

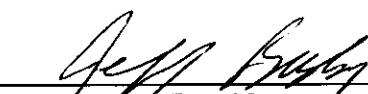
**ORDER: APPROVE REVISED LAFAYETTE COUNTY  
SUBDIVISION REGULATIONS WITH CHANGES**


Motion was made by Mike Pickens, duly seconded by Robert Blackmon, to approve revised Lafayette County Subdivision Regulations with changes.

The vote on the motion was as follows:

Supervisor Mike Pickens, voted yes  
Supervisor Jeff Busby, voted yes  
Supervisor Robert Blackmon, voted yes  
Supervisor Chad McLarty, voted yes  
Supervisor Mike Roberts, voted yes

After the vote, President Busby, declared the motion carried, this the 27th day of April, 2015.

  
\_\_\_\_\_  
Jeff Busby, President  
Board of Supervisors

  
\_\_\_\_\_  
Sherry Wall, Chancery Clerk

**LAFAYETTE COUNTY**  
**SUBDIVISION REGULATIONS**  
(Revision 2015-1)

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**AN ORDINANCE REQUIRING SUBDIVISION PLATS AND  
ADOPTING LAND DEVELOPMENT STANDARDS AND REGULATIONS  
FOR LAFAYETTE COUNTY, MISSISSIPPI, AND  
PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF**

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**WHEREAS**, the statutes of the State of Mississippi, Sections 17-1-23 through 17-1-27, Mississippi Code of 1972, as amended and recompiled, empower the county to enact subdivision regulations and provide for their administration, enforcement, and amendment; and

**WHEREAS**, the Lafayette County Planning Commission has prepared such regulations

(1) setting forth certain standards and procedures to be followed in the subdividing of land, and/or the development of land into residential, commercial, or mixed use subdivisions, and/or the development of multiple structure complexes (apartments, condominiums, multi-tenant commercial sites) in Lafayette County to assure that development within the county provides for the proper coordination of new streets and roads within subdivisions with other existing or planned streets and roads and with other features of lots or tracts; and

(2) providing requirements of preliminary and final plats and/or site plans; providing minimum standards of physical improvements in new developments; providing for adequate open spaces for traffic, utilities, fire fighting apparatus, recreation, light and air, and the distribution of population and traffic, all of which are to improve the health, safety, and general welfare of the community; and

**WHEREAS**, the Board of Supervisors has given due public notice of hearings relating to such subdivision regulations, and has held such public hearings in accordance with Section 17-1-15, Mississippi Code of 1972, as amended and recompiled; and further, public hearings as required by Section 17-1-17, Mississippi Code of 1972, as amended, with regard to the substantive amendment(s) thereto. **NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF SUPERVISORS OF LAFAYETTE COUNTY, MISSISSIPPI:**

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## **ARTICLE I: GENERAL**

### **SECTION 1 – TITLE:**

This ordinance shall be known as the **Lafayette County Subdivision Regulations (Revision 2015)** and may be so cited.

### **SECTION 2 – PURPOSE:**

The purpose of this ordinance is to provide standard procedures for subdividing and/or developing land, whether or not public infrastructure is proposed, to provide for the proper coordination of new streets within subdivisions with other existing or planned streets and with other features of lots or tracts; to provide for requirements of preliminary and final plats and/or site plans; to provide for minimum standards of physical improvements in new developments; to provide for adequate open spaces for traffic, utilities, fire fighting apparatus, recreation, light and air, and for the distribution of population and traffic, all of which are to improve the health, safety, and general welfare of the community.

### **SECTION 3 – SCOPE:**

- A. It shall be unlawful for any person being the owner, agent, or person having control of any land within the unincorporated areas of Lafayette County, Mississippi to create a subdivision as defined in Article I, Section 4, or to cause to develop subdivisions; condominiums; apartment complexes; and office, commercial, retail, or industrial complexes (as defined in Section 4) in such manner as to create a connection to an existing public right-of-way without having followed the procedures established in these regulations.
- B. The conversion of existing apartments to condominiums or individually owned properties requires the approval of the Lafayette County Planning Commission and Board of Supervisors and the existing development shall be brought into compliance with these standards before individual units may be sold. This provision applies whether or not the units are owner occupied.
- C. Any area hereafter annexed to a town or incorporated as a city or town, immediately upon annexation or incorporation shall be no longer subject to the Lafayette County Subdivision Regulations, but shall conform to the subdivision regulations adopted by the city or town.
- D. Construction shall not commence for proposed development improvements including grading, drainage, streets, utilities or any other improvements until Site Plan approval is granted by the Lafayette County Planning Commission or Preliminary Plat approval is granted by the Lafayette County Planning Commission and the Lafayette County Board of Supervisors and recorded in the official minutes of each.

However if any person desires to grade and clear vegetation or trees without a site plan then a temporary permit may be issued by the County Planner based upon a review of and approval of an erosion control plan and an existing vegetation and tree plan that shows retention of vegetation/trees along boundary lines, road frontage, creeks/rivers and major drainage ways, perimeter of retention shall be a minimum of 15 feet and within the retention area trees with diameter of 15 inches will be retained.

- E. No lots or units shall be sold until compliance with these regulations has been achieved and Final Plat approval granted by the Lafayette County Planning Commission and the Lafayette County Board of Supervisors and recorded in the minutes of each and the plat has been lawfully recorded by the Chancery Clerk.
- F. The Lafayette County Board of Supervisors will withhold approval of improvements, of any nature whatsoever, including the acceptance and maintenance of streets or roads, until approval of the subdivision development has been recommended by the Lafayette County Planning Commission, approved by the Lafayette County Board of Supervisors and any required

documents (such as a plat or condominium master document) have been properly signed and lawfully recorded in the Chancery Clerk's office. Streets or roads must pass final inspection by the County Engineer and County Road Manager and approval must be given by the Lafayette County Board of Supervisors for the county to accept and maintain streets or roads.

- G. No building permit or address shall be issued for any parcel or plat of land created by Site Plan or subdivision after the effective date of, and not in substantial conformity with, the provisions of these Lafayette County Subdivision Regulations (Revised 2006)., and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.
- H. All residential developments shall provide declarations, restrictions, and covenants that set forth the Developer's legally binding commitments concerning the type of development to be built and include provisions for maintenance of common areas during construction of the development and after the development is completed. These documents shall set forth how the Developer conveys the responsibility for common areas to individual homeowners and prescribe the financial means for supporting future upkeep of all areas of collective benefit. The document creating and establishing such covenants and a homeowners association shall include the provisions set forth in Appendix 9, hereto.
- I. It is not the intent of this ordinance to prohibit or in any way disadvantage individuals who wish to will or deed property to family members. Accordingly, any conveyance, by deed or will, of three or more lots within a single tract of land, each conveyance being between individuals within the first, second or third degree of relation (i.e. grantees who are related to the grantor/owner within the first, second or third degree, including children [and their descendants], spouse, brother and sister [and their descendants], father and mother, grandparent, and uncle and aunt) and with the intent that the grantees will develop each parcel for the exclusive use as the grantees homestead, is excepted from the definition of "subdivision." Development of any such parcel shall not "land lock" the remaining portion of the parcel and shall provide an easement to a county road right-of-way not less than 50 feet wide.

#### SECTION 4 – DEFINITIONS:

- A. For the purpose of interpreting this ordinance, certain words used herein are defined as follows.
  - 1. ALLEY: A minor way used primarily for vehicular service to the rear or side of properties otherwise abutting a street.
  - 2. APARTMENT COMPLEX: A structure of three (3) or more attached units consisting of non-owner occupied residential units on a parcel of land as such to require the construction of improvements such as streets, roads and utilities that will connect with existing streets, roads, and utilities. (See RENTAL COMPLEX)
  - 3. BOARD: The Lafayette County Board of Supervisors.
  - 4. BOND: Guarantee which secures installation of improvements in the event a Developer defaults on required improvements. An acceptable bond shall include any one of the following: a surety bond from a company licensed to do business in the State of Mississippi; a cashier's check, assignment of certificates of deposit, or an irrevocable letter of credit from a bank licensed to do business in the State of Mississippi, as determined by the Board of Supervisors.
  - 5. BUILDING LINE: A line shown on the plat beyond which structure must be set back from the street or road right-of-way line upon which the property abuts.
  - 6. COMMERCIAL COMPLEX: The development of a parcel of land proposing the construction of any structure consisting of non-dwelling units for business, retail, office, professional services, and/or industrial uses on a parcel of land as such to require the construction of improvements such as streets, roads and utilities that will connect with existing streets, roads and utilities.
  - 7. COMMERCIAL STRUCTURE: Multi-unit apartments and condominiums, retail buildings, office buildings, manufacturing facilities. Agricultural buildings and private residences, within this standard, are not considered to be commercial structures.

8. CONDITIONAL: Granted or made contingent upon satisfying certain declared provisions set forth in this ordinance.
9. CONDOMINIUM: A condominium is that form of ownership of property under which units of improvements are subject to ownership by different owners and there is appurtenant to each unit as part thereof an undivided share of all real estate and designated common improvements. CONDOMINIUM UNIT means the elements of a condominium which are not owned in common with the owners of other condominiums in the project. CONDOMINIUM PROJECT means the entire parcel of real property divided, or to be divided into condominiums, including all structures therein.
10. CONSTRUCTION: Unless otherwise specified herein, construction shall mean any change in the original physical condition of any area within the proposed project site as depicted in the Site Plan or Preliminary Plat.
11. COUNTY ENGINEER: See ENGINEER.
12. COUNTY PLANNER: An individual appointed by the Board of Supervisors to administer the requirements of the Lafayette County Subdivision Regulations (Revised 2006).
13. CUL-DE-SAC: A permanent dead-end street, cove, or court culminated by a turnaround.
14. DEVELOPER: Any person, individual, firm, partnership, association, corporation, trust, or any other group or combination acting as a unit, who undertakes the subdivision and development of land as defined herein. DEVELOPER may include owner or builder even though the persons and their interest may vary at different project stages. Developer shall also include any successor in interest to the original Developer as to the ownership of the Development roads, common areas and unsold lots prior to the completion of the roads and common areas in accordance with the applicable specifications. Note: Wherever the term DEVELOPER appears herein, the Developer's legally appointed agent may be substituted. See also SUBDIVIDER.
15. DEVELOPER'S ENGINEER: See ENGINEER.
16. DEVELOPMENT: The improvement of a parcel of land to construct single or multiple structures for the purposes of dwelling, retailing, manufacturing, business, or professional services, which may or may not require the construction of streets and utilities to connect with an existing public street and utilities.
17. EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
18. Utility: An easement reserving space for utilities.
19. Access: For purpose of this ordinance a private way which is permanently reserved as the principal means of vehicular or other access to abutting property, and the terms of use of which are of public record.
20. ENGINEER:
  - a. COUNTY ENGINEER: The Engineer appointed by the Board of Supervisors to act as Consultant to the Board of Supervisors and to the Lafayette County Planning Commission. The Engineer shall be registered as a Professional Engineer in the State of Mississippi by the State Board of Registration for Professional Engineers and Land Surveyors.
  - b. DEVELOPER'S ENGINEER: The Engineer hired by the Developer to lay out the subdivision plat and design improvements. The Engineer shall be registered as a Professional Engineer in the State of Mississippi by the State Board of Registration for Professional Engineers and Land Surveyors.
21. LOT: Any parcel of land, regardless of size
22. PLANNING COMMISSION: The Lafayette County Planning Commission, appointed by the Board of Supervisors.
23. PLANS: All drawings, including cross sections, profiles with working details and specifications, which the Developer prepares to show the type, character, extent, and details of the improvements required under this ordinance.
24. PLAT: A map or drawings showing the lot and street arrangements or other features or details of the area being subdivided and is further defined as follows.
  - a. PRELIMINARY PLAT: A plat conforming to the requirements of Article III, Section 2 hereof for preliminary approval.

- b. FINAL PLAT: conforming to the requirements of Article III, Section 3 for final approval and recording in the Office of the Chancery Clerk.
25. PRIVATE ROAD: A facility primarily used for vehicular access to more than one lot owned and maintained by a private entity.
26. PUBLIC ROAD: A publicly traveled road on the official maintenance plan of the State, County, or City.
27. RIGHT-OF-WAY: The entire strip of land lying between property lines bordering a street or alley.
28. RENTAL COMPLEX: Multiple structures (three or more) consisting of non-owner occupied residential units, to include mobile homes, on a parcel of land as such to require the construction of improvements such as streets, roads, and utilities that will connect to existing streets, roads, and utilities. (See APARTMENT COMPLEX.)
29. RE-SUBDIVISION: The re-subdivision of any part of all of any block or blocks of a previously platted subdivision, addition, lot or tract.
30. SHALL to be interpreted in its mandatory sense.
31. SITE PLAN: A map or drawing depicting all planned improvements in reference to a proposed apartment complex, condominium complex, or commercial complex.
32. STREET: A way for vehicular traffic, whether designated a street, highway, thoroughfare, parkway, throughway road, roadway, avenue, boulevard, land, place, or however otherwise designated.
33. SUBDIVIDER: See DEVELOPER.
34. SUBDIVISION: The development of a tract or parcel of land into a division of three (3) or more parcels or lots, for the purpose of transfer of ownership and subsequent structure construction of any size or nature on the lots, whether or not roads or utilities are involved, and regardless of whether all proposed lots front an existing public road. Except if Residential lots are 10 acres or larger and will have frontage on an existing County Road or an approved existing Private Road, then Subdivision Regulations would not apply. Every two years from date of the deed of the last parcel sold two (2) more parcels may be subdivided; however, each lot not on a County Road must have access to a County Road or an approved Private Road. If a new road is built, the Subdivision Regulations must be followed.
35. TEMPORARY TURN AROUND: A temporary dead-end street, cove, or court culminated by an all-weather surface turnaround intended to be extended in the future. The temporary turn around shall be terminated by the Owner once the subdivision main road is extended. If the main road is not extended by a future phase within 1 year of the final acceptance of the adjoining phase, the Owner shall construct a permanent cul-de-sac (turn around) on right-of-way dedicated to Lafayette County. If the temporary turn around is not abandoned, the Board of Supervisors reserves the right to construct a permanent turn around with funds from the Owner's maintenance bond.

## SECTION 5 – DEFINITION OF WORDS AND PHRASES

NOTE: In 1976 HUD began referring to Mobile Homes as manufactured Housing.

1. MODULAR HOME: Factory assembled movable dwelling, other than a single-wide or double-wide manufactured home, designed and constructed by components to be transported by flatbed truck, built with a pitched, shingled roof, intended for permanent occupancy, with the necessary service connection for required utilities. Dwelling shall be certified by its manufacturer as being constructed in accordance with nationally recognized building code such as the International Building Code.
2. MANUFACTURED HOME DEVELOPMENTS: (also known as Mobile Home Developments)  
– A parcel of land either (1) under a single ownership to be used to locate three or more manufactured homes for lease or rental as residential dwellings or (2) subdivided into three or more lots for sale with the intent to locate manufactured and modular homes. Manufactured Housing Developments will comply with the development standards set forth in the regulations governing subdivisions in Article III and, in addition, will comply with the



density and other design requirements particularly applicable to manufactured housing developments set forth in Article III and Article IIIA.

3. MOTEL AND HOTEL: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which at least a portion of the rooms are directly accessible from a public or private right-of-way, from a parking lot for a space or from the exterior of the building. As such, it is open to the public in contradiction to a boarding house or apartment.
4. BUILDING CODES: Will be known as the Building Codes adopted by the Lafayette County Board of Supervisors, and these codes shall apply to all new construction in Subdivisions and to Commercial Developments.
5. COMMERCIAL SUBDIVISION: The proposed subdivision of land into 3 or more parcels or lots for the intent of commercial activities and must follow the regulations for a residential subdivision in the Lafayette County Subdivision Regulations under Article III and Article IV.
6. RECREATIONAL VEHICLE OR RV: Any licensed camp trailer, travel trailer, motor home or fifth wheel designed to provide temporary living quarters for recreational camping or travel use, constructed with integral wheels to make it mobile and/or towable by motor vehicle.
7. RECREATIONAL VEHICLE DEVELOPMENT OR RV DEVELOPMENT: Any lot, tract, or parcel of land upon which accommodation is provided for two or more recreational vehicles used as living or sleeping quarters by the day, week, or month, if a charge is made. A recreational vehicle development is a unified development of recreational vehicle spaces provided for recreational vehicle use with or without community facilities and permitted buildings.

