

CHAPTER 14. SUBDIVISION AND SITE PLANS

PART 1. SUBDIVISIONS

14.1.1. Design Standards and Required Improvements, In General

- (1) The following dedications and improvements shall be installed prior to the approval of the final plat for a major subdivision, in accordance with the requirements and standards of the Part:
 - (a) Monuments and markers;
 - (b) Streets;
 - (c) Curbs and gutters;
 - (d) Storm drainage;
 - (e) Sidewalks;
 - (f) Utilities;
 - (g) Streetscapes, and landscaped buffers around the perimeter of the subdivision, as required by Chapter 13, Part 2 of the Ordinance.
- (2) Erosion control measures as shown in the City of Tupelo Erosion Control Standards and Specifications shall be used during construction of subdivision improvements and buildings within the subdivision.
- (3) Approval of the final plat for a minor subdivision shall require only the installation of monument and markers in accordance with Section 14.1.4 below.
- (4) In addition to the requirements of Section 14.1.15, a certificate of occupancy shall not be issued, and a building structure shall not be occupied, until and unless all dedications and improvements required by the Part have been installed in a satisfactory manner and approved by the Building department for a final plat.

14.1.2. Blocks

- (1) Blocks shall be laid out with due regard to the type of use to be established within the subdivision.
- (2) Block lengths shall not exceed fifteen hundred (1,500) feet, and shall be no less than two hundred (200) feet.
- (3) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth, except where otherwise required to separate residential development from through-traffic.

14.1.3. Lots

- (1) The size, shape, and location of lots shall be established with due regard to topographic conditions, contemplated uses, and the character of the surrounding area.

- (2) Lot sizes and building setback lines shall conform to the minimum lot area, minimum lot width, and minimum yard requirements set forth in the Ordinance for the zoning district in which the subdivision is located.
- (3) Lots which front on more than one (1) street, other than corner lots, shall be avoided to the maximum extent possible.
- (4) Side lot lines shall be substantially at right angles or radial to street lines.
- (5) Property lines at street intersections shall be rounded, with a radius of at least twenty (20) feet; a greater radius may be required by the City Council as part of its approval of the preliminary plat.
- (6) The width of the lot at the street right-of-way line shall be large enough to accommodate all driveways, drainage facilities, and utilities in accordance with City Standards. At no point shall the lot have less than twenty-five (25) feet of street frontage.
- (7) Depth of lots shall not exceed four (4) times the width.

14.1.4. Monuments and Markers

All Monuments and Markers shall be installed in due regard to the minimum standards for land surveying as determined by the Mississippi State Board of Registration for Professional Engineers and Land Surveyors Rules and Regulations of Procedure, as effective September 15, 1991.

14.1.5. Streets

- (1) All streets within a subdivision shall conform to the requirements of this Section and the City of Tupelo Public Works Department "Street and Storm Sewer Construction Standards and Specifications," as may be amended from time to time by the City Council, with the exception of private streets as provided in 14.1.5.(2) below. These standards are considered to be minimum standards and may be increased in a particular instance, where necessary to make a proposed street conform to sound traffic engineering standards and principles.
- (2) All streets within a subdivision shall be constructed and dedicated as public streets, unless the developer demonstrates that the following conditions exist:
 - (a) The street is entirely within a commercial subdivision and makes no through connection to any other

- existing public street; in this situation private street status is required.
- (b) The street is entirely within a residential subdivision where through connection to another public street or to adjacent undeveloped property is not feasible, and the street provides access to no more than ten residential lots; in this situation private street status is optional.
 - (3) Gates may be placed on private streets only.
 - (4) The street layout in the subdivision shall conform to the arrangement, width, and location indicated in the "Major Thoroughfare Improvements Program." For streets not indicated on that plan, the streets shall be designed and located with regard to existing and proposed streets, to the topography of the area, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets. The proposed street layout shall be consistent with good land planning practices for the type of development proposed, and shall be coordinated with the street system of surrounding areas. All streets shall provide for the continuation or extension of the principal streets in surrounding areas. and shall provide reasonable means of ingress and egress for surrounding properties.
 - (5) Street rights-of-way shall meet the minimum width of the City of Tupelo Public Works Department "Street and Storm Sewer Construction Standards and Specifications" and, if the street is included in the "Major Thoroughfare Improvements Program," the minimum width indicated in the program.
 - (6) The pavement width shall meet the minimum width of the City of Tupelo Public Works Department "Street and Storm Sewer Construction Standards and Specifications" and, if the street is included in the "Major Thoroughfare Improvements Program," the minimum width indicated in the program. Exceptions not to exceed 10% may be granted to accommodate traffic calming structures or structures to protect existing street trees, with the approval of the City Engineer and the Public Works Director.
 - (7) All horizontal curves, vertical curves, grades, and intersections shall conform to the applicable requirements set forth in the city of Tupelo Public Works Department "Street and Storm Sewer Construction Standards and Specifications."
 - (8) Culs-de-sac shall comply with the length limits and design standards set forth in the City of Tupelo Public Works Department "Street and Storm Sewer Construction

Standards and Specifications," and shall provide a turnaround at the closed end. No more than 20 residences or units shall be located along any dead-end street or cul-de-sac.

- (9) Temporary dead-end streets which are longer than five hundred (500) feet shall provide an acceptable turn around.
- (10) Minimum sight distance from an intersection shall be no less than two hundred (200) feet at three (3) feet from grade.
- (11) Loop roads shall be no longer than 1,500 feet and shall originate and terminate with intersections of the same road. Short culs-de-sac originating off of a loop road may be considered, provided that adequate intersection sight distance is provided and the cul-de-sac otherwise complies with applicable requirements.
- (12) The names of the street and the addresses of the individual lots in the subdivision shall be reviewed and approved as part of the preliminary plat. The names of new streets shall not duplicate or be similar to the names of existing streets anywhere in Lee County. Where a new street extends or continues an existing street, the name of the existing street shall be used for the new street. All street names will be submitted to the Planning and Development Department for approval. A change in the suffix when added to an existing name shall not constitute a new name. All streets shall be cleared and graded to provide adequate drainage, pedestrian walkways, and planting areas for all streetscapes and perimeter buffers that may be required for the subdivision under Chapter 13, Part 2 of this Ordinance.
- (13) The sub-divider shall install the road base and paving necessary to meet the requirements of the Ordinance and the City of Tupelo Public Works Department "Street and Storm Sewer Construction Standards and Specifications."
- (14) Thoroughfare rights-of-way shall be dedicated to the city and improved by the sub-divider when the tract to be subdivided embraces any part of a thoroughfare designated in the "Major Thoroughfare Improvements Program."

14.1.6. Street Signs

If the developer chooses to install street signs other than the standard sign installed by the city, the design and quality of the sign chosen for installation must be approved by the city. The subdivider or developer shall be required to replace or repair any street sign that is damaged during construction.

14.1.7. Street Lights

If the developer chooses to install street lights other than the standard light installed by the city, the design and quality of the light chosen for installation must be approved by the city. The subdivider or developer shall be required to replace or repair any street light that is damaged during construction.

14.1.8. Curbs and Gutters

Curbs and gutters shall be installed prior to final plat approval in accordance with the City of Tupelo Public Works Department "Street and Storm Sewer Construction Standards and Specifications." Curbs and gutters may be a combination curb and gutter or median curb and gutter. Residential subdivisions with all lots at least twenty thousand (20,000) square feet in size or with the concurrence of the Public Works Department and City Engineer based on absence of curb and gutter on adjoining streets and on other adequate provision for street drainage, shall not be required to have curb and gutter. Street pavement width for streets without curb and gutter shall be a minimum of twenty-two (22) feet. To prevent erosion of ditches and to allow each lot owner to mow the edge of the street, no slope shall be steeper than 3:1. The city shall reserve the right to approve a steeper slope with slope covered with solid sod only.

14.1.9. Storm Drainage

- (1) No surface water drainage from the subdivision shall empty into a sanitary sewer.
- (2) The size, design, and construction of drainage structures shall conform to the requirements set forth in the City of Tupelo Public Works Department "Street and Storm Sewer Construction Standards and Specifications," and Chapter 5, Part 9 of the Ordinance.
- (3) Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a stormwater or drainage easement shall be provided which substantially conforms with the lines of such watercourse, plus additional width that is adequate and necessary to convey expected storm flows and/or stormwater drainage facilities. Streets paralleling such easement may be required connection therewith. Lakes, ponds, creeks, and similar areas will be accepted for maintenance by the city only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the stormwater drainage control system.
- (4) The city shall accept no responsibility to maintain any storm drainage structures or easements, except those lying within a city

right-of-way or traversing city owned property and "major drainage easements" as defined in Chapter 2 and as provided in Chapter 5, Section 5.6.5 (1)

14.1.10. Sidewalks

A five-foot (5) wide sidewalk shall be constructed along the entire distance of all street frontages of the property. Sidewalks shall be set back a minimum of five (5) feet from the curb. Handicapped access ramps, complying with the requirements of Federal law, shall be provided for all sidewalks. Sidewalks may be waived where the Planning Committee or City Council determine that the public safety and convenience of existing and expected pedestrian traffic do no warrant the construction of sidewalks. Where sidewalk construction is waived, adequate right of way shall be provided for future installation of sidewalk if necessary.

14.1.11. Utilities

- (1) Water mains and sanitary sewers shall be installed by the subdivider prior to final plat approval and in accordance with the City of Tupelo "Water and Sewer Utilities Construction Standards." When city water and sanitary sewer lines are available, the subdivider shall connect to the city utilities.
- (2) All electrical, telephone, and television coaxial cable lines shall be installed underground.
- (3) Easements shall be provided for utilities, where necessary, and shall be centered along or adjacent to rear lot lines to the greatest extent practicable. Easements shall be sized in accordance with the City of Tupelo Water and Light Department's requirements.

14.1.12. Guarantees in Lieu of Completed Improvements

Level required for final plat approval. The final plat shall not be approved until and unless either of the following has occurred:

- (1) The developer or subdivider has installed all improvements in accordance with the requirements of this Section and the approved preliminary plat;
- (2) The developer or subdivider has provided the city with a schedule for the completion of the city with an agreement secured by a performance bond, cash in escrow, or an irrevocable letter of credit with the City, in an amount equal to one and one-half (1½) times the estimated cost of the required improvements remaining to be installed, as

determined by the Planning and Development Department, with sureties guaranteeing the installation of the required improvements. On projects completed, with the exception of landscape plantings, during the summer months or periods of exceptionally dry weather, the Planning and Development Department may waive the financial security requirement for up to ninety (90) days to allow planting during the appropriate season.

14.1.13. Acceptance of Improvements for City Maintenance

Inspections: The installation of improvements shall in no case bind the city to accept any such improvements for public maintenance or operation thereof, until the proper departments have inspected and accepted the improvements as meeting all applicable requirements.

PART 2. SITE PLANS

14.2.1. General Design Standards

All site plans submitted shall meet the following standards before they may be approved by the Planning and Development Department or the Planning Committee and City Council:

- (1) The proposed development shall comply with all lot area, lot width, front yard, side yard, height, lot coverage requirements and other developments standards for the zoning district in which it is located, as set forth in Chapter 8;
- (2) The proposed development shall comply with the building design, landscaping, and buffer requirements set forth in Chapter 13, Parts 1 and 2 of the Ordinance;
- (3) The proposed development shall comply with the off-street parking and loading requirements set forth in Chapter 11 of this Ordinance;
- (4) Traffic circulation and control patterns within the site shall be adequate to provide access to adjoining properties and streets;
- (5) Walkways shall be located so that pedestrians may walk from store to store or building to building on the site and on adjacent properties, with the minimum possible conflicts with vehicular traffic and the maximum possible efficiency of pedestrian circulation;
- (6) Wherever possible, all walkways, travel lanes, and driveways shall be connected with related facilities in adjacent properties;
- (7) Where on-site travel lanes and/or driveways connect to adjacent properties and allow traffic movement between adjacent properties, such lanes and driveways shall be constructed with curbs and gutters

meeting the requirements of the City's "Street and Storm Sewer Construction Standards and Specifications Manual;"

- (8) Parking shall not be allowed along the travel lanes and driveways covered by subsection (7) above, and adequate no-parking signs shall be installed along all such travel lanes and driveways;
- (9) Water supplies, fire protection facilities, and sanitary sewer facilities shall be adequate to serve the type and amount of development proposed;
- (10) Drainage systems shall be adequate for the disposition of stormwater;
- (11) Erosion control measures as shown in the City of Tupelo Erosion Control Specifications shall be used during construction of site improvements and buildings on the site;
- (12) The proposed development shall meet all other applicable requirements of this Ordinance.

14.2.2. Required Improvements

- (1) Required features. In addition to meeting the standards set forth in Section 14.2.1 above, the developer or applicant shall be required to do the following:
 - (a) Dedicate any additional right-of-way necessary to achieve the width required by the City's Thoroughfare Plan for all streets adjoining the property;
 - (b) Construct required streets, both public and private and all drives and other means of access to the property and to the required parking and loading areas;
 - (c) Construct streets required by the City's Thoroughfare Plan;
 - (d) Where the subject property does not already provide a public sidewalk, a five (5) foot wide sidewalk shall be constructed along the entire distance of all street frontages of the property. Sidewalks shall be set back a minimum of five (5) feet from the curb. Handicapped access ramps, complying with requirements of Federal Law, shall be provided for all sidewalks. Sidewalks may be waived where the Planning Committee or City Council determined that the public safety and convenience of existing and expected pedestrian traffic do not warrant the construction of sidewalks. Where sidewalk construction is waived adequate right of way shall be provided for future installation of sidewalk if necessary.
 - (e) Install required utilities in accordance with city standards;

- (f) Install required private street lighting and traffic control devices;
- (g) Install required storm water drainage and retention;
- (h) Install all landscaping, screening and buffering required by this Ordinance;
- (i) Install all other improvements required in connection with the approval of the site plan.

14.2.3. Timing of Installation of Required Improvements

- (1) Fire protection: Functional fire protection shall be provided to the site within thirty (30) days after combustible materials are placed on the site.
- (2) Level required for certificates of occupancy: The Planning Department shall issue no permanent certificate of occupancy for the development until and unless the developer has installed all improvements, landscaping and other elements in accordance with the requirements of the Ordinance, the approved site plan, and any minor changes to the approved site plan granted by the Director of Planning and Development pursuant to Section 5.7.13 of this Ordinance. A conditional certificate of occupancy may be issued, for a period not to exceed ninety (90) days, where minor deficiencies and defects remain to be cured, provided that:
 - (a) Such defects or deficiencies do not render the improvements dysfunctional;
 - (b) The developer has provided the city with an agreement secured by an irrevocable letter of credit with the city, in an amount equal to one and one-half (1½) times the estimated cost of the required improvements, landscaping, and/or other features remaining to be installed, as determined by the Planning and Development Department, with sureties guaranteeing the installation of the required improvements.
 - (c) The Planning and Development Department may waive the requirement for financial guarantee for up to ninety (90) days if the deficiencies are in landscaping and the project is completed at a time of year not conducive for planting.
- (3) Inspection: Prior to approval of any certificates of occupancy, the

Planning Department shall inspect all improvements for conformance with the requirements of this Ordinance, the approