cover the cost of constructing the final wearing surface of streets in the event the subdivider fails to construct the final surface within one year after approval of the final plat, said amount to be posted with the Superintendent in the form of a one-year performance bond.
7. Review of final plats for compliance with these regulations and notification of the subdivider (in writing) of any deficiencies prior to the regular monthly meeting of the Planning Commission.
8. Appearances before the Planning Commission and Mayor and Board of Aldermen to furnish any information to those bodies that might be helpful in reaching decisions.

SECTION 603 - DESIGNATION AND DUTIES OF PLANNING COMMISSION

The Clinton Planning Commission heretofore created under the laws of the State of Mississippi shall duly function to carry out the purposes of these regulations. Previous responsibilities assigned to the Planning Commission by the Mayor and Board of Aldermen under the ordinance creating that advisory planning body shall not be lessened, removed or abrogated for the purposes of these regulations. Furthermore, the rules of conduct for said Planning Commission prescribed by the Zoning Ordinance shall apply equally herein. The duties of the Planning Commission regarding these Subdivision Regulations shall include, but not necessarily be limited to, the following:

1. If the Superintendent of Public Works and the City Engineer review a pre-application sketch plat and determine that the proposed subdivision warrants a review by the Planning Commission, the Planning Commission shall review the sketch plat giving consideration to the proposed street layout with reference to the adopted Thoroughfares Plan and to proposed school sites and other public facilities and private or dedicated open space/recreational facilities, etc. as they relate to the adopted Future Land Use Plan; the Planning Commission may make suggestions to the subdivider concerning these and other matters. (Note: The Planning Commission shall review all sketch plats for proposed Planned Unit Developments.)

2. Review of Applications for Preliminary Plat Approval and preliminary plats and the preparation of written statements of findings (as Planning Commission minutes) to be submitted to the Mayor and Board of Aldermen.
3. Review of Applications for Final Plat Approval and final plats and the preparation of written recommendations to the Mayor and Board of Aldermen concerning approval or disapproval of the final plat.
4. Review of applications for variances (see Section 605 of these regulations) and holding public hearings on requested variances.
5. Development of Proposed amendments to the Subdivision Regulations or review of amendments proposed by other groups or individuals and holding of public hearings on proposed amendments (see Section 606 of these regulations).

SECTION 604 - DUTIES OF THE MAYOR AND BOARD OF ALDERMEN
IN THE ADMINISTRATION AND ENFORCEMENT OF THESE REGULATIONS

The Mayor and Board of Aldermen of the City of Clinton shall have the final authority with regard to all matters relating to these regulations. The Mayor and Board may accept or reject the findings and recommendations of the Superintendent of Public Works, City Engineer, or Planning Commission as provided under these regulations on matters coming before those persons or bodies for public hearing or other action, and without the necessity for further hearing before the Mayor and Board of Aldermen.

The duties of the Mayor and Board of Aldermen shall include, but not necessarily be limited to, the following:

1. Approval, disapproval or conditional approval of Applications for Preliminary Plat Approval.
2. Approval or disapproval of Applications for Final Plat Approval; the Mayor and Board of Aldermen shall not approve a final plat until: (1) all required improvements have been installed in accordance with construction plans approved by the Superintendent and the City Engineer; or (2) all required improvements have been completed except the final wearing surface of streets and a performance bond posted by the subdivider to cover the estimated cost of constructing the final wearing surface; furthermore, the Mayor and Board shall not approve the final plat unless an acceptable maintenance agreement has been submitted by the subdivider.

administrative decision, grant the variance sought without action by the Mayor and Board of Aldermen. Where such variances of a minor technical nature are granted, the Superintendent and the City Engineer shall both sign the subdivider's copy of the application indicating their approval, and shall each retain one (1) copy for their files. The Superintendent shall forward a copy of the approved application to the Mayor.

2. Planning Commission and Mayor/Board of Aldermen action - Should the Superintendent, in consultation with the City Engineer, determine that a requested variance warrants a review by the Planning Commission and Mayor and Board of Aldermen, he shall forward a copy of the application to the Chairman of the Planning Commission. The Planning Commission shall review the application at its next regularly scheduled meeting, at which time the Superintendent and the City Engineer may present any comments or recommendations they may have concerning the requested variance. The subdivider or his agent shall be present at the Planning Commission meeting, or his application shall not be considered.

If the Planning Commission determines that the requested variance may have an impact upon the owner or owners of property in the vicinity of the subdivision, the Planning Commission may request that the Superintendent publish a notice of public hearing concerning the application as prescribed under Section 607 of these regulations. After due public notice has been given, the Planning Commission shall hold the public hearing and subsequently forward its written recommendations (in the form of the Minutes of the Planning Commission) to the Mayor and Board of Aldermen. If no public hearing is deemed necessary, the Planning Commissions' written recommendations shall likewise be forwarded to the Mayor and Board of Aldermen.

In considering the application for a variance, the Planning Commission and the Mayor and Board of Aldermen shall use the criteria prescribed under Section 605.2 and, if the variance is granted, the Mayor and Board of Aldermen may vary the regulations so that substantial justice is done and the public interest secured. The Planning Commission

may recommend, and the Mayor and Board require, in granting variances such conditions as may be necessary in their judgement to insure that the objectives of these regulations are met. Following action by the Mayor and Board, the Superintendent shall return one copy of the application to the subdivider stamped "APPROVED" or "DISAPPROVED" and signed by the Mayor of the City of Clinton. The Superintendent, City Engineer, and secretary of the Planning Commission shall each retain one copy of the application for their respective files.

605.2 Grounds for Granting Variances: Except where the Superintendent of Public Works and City Engineer by administrative decision as prescribed under Section 605.1 approve applications for variances, any subdivider desiring a variance shall demonstrate that the granting of such variance will not adversely affect the surrounding properties nor otherwise be detrimental to the public welfare. Furthermore, no variance shall be granted unless all of the following criteria are met:

1. That special conditions and circumstances exist which are peculiar to the land involved which are not applicable to other lands in the same general area.
2. That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other property owners in the same area.
3. That the special conditions and circumstances did not result from actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other property owners.

SECTION 606 - AMENDMENTS

The procedures, specifications, required improvements and design standards set forth in these Subdivision Regulations may from time to time require amendment. Any person may initiate an amendment to these regulations by filing an application for same with the Superintendent of Public Works; or the Planning Commission or Mayor and Board of Aldermen of the City of Clinton may, on their own motion, initiate an amendment to these regulations.

Any person other than an official of the City of Clinton, the Planning Commission or the Mayor and Board of Aldermen, who wishes to request that consideration be given to amending these regulations shall first file an application stating the section or sections that he is requesting be amended and the grounds for such proposed amendment(s); and the applicant shall pay a fee to the City Clerk as prescribed under Section 609 of these regulations.

In ALL cases involving a proposed amendment to these regulations, notice of public hearing shall be given as provided in Section 607; and the public hearing shall be held in accordance with the procedures specified in Section 607.

The final authority to approve or deny amendments to these regulations shall be reserved exclusively to the Mayor and Board of Aldermen of the City of Clinton.

SECTION 607 - PUBLIC HEARING NOTICES AND PROCEDURES

Public hearings shall be conducted on the following matters relating to these regulations:

1. Applications for variances from strict compliance with these regulations, where such applications warrant a review by the Planning Commission, as prescribed under Section 605.1, and where the Planning Commission determines that the requested variance may have an impact upon the owner or owners of property in the vicinity of the subdivision; and
2. All proposed amendments to these Subdivision Regulations.

Whenever a public hearing is required by these regulations, notice of such hearing shall be given by publishing a notice in a newspaper of general circulation in the City of Clinton or in a newspaper of general circulation in Hinds County at least fifteen (15) days prior to the hearing; said public notices shall specify the date, time and place of the hearing.

Unless the Mayor and Board of Aldermen determine otherwise, all hearings relating to these regulations shall be conducted by the Planning Commission. The Planning Commission shall make a written statement (in the form of Minutes) of its findings and recommendations regarding all matters on which the Commission conducts public hearings, said statement to be submitted to the Mayor and Board of Aldermen for a decision.

In accordance with Sections 21-13-5, 21-13-9 and 21-13-11 of the Mississippi Code of 1972, all proposed amendments to these regulations shall be read aloud and considered by section at the public meeting of the Mayor and Board of Aldermen; the vote on the passage of the amendment shall be taken by both "yeas" and "nays", which shall be entered on the Minutes by the City Clerk. The City Attorney shall be responsible for preparing in proper legal form ordinances adopting amendments to these regulations; said ordinance shall contain the section or sections amended, and the original wording shall thereby be repealed. Every amendment passed by the Mayor and Board of Aldermen shall be certified by the City Clerk, signed by the Mayor, recorded in the Ordinance Book of the City of Clinton, and published at least one time in some newspaper circulated in the City of Clinton. All of these procedures shall be accomplished before the amendment shall be effective. No amendment to these Subdivision Regulations shall be effective until thirty calendar days after its passage by the Mayor and Board of Aldermen.

SECTION 608 - APPEALS

- 608.1 Appeals Regarding Actions of the Superintendent of Public Works and/or the City Engineer: Any person aggrieved by an action or decision of the Superintendent and/or the City Engineer in the administration of these regulations may appeal said action or decision to the Mayor and Board of Aldermen. Said appeal shall consist of a letter addressed to the Mayor of the City of Clinton, and said letter shall include a statement of the reason for the appeal. The Mayor and Board of Aldermen, upon hearing the appeal, may require the person aggrieved to submit plans, data, copies of applications (for preliminary plat approval or final plat approval), or other materials in connection with the appeal.
- 608.2 Appeals to a Court of Law: An appeal from any action, decision, ruling, judgment, or order by the Mayor and Board of Aldermen may be taken by any person or persons to the Circuit Court of Hinds County.

SECTION 609 - FEES

- 609.1 Schedule of Fees: The Mayor and Board of Aldermen shall establish a Schedule of Fees to cover the following procedures:

1. Processing of applications for preliminary plat approval and review of preliminary plats;
2. Review of construction plans by the Superintendent of Public Works and the City Engineer;
3. Inspection of required improvements by the Superintendent and City Engineer (Note: If the subdivider proposes to post a performance bond in lieu of construction of the final wearing surface of streets until all building construction is completed, the fee for inspection of improvements should include the City Engineer's fee for estimating the amount of the performance bond.)
4. Processing of applications for final plat approval and review of final plats; (This should include the City Engineer's fee and the City Attorney's fee for reviewing the proposed maintenance agreement.)
5. Applications for variances, both of a minor technical nature and major variances which require review by the Planning Commission and approval by the Mayor and Board of Aldermen;
6. Applications for amendments to these regulations; and
7. Any other matters pertaining to these Subdivision Regulations.

The Schedule of Fees shall be posted in the office of the Superintendent of Public Works. All fees shall be paid to the City Clerk or the City Clerk's designated agent at appropriate times during the processing and review of plats, plans, etc.

- 609.2 Amendment or Alteration of Fee Schedule: The Schedule of Fees shall be altered or amended only by action of the Mayor and Board of Aldermen.
- 609.3 Payment Required: Until all applicable fees have been paid in full, no action shall be taken on any application, plans, inspections or other processing of subdivision matters.
- 609.4 Fees Not Refundable: No fees paid in conjunction with subdivision-related matters shall be refunded.

SECTION 610 - ENFORCEMENT OF SUBDIVISION REGULATIONS

- 610.1 Powers of the Superintendent of Public Works: It shall be the duty of the Superintendent of Public Works to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith. Should the Superintendent of Public Works determine that a violation does exist, he shall notify in writing by certified or registered mail (return receipt requested) the person or persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct said violation.
- 610.2 Penalties for Violation: Violation by any person of the provisions of these regulations, or failure to comply with any of its requirements, including any additional requirements or conditions which may have been imposed, after having been duly notified in accordance with Section 610.1 shall, upon conviction thereof, constitute a misdemeanor; and any person convicted of such misdemeanor shall be fined not more than one hundred (\$100) dollars and in addition shall pay all costs and expenses involved in the case. In case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense.
- 610.3 Accessories to Violations: The owner or subdividers of any land, premises or part thereof, and any builder, contractor, agent, or other person who knowingly commits, participates or assists in, or maintains such violation may be each found guilty of a separate offense and suffer the penalties herein provided.

ARTICLE VII

MISCELLANEOUS PROVISIONS

SECTION 700 - PURPOSE OF THIS ARTICLE

The purpose of this Article is to consolidate all provisions applicable to these Subdivision Regulations which are not included under the General Provisions (Article I), Procedures and Specifications for Subdivision Plats and Construction Plans (Article III), Required Improvements and Design Standards (Article IV), special requirements relative to Planned Unit Developments and Townhouses (Article V), and Administration and Enforcement (Article VI).

SECTION 701 - OMISSION PROVISION

The omission of any specific dimension, word, phrase, or other provision from these regulations shall not be interpreted as permitting any variation from the general meaning or intent of the regulations as commonly inferred or interpreted, and should occasion arise as to such intent or meaning, the interpretation of the Superintendent of Public Works shall hold.

SECTION 702 - SEPARABILITY CLAUSE

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Subdivision Regulations as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

SECTION 703 - REPEAL OF CLINTON SUBDIVISION REGULATIONS OF 1971

Following adoption of these regulations and the effective date thereof, the City of Clinton Subdivision Regulations of 1971, adopted May 2, 1971, as amended, are hereby repealed; provided, however, that such repeal shall not affect or prevent the prosecution of any person for any violation of those Subdivision Regulations of 1971 (or parts thereof) committed prior to the effective date of these regulations.

SECTION 704 - MOST RESTRICTIVE LAW OR REQUIREMENT TO APPLY

Whenever the requirements of these regulations or of any other lawfully adopted rules, regulations, codes, ordinances, deed restrictions or covenants are in conflict with the provisions of these regulations, the most restrictive law or requirement shall govern.

SECTION 705 - EFFECTIVE DATE OF THESE REGULATIONS

These regulations shall take effect and be in force thirty (30) calendar days from and after its adoption this the 18th day of June, 1985.

APPENDIX A
REQUIRED CERTIFICATES ON FINAL PLAT

APPENDIX A-1

REGISTERED PROFESSIONAL ENGINEER'S
OR REGISTERED LAND SURVEYOR'S CERTIFICATE

State of Mississippi

County of Hinds

I, _____, (Registered Professional Engineer or Registered Land Surveyor), do hereby certify that at the request of _____, the Owner(s), I have subdivided and platted the following described land being situated in the _____ of Section _____, Township _____, Range _____, City of Clinton, Hinds County, Mississippi, as follows, to wit:

(Insert legal description here)

Witness my signature on this the _____ day of _____, 19__.

(Signature)

Mississippi Registration
Number

Registered Professional
Engineer or Registered
Land Surveyor

APPENDIX A-2

OWNER'S CERTIFICATE

State of Mississippi

County of Hinds

I, (We), _____, do hereby certify that I (We) are the Owner(s) of the land described in the foregoing certificate of _____, (Registered Professional Engineer or Registered Land Surveyor), and that I (We) have caused the same to be subdivided and platted as shown hereon, and have designated the same as (name of subdivision).

Witness my signature on this the ____ day of _____, 19__.

Owner(s)

APPENDIX A-3

CERTIFICATE OF ACKNOWLEDGEMENT

State of Mississippi

County of Hinds

Personally appeared before me, the undersigned officer in and for the jurisdiction aforesaid, the within named _____, the Owner(s), and _____, (Registered Professional Engineer or Registered Land Surveyor), each of whom acknowledged to me that he signed and delivered this plat and the certificates thereon as his own act and deed, on the day and year herein mentioned.

Given under my hand and seal of office on this the _____ day of _____, 19__.

Notary Public

My Commission Expires:

APPENDIX A-4

CERTIFICATE OF CITY'S APPROVAL

State of Mississippi

County of Hinds

I, _____, Mayor of the City of Clinton, do hereby certify that this plat was approved and accepted by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, at their meeting on the _____ day of _____, 19__.

Witness our signatures this the _____ day of _____, 19__.

Mayor

City Clerk

APPENDIX A-5

CERTIFICATE OF COMPARISON

State of Mississippi

County of Hinds

We, _____, Chancery Clerk, and _____,
(Registered Professional Engineer or Registered Land
Surveyor), do hereby certify that we have carefully
compared this plat of (name of subdivision), with the
Original thereof, as made by the said _____,
(Registered Professional Engineer or Registered
Land Surveyor), and find it to be a true and correct
copy of said map or plat.

Given under my hand and seal of office on this
the _____ day of _____, 19___.

(Registered Professional
Engineer or Registered
Land Surveyor)

Chancery Clerk

APPENDIX A-6

CERTIFICATE OF FILING AND RECORDATION

State of Mississippi

County of Hinds

I, _____, Clerk of the Chancery Court in and for said County and State, do hereby certify that the Final Plan of (name of subdivision), was filed for record in my office on this the _____ day of _____, 19____, and was duly recorded in Plat Book _____, Page _____ of the records of maps and plats of land of the First Judicial District of Hinds County, Mississippi.

Given under my hand and seal of office on this the _____ day of _____, 19____.

Chancery Clerk