**ARTICLE II:  
APPROVAL PROCESS FOR  
CONDOMINIUMS, APARTMENTS, AND  
COMMERCIAL COMPLEXES**

**SECTION 1 –Preliminary Site Plan Review**

- A. The Developer applicant shall file with the County Planning Office his declaration and application (Appendices 1A and 1B) for development approval. The request to be placed on the Planning Commission agenda shall be filed no later than the first Monday of the month to be heard at the next regularly scheduled meeting of the Planning Commission. If the first Monday falls on a holiday, the filing deadline is extended to the next business day. The applicant shall submit to the Planning Commission through the County Planning Office a conceptual drawing, or sketch plat, showing the boundaries of the proposed development, its relationship to surrounding properties, natural features on the site and surrounding area, and the proposed street and lot pattern, and the proposed types of land uses planned. The sketch may also include topography. The conceptual drawing shall illustrate the entire proposed development and illustrate all phases of the development. The applicant must state his intentions regarding development or improvement of private or public roads.
- B. Within two weeks of receiving application for site plan approval, the County Planning Department will place a conspicuous sign in a clearly visible spot on or near the property to be developed that will declare the nature of the planned development and the date and time upon which the Developer will appear before the Planning Commission.
- C. The applicant shall also provide information concerning property maintenance responsibilities through restrictions, covenants, condominium association, etc. The purpose of this step is to provide the Developer the opportunity to consult early and informally with the Planning Staff and Planning Commission before preparation of a Final Site Plan and to make the Planning Staff and the Developer aware of potential problems involving the proposed development. After review by the planning staff, the Developer must meet with the Planning Commission to discuss in detail the proposal.
- D. The Developer shall conduct a traffic impact study and provide a report to the Planning Department for residential developments having more than 50 units.
- E. The Developer shall consult with other agencies having an interest in the development such as the County Health Department, environmental regulatory agencies, county fire department, and all utility providers to determine the availability of services and compliance with regulations of those agencies.
- F. Setback and landscape buffer will be 30 feet to all adjoining property owners and within this 30 foot setback and buffer existing trees will be retained or new trees will be planted along the perimeter and shown on the site plan, a six foot high fence may be installed where screening is necessary. Required screening will be designed to achieve an opacity sufficiently commensurate with the density of the vegetation which existed prior to site development or in order to enhance compatibility with surrounding uses. The front, side and rear setback to the building will be 30 feet which can be penetrated by drives; and parking may be allowed in the setback 10 feet from the property line.

**SECTION 2 – Final Site Plan Review**

- A. After the Preliminary Site Plan review process has been completed, applications for Final Site Plan Review for condominiums, apartments, or commercial complexes must be filed no later than the first Monday of the month to be heard at the next regularly scheduled meeting of the

Planning Commission. If the first Monday falls on a holiday, the filing deadline is extended to the next business day.

- B. If the Developer applicant decides to combine Preliminary and Final Site Plan Review, then all applicable provisions of Article II Section 1 must still be satisfied.
- C. The Developer shall submit to the Planning Department no later than the deadline in Article II, Section 2, Paragraph A:
  - 1. Application form (Appendix 1B),
  - 2. Filing fee (See Article VII, Section 1), the fees established for Construction Inspection fees (erosion control compliance) in Article VII, Section 1.
  - 3. Seven (7) copies of the Project Site Plan, drawn to scale of 100 feet to the inch conforming to the requirements of Section 2-C,
  - 4. Two (2) copies of construction plans and technical specifications,
  - 5. Completed site plan approval checklist form (Appendix 2) and all supporting documents,
  - 6. Any variance requests, in written form only. (See Article VII, Section 2.)
- D. All apartment complexes and motel/hotel or condominium complexes with three (3) or more attached units shall have hard-wired smoke alarms and sprinkler systems in each unit and all units shall be separated from each other by a one-hour rated fire wall. (See Article II, Section 3, Paragraph B, below)
- E. Site Plan review is required for approval by the Planning Commission and Board of Supervisors on all condominiums, apartments, Mobile Home Development, Motels, Hotels, Recreational vehicle Developments or commercial subdivisions and complexes. For the purpose of road construction such developments shall be classified as a subdivision of land. Therefore, the Developer shall construct all proposed streets, driveways and parking lots for customer service according to the applicable design and construction requirements contained within the Lafayette County Subdivision Regulations (Article III (sections 2 and 3), IV and V) regardless of whether the streets are to be private or public. If the Developer intends for the streets to be public, then dedication of appropriate right-of-way and/or easement will be required.
- F. The Planning Commission will utilize the following review criteria in considering approval of the proposed Site Plan:
  - 1. The completed Site Plan Approval checklist (Appendix 2) and all supporting documentation shall be provided no later than the required deadline.
  - 2. Ingress/Egress considerations: Vehicle and pedestrian safety design, traffic flow and control, utility servicing, emergency access. Off-street parking spaces shall have unobstructed access to a public street or driveway and all driveways shall be of sufficient width to permit easy movement of vehicles into and out of such parking spaces. There should be ample parking spaces per number of bedrooms for developed housing units, a minimum of 1 spaces per bedroom.
  - 3. Drainage considerations: The development shall not adversely affect neighboring properties or public storm drainage systems, should use sound engineering and ecological practices, and should mitigate flooding and erosion. The development should avoid generating odor and air pollutants at the development site. The development shall comply with the design standards in Article V, Section 6, Paragraphs E, G, and H and Article V, Section 8, Paragraphs A and B.
  - 4. Ownership and maintenance of common areas: Provisions must be made for control and maintenance of common properties and open spaces as proposed in development plans. Such provisions shall be in conformity to the provisions set forth in Appendix 9, hereto.
  - 5. Utilities: The provision of service utilities, whether public or private, must be illustrated and proper for the size of development, and meet required health and safety standards. This includes provision for all solid waste removal.

- G. Site Plan documents and other requirements for approval on CONDOMINIUM, APARTMENT, COMMERCIAL, OFFICE, RETAIL, and INDUSTRIAL complexes shall include the following as a minimum:
1. Graphic survey plot of the development boundary indicating the bearings and distances along the perimeter and the mathematical closure of the survey.
  2. Proposed rights-of-way to be dedicated to Lafayette County.
  3. Proposed easements (with location indicated by bearing and distances if not parallel to boundary lines) indicating width and purpose.
  4. Proposed structure locations with number of units per structure for assignment of E-911 addresses.
  5. Vicinity map at a minimum scale of one (1) inch equals one thousand (1,000) feet showing the location of the proposed development and names of adjoining street/roads.
  6. Location of points of ingress/egress that connect to existing public right-of-way with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and provision of adequate parking for residents and guests.
  7. Adjacent property boundaries with existing structures and any significant features located in relation to the development boundary.
  8. Watercourses and marshes shall be indicated with notation regarding Corps of Engineers jurisdictional determination under Section 404 of the Clean Water Act.
  9. The Developer's Engineer shall delineate any wetlands as defined by the U.S. Corps of Engineers that are within the platted area, and if so, the Developer will ensure that the development complies with all appropriate state or federal regulations pertaining thereto.
  10. Flood level information showing contours for the "100 Year Frequency Flood Elevations" and "Floodways" if any part of the proposed development lies within either. Site Plan must contain a statement that the 100-Year Flood Frequency Contour does not lie within the development boundary if not graphically indicated.
  11. Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent properties.
  12. Location of existing and proposed utilities for the development along with the connection location with the utility provider.
  13. Letters of agreement to provide service from the appropriate utility provider(s).
  14. Title of the proposed development, graphic scale, and north arrow.
  15. Declarations, restrictions, and covenants that set forth the Developer's legally binding commitments concerning the type of development to be built and include provisions for maintenance of common areas during construction of the development by the Developer and after the development is completed by an owners' association. It shall set forth how the Developer conveys the responsibility for common areas and prescribe the financial means for supporting future upkeep of all areas of collective benefit.
  16. The Developer shall be responsible for cleaning up all construction related material on a daily basis at the project site and shall not permit waste materials, dirt and debris to be placed or remain in a public right-of-way. Violators of this requirement shall be prosecuted for placing obstruction on a public right-of-way and shall be required to pay for the costs of removal of such material if removed by the County.
  17. Vegetation and tree retention plan-Existing vegetation and trees should be shown on an aerial photo map(available from Lafayette County or Computer maps)Vegetation and trees to be retained along boundary lines, road frontage, creeks, rivers and major drainage ways should be so marked on aerial photo map. Vegetation and trees shall be retained where feasible.
  18. Setback and landscape buffer will be 30 feet to all adjoining property owners and within this 30 foot setback and buffer existing trees will be retained or new trees will be planted along the perimeter and shown on the site plan. a six foot high fence may be installed where screening is necessary. Required screening will be designed to achieve an opacity sufficiently commensurate with the density of the vegetation which existed prior to site development or in order to enhance compatibility with surrounding uses. The front, side and rear setback to the building will be 30 feet which can be penetrated by drives, and parking may be allowed in the setback 10 feet from the property line.

19. Cell Tower setbacks shall be the height of the cell tower from all property lines.
20. Paving on Site Plan -- The right-of-way that provides the ingress and egress must be paved to the property line and if the property has a positive slope of 5% to the road or highway an additional 20 feet of the drive must be paved.
21. A Landscape plan must be provided for all site plans showing vegetation and open spaces, a minimum of 20% of site must be vegetated open space. Buffer area in the setback to adjoining property owners must have a detailed landscape plan and provide screening. The Landscaping Plan shall include as a minimum the following:
  1. Planting areas drawn to a scale and plants clearly located and labeled. A plant list shall include the following:
    - i. Common name of trees and shrubs to be used.
    - ii. Size to be planted (gallon size).
    - iii. Quantity of each.
  2. Location, name and size of all existing trees and shrubs that are to be incorporated as part of the landscape plan.
  3. Irrigation facilities are encouraged to maintain plant materials at all times. Use of automatic watering systems is encouraged to facilitate maintenance. Hose bibs shall be located within serviceable proximity to every planter where fixed and/or automatic water systems are not employed.
  4. A continuous maintenance program shall be provided by the developer for the landscape areas. The plan shall include repair or replacement as needed for the life of the development.
  5. All approved landscaping shall be installed or financial assurance provided to the County in an amount sufficient to fund the total cost of the required landscaping.

### SECTION 3 – APPEAL PROCEDURE

If the Planning Commission does not approve a site plan, the Developer may appeal to the Board of Supervisors. The Developer shall submit a written request for appeal to the Lafayette County Planning department no more than ten (10) working days after the adverse decision. The written request shall clearly explain the reason for the appeal and provide sufficient documentation to allow the Board of Supervisors to fully consider the merit of the appeal.

### SECTION 4 – BUILDING PERMITS

- A. All Developers or Builders shall obtain a building permit from the County Planning Office for any new construction in the unincorporated areas of the county that lies within a Site Plan subject to the provisions of Article II. No Building Permit is required for agricultural buildings or for buildings being built for or by the owner for his exclusive use.
- B. In the interest of fire safety, Building Permits for hotels/motels, apartment complexes, and multi-unit condominiums shall only be issued for plans meeting the provisions of Article II, Section 2, and Paragraph C of this ordinance.
- C. Building Permits for commercial structures shall be issued only to Commercial Contractors licensed by the State of Mississippi and listed on the roster of the Mississippi Board of Contractors.

- D. Plumbing and electrical subcontractors listed on the building permit application by the general contractor shall be licensed by any jurisdiction in the State of Mississippi. (Note: See Article VII, Section 4 for exception to the licensing requirement.)
- E. Contractors must have portable restroom facilities available at the job site.
- F. House street numbers must be displayed to be visible from the road.
- G. Copy of Building Permit Work Card must be displayed in front yard.
- H. Construction shall start with the pouring of footings within ninety (90) days from the date the permit is issued. A new permit must be applied for in the event construction is not commenced within ninety (90) days of the date of issuance.

#### **SECTION 5 – BUILDING CODES**

- A. All structures constructed (including modifications to existing structures) within a condominium, apartment or commercial complex subject to the Lafayette County land use regulations shall conform to and be subject to inspection and certification for compliance with the building codes made applicable to such structures by order of the Lafayette County Board of Supervisors.
- B. To the extent any commercial, condominium or apartment structure is not subject to the Lafayette County land use regulations, any owner or builder desiring inspection of such structure for compliance with the building codes made applicable to condominium, apartment or commercial complex structures by order of the Lafayette County Board of Supervisors may voluntarily submit for building code inspection.

## ARTICLE III: APPROVAL PROCESS FOR SUBDIVISIONS

### SECTION 1 – PRE-APPLICATION REVIEW

- A. The Pre-Application Review step is optional, but strongly recommended. If the Developer elects to appear for a Pre-Application Review, the Developer applicant shall file with the County Planning Office his declaration and application (Appendices 1A and 1) for development approval. The request to be placed on the Planning Commission agenda shall be filed no later than the first Monday of the month to be heard at the next regularly scheduled meeting of the Planning Commission. If the first Monday falls on a holiday, the filing deadline is extended to the next business day. The applicant shall submit to the Planning Commission through the County Planning Office a conceptual drawing, or sketch plat, showing the boundaries of the proposed development, its relationship to surrounding properties, natural features on the site and surrounding area, and the proposed streets and lot pattern, and the proposed types of land uses planned. The sketch must also include topography. The conceptual drawing shall illustrate the entire proposed development and illustrate all phases of the development. The applicant must state his intentions regarding development or improvement of private or public roads. The purpose of this step is to provide the Developer the opportunity to consult early and informally with the Planning Staff and Planning Commission before preparation of a site plan or preliminary plat and to make the Planning staff and the applicant aware of potential problems involving the proposed development. After review by the Planning Staff, the applicant must meet with the Planning Commission to discuss in detail the proposal.
- B. Within two weeks of receiving application for site plan approval, the County Planning Department will place a conspicuous sign in a clearly visible spot on or near the property to be developed that will declare the nature of the planned development and the date and time upon which the Developer will appear before the Planning Commission.
- C. The condition of the county road system in the vicinity of the proposed subdivision will be subject to review by the County Engineer. The review may require a site inspection by the County Engineer, the Developer, and the Developer's agent. The Developer may be required to grant additional right-of-way and/or improve existing county roads connecting to or serving the proposed subdivision. Any such improvements shall be negotiated with the County Engineer, Road Manager, and County Supervisor for the District prior to the Preliminary Plat approval conference with the Planning Commission.
- D. The Developer shall consult with other agencies having an interest in the development--County Health Department, County Solid Waste Department, environmental regulatory agencies, and all utility providers--to determine the availability of services and compliance with regulations of those agencies.
- E. The Developer shall provide the names and addresses of all owners of all adjacent property to the county planning department. The developer shall notify those property owners by certified mail, dated no later than 10 days prior to the meeting, of the date of the Developer's appearance before the Planning Commission. Proof of notification shall be furnished to Lafayette County.
- F. Prior to the approval of the preliminary plat, the Developer and the financial institution providing financing for the general improvements within the Development shall enter into a Development Agreement with the County providing that the financial institution will be subject to any applicable bonds, letters of credit or other posted security, agree to provide all necessary financing for the completion of the Development improvements in accordance with the applicable County specifications, including road improvements and related infrastructure.

## SECTION 2 – PRELIMINARY PLAT APPLICATION REVIEW PROCEDURE

- A. After the pre-application review has been completed, the application and the application fee for Preliminary Plat approval of subdivision must be filed no later than the first Monday of the month to be heard at the next regularly scheduled meeting of the Planning Commission. If the first Monday falls on a holiday, the filing deadline is extended to the next business day.
- B. If the Developer applicant elects to skip the Pre-Application Review step, then all applicable provisions of Article III Section 1 must still be satisfied.
- C. The Developer shall submit to the Planning Department no later than the deadline in Article III, Section 2, Paragraph A:
1. Application form (Appendix 1C).
  2. Filing fee (See Article VII, Section 1).
  3. Twelve (12) copies of the preliminary plat, drawn to scale of 100 feet to the inch conforming to the requirements of paragraph III.2.C.
  4. Two (2) copies of construction plans (see Appendix 4) and technical specification.
  5. Completed preliminary plat approval checklist form (Appendix 3) and supporting documents.
  6. Any variance requests, in written form only.
  7. The developer shall conduct a traffic impact study and provide a report to the Planning Department for a Subdivision having more than 50 lots.
  8. The Professional Surveyor or Engineer who prepared the subdivision plat or who represents the firm must be present at the Planning Commission Meeting.
- D. Preliminary plats shall be at a sufficient scale to allow the entire development (including all phases) to be shown on a "D" size plot (24" x 36"). Minimum data required for the preliminary plat and any accompanying documents should include the following.
1. Boundary lines: Bearings and distances along perimeter boundary and lot lines and mathematical closure of survey.
  2. Proposed lot lines, lot numbers, and lot layout for the subdivision.
  3. Easements: Location, bearings and distances if not parallel with lot lines, width, and purpose.
  4. Streets: Location of all existing and proposed streets, alleys or access easements with dimensions, right-of-way widths and street names within the proposed subdivision and the names of adjoining street names or numbers.
  5. Vicinity map at a minimum scale of one (1) inch equals one thousand (1,000) feet showing location of the site for the proposed subdivision.
  6. Minimum building setback lines.
  7. Proposed use of all land in the subdivision including any reserved areas for parks, playgrounds or other public usage and the acreage.
  8. Watercourses and marshes shall be shown with notation regarding Corps of Engineers jurisdictional determination under Section 404 of the Clean Water Act.
  9. Existing houses and other significant features shall also be shown.
  10. Flood level information showing contours for "100 Year Frequency Flood Elevations" and "Floodways" if any part of the proposed subdivision lies within a flood plain. Plat must contain a statement that 100 year flood frequency contour is not involved with development. Information on Plat will adhere to Appendix 12 Flood Insurance Ordinance.
  11. Title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, graphic scale, north arrow (true north), mean sea level (msl) datum, benchmarks, and date of survey.
  12. The Developer's Engineer shall delineate any wetlands, as defined by the U.S. Corps of Engineers that are within the platted area and if so, the Developer will ensure that the development complies with all appropriate state or federal regulations pertaining thereto.
  13. Proposed utilities: Line sizes, approximate invert elevations (where approximate), and cross sections of principal drainage ditches.

14. Construction plans and technical specifications for required improvements prepared in accordance with "Article III - Design Standards" and "Article IV - Minimum Required Improvements" shall be considered a part of the Preliminary Plat.
  15. The names of all adjoining subdivisions and the names of recorded owners of adjoining parcels.
  16. Conformity with "Minimum Standards," as promulgated by the Mississippi State Board of Registration for Professional Engineers and Land Surveyors.
  17. Engineer and Surveyor certifications as set forth in Section 3 F.
- E. During the Planning Commission regular meeting, the Planning Commission will review the required formal documents and any other material submitted for conformity to these regulations, and negotiate with the Developer changes deemed advisable and the kind and extent of improvements to be made in the proposed development. After such review and negotiation, the Planning Commission, by a vote of the quorum present, shall express their approval or disapproval of the proposed development. If approved, the minutes shall record the approval and any conditions of such approval. If disapproved, the minutes shall record the disapproval and the reasons therefore.
  - F. Whenever the Planning Commission grants Preliminary Plat Approval, the County Planner will submit a request for approval of the same at the next regular meeting of the Board of Supervisors.
  - G. The action of the Planning Commission and any conditions thereof shall be noted in the official minutes of the Planning Commission and on copies of the Preliminary Plat. Two (2) copies of the plat shall be returned to the Developer and six (6) copies retained by the Planning Commission for distribution.
  - H. Preliminary approval of the development does not constitute any final approval, nor shall any documents (such as preliminary plat, site plan, or master document) be recorded in the Lafayette County Chancery Clerk's office. No lots or units shall be sold or recorded until Final Plat approval by the Board of Supervisors has been granted and any conditions thereof have been satisfied. (See Section 3, below.) Preliminary approval of the development by the Planning Commission shall constitute authorization for the Developer to proceed with construction of the proposed improvements subject to inspection by the County Engineer and/or other designated representative of the County or agencies which have a lawful interest in the development. All construction shall be done in conformance with the approved formal documents.
  - I. Preliminary approvals granted by the Planning Commission and the Board of Supervisors are valid for two (2) years from the date of approval by the Board of Supervisors. If construction of the proposed improvements is not completed and final approval requested within that time, the Developer must resubmit to the Planning Commission for preliminary approval or request in writing an extension of the preliminary approval. Extensions may be granted for a period not to exceed six (6) months and no more than two extensions will be granted per development.

### SECTION 3 – FINAL APPROVAL

- A. After Preliminary Plat approval has been granted, twelve (12) copies of the proposed final plat must be filed no later than the first Monday of the month to be heard at the next regularly scheduled meeting of the Planning Commission. If the first Monday falls on a holiday, the filing deadline is extended to the next business day.
- B. All documents and covenants submitted for final approval shall conform substantially to the documents given Preliminary Plat approval. If desired by the Developer, the proposed Final Plat may constitute only that portion ("phase") of the approved Preliminary Plat, which he proposes to record and develop at the time, provided that such portion conforms to all requirements of these regulations.

- C. The Developer shall also submit for review declarations, restrictions, and covenants that set forth the Developer's legally binding commitments concerning the type of development to be built and include provisions for maintenance of common areas during construction of the development by the Developer and, after the development is completed, by an owners association. It shall also set forth how the Developer conveys the responsibility for common areas and prescribe the financial means for supporting future upkeep of all areas of collective benefit. Such provisions shall be in conformity to the provisions set forth in Appendix 9, hereto.
- D. It shall be the duty of the Planning Commission to examine the Final Plat to be certain that it conforms to existing streets, drainage and utility systems and that all conditions set forth on the preliminary plat have been satisfied, including any conditions established by the Planning Commission. After review and approval of the Final Plat by the Planning Commission, the Plat shall be forwarded to the Board of Supervisors with a recommendation for approval.
- E. The Final Plat may be on several sheets accompanied by an index sheet showing the entire subdivision. The Final Plat shall be prepared at a scale of one (1) inch equals one hundred (100) feet and shall show the following:
1. Primary control points, or descriptions and "ties" to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
  2. Monuments, tract boundary lines, right-of-way lines of streets and easements and property lines of residential lots and other sites. Sufficient data to determine readily and reproduce on the ground any line on the map, including accurate dimensions, bearings, deflection angles and radii, acres, and central angles of all curves.
  3. All data shown on the approved Preliminary Plat.
  4. Location and description of boundary monuments.
  5. Title, graphic scale, north arrow (true north) and date.
  6. Declarations, restrictions, and covenants as required in Paragraph III.3.C.
  7. When covenants are not recorded on the final plat, the recording information showing book and page number(s) for Protective Covenants shall be shown on the Final Plat.
  8. If private roads are used in a subdivision a statement must be included on the final plat that states "All roads in this subdivision are private and will be maintained by the lot and homeowners of this subdivision. If at any time these roads are requested to be county roads they must be brought up to the county standards that are in place at the time of the request and paid for by the Owner. The roads would be inspected and if approved by County Engineer and Road Manager, then the request would be sent to the County Board of Supervisors for approval. This statement must also be included in all deeds for the sale of lots in the subdivision.
- F. In accordance with these regulations, the following Engineer's and Surveyor's Certificates shall be affixed to, sealed and attested to by the person or persons responsible for the design and surveying on the Final Plats:

Engineer's Certificate

It is hereby certified that this plat is true and correct, is in conformance with the design requirements of the Subdivision regulations and specific conditions imposed on this development, and takes into account all applicable federal, state and local laws and regulations.

By: \_\_\_\_\_ (Seal)(Date)  
Mississippi Certificate No. \_\_\_\_\_

Surveyor's Certificate

I hereby certify that this is a true copy of the plat was approved by the Board of Supervisors in session on \_\_\_\_\_ (Date)

By: \_\_\_\_\_ (Seal)(Date)  
Mississippi Certificate No. \_\_\_\_\_

#### Road Acceptance by County

The acceptance of the final plat by the Lafayette County Board of Supervisors does not constitute acceptance of the roads depicted on this plat for road maintenance purposes. Acceptance of the platted roads for maintenance purposes is a matter of separate Board action as set forth in the Lafayette County Subdivision Regulations.

- G. The Final Plat shall also provide for signatures of the President of the Board of Supervisors, the Chairman of the County Planning Commission, and the Chancery Clerk (attest).
- H. Final approval shall not be granted by the Planning Commission or the Board of Supervisors until the Developer has made full provisions for sewer service under the requirements of this standard. Where applicable, the Developer shall place the required declaration (see Article V, Section 5, Paragraph D.) on the Final Plat or shall complete construction of the sanitary sewer system and provide the County Planning Department with a copy of a permit to operate from DEQ, or provide a letter certifying that a certified utility is providing sewer service.
- I. Final approval shall not be granted by the Planning Commission or the Board of Supervisors until the Developer has done one (1) of the following:
  - 1. Completed construction of all improvements (excluding sewer as described in Paragraph III.3.H above) in accordance with Article III and Article IV as approved on the Preliminary Plat, or
  - 2. Posted a bond complying with the following procedures and conditions:
    - a. The Developer shall sign an agreement (Appendix 7) with the Board of Supervisors agreeing to install or provide the required improvements and shall file a bond with the Board of Supervisors in the amount of 1.15 times the cost of improvements as described below. The costs of improvements will be based upon a construction cost estimate provided by the Developer's Engineer with concurrence from the County Engineer. The agreement and bond shall be sufficient to secure the construction of the required improvements listed in this Article and approved on the Final Plat in a satisfactory manner and within a period specified by the Board of Supervisors, such period not to exceed two years, unless the Board, in its discretion, agrees to extend the time for completion of the required improvements an additional one year period. No such bond shall be accepted unless it is enforceable by or payable to Lafayette County in a sum at least equal to the amount specified in the agreement and in a form with surety and conditions approved by the Attorney for the Board of Supervisors. The surety on the bond shall provide written acknowledgement that the bond shall not be cancelable unless and until the County provides written notification to the surety that the infrastructure improvements to which the bond applies have been satisfactorily completed. When the Developer's Engineer does not estimate the cost of improvements, the County Engineer shall determine the amount of the bond.
    - b. The Developer may provide an irrevocable letter of credit (LOC) in lieu of a bond. In that event, the Developer shall make adequate arrangements to maintain the LOC until such time the County Engineer determines the infrastructure improvements have been satisfactorily completed within two years.
      - (1) In the event the LOC contains a date of expiration, the Developer shall provide a written and timely report to the Planning Commission on the status of all infrastructure improvements on or before ninety (90) days prior to the expiration of the LOC.
      - (2) If, in the opinion of the County Engineer, the Developer fails within said time period, to provide either: a) a renewal LOC or b) reasonable assurances that the infrastructure improvements will be timely and satisfactorily completed, the County Engineer will recommend that the County take all steps to call the LOC and require the payment of the funds secured by the LOC to the County which shall deposit the funds in an account as security for the satisfactory completion of all improvements by the developer.

- c. All subdivision road improvements shall be completed with the final lift (for a minimum total thickness of three [3] inches of hot mix asphalt) within two years from the recording of the approved Final Plat.
  - d. All road bond amounts approved by the County Engineer shall automatically increase by five percent (5%) each year at time of renewal, beginning with the first bond renewal.
  - e. The Board of Supervisors reserves the right to allow the City of Oxford to bond and provide inspections on the construction of improvements within the utility service areas of the City of Oxford and waive such bonding to the County, except that the Board of Supervisors shall require warranty bonding on the streets proposed for acceptance by the County.
  - f. Developers shall submit a plan for a construction vehicle entrance to be used for all construction vehicle ingress in order that adjoining roads will not be damaged and/or the developer shall be required to post bond for potential damages to existing roads. In new subdivisions, where access to proposed lots is through an existing subdivision and where a new street or road is also proposed which connects the subdivision to an existing county road or state highway, the Developer shall utilize the new street or road connecting to the county road or state highway for all construction vehicles during the period of construction of all improvements within the subdivision. The Developer shall install and maintain signs at the connection point of any new street or road within the subdivision to existing streets or roads within any adjoining subdivision. Such signs shall read "ALL CONSTRUCTION VEHICLES MUST USE CONSTRUCTION ENTRANCE". A sign shall also be installed and maintained at the connection point of the subdivision with such county road or state highway which reads "CONSTRUCTION ENTRANCE". At the time of sale of any lot, the Developer shall notify the purchaser that all construction vehicles shall use the construction entrance for construction of any building within the subdivision. The Developer shall continue to maintain such signs and notify purchasers of the construction vehicle requirement until such time as 90% of the lots within the new subdivision are sold. Failure to comply shall result in suspension of building permits to either violator, the developer or the lot owner, and/or the requirement of additional road bonds on existing streets, roads, etc. other than construction of the new subdivision roads.
3. Street names and traffic signs to be installed prior to Final Plat Approval and verified by County Planner or County Engineer by signed statement.
- J. Prior to Final Plat approval and submission of any required bond, no lots shall be conveyed by the Developer and no building or related permits shall be issued.

#### **SECTION 4: FINAL PLAT RECORDING PROCEDURE:**

- A. Following the granting of final approval by the Planning Commission and the Board of Supervisors, the Developer shall submit to the County Planning Office an original copy of the approved Final Plat containing all of the necessary signature blocks, certificates, and seals as specified Article II, Section 3. D., along with any agreements, covenants, and bonds and an attorney's certificate of title certifying title to the land subdivided valid as of the hour and day of recording. Original copies shall be drafted or reproduced on a stable base 4 ml. double matte drafting film. A digital copy shall be provided to the County Planning department in a format approved by the County Planner.
- B. The County Planning Staff will collect the signatures of the Chairman of the Planning Commission and the President of the Board of Supervisors.
- C. The Plat shall not be recorded until the Chancery Clerk has ascertained that all requirements above have been met, all fees pertaining to the application and filing process have been paid, and the Chancery Clerk attests approval together and records the date of the Final Plat approval by order of the Board of Supervisors.

- D. The Planning Department shall retain eight (8) prints. Six (6) of these prints shall be distributed with one (1) print each to the County Health Department, Lafayette County Ambulance Service, County Fire Department, Tax Assessor, Sheriff Department; and County Maintenance Department. Two (2) copies shall be retained by the planning Department.

#### **SECTION 5: ACCEPTANCE OF ROADS**

- A. All construction of roads and related infrastructure shall be guaranteed for a period of one (1) year after acceptance by Lafayette County, subject to normal wear and tear. A maintenance bond shall be required in order to assure the satisfactory condition of the required improvements. The maintenance bond shall continue to be in effect for a minimum of one (1) year after the date of acceptance of the subdivision roads. The County may require additional one (1) year maintenance bond if Lafayette County deems the additional year necessary.
- B. For a phased subdivision where the Developer does not provide a construction entrance for subsequent phases, the County may require that the maintenance bond continue to be in effect for one year beyond completion of 75% of said lots in subsequent phases. The County may also require that the amount of the maintenance bond be increased based upon the recommendation of the County Engineer.
- C. When all of the required improvements have been constructed, including traffic safety and E911 signs, the Developer shall contact the County Engineer and County Road Manager for a final inspection and shall provide in writing certification from the Developer's Engineer that the final improvements have been installed according to County specifications. The County Engineer and County Road Manager shall inspect the subdivision roads and make a written report, a copy of which is to be provided to the Developer and the Board of Supervisors.
- D. Upon the recommendation of the County Engineer and the County Road Manager for road acceptance, the County Planner will present a request to accept the roads to the Board of Supervisors. Once the Board of Supervisors votes to accept the roads and the acceptance is recorded in the official minutes of the Board of Supervisors, the county will become responsible for maintenance.
- E. The maintenance bond will be released by order of the Board of Supervisors when the subdivision receives an approved final inspection report from the County Engineer and/or Road Manager, on the designated road inspection. The Board of Supervisors on recommendation of the County Engineer and/or Road Manager may reduce liability on the bond as work progresses and after acceptance, the Board of Supervisors may reduce the bond to such amount as the County Engineer and/or Road Manager deems sufficient to guarantee performance of the warranty. The amount of the maintenance bond will be based on 20% of the cost of the work bonded and will be bonded for 1 year. This maintenance bond/letter of credit is to insure against major problems that could result in significant cost to Lafayette County for repairs. The bond/letter of credit is not for minor repairs such as potholes, but major problems that could result from failure of underground pipe, inlets, large asphalt failures due to poor workmanship or product failure. The maintenance bond may be called upon by the Board of Supervisors if it is determined by the County Engineer that the repairs are considered significant or the total dollar aggregate for "minor" road repairs exceeds One Thousand Dollars (\$1,000) for the one year period.

#### **SECTION 6 – APPEAL PROCEDURE**

If the Planning Commission does not approve a preliminary or final plat, the Developer may appeal to the Board of Supervisors. The Developer shall submit a written request for appeal to the Lafayette County Planning department no more than ten (10) working days after the adverse decision. The written request shall clearly explain the reason for the appeal and provide sufficient documentation to allow the Board of Supervisors to fully consider the merit of the appeal.

#### **SECTION 7 – BUILDING PERMITS**

- A. All Developers or Builders shall obtain a building permit from the County Planning Office for any new construction in the unincorporated areas of the county which lies within platted subdivision subject to the provisions of Article III. No Building Permit is required for agricultural buildings or for buildings being built by the owner for his exclusive use.
- B. Building Permits for one and two family residential structures shall be issued only to Residential Contractors or Commercial Contractors licensed by the State of Mississippi and listed on the roster of the Mississippi Board of Contractors. (Note: Residential structures with three or more family units require a Commercial Contractor License. See Article II, Section 3, Paragraph B.)
- C. Plumbing and electrical subcontractors listed on the building permit application by the general contractor shall be licensed by any jurisdiction in the State of Mississippi. (Note: See Article VII, Section 4 for exception to the licensing requirement.)
- D. Contractors must have portable restroom facilities available at the job site.
- E. Hard-wired smoke alarms shall be installed in all residential units.
- F. House street numbers must be displayed to be visible from the road.
- G. Copy of Building Permit Work card must be displayed in front yard.
- H. Before the building permit can be issued and before building slab or conventional foundation is installed, setback lines must be staked by the developer/lot owner's engineer or surveyor for front, side and rear yards; right of way and property lines must be clearly identified. Once setbacks are staked, Lafayette County Planning office must be given significant notice and perform an inspection prior to slabs, foundation, etc. being installed. Planning Office Representative will leave an inspection report at the building site and furnish a copy to Lafayette County. Once the copy is received by Lafayette County, the developer can apply for a building permit. Failure to obtain an inspection could result in a citation or disciplinary action.
- I. Construction shall start with the pouring of footings within ninety (90) days from the date the permit is issued. A new permit must be applied for in the event construction is not commenced within ninety (90) days of the date of issuance.

#### **SECTION 8 – BUILDING CODES**

- A. All structures constructed within a subdivision subject to the Lafayette County subdivision regulations shall conform to and be subject to inspection under the Residential Building Code as adopted by the Lafayette County board of Supervisors.
- B. Any owner or builder of a residential structure which does not fall within the scope of, and is not governed by, the Lafayette County subdivision regulations may voluntarily submit a residential structure for inspection and review for compliance under the Residential Building Code adopted by the Lafayette County Board of Supervisors.

## ARTICLE IIIA: APPROVAL PROCESS FOR MANUFACTURED HOUSING DEVELOPMENTS

**SECTION 1 - MANUFACTURED HOUSING DEVELOPMENT:** Manufactured Housing Developments shall conform to the following minimum standards; however, the Review Authority may impose other and more restrictive requirements. All Manufactured Home Developments formally approved prior to the effective date of this Ordinance shall be considered grandfathered. However, if an existing Manufactured Home Development desires to add on or increase density, it shall comply to all ordinances and regulations as specified herein.

- A. Minimum Lot Size: Manufactured Housing Development shall have a lot size for each units as follows:

<u>Proposed Development with:</u>	<u>Minimum Lot Size:</u>
Individual Wells and Septic System	30,000 sq. ft.
Community/Public Water and Septic System	21,000 sq. ft.
Community/Public Water Sewer and Well	12,000 sq. ft.
Community/Public Water and Public Sewer	10,000 sq. ft.

Note: Additional acreage may be required by the Lafayette County or Mississippi State Health Department to accommodate sewage disposal.

- B. Coverage: The manufactured home and accessory structures shall not cover more than sixty-five (65) percent of the space area.
- C. Minimum yards: Minimum yard setbacks for individual spaces shall be five (5) feet on all sides, except for any side or rear yard abutting the project property line, in which case the minimum yard setback shall be ten (10) feet.
- D. Projection into yard: the following structures may be erected or project into any required yard setback:
1. Eaves, stairways and awnings not to exceed one (1) foot.
  2. Landscape elements including trees, shrubs, and other plants, except hedges, provided that such landscape feature does not hinder the movement of the manufactured home in or out of its space
  3. Manufactured home tongue or hitch.
  4. Necessary appurtenances for utility services
- E. Skirting: Spaces beneath manufactured homes shall be enclosed with architecturally harmonizing skirts or by a combination of skirts, decks and grading with ventilation and access in accordance with Mississippi State law.

F. Height:

1. Manufactured Homes: Twenty (20) feet; or
2. Accessory use structures: Two (2) story or thirty (30) feet maximum, whichever is less.

G. Parking:

1. Occupant Spaces: Two (2) parking spaces per dwelling unit, which may be tandem spaces.
2. Visitor spaces: One (1) for each four (4) manufactured homes.

H. Setback and landscape buffer will be 30 feet to all adjoining property owners and within this 30 foot setback and buffer existing trees will be retained or new trees will be planted along perimeter and shown on the site plan, a six foot high fence may be installed where screening is necessary. Required screening will be designed to achieve an opacity sufficiently commensurate with the density of the vegetation which existed prior to site development or in order to enhance compatibility with surrounding uses. The front, side and rear setback to the building will be 30 feet which can be penetrated by drives; and parking may be allowed in the setback 10 feet from the property line.

I. Recreation Area:

1. Fifteen (15) percent of total park area or seven hundred (700) square feet per space, whichever is less shall be devoted to recreational areas and facilities, excluding any buffer requirements. Use of such facilities shall be limited to park residents. All recreational areas and facilities shall be completed prior to park occupancy; except as approved by the Planning Commission in a phasing program.
2. No recreation area shall be less than three thousand (3,000) square feet in area and total recreation area for any park shall not be less than six thousand (6,000) square feet in area.
3. For parks with children, a total of a minimum twelve hundred (1,200) square feet in area equipped with play apparatus shall be provided for each twenty-five (25) spaces and shall be credited to the area required under Subsection 1 above.
4. All recreation areas shall be landscaped or planted in lawn and included in the landscape plan.

J. Access:

1. All streets shall be designed in accordance with Article IV, Design Standards for Subdivisions.
2. Street signs shall be provided for all public streets.
3. Circulation: All manufactured home park developments shall complement adjoining, existing or contemplated vehicle circulation patterns. All manufactured home park developments may be required to dedicate land adjoining public roads to the County for road widening purposes. Improvements of the same to County standards may be required by the Planning Commission to offset the burden placed on the public by the generation of new traffic.

K. Utilities: All utility distribution facilities shall comply with the requirements of this Subsection and shall make the necessary arrangements with each of the serving utilities for the

installation of such facilities. Water and sewer distribution facilities shall be installed in conformance with applicable utility specifications. All manufactured home spaces must be served with water, sewer, and electricity, and comply with Local, County, State and Federal Requirements.

- L. Trash Storage: A centralized refuse and trash storage pad made of 6" concrete shall be provided and be readily accessible to all manufactured home spaces and County Waste management vehicles. Trash storage areas shall be concealed from any public and private street and enclosed by a six (6) foot solid wall of fence. Dumpster Pad requirements are at the Lafayette County Planner's office.
- M. Landscaping: The Landscaping Plan shall include as a minimum the following:
  - 1. Planting areas drawn to scale and plants clearly located and labeled. A plant list shall include the following:
    - i. Common name of trees and shrubs to be used.
    - ii. Size to be planted (gallon size).
    - iii. Quantity of each.
  - 2. Location, name and size of all existing trees and shrubs that are to be incorporated as part of the landscape plan.
  - 3. Irrigation facilities are encouraged to maintain plant materials at all times. Use of automatic watering systems is encouraged to facilitate maintenance. Hose bibs shall be located within serviceable proximity to every planter where fixed and/or automatic water systems are not employed.
  - 4. A continuous maintenance program shall be provided by the developer for the landscaped areas. The plan shall include repair or replacement as needed for the life of the development.
  - 5. All approved landscaping shall be installed or financial assurance provided to the County in an amount sufficient to fund the total cost of the required landscaping.

## **SECTION 2 - GENERAL PROVISIONS:**

- A. The owner or operator of the Manufactured housing Developments shall be responsible for maintaining compliance with all sections of County, state and of other pertinent laws and regulations pertaining to the use, operation, and maintenance of such Manufactured Housing Developments. Nothing contained in this Article shall be construed to abrogate, void or minimize such other pertinent regulations.

**SECTION 3 - APPLICATION REQUIREMENTS:** A site plan shall be submitted with the permit application, which shall comply with all requirements of Article II and applicable sections of Article III, and Article IV.

- (a) A title as selected by the park developer

- (b) Name and address of the legal owner of the property, park developer, and civil engineer or licensed land surveyor or person who prepared the map.
- (c) Topographic contours showing accurately the existing terrain within the park and a minimum of one hundred (100) feet on all sides.
- (d) Approximate finished grade contours of all proposed roads, existing drainage channels, culverts, overhead and underground utility lines, wells and springs, major structures, irrigation ditches, utility poles and other improvements in their correct location.
- (e) Minimum mapping requirements:
  - 1. Shall be drawn to an engineer's scale of one (1) inch equals fifty (50) feet or larger.
  - 2. Contours may be omitted when the lines fall closer than ten (10) contours per inch, provided that all contours at the bottom and top of slope changes are shown. In no event shall the heavy contours be omitted.
  - 3. On comparatively level terrain where contours are more than one hundred (100) feet apart, the contours may be omitted and spot elevations substituted. Additional spot elevations shall be shown at intervals along the center of dikes, roads, and ditches at summits, depressions, saddles or at other existing permanent installations.
  - 4. When the map contains more than one (1) sheet, the sheets shall be indexed to show the relative position of each sheet.
- (f) The site plan shall also show all requirements of the Commercial Site Plan Check List.

## **ARTICLE IIIB: RECREATIONAL VEHICLE DEVELOPMENTS**

**RECREATIONAL VEHICLE DEVELOPMENTS:** Recreational Vehicle Developments (RV Developments) shall conform to the following minimum standards:

A site development plan must be prepared and submitted in accordance with **ARTICLE II** and applicable sections of **ARTICLE III** and/or **ARTICLE IV**.

### **SECTION 1 – LOCATION AND FENCING:**

An opaque fence at least eight (8) feet in height must be placed on the property line to buffer the RV Development from view. The fence shall be installed on both sides and at the rear of the property. The fence must be of metal or galvanized materials. No wood fences are allowed.

### **SECTION 2 – SIZE AND DENSITY:**

Each RV Development must have a minimum size of two (2) acres, with a maximum of five (5) acres. The maximum site density for RV Developments shall be twenty (20) sites per acre. Only one (1) recreational vehicle is permitted per recreational vehicle site.

### **SECTION 3 – SIZE OF INDIVIDUAL SITES; PAD REQUIREMENTS; LANDSCAPING:**

- (a) Each recreational vehicle site within the RV Development shall have a minimum area of one thousand nine hundred fifty (1,905) square feet and shall be at least thirty (3) feet wide and sixty-five (65) feet in depth. The sites shall be designed as pull-through for ease of entering and leaving the site. A roadway is therefore required to the front and rear. In addition, the space shall be clearly marked identifying the space number.
- (b) The left 1/3 (10 x 65) of the site or driver's side must be planted with grass and other landscaping; the middle (10 x 65) must be paved with cement and the remaining 1/3 or passenger side can be paved with either cement, asphalt, crushed rock or similar material. The middle portion is to be used for the parking of the recreational vehicle with the paved area on the right used as a parking or patio area.

### **SECTION 4 – STREET ACCESS; STREET LIGHTING:**

- (a) Each recreational vehicle site within the RV Development shall have access to an internal private roadway, which shall have access to a public street. The entrance of the internal roadway shall have a pavement width of at least thirty (30) feet with an adequate curb radius. The major thoroughfare shall have a pavement width (concrete or asphalt) of twenty-four (24) feet in accordance with County standards, as per **ARTICLE III** and **ARTICLE IV**. The roadway may be fifteen (15) feet if the RV Development is designed for one-way roads. Each emergency access lane shall have a clear unobstructed width of twenty-four (24) feet; fifteen (15) feet if one-way and shall have a turning area and radii with a minimum of sixty (60) feet to permit free

movement of emergency vehicles. Dead-end streets are not allowed. The internal streets off the major thoroughfare may be constructed with crushed rock materials or similar material with the objective to prohibit dust.

- (b) Metal signs shall be placed along the emergency access lane, by the owner or agent of the RV Development stating that parking is prohibited. The sign type, size, height and location shall be approved by the County.
- (c) Adequate street lighting for the RV Development shall be approved by the County.

#### **SECTION 5 – REQUIRED FACILITIES:**

Each RV development must have an office for the manager of the RV Development, and a bathroom and shower facilities. All facilities used by residents must be well lit inside and out during the night hours. All facilities must meet applicable codes.

#### **SECTION 6 – SOIL AND GROUND COVER:**

Exposed ground surfaces in all parts of the RV Developments shall be paved, covered with stone, rock, or other similar solid material, or protected with vegetative cover that is capable of preventing soil erosion and eliminating dust.

Note: All pavement shall be kept in good repair.

#### **SECTION 7 – PROHIBITED PLACEMENT OF RECREATIONAL VEHICLE:**

The placement of a recreational vehicle for occupancy longer than sixty (60) consecutive days shall not be permitted. However, if there is an extenuating economic hardship, then the affected occupant can apply for an extension with the Planning Commission and Board of Supervisors. The hardship will be considered based on the facts submitted for the appeal.

#### **SECTION 8 – DRAINAGE AND ROAD CONSTRUCTION:**

All construction shall be in accordance with ARTICLE III and ARTICLE IV. The ground surface in all parts of the RV Development shall be graded and designed to drain all storm water, surface water in a safe, efficient manner. Drainage analysis shall be performed by a licensed professional engineer and easements for the conveyance of surface water off-site shall be obtained, if necessary. Drainage calculation shall be submitted as required by ARTICLE V, Sections 6, 7, and 8.

#### **SECTION 9 – WATER SUPPLY:**

Each site within an RV Development shall be provided with a connection to a public water supply if available. If public water supply is not available then a permit from the Mississippi Department of Health shall be obtained to install a well, and distribution system of adequate size and capacity to serve the RV Development. The County must approve all proposed water facility plans prior to construction. The water distribution system shall be installed in accordance with the public water association and Mississippi State Health Department requirements.

#### **SECTION 10 – WASTEWATER FACILITIES:**

Each site shall have an approved wastewater system as approved by the Lafayette County or Mississippi State Health or Mississippi State Department of Environmental Quality, as per ARTICLE IV, Section 5.C and Section 5.D

#### **SECTION 11 – SANITARY FACILITIES:**

- (a) Each RV Development shall provide the following sanitary facilities as required by MISS Code Ann Section 41-67-3 or/as listed below:
  - 1. A minimum of 1 toilet, 1 lavatory, and 1 shower for each sex shall be provided for each 15 unsewered campsites up to the first 30 such campsites. For each additional thirty unsewered sites or less, an additional toilet, lavatory, and shower shall be provided for each sex.
  - 2. A minimum of 1 toilet, 1 lavatory and 1 shower for each sex shall be provided for each 50 sewerd campsites.
  - 3. One (1) washbasin shall be provided within the toilet room for every two (2) toilets or fraction thereof (a minimum of one (1) is required).
  - 4. One (1) shower shall be provided for each sex for each twenty (20) sites or fraction thereof (minimum of one (1) is required for each sex) for the first one hundred and twenty (120) sites, and one (1) per forty (40) sites thereafter.
  - 5. All toilets and shower facilities shall be placed in properly constructed buildings and located not more than five hundred (500) feet from any recreational vehicle site.
  - 6. Buildings shall be well lit at all times, day or night, well ventilated with screened openings, and constructed of moisture proof material to permit rapid and satisfactory cleaning, scouring and washing.
  - 7. The floors shall be of concrete or other impervious material, elevated not less than four (4) inches above grade, and each room shall be provided with floor drains.
  - 8. A slop sink or basin with water supply shall be in each restroom (male and female) and at least one (1) in the laundry facility, and shall be constructed in accordance with design, size and materials approved by the building official.
- (b). Toilet and bathing facilities shall be in separate rooms or partitioned apart in any manner as to provide privacy and promote cleanliness. Each toilet provided in a community toilet house shall be partitioned apart from any other toilet in the same room. The floor surface around the commode shall not drain into the shower floor.
- (c) Toilet floors and walls shall be of impervious material, painted white or a light color, and kept clean at all times. If a shower stall is of some impervious material other than tile, cement or plaster, it shall be white or some light color and kept clean at all times. The floor of any bathroom, other than the shower stall, shall be of some impervious material, and the walls of the bathroom, other than the shower stall, shall be papered with canvas and wallpaper, or an equivalent washable surface kept clean at all times.

**SECTION 12 – STORAGE, COLLECTION AND DISPOSAL OF REFUSE AND GARBAGE:**

Each RV Development shall be provided with safe and adequate facilities for the collection and removal of waste and garbage. Storage, collection, and handling shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, or fire hazards. Every site shall be located within two hundred (200) feet of a refuse facility measured along the RV Development internal roadway. Trash dumpsters shall be screened on three (3) sides. Dumpster pad requirements are available at the Lafayette County Planner's office.

**SECTION 13 – ACCESSORY STRUCTURES:**

The individual sites within the RV Development are not allowed to have accessory structures as defined herein.

**SECTION 14 – CONTROL OF INSECTS, RODENTS AND OTHER PESTS:**

The RV Development owner or manager shall be responsible for maintaining the entire area of the development free of dry brush, leaves, limbs and weeds.

**SECTION 15 – FIRE SAFETY STANDARDS; FIRE HYDRANTS:**

Open fires shall be allowed only in a manner and within a container approved by the Lafayette County Fire Chief/Coordinator.

**SECTION 16 – CHANGE OR OWNERSHIP OF GRANDFATHERED RV DEVELOPMENT:**

Upon change of controlling interest of a grandfathered RV Development the new owner shall immediately bring the existing RV Development to meet the requirements of this ordinance.

## ARTICLE IV:

### DESIGN STANDARDS FOR SUBDIVISIONS

#### SECTION 1: STREETS AND ROADWAYS

- A. Unless specified elsewhere in this standard, the minimum setback for any county road is thirty (30) feet from the edge of the right-of-way, regardless of whether the road is shown on a platted subdivision.
- B. The Planning Commission shall review the street system for the proposed development and shall classify all proposed streets in one of the following categories:
1. Arterial Roadway: A major artery connecting existing county roads and extending as a through street through the subdivision.
  2. Collector: Streets that carry traffic from local streets to arterial roadways or existing State Aid routes and highways, including the principal entrance streets of the subdivision.
  3. Local: A street having a primary function of providing service and access to abutting land and not designated for high volumes of traffic but having sufficient width to serve occasional parking and traffic flow.
- NOTE: All Developments of more than three (3) lots, units or structures per acre including all phases, shall require curb and gutter and comply with all appropriate state classifications and regulations.

- C. Minimum street rights-of-way widths and building setbacks shall be as follows:

STREET CLASSIFICATION	TYPICAL SECTION TYPE	MINIMUM RIGHT-OF-WAY WIDTH	MINIMUM BUILDING SETBACK FROM ROW
Arterial	Road Ditch	80 Feet	40 Feet
Arterial	Curb & Gutter	80 Feet	30 Feet
Collector	Road Ditch	60 Feet	35 Feet
Collector	Curb & Gutter	60 Feet	30 Feet
Local	Road Ditch	50 Feet	30 Feet
Local	Curb & Gutter	50 Feet	25 Feet
Cul-de-Sac	All	100 Feet	35 Feet

- D. In the event that the subdivision is being platted along an existing county road, the Board of Supervisors may require the dedication of additional right-of-way in order that the right-of-way of the existing road may be increased to the standards as specified in this ordinance. The dedication of additional right-of-way shall be limited only to the side of the road that the proposed development abuts, and then only to the extent that one-half ( $\frac{1}{2}$ ) of the right-of-way needed to bring the total right-of-way to the specified standard shall be dedicated. In the event that a development abuts both sides of an existing road or highway, then the total additional right-of-way necessary to bring such road or highway to the specified standard shall be so dedicated. Where a subdivision borders on and/or connects to an existing narrow road not meeting the design standards of Article IV, the Developer shall be required to improve and dedicate at its expense those areas for widening and/or realigning that road.
- E. The arrangement of streets in a development shall either: (a) provide for the continuation of existing principal streets in surrounding areas and for any streets or roads shown on the Transportation Plan for Lafayette County, or (b) conform to a plan for the neighborhood as a whole that has been devised to meet an unusual situation such as topography or other

conditions that make continuation of existing streets impractical. Such a neighborhood plan shall be prepared by the Developer and shall be submitted for approval to the Planning Commission. For emergency situations, all developments with more than thirty-three (33) lots shall have more than one (1) location of ingress and egress from an existing collector road.

- F. Roads shall be laid out appropriately to the topography and shall be designed wherever possible to enhance lot appearance. All streets shall be arranged so as to obtain as many building sites as possible at, or above, the grades of streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
- G. When tangent street lines deflect from each other at any point by more than three (3) degrees, they shall be connected by a curve with a radius sufficient to insure an adequate sight distance, or of such radii as determined for special cases. Minimum sight distance for streets shall be as follows:

STREET TYPE	MINIMUM SIGHT DISTANCE (FEET)
Arterial Roadway	600 Feet
Collector	300 Feet
Local	200 Feet

- H. No trees or shrubs will be permitted to be planted in the right of way in a manner that interferes with maintenance, proper drainage, or obstructs vision required for public safety.
- I. Street jogs with centerline offsets of less than one hundred fifty (150 feet) shall be avoided.
- J. A tangent of at least one hundred (100) feet shall be introduced between reverse curves on collector streets. Horizontal curves on collector streets shall have a minimum of a two hundred fifty (250) feet radius computed from the centerline. Horizontal curves on local streets shall have minimum of one hundred (100) foot radius computed from the centerline.
- K. Streets shall be laid out so as to intersect as closely as possible at right angles, and no street shall intersect any other street at less than seventy-five (75) degrees.
- L. Property lines at street intersections shall be rounded with a radius of fifteen (15) feet or of a greater radius when the Board deems it necessary. Comparable cutoffs or chords may be required in place of rounded corners. A comparable chord shall be considered a chord or line connecting the points of tangency of the radius it is replacing.
- M. Streets shall be striped along the shoulder unless the road is of curb and gutter construction.
- N. Half streets shall be prohibited, except in such cases where there exists a half street contiguous thereto. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted with such tract.
- O. Dead-end streets will be accepted under phased construction only based on an overall development plan. Temporary turnaround shall be provided for all dead-end streets that extend more than one lot in length. Temporary turnarounds shall have a minimum all weather surface of eighty (80) feet in diameter and three (3) feet gravel shoulders.
- P. Cul-de-sac streets may be provided if proper access is given to all lots from a dedicated street or roadway. All cul-de-sac streets shall terminate in a dedicated right-of-way space having a minimum radius of fifty (50) feet, or other satisfactory arrangement for turning vehicles. Cul-de-sac streets shall not extend more than twelve hundred (1200) feet from a through local street,

collector street, arterial roadway or highway. Roads coming off a highway or county road will not be considered to be a cul-de-sac if it is the primary ingress/egress to the development.

- Q. All proposed street names shall avoid duplication of other street names in Lafayette County unless the proposed street is obviously intended as an extension of another existing or proposed street, in which case the streets shall bear the same name. The applicant shall consult the E-911 Coordinator prior to planning to prevent duplication.
- R. All lots shall have at least one (1) driveway connected to a public road (existing or proposed as part of the development) for ingress and egress. An exception to this requirement to connect to a public right-of-way is allowed if the Planning Commission and the Board of Supervisors approve as part of overall master plan of development private roads per Paragraph IV.1.S. If a drainage structure is required, it must be placed and approved per Paragraph V.6.F.
- S. Private Roads are permitted provided they meet the following conditions:
  - 1. The roads are built to the same standards as public roads as contained in this standard,
  - 2. The perpetual maintenance is the responsibility of the lot owners and homeowners association, is properly documented (see Appendix 9), runs with the land, and
  - 3. Signs are posted at the entrance to the subdivision with private roads stating, "END OF COUNTY MAINTENANCE" or "BEGIN PRIVATE MAINTENANCE."
- T. Gated subdivisions are permitted provided that the roads are private as defined in Article IV, Section 1, Paragraph S, and that the Developer obtains a Gated Community Permit (Appendix 8).

#### **SECTION 2 - EASEMENTS**

- A. A drainage and/or utility easement, dedicated to the County, shall extend across the front of all subdivision lots and shall have a width of no less than ten (10) feet. All side lot lines shall have a drainage/utility easement extending five (5) feet on both sides of the lot line. Easements across rear lot lines may be included if deemed necessary by the Developer.
- B. Where easements intersect or sharp changes in alignment are necessary, corners shall be cut off sufficiently to permit equipment access as determined by the County Engineer.
- C. No buildings shall be permitted in easements.
- D. Any overhanging limbs, shrubbery, or vegetation of any kind may be removed from within the limits of easements at the sole discretion of the utilities installed or to be installed in or above the easements.

#### **SECTION 3 - BLOCKS**

- A. The lengths, widths, and shapes of blocks shall be determined with due regard to:
  - 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - 2. Needs for convenient access, circulation, control, and safety of street traffic.
  - 3. Limitation and opportunities of topography.
  - 4. Utilities.
  - 5. Drainage requirements.

#### **SECTION 4 - ALLEYS**

- A. All alleys shall have a pavement surface and structure thickness adequate to accommodate proposed traffic.
- B. The width of an alley in commercial and/or industrial areas shall be a minimum of eighteen (18) feet.

- C. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- D. Dead-end alleys shall be avoided where possible, but if permitted, shall provide a turnaround having an outside roadway diameter of at least ninety (90) feet and a right-of-way diameter of at least one hundred (100) feet. The Planning Commission may require a larger turnaround when it is deemed necessary to provide adequate turnaround space.

**SECTION 5 - LOTS**

- A. All subdivisions shall be surveyed and laid out in such a manner that each and every lot intended for sale shall front a public thoroughfare or private road as defined in Article IV.
- B. Lots shall have minimum setbacks of 5 feet on each side, 15 feet in the rear, 30 feet in the front for open ditches and 25 feet in the front with curb and gutter.

**ARTICLE V:  
MINIMUM REQUIRED SUBDIVISION IMPROVEMENTS**

**SECTION 1 - IMPROVEMENTS IN SUBDIVISION**

- A. In consideration of the acceptance by the County and assumption of the responsibility for maintaining the dedicated streets constructed therein, the Owner or Owners of the subdivision shall cause to be constructed, at no expense to the County, the improvements specified herein according to the specification set forth hereinafter.
- B. All services for utilities shall be constructed and placed in such a manner as will obviate the necessity for disturbing the street pavement and drainage structures when connections are made.
- C. Upon completion of construction of any such utilities or improvements, one set of "Record Drawings" of completed work, dated, sealed, signed, and certified by the engineer and surveyor representing the Developer, shall be filed with the Chancery Clerk of Lafayette County showing all features as actually installed, including materials, size, location, depth, or elevation, numbers, ends of lines, connections, service connections, valves, storm sewer drains, inlets, and all other pertinent information.
- D. The Developer shall provide and install all required traffic signs and posts prior to opening the new road to public traffic and prior to the occupancy of any structures built in the development and prior to final plat approval. These signs will consist of all the regulatory hazard and warning signs as required by the County Engineer including the road naming signs as required by the E-911 Coordinator. All signs shall conform to the most current procedures, specifications and requirements as established by the Office of State Aid Road Construction and as specified in the most current edition of the Mississippi Standard Specification for State Aid Road and Bridge Construction, and the federal Highway Administration's Manual on Uniform Traffic Control Devices.

**SECTION 2 - MONUMENTS**

- A. Monuments shall be placed at all corners or changes of alignment along the perimeter boundary of the Subdivision, including the perimeter boundary of each construction phase. Curves lying along the perimeter(s) shall be monumented at the beginning and ending of each curve and at points on the curve at intervals of no more than one hundred (100) feet. These monuments shall consist of a four (4) inch concrete post not less than twenty-four (24) inches in length reinforced with a single one-half (½) inch steel rod in the center extending not less than one-fourth (¼) inch above the top of the concrete.
- B. Iron pin markers shall be placed at all lot corners, changes in alignment in lot boundaries and street right-of-way, including beginning and ending points of curves. All monumentation shall comply with Rule 21.0 Minimum Standards for Land Surveying.
- C. All monuments or markers shall be set with the top thereof flush with finish grade. Where necessary to prevent disturbance, the monument shall be sunk underground and referenced to permanent landmarks.

**SECTION 3 - STREETS**

- A. A typical cross section for all subdivision streets shall conform to the minimum standards as follows:

1. Table of street widths:

ROADWAY CLASSIFICATION	SHOULDER WIDTH ROAD DITCH (EDGE TO EDGE)	PAVEMENT WIDTH ROAD DITCH (EDGE TO EDGE)	PAVEMENT WIDTH CURB & GUTTER (BACK TO BACK)
Arterial Roadway	36 Feet	24 Feet	34 Feet
Collector	34 Feet	22 Feet	30 Feet
Private Local	28 Feet	18 20 Feet	24 Feet
Local	30 Feet	20 Feet	26 Feet
Cul-de-sac (Turnaround Section)	30 Feet	20 Feet	26 Feet
Alley	24 Feet	18 Feet	22 Feet

2. Transverse grade two (2) percent minimum.
3. Longitudinal grade ten (10) percent maximum.

B. All subdivision roads shall be constructed with approved sub grade, sub base, and base and pavement structure. Design and construction of all roads shall meet County requirements contained herein and the most current edition of the Mississippi Standard Specifications for State Aid Road and Bridge Construction and must be reviewed for approval by the County Engineer. Pavement structure including sub base and base design shall be as follows:

1. The minimum pavement structure for subdivision streets shall consist of specified materials of the thickness required to meet the design structure number as calculated for the estimated average daily traffic count (ADT), current axle loading and percent trucks for the particular subdivision development conforming to the most current procedures for structure thickness as established by the Office of State Aid Road Construction and as specified in the most current edition of the Mississippi Standard Specifications for State Aid Road and Bridge Construction. Material and construction requirements shall conform to all applicable sections and subsections of the above specifications.
2. All materials for subbase and base construction shall meet the requirements of the Mississippi Standard Specifications for State Aid Road and Bridge Construction. Approved base materials consist of Hot Bituminous Base Course, Granular Material or Granular Material with lime-fly ash stabilization or soil-cement stabilization base on a laboratory mix design.
3. Lafayette County reserves the right to inspect and test sub-base and base material in place for compliance with these specifications. The County shall require proof rolling to be witnessed by the designated representative of Lafayette County of the entire roadway subgrade, sub-base and base prior to processing the next construction lift until the surface hot mix pavement is placed.
4. The minimum wearing surface shall be three (3) inches of Hot Bituminous Asphalt Pavement conforming to the most current edition of the Mississippi Standard Specifications for State Aid Road and Bridge Construction, Section 403. The material and construction requirements shall conform to all applicable sections and subsections for surface course hot bituminous mix mixed in a central plant and placed hot, all according to the above mentioned

specifications. One and one-half (1 ½) inches of surface course shall be installed upon approval of the base material by the County Engineer. The remaining one and one-half (1 ½) inches of surface course shall be installed no later than 2 years after the filing of the final plat, unless the Board in its discretion, agrees to extend the time for completion of the required improvements an additional one year period. Prior to the installation of final surface course, the initial surface course shall be inspected by the County Engineer and any defects in the surface course, base and/or subgrade shall be corrected by the subdivider.

#### **SECTION 4 - WATER SYSTEM**

- A. The water system for all subdivisions shall be submitted first to the Water Association, City or private supplier for approval; following approval by the local supplier, construction plans and specifications shall be submitted to the Mississippi Department of Health, Environmental Engineering Division for review and approval. The distribution and fire protection system shall be designed to furnish domestic water supply and fire protection to every lot in accordance with accepted design criteria.
- B. In the event that the proposed subdivision is near or adjacent to an existing municipal water system, every effort shall be made by the Developer to connect the water system of the proposed subdivision with that of the municipality. If the proposed subdivision abuts any municipality or if the subdivision is to be connected to a municipal system, the water system within the subdivision shall conform to the specifications required by that municipality as if the subdivision were within the corporate limits of such municipality.
- C. If a water system serving the entire subdivision is constructed within subdivision, this system shall meet the minimum requirements of these regulations.
- D. Water mains shall not be located underneath the pavement, but shall be located a minimum of 5 feet from the edge of the pavement in street right-of-way or utility easements, and shall be a minimum 8-inch pipe. Water service pipes passing under the pavement shall be sleeved.
- E. The installation of the water system, including fire hydrants, shall be subject to approval of the Governing Authority/Utility Owner, Department of Public Health and the Board of Supervisors.
- F. Six (6) inch fire hydrants having two (2) two and one-half (2½) inch nozzles and not having a pumped nozzle shall be installed in all subdivisions having public water supply. The hydrants shall be located not more than five hundred (500) feet as measured along a dedicated street from all lots in the subdivision. An eight (8) inch or larger water line will serve all fire hydrants.

#### **SECTION 5 - SANITARY SEWER SYSTEM**

- A. Centralized sewage collection and treatment facilities will be provided on all lots in all subdivisions except as hereafter provided, and shall conform to all applicable state and local laws, regulations and procedures.
- B. The treatment and collection facilities shall be designed in accordance with rules, regulations, guidelines and standards of the Mississippi Department of Health and the Mississippi Department of Environmental Quality.
- C. The Developer shall submit a letter from the Lafayette County or Mississippi State Health Department indicating approval of individual septic systems on a lot by lot basis. After installation of sewer treatment systems on individual lots a final inspection must be made by the Lafayette County or Mississippi State Health Department and certification provided to Lafayette County before the Final Plat can be filed.
- D. All subdivisions hereafter filed for record in the Office of the Chancery Clerk shall be approved only for use with central collection and/or treatment of sewage as approved by the Mississippi

State or Lafayette County Health Department or the Mississippi State Department of Environmental Quality

- E. Subdivision: Minimum lot size – Subdivision Developments shall have a minimum lot size for lots as follows:

<u>Proposed Development with:</u>	<u>Minimum Lot Size:</u>
Individual wells and Septic Systems	30,000 sq. ft.
Community/Public Water and Septic System	21,000 sq. ft.
Community/Public Sewer and Well	12,000 sq. ft.
Community/Public Water and Public Sewer	10,000 sq. ft.

NOTE: Additional acreage may be required by the Lafayette County or Mississippi State Health Department to accommodate sewage disposal.

#### **SECTION 6 – STORM WATER DRAINAGE**

- A. Materials and construction shall conform to Mississippi Standard Specifications for State Aid Road and Bridge Construction, latest edition.
- B. Drainage structures shall be sized using the rational formula and calculated by a licensed engineer of the State of Mississippi. All drainage structures shall be sized for a minimum 25-year flood frequency with areas prone to flooding sized for 50/100-year flood frequency.
- C. Reinforced concrete headwalls or flared end sections shall be provided on all roadways cross drains and on all other pipe twenty-four (24) inches and larger. The minimum diameter for storm drainpipe shall be fifteen (15) inches for side drainpipes and eighteen (18) inches for cross drainpipes. Pipe length shall be adequate to provide a 3:1 slope from the finish shoulder of the road to the top of the pipe, but no less than four (4) feet beyond the edge of the gravel shoulder or of sufficient-length to provide 3:1 fore-slope to the bottom of the ditch, whichever is greater. Storm drainpipe may be corrugated metal, high-density polyethylene or reinforced concrete pipe.
- D. Corrugated metal pipe shall be coated with approved coating with paved or coated smooth invert. The minimum wall thickness shall be sixteen (16) gauge metal. Reinforced concrete pipe shall be a minimum of Class III reinforced concrete. All storm drainpipes shall conform to the most current edition of the Mississippi Standard Specification for State Aid Road and Bridge Construction, Section 708.
- E. All driveway culverts shall have a minimum pipe length of thirty (30) feet with a minimum diameter of fifteen (15) inches. All lots shall be provided with at least one (1) driveway for egress and ingress with an approved drainage structure if necessary. Such drainage structure shall be installed by the property owner; shall be a minimum of twenty (20) feet in length; and shall include installation of all fill and base material required for such drainage structure. The Subdivider's engineer shall indicate on the preliminary and final plats the size of each drainage structure required for each lot as required by Article V, Section 6 (B) and 6 (C).
- F. The Developer must show on the Final Plat the elevation and diameter required for the culvert at each lot in the subdivision. The Builder or Developer placing the culvert must provide a surveyor's certificate to the County Planning Department showing that the installed culvert meets the Developer's culvert plan as shown on the subdivision plat.

- G. The Developer must develop and build a storm water management system certified by a professional engineer such that once the improvements and lots are developed, the rate of storm water run off leaving the development does not exceed the rate of storm water run off prior to development. The minimum run-off coefficients used to calculate the pre-construction and post-construction shall be industry standard coefficients based on the existing terrain and the proposed improvements and submitted for review by the County Engineer.
- H. Developers, and subsequent builders and homeowners of a subdivision or development shall not be allowed to put obstructions in drainage ditches or right-of-way so as to adversely affect the flow of water downstream. Altering such drainage ditches so that it affects property owners adjacent or downstream will be a violation of these regulations and violators shall be fined in accordance with Article VI.

#### **SECTION 7 - GENERAL GRADING**

- A. General grading, typical sections and centerline gradients shall be in accordance with construction plans, profiles and cross sections designed by the Developer's Engineer and approved by the Board.
- B. Areas to be graded by cutting or filling shall be rough graded to within one-tenth (0.1) of a foot of the accepted elevation after necessary allowance has been made for the thickness of topsoil, paved areas, and other installations.
- C. Final cross sections and profiles of streets and other installations shall conform to grades reviewed by the County Engineer as shown on the construction drawings provided for Preliminary Plat Approval. Elevations shall be based on mean sea level.
- D. All timber, logs, trees, brush, vegetable matter, and other rubbish shall be removed, or otherwise disposed of in accordance with the rules and regulations of the Mississippi Department of Environmental Quality (MDEQ) so as to leave areas that have been disturbed with a neat, clean and finished appearance. Burying on site will not be permitted. Burning will be permitted only with an approved permit from MDEQ.

#### **SECTION 8 - EROSION AND SEDIMENT CONTROL**

- A. No work shall begin on any development until a Storm Water Permit has been obtained from the Mississippi Department of Environmental Quality (MDEQ), if applicable for the size of the development. Installation of the above improvements shall be done in such a manner as to provide for the most effective control of erosion and sediment. Each plat shall be accompanied by an erosion and sediment control plan and the Storm Water Permit which shall be submitted to the Lafayette County Planning Commission before approval is granted for preliminary plat. Practical combinations of the following technical principles shall be used:
1. The smallest practical area of land shall be exposed at any one time during development.
  2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
  3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
  4. Sediment basins (debris basins, de-silting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.
  5. Provisions shall be made to effectively accommodate the runoff caused by changed soil conditions during and after development.
  6. Permanent final vegetation and structures shall be installed as soon as practical in the development. All erosion control required such as seeding, sodding, mulching, excelsior blanket, paved ditch, and fertilizer shall conform to the applicable sections and subsections of the most current edition of the Mississippi Standard Specifications for Road and Bridge Construction, Sections 212, 214, 215, 226, 227, and 229. All substantial grass growth on the shoulders, foreslopes and backslopes shall be established before final acceptance of the

- subdivision improvements. The maximum slope allowed on all foreslopes and backslopes shall not be greater than a 3:1 slope.
7. The development plan shall be fitted to the topography and soils as to create the least erosion potential.
  8. Whenever feasible, natural vegetation shall be retained and protected.
- B. Once the erosion control measures are in place, the developer, or the developer's contractor, shall call the County Engineer, or his representative, for a field inspection to verify the erosion control measures as proposed under the Storm Water Permit are in place. If the measures are determined to be in compliance, then and only then may the developer or the developer's contractor begin clearing and/or the earthwork operations. After the project has begun, the County Engineer or his representative will perform periodic inspections to check to make sure the erosion control measures are in place and functioning. If it is determined that the erosion control is not functioning properly, the County Engineer may require that all construction operations cease until the corrections are made. Compliance with this provision shall in no way relieve the developer, or the developer's contractor, from any requirement of the MDEQ Storm Water Permit or the MDEQ rules, regulations and procedures pertaining to erosion and sediment.

#### SECTION 9 - APPROVAL OF CONSTRUCTION PLANS

- A. The improvements specified herein shall be designated by and constructed under the observation of a Registered Professional Engineer retained by the Developer.
- B. In order to obtain approval for the construction of improvements in subdivision, the Developer shall submit construction plans as required in Article III, Section 2, showing the types of improvements contemplated. The construction plans, at a minimum, shall consist of:
1. a cover sheet, index sheet, and quantity sheet,
  2. typical sections detailing roadway base and pavement structure,
  3. intersection details including paving, drainage plan and all details,
  4. erosion control plan,
  5. striping and sign plan,
  6. plan-profile sheets, and
  7. standard details

Detail plans for water and sanitary sewer systems may be submitted with the roadway and drainage plans, or may be submitted separately. Plan and profile sheets for streets and gravity sewers should be drawn to a horizontal scale of one (1) inch equals fifty (50) feet and a vertical scale of one (1) inch equals five (5) feet and shall be based on U.S. Government mean sea level datum. Plans and specifications for the proposed water and sanitary sewer system shall be accompanied by written certification from the Mississippi Department of Health and the Mississippi Department of Environmental Quality that the proposed system and treatment facilities are in conformance with all applicable laws and regulations.

- C. If the County Engineer shall find the Preliminary Plat and supporting documents to be in accordance with applicable policies and standards of the County, he shall authorize construction. If a bond is required, the County Engineer shall review and approve cost estimates provided by the Developer's Engineer.
- D. All improvements must be inspected during the course of construction by the Developer's Engineer. The County Engineer may, at his discretion, review the Developer's Engineer's written reports during the period of construction.
- E. The Developer's Engineer shall ensure quality-assurance during each phase of construction. The Developer's Engineer shall provide proof of meeting specifications on street construction sub-grade, sub-base, base, and surface paving standards to the designated county official.

## **ARTICLE VI: REVISION OF RECORDED PLATS**

### **SECTION 1 - ERRORS**

The Developer may correct errors on recorded subdivision plats by making a written request to the Board of Supervisors to have such correction made. The Board may direct that the correction is made directly on the existing recorded plat, or they may direct that a complete new plat be filed as in Section 2 below.

### **SECTION 2 - REVISION OF PLATS**

The Lafayette County Board of Supervisors on the recommendation of the Planning Commission and on such terms and conditions as it imposes may authorize revision of recorded plat combining lots, changing lot lines or calls, correcting errors and other revisions on application by the owners of the lots being changed. The corrected plat shall be filed as a separate revision of the subdivision to include a notation attached to the originally recorded plat showing revisions made and location of corrected plat, and a title certificate may be required on the corrected plat.

### **SECTION 3 - VACATION OF PLATS**

- A. Any recorded plat or portion thereof may be vacated by the Developer at any time before the sale of any lot therein, by a written request to the Planning Commission with a copy of such plat attached. Such written request shall be approved by the Planning Commission and the Board of Supervisors and recorded in the Office of the Chancery Clerk. The Board of Supervisors may reject such request which destroys any public rights in any of its public uses, improvements or streets. The recorded vacation of plat shall destroy the effect of the recorded plat and shall divest all public rights in streets, public grounds and all dedications provided in such plat.
- B. When lots have been sold, the recorded plat may be vacated in the manner described in Paragraph A, provided all the owners of lots in such plat join in the execution of such written request. A title certificate shall be included with the written request to the Planning Commission, along with a copy of the recorded plat.

## ARTICLE VII: OTHER PROVISIONS

### SECTION 1 - FEES

- A. For subdivision, condominiums, apartment, office commercial or industrial complexes, the Developer shall pay to the Lafayette County General Fund a filing fee according to the schedule in Appendix 6 for application for site plan approval with the Lafayette County Planning Commission. Neither the Planning Commission nor the Board of Supervisors shall take any action on an application until the fee has been paid to the Lafayette County General Fund. This fee shall be charged on all site plans and preliminary plats, regardless of the actions taken, or whether the site plan or plat is approved or disapproved.
- B. Building Permits will only be issued once the application is completely and properly filled out and the required fee is paid to the Lafayette County General Fund according to the fee schedule in Appendix 6.
- C. Inspection fees to cover the County's professional services fee for inspection of construction of roads, utilities, erosion control, etc. are to be paid upon submission of the subdivision or site plan application according to the fee schedule in Appendix 6.

#### Construction Inspection Fees.

Site Plan Inspection:	
Sites 1 Acre or Less	\$100.00
Sites More Than 1 Acre, But Less Than 5 Acres	200.00
Sites 5 Acres or More	300.00
Subdivision Inspections:	
Subdivisions Less Than 10 Lots	150.00
Subdivisions More Than 10 Lots, But Less than 25 Lots	250.00
Subdivisions 25 Lots or More	500.00

### SECTION 2 - VARIANCES

- A. Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such special variances will not have the effect of nullifying the intent and purpose of these regulations. All variance requests must be presented to the County Planning Office in the form of a written letter stating the exact nature of the request and the specific reasons of justification for the requests. Also, all variance requests must be submitted along with the Preliminary Plat or Site Plan no later than the first Monday of the month to be heard at the next regularly scheduled meeting of the Planning Commission. If the first Monday falls on a holiday, the filing deadline is extended to the next business day. Only formal written requests for variances submitted by the deadline will be considered and acted upon.
- B. In granting variances, the Planning Commission may require such conditions that are necessary, in their judgment, to secure substantially the objectives of the standards or requirements so varied or modified.

- C. If the Planning Commission does not approve a variance request, the Developer may appeal to the Board of Supervisors. The Developer shall submit a written request for appeal to the Lafayette County Planning department within ten (10) days after the meeting at which the rejection occurred. The written request shall clearly explain the reason for the appeal and provide sufficient documentation to allow the Board of Supervisors to fully consider the merit of the appeal.

### **SECTION 3 – ENFORCEMENT AND PENALTIES**

- A. Any person, firm, entity or corporation knowingly using an unapproved and unrecorded plat in the sale or subdivided land or violating any of the terms or provisions of these subdivision regulations shall be charged with a misdemeanor and, upon conviction, shall be punished by fine of not more than one hundred dollars (\$100.00). Each violation and each day of failure to comply with the provisions of these regulations shall constitute a separate violation.
- B. Any Lafayette County Planning staff person may issue a Stop Work Order for obvious and flagrant violations of provisions and requirements of this ordinance. The Developer or Contractor receiving the Stop Work Order shall appear at the next Board of Supervisors Meeting for a hearing. Any person or entity who shall commence construction on a subdivision lot or a parcel within the site plan without first obtaining a building permit shall, in addition to the amount listed in the Schedule of Fees, pay an additional Fifty Dollars (\$50.00) per day, commencing on the day after construction is started through the date the application for a building permit is submitted, for the cost of the permit at the time the permit is issued.
- C. The County reserves the right to pursue any other remedy at law or equity in supplementation of the above remedies to enforce any provisions contained in these regulations.

### **SECTION 4 – CONTRACTOR LICENSE**

An unlicensed plumbing or electrical contractor who has demonstrated his/her technical skill on the job will be allowed to practice their trade for a period of two years after adoption of this ordinance provided that he/she submits to the Lafayette County Planning department a written list of not less than five (5) references (customers or other contractors) who can attest to his/her work. After the two-year period has expired, only contractors licensed in the State of Mississippi may be listed on the Lafayette County Building Permit.

### **SECTION 5 - AMENDMENTS**

The Board of Supervisors may, from time to time, adopt amendments that will tend to increase the effectiveness of these subdivision regulations. The subdivision regulations may be revised or amended by the Board of Supervisors after giving adequate public notice and public hearing as required by law.

### **SECTION 6 - VALIDITY**

If, for any reason, any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be held invalid, it shall not affect the remaining portions of this, or any ordinance of the County, to which these rules and regulations relate.

### **SECTION 7 - REPEAL OF CONFLICTING ORDINANCES**

All ordinances or resolution in conflict with this ordinance or inconsistent with the provisions of the ordinance are hereby repealed to the extent necessary to give this ordinance full force effect.

### **SECTION 8 - EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after its passage and adopted April 27, 2006 minor revisions to include future revisions.

Adopted, this the 27th day of April, 2015

***SIGNED COPY ON FILE WITH THE OFFICIAL MINUTES OF THE  
LAFAYETTE COUNTY BOARD OF SUPERVISORS***

\_\_\_\_\_  
Jeff Busby, President, Board of Supervisors  
Lafayette County, Mississippi

ATTEST:

Sherry J. Wall

\_\_\_\_\_  
Chancery Clerk  
Lafayette County, Mississippi

**APPENDIX 1A**

**DECLARATION TO ACCOMPANY  
APPLICATION FOR DEVELOPMENT APPROVAL  
Lafayette County, Mississippi**

1. The subdividing and development of a tract or parcel of land into a division of three (3) or more parcels or lots, for the purpose of transfer of ownership and subsequent structure construction of any size or nature on the lots must be approved in accordance with these regulations and the application process set forth therein. Approval is required for residential, commercial, and mixed-use developments.
2. No improvements to the proposed development shall commence until Site Plan approval (for apartments, condominiums, or commercial complex developments) or Preliminary Plat approval (for subdivisions) is granted by the Lafayette County Planning Commission and Board of Supervisors as required.
3. No plat subdividing land in accordance with the definition of a subdivision set forth in Item #1, above, shall be filed or recorded in the Office of the Chancery Clerk of Lafayette County, Mississippi unless and until approved by the Board of Supervisors.
4. No lot or residential unit or commercial unit shall be sold from such plat described in Item #3, above, until the plat is filed for record in the Office of the Chancery Clerk of Lafayette County, Mississippi.
5. Prior to final approval of any plat or site plan which does not have central collection and treatment for sewage, an application must be submitted to the Lafayette County Health Department for notation that septic tanks will be approved and any conditions or limitations for such approval.
6. Only those applications that complete the requirements for specific information requested as described in Articles II and III shall be accepted for placement on the Planning Commission agenda.

I, \_\_\_\_\_ (print name) as Owner / Developer / Agent / Surveyor / Engineer, (circle all that apply) acknowledge that I understand the general requirements described in #1 through #6 above. By application, I am requesting that the proposed subdivision be granted all necessary approvals by the Lafayette County Planning Commission and the Lafayette County Board of Supervisors in full accordance with the Lafayette County Land Development Standards and Regulations (Revision 2010-1). I also understand that the property owner, developer, or his agent must attend the Lafayette County Planning Commission to have the application considered for approval. I also authorize Supervisors, Planning Commissioners, County Employees, and their assigns to enter my property for inspection.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Telephone #

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Development

**APPENDIX 1B**  
**APPLICATION FOR SITE PLAN APPROVAL PRELIMINARY AND OR FINAL**  
**for**  
**CONDOMINIUM, APARTMENT, COMMERCIAL COMPLEX DEVELOPMENT**  
**LAFAYETTE COUNTY PLANNING COMMISSION**  
\_\_\_\_\_ Preliminary \_\_\_\_\_ Final

1. NAME OF DEVELOPMENT: TYPE OF PROJECT: _____		
2. LOCATION: The proposed development is located on the _____ side of _____ Road and the _____ side of _____ Road, in Section _____, Township _____, and Range _____.		
3. Are there existing structures on the property? _____ If so, please list on separate sheet: _____		
4. Property owner: Address: _____ Telephone: _____ Fax: _____		
5. Developer: Address: _____ Telephone: _____ Fax: _____		
6. Engineer/Surveyor: Address: _____ Telephone: _____ Fax: _____		
7. Gross Acreage _____	8. Number of Lots or Units _____	9. Average Frontage _____
10. Are Community or Public Sewers Provided? Yes ____ No ____ By Whom: _____		
11. Is Community or Public Water Provided? Yes ____ No ____ By Whom: _____		
12. Fee: \$150 + \$5 per unit = \$ _____ Construction Inspection Fees per Article VII, Section = \$ _____		
Signature of Owner, Developer, Agent, or Engineer:  <div style="text-align: right; margin-top: 20px;">           _____ (Signature)            _____ (Printed)            _____ (Date)         </div>		

**APPENDIX 1C or FINAL**  
**APPLICATION FOR PRELIMINARY PLAT APPROVAL AND FINAL PLAT APPROVAL**  
**for**  
**SUBDIVISION DEVELOPMENT**  
**LAFAYETTE COUNTY PLANNING COMMISSION**

1. NAME OF SUBDIVISION: _____		
2. LOCATION: The proposed subdivision is located on the _____ side of _____ Road and the _____ side of _____ Road, in Section _____, Township _____, and Range _____.		
3. Are there existing structures on the property? _____ If so, please list on separate sheet.		
4. Property Owner Address: _____ Telephone: _____ Fax: _____		
5. Developer: Address: _____ Telephone: _____ Fax: _____		
6. Engineer/Surveyor: Address: _____ Telephone: _____ Fax: _____		
7. Gross Acreage _____	8. Number of Lots _____	9. Average Frontage _____
10. Are Community or Public Sewers Provided? Yes ___ No ___ By Whom _____		
11. Is Community or Public Water Provided? Yes ___ No ___ By Whom _____		
12. Fee: \$150.00 + \$5.00 per lot = \$ _____ Construction Inspection Fees per Article VII, Section 1 = \$ _____		
Signature of Owner, Developer, Agent, or Engineer.  <div style="text-align: right; margin-top: 20px;">           _____ (Signature)            _____ (Printed)            _____ (Date)         </div>		

**APPENDIX 2**  
**PRE-APPLICATION CHECKLIST FOR EITHER PRELIMINARY OR FINAL**  
**SITE PLAN AND SUBDIVISION PLAT PRE-APPLICATION**

Application date:	
Development:	
Developer:	
Engineer:	

**Instructions**

Place checkmark in left column for each item included in the application packet.  
 If an item is not required, write "NR" in the left column.

Developer's Check off	County Verification		Item
			<b>Site Plan Features</b>
		1	Title of proposed development:
		2	Graphic scale
		3	North arrow
		4	Graphic survey plot of the development boundary
		5	Proposed right-of-ways to be dedicated to Lafayette County
		6	Proposed easements
		7	Proposed structure locations with number of units per structure (for assignment of E-911 addresses)
		8	Vicinity map
		9	Location of points of ingress and egress
		10	Adjacent property boundaries with existing structures
		11	Water courses and marshes
		12	Wetlands identified
		13	Flood elevation information
		14	Manner of drainage on the property
		15	Location of existing and proposed utilities
			<b>Supporting documents:</b>
		1	Application for Site Plan Approval
		2	Seven (7) copies of Site Plan
		3	Two (2) copies of construction plans
		4	Variance requests
		5	Utility provided agreement – water, where applicable application to State Agency approved
		6	Utility provided agreement – sewer, where applicable application to State Agency approved
		7	Gated community permit
		8	Covenants for assessments and maintenance
		9	Erosion and Sediment Control Plan and Storm Water and Pollution Permit from Mississippi Department of Environmental Quality must be submitted to County Planner before Board of Supervisors approval.
		10	Vegetation and Tree Plan – Use Aerial Photo
		11	Contact relevant to government agency having an interest in the development (see Article II, Section I, E.)
		12	The developer shall provide the names and addresses of all adjacent property owners and notify them by U.S. mail of the appearance before the Planning Commission.

**APPENDIX 3  
PRELIMINARY PLAT APPROVAL CHECKLIST**

Application date:	
Development:	
Developer:	
Engineer:	

**Instructions:**

Place checkmark in left column for each item included in the application packet.  
If an item is not required, write "NR" in the left column.

Developer's Check off	County Verification		Item
			<b>Preliminary Plat Features</b>
		1	Title of proposed development with name of Developer and Engineer
		2	Graphic scale, north arrow, and acreage of land to be subdivided
		3	Vicinity map showing relationship of subdivision site to the area, including Township, Range, and Section
		4	Boundary lines, proposed lot lines, and lot numbers
		5	Minimum building setback lines
		6	Proposed easements with locations, widths, and purposes
		7	Existing and proposed streets named or numbered for reference, including dimensions of right-of-ways
		8	Proposed utilities
		9	Identification of proposed use of land, including any reserved areas and acreage
		10	Adjacent property boundaries showing ownership and existing structures
		11	Water courses and marshes
		12	Wetlands identified
		13	Flood elevation information, that complies with Flood Insurance Ordinance (see Appendix 12)
		14	Subdivisions without central sewer systems must have Lafayette County Health Department notation Article V, Section 5.D.
			<b>Supporting documents:</b>
		1	Application for Preliminary Plat Approval
		2	Ten (10) copies of Preliminary Plat
		3	Two (2) copies of Construction Plans
		4	Variance requests
		5	Utility provided agreement – water, where applicable State Agency Approval
		6	Utility provided agreement – sewer, where applicable State Agency Approval
		7	E-911 Letter on street name availability
		8	Storm Water Management Permit from DEQ before Board of Supervisors Approval
		9	Vegetation and Tree retention plan, with aerial photo
		10	Letter from Lafayette County Health Department indicating approval of individual sewage treatment systems on a lot by lot basis.
		11.	The developer shall provide the names and addresses of all adjoining property owners and Notify them by U.S. Mail of the appearance before the Planning Commission

**APPENDIX 4**  
**REQUIRED SHEETS FOR CONSTRUCTION PLANS**  
**SUBMITTED WITH PRELIMINARY PLAT**

Construction plans submitted with the Preliminary Plat approval process must include the following sheets unless otherwise authorized in writing from the Lafayette County Planning Department:

- a. Cover Sheet shall include development name, Developer's name, utility owners, vicinity map, and name of Developer's Engineer.
- b. Proposed Lot Layout Sheet (can be preliminary plat sheet)
- c. Topographic Survey Sheet (encompassing entire development)
- d. Grading and Drainage Plan
- e. Erosion Control Plan (including details)
- f. Typical Section Sheet (including dimension and application details)
- g. Intersection Detail Sheet
- h. Signage and Striping Plan
- i. Water System Improvements Plan
- j. Water System Detail Sheet(s)
- k. Sanitary Sewer System Improvements Plan
- l. Sanitary Sewer System Detail Sheet(s)
- m. Plan & Profile Sheet(s)
- n. Vegetation and Tree Retention Plan (see Article II, Section 2.F.17)

**APPENDIX 5  
FINAL PLAT APPROVAL CHECKLIST**

Development:	
--------------	--

Instructions:  
Place checkmark in left column for each item included in the application packet.  
If an item is not required, write "NR" in the left column.

Developer's Check off	County Verification	Item
		<b>Final Plat Features</b>
		1 Name of subdivision, graphic scale, north arrow
		2 Vicinity map showing relationship of subdivision site to the area, including Township, Range, and Section
		3 Primary control points
		4 Boundary lines of area subdivided with accurate distances and angles
		5 All dimensions, linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and areas for public and private use. Linear dimensions are to be given to the nearest 1/100 of a foot.
		6 Radii, arcs, or chords, points of tangency and central angle for curvilinear streets, and radii for rounded corners.
		7 Location of all survey monuments and their descriptions.
		8 Location of all adjacent property lines.
		9 Proposed lot lines and identification of all lots numbered consecutively
		10 Location of building setback lines and all proposed easements with locations, widths, and purposes.
		11 Existing and proposed street widths and names both inside the subdivision and within 100 feet of the subdivision
		12 Accurate outline of any property intended for common or public use with a statement of dedication.
		13 Certificate, Mississippi registration number and legal seal of registered engineer and land surveyor
		14 Flood elevation information
		<b>Supporting documents:</b>
		1 Application for Subdivision Approval (Updated with current information)
		2 Ten (10) copies of Final Plat
		3 Digital copy of final plat on compact disc
		4 Attorney's certificate of title showing ownership of land to be subdivided
		5 Letter of approval from Health Department for water system
		6 Letter of approval from MDEQ for sanitary sewer system
		7 Construction bond for improvements not yet completed
		8 Gated community permit
		9 Copy of covenants for assessments and maintenance
		10 Street signs and Traffic Signs to be installed prior to approval and verified by signed statement from County Engineer or County Planner
		11 The Developer shall provide the names and addresses of all adjacent property owners and notify them by U.S. Mail or the appearance before the Planning Commission

**APPENDIX 6**  
**SCHEDULE OF FEES**

Application for Site Plan Approval	
Base Fee	\$150
Additional fee per unit	\$5

Application for Subdivision Approval	
Base Fee	\$150
Additional fee per lot	\$5

Building Permits -	
Commercial Building –	
\$150 base fee + .40 per sq. ft.	
Apartment/Condominium	
\$150 base fee + .40 per sq. ft.	
Single Family Residence	
\$150 base fee + .30 per sq. ft.	
Two Family Residence	
\$150 base fee + .30 per sq. ft.	

Note: An additional fee of \$50 per site visit will be charged when re-inspection is required due to Builder's or Developer's fault.

**APPENDIX 7  
BONDING AGREEMENT**

Date of agreement \_\_\_\_\_

Development name: \_\_\_\_\_

Name of Developer: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Description of improvements bonded: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Purpose of bond (check one):

☐ Guarantee completion of improvements. Note: Improvements will be completed within 2 years of executing this agreement. Letters of credit will be renewed by the Developer as required throughout the bonding period.

☐ Maintenance. Note: Letters of credit will be renewed by the Developer as required throughout the bonding period.

Amount of bond: \_\_\_\_\_

Expiration date of bond: \_\_\_\_\_

Signatures:

County Planner: \_\_\_\_\_ (date) \_\_\_\_\_

County Engineer: \_\_\_\_\_ (date) \_\_\_\_\_

Developer: \_\_\_\_\_ (date) \_\_\_\_\_

**APPENDIX 8  
GATED COMMUNITY PERMIT**

Name of Subdivision: \_\_\_\_\_

Name of Developer: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Name of Owners Association: \_\_\_\_\_

List at least two presiding officers or board members of the Owners Association with contact information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Number of Gates (circle): 1 2 3 4 5

Checklist of requirements:

- \_\_\_ Private roads comply with Lafayette County Land Development Standards and Regulations (Revision 2006-2).
- \_\_\_ Gate is siren activated and has been tested.
- \_\_\_ Manual gate override method is available.

Approval Signatures: \_\_\_\_\_ (date) \_\_\_\_\_

County Planner: \_\_\_\_\_ (date) \_\_\_\_\_

County Fire Coordinator: \_\_\_\_\_ (date) \_\_\_\_\_

County Engineer: \_\_\_\_\_ (date) \_\_\_\_\_

County E-911 Coordinator: \_\_\_\_\_ (date) \_\_\_\_\_

**APPENDIX 9**  
**COVENANTS FOR ASSESSMENTS AND MAINTENANCE**

Section 1. Creation of the Lien and Personal Obligation of Assessments. Developer, for each Lot owned by it within the Properties, hereby covenants and agrees, and each purchaser of any Lot by acceptance of a deed therefore, whether or not it shall be so expressed in any such deed or other conveyance, shall be deemed to covenant and agree, to pay to the association: (1) annual maintenance assessments or charges for purposes set forth in Section 2, such assessments to be fixed, established and collected from time to time as hereinafter provided. The annual maintenance, together with such interest thereon and costs of collection thereof as hereinafter provided, shall be a charge on the land and shall be a continuing lien upon each Lot against which each such assessment is made. Each such assessment together with such interest thereon and cost of collection thereof as hereinafter provided, shall also be the continuing personal obligation of the person who was the Owner of such property at the time when the assessment fell due.

Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively for the purpose of promoting the health, safety and welfare of the residents of the Properties, and in particular for the supervision, maintenance and improvement of the Common Area; and for paying the cost of labor, equipment (including the expense of leasing any equipment) and materials required for the management and supervision of the Common Area, including but in no way limited to the following:

- (a) the amount of all operating expenses for operating the Common Areas, Common Facilities (including private roads, if any, within the development) and furnishing the services furnished to or in connection with the Common Areas and Common Facilities, including charges by the Association for any services furnished by it; and
- (b) the cost of necessary management and administration of the Common Areas and Common Facilities, including fees paid to any managing agents; and
- (c) the amount of all taxes and assessments levied against the Common Areas and Common Facilities; and
- (d) the cost of fire extended coverage and liability insurance on the Common Areas and Common Facilities and the cost of such other insurance as the Association may place in force with respect to the Common Areas and Common Facilities; the cost of insurance for the Association and its directors and officers; and
- (e) the cost of garbage and trash collection to the extent provided by the Association, and of utilities and other services which may be provided by the Association, whether for the Common Areas and Common Facilities or for the Lots, or both; and
- (f) the cost of maintaining, replacing, repairing and landscaping the Common Areas and Common Facilities (including, without limitation, the cost of maintaining, replacing and repairing the sidewalks, streets), and open areas in the Property, and the cost of such equipment as the Board of Directors shall determine to be necessary and proper in connection therewith; and
- (g) the cost of funding all reserves established by the Association, including, when appropriate, a general operating reserve and a reserve for replacement.

Section 3. Annual Assessment. The annual assessment shall be set by the Board of Directors each year according to the budget adopted by the Board of Directors.

Section 4. Special Assessments.

(a) Special Assessments for Fire Protection and Work Performed by Declarant or the Association.

- (i) the Association is hereby authorized to assess each Lot upon which a dwelling has been placed or constructed with an equal to the per Lot charge made by the City of Oxford or Lafayette County for fire protection, in the event an agreement for fire protection is hereafter made by and between the Association and the City of Oxford or Lafayette County.

Section 5. Date of Commencement of Assessments; Due Dates. The annual assessments provided for herein shall commence as to all Lots, except Lots owned by Declarant, on the first day of the month following the conveyance of the Lot to the Owner. Assessments on Lots owned by Developers shall commence as provided in Section 12 hereof. The first annual assessment shall be

prorated according to the number of months remaining in the calendar year. The due dates shall be established by the Board of Directors.

Section 6. Duties of the Board of Directors with Respect to Assessments.

(a) The Board of Directors of the Association shall fix the date of commencement and the amount of the assessment against each Lot for each assessment period at least thirty (30) days in advance of such date or period, and shall, at that time, prepare a roster of the Lots and assessments applicable thereto which shall be kept in the office of the Association.

(b) Written notice of the assessment shall thereupon be delivered or mailed to every owner subject thereto.

(c) The Board of Directors shall, upon demand at any time, furnish to any Owner liable for said assessment, a certificate in writing signed by an officer of the Association, setting forth whether said assessment has been paid. Said certificate shall be conclusive evidence of payment of any assessment therein stated to have been paid. A reasonable charge may be made by the Board for the issuance of such certificates.

Section 7. Effect of Non-Payment of Assessment: The Personal Obligation of the Owner; the Lien; Remedies of Association.

(a) If any assessment or any part thereof is not paid on the date(s) when due, then the unpaid amount of such assessment shall, together with such interest thereon and cost of collection thereof as hereinafter provided, become a continuing lien on the Lot of the non-paying Owner, which lien shall be binding upon such Lot and the Owner thereof, his heirs, executors, devisees, personal representatives and assigns. The Association shall have the right to reject partial payments of an assessment and demand the full payment thereof. The obligation of the then existing Owner to pay such assessment, however, shall remain his personal obligation and shall not be extinguished by transfer of title. The lien for unpaid assessments shall be unaffected by any sale or assignment of a Lot and shall continue in full force and effect. No Owner may waive or otherwise escape liability for the assessment provided herein by abandonment of his Lot.

(b) The Association shall give written notification to the holder(s) of the mortgage on the Lot of the non-paying Owner of such Owner's default in paying any assessment when such default has not been cured within sixty (60) days, if such mortgagee has requested same.

(c) If any assessment or part thereof is not paid within thirty (30) days after the due date, the unpaid amount of such assessment shall bear interest from the date of delinquency at the maximum interest rate per annum which can be charged to individuals and the Association may, at its election, bring an action at law against the Owner personally obligated to pay the same in order to enforce payment and/or to foreclose the lien against the Property subject thereof after giving Notice to the holder of any Recorded First Mortgage. There shall be added to the amount of such assessment the costs of preparing and filing the complaint in such action and in the event a judgment is obtained, such judgment shall include interest on the assessment as above provided and attorney's fee to be fixed by the court, together with the costs of the action and/or all costs of foreclosure, including a reasonable attorney's fee.

Section 8. Reserves for Replacements. The Association shall establish and maintain a reserve fund for replacements of the Common Areas and Common Facilities, and shall allocate and pay to such reserve fund whatever amount may be designated from time to time by the Board of Directors. Amounts paid into such fund shall be conclusively deemed to be a common expense of the Association, and all such amounts may be deposited in any banking institution, the accounts of which are guaranteed by the FDIC, or, in the discretion of the Board of Directors, may be invested in obligations of, or obligations fully guaranteed as to principal by, the United States of America. The reserve for replacements is for the purpose of providing funds for replacement of the Common Areas and Common Facilities, for major repairs to any sidewalks, parking areas, streets, and roadways on the Common Area, for equipment replacement, and for start-up expenses and operating contingencies of a non-recurring nature relating to the Common Areas and Common Facilities. The Association may establish such other reserves for such other purposes as the Board of Directors may from time to time consider to be necessary or appropriate. The proportional interest of each Member in any such reserves shall be considered an appurtenance to his Lot, and shall not be withdrawn, assigned or transferred separately from or otherwise than as an appurtenance to the Lot to which it appertains, and shall be deemed to be transferred with such Lot.

Section 9. Subordination of the Lien to Mortgages. The lien of the assessments provided herein shall be subordinate to the lien of any Recorded First Mortgage. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to mortgage foreclosure or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof.

Section 10. Exempt Property. The following Property subject to this Declaration shall be exempt from the assessments, charge and lien created therein:

(a) All properties dedicated and accepted by the local public authority and devoted to public use.

(b) All areas unplatted or reserved by the Declarant on the recorded plat of the property.

(c) the Common Area and Common Facilities.

Section 11. Assessments Are Not Dues. No portion of the annual maintenance or assessments provided in or permitted herein are intended to be, or shall be construed to be, dues for membership in the Association.

Section 12. Assessment of Developers and Builders. Any Lot owned by a Developer or Builder shall not be subject to Assessment by the Association until sixty (60) days after completion of construction of any Dwelling on such Lot or, if earlier, on hundred eighty (180) days after the date a deed for such Lot is delivered to the Developer or Builder.

### GENERAL PROVISIONS

Section 1. Duration. The Covenants, Conditions and Restrictions of this Declaration shall run with and bind the land subject to this Declaration, and shall inure to the benefit of and be enforceable by the Owners of any land subject to this Declaration, their respective legal representatives, heirs, successors, and assigns, for a term of thirty-five (35) years from the date this Declaration is recorded in the Office of the Chancery Clerk of Lafayette County, Oxford, Mississippi, after which time said covenants shall be automatically extended for the successive periods of ten (10) years unless an instrument signed by a majority of the Owners has been recorded in the Deed Records, in said Chancery Clerk's Office agreeing to abolish the said Covenants, Conditions and Restrictions in whole or a substantial portion thereof; provided, however, that no such agreements to abolish shall be effective unless made and recorded one (1) year in advance of the effective date of such abolishment.

#### Section 2. Enforcement of Declaration.

(a) Compliance. If any provision of this Declaration is breached or violated or threatened to be breached or violated by any Owner or other Person, then each of the other Owners, the Declarant and/or the Association, jointly and severally, shall have the right, but not the obligation, to proceed at law or in equity to compel a compliance with, or to prevent the threatened violation or breach of, the provisions of this Declaration. The failure by any Person for any period of time to enforce any provision of this Declaration shall not be or be deemed a waiver of the right to enforce or otherwise bar or affect the enforcement of any and all provisions of this Declaration at any time, including any future time.

(b) Enforcement. This Declaration shall be enforced by any proceeding at law or in equity (i) against any Person who breaches or violates or threatens to breach or violate any provision of this Declaration, (ii) to recover damages for any such breach or violation, (iii) to collect any amounts payable by any Owner to the Association under this Declaration, including Assessments, attorney's fees, costs of collection, late charges, overhead charges or other amounts incurred by the Association to perform or discharge any obligation or duty of any Owner under this Declaration or otherwise specified in this Declaration, and (iv) to enforce any lien created by this Declaration. This is hereby created and declared to be a conclusive presumption that any actual or threatened violation or breach of this Declaration cannot be adequately remedied by an action at law exclusively for recovery of monetary damages. The Declarant, the Association and each Owner by acceptance of a deed or other conveyance document to a Lot waives and agrees not to assert any claim or defense that injunctive relief or other equitable relief is not an appropriate remedy.

## **APPENDIX 10**

### **ENFORCEMENT PROTOCOL**

Potential violations of the Lafayette County Land Development Standards and Regulations (Revision 2006-2) fall into two broad categories. First, a property owner may cause to develop property without appearing before the Planning Commission and without complying fully with the Regulations. This would be considered a major violation of the Regulations. Second, in a development going through the approval process, a Developer or Builder may fail to comply with some specific provision or provisions of the Regulations. This would be considered a specific violation.

#### **Alleged Major Violations**

The Planning Commission and Board of Supervisors will execute the following progression of enforcement actions until such time that the issue of an alleged substantial violation of the Regulations is resolved.

- A. The County Planner notifies the Planning Commissioners during a regular Commission meeting and goes on the record about a suspected violation of the Land Development Standards and Regulations (Revision 2006-2).
- B. The Planning Commission directs the County Planner to write a letter to the alleged violator informing the property owner that he/she may be in violation of the Regulations and requests that the property owner voluntarily appear before the next regular meeting of the Planning Commission. The letter should also cite the Commission's authority to recommend that the Board of Supervisors prosecute to levy a civil fine at the rate of \$100 per violation per day.
- C. Whenever the property owner is non-responsive to the first letter, the County Planner appears before the Planning Commission a second time and goes on the record that the property owner was non-responsive to the first letter.
- D. The Planning Commission directs the County Planner to write a second letter to the alleged violator reiterating the first letter and directs the property owner to appear before the next regular meeting of the Planning Commission. This second letter should also cite the Board of Supervisors authority to convene a hearing on the matter and issue a subpoena to the property owner to appear before the Board.
- E. The County Planner appears before the Planning Commission a third time and goes on the record that the property owner was non-responsive to the second letter.
- F. The Planning Commission votes to make a recommendation to the Board of Supervisors to issue a subpoena to the property owner to appear before the Board of Supervisors for a fact-finding hearing.
- G. The County Planner petitions the Board of Supervisors to issue a subpoena to the property owner to appear before the Board of Supervisors for a fact-finding hearing.
- H. Board of Supervisors orders the County Attorney to begin enforcement proceedings in Chancery Court.

#### **Specific Violations**

In the event of an alleged violation to a specific provision of the Regulations, the County Planner will issue a citation (affidavit) to the Developer or Builder. If the Developer or Builder wishes to contest the citation, he/she may appear in Justice Court.

**APPENDIX 11**  
**REVISION HISTORY**

Revision 2006-1 February 6, 2006	Ordinance adopted with extensive changes from Lafayette County Subdivision Regulations (2000).
Revision 2006-2 October 23, 2006	Minor revisions to Lafayette County Subdivision Regulations 2006-1
Revision 2008 – 1	Minor Revisions 2008-7
Revision 2010-1	Minor Revisions – December 2009 and Major Erosion Control Changes April 2009.
Revision 2011-1	Minor Revisions to Lafayette County Subdivision Regulations 2010-1
Revision 2015-1	Minor Revisions to Lafayette County Subdivision Regulations 2011-1

\* Any references to any other revisions shall be deemed to be included in 2015-1 Revision.

Appendix 12  
Compliance with Flood Damage Prevention Ordinance

**Subdivisions must address the following standards from the Flood Damage Prevention Ordinance of Lafayette County:**

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for all new subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than twenty lots or five acres, whichever is the lesser.
- (5) *Where only a small portion of the subdivision lot or lots is in a designated Zone A Special Flood Hazard Area inundated by 100-year flood with no base flood elevations determined and there is sufficient ground slope on the site to avoid possible flooding of structures in Zone X areas determined to be outside 500 year floodplain. The Floodplain Administrator may waive the requirement for a study to determine the base flood elevations.*
- (6) *In order for the Floodplain Administrator to consider waiving the requirement of Section F (4) the applicant must provide an accurate topographic data and map for the lot or lots in question certified by a licensed land surveyor and/or professional civil engineer indicating sufficient detail to allow a thorough review by the Floodplain Administrator.*
- (7) *Each proposed parcel must have a designated buildable pad or site above the 100-year flood plain. The distance of the buildable pad or site above the 100- year flood plain shall depend on the slope of the ground and in accordance with the following table:*

<i>Distance in feet from Zone A 100 year floodplain</i>	<i>Minimum Slope from Zone A – 100 year flood plain to ground level at pad</i>
20	5%
30	3.33%
40	2.50%
50	2.0%
60	1.67%
70	1.43%
80	1.25%
90	1.11%
100	1.0%

*Residential or non-residential structures lowest floor elevation also must be elevated 1.5 feet above the ground level on the buildable pad or site.*

- (8) *If a waiver is granted for Section F (4) the subdivider/applicant must comply with the following:*
- a.) *File restrictive covenants on the lot or lots prohibiting construction within the designated special flood hazard area inundated by the 100-year flood and requirement for elevated lowest floor elevation.*
  - b.) *Place a statement on the face of the plat prohibiting construction in the designated area of special flood hazard inundated by the 100-year flood.*
- (9) *Notice must be sent to the State NFIP Coordinator indicating that a waiver has been granted for Section F (4) providing written details of the waiver for any waiver granted by the Floodplain Administrator.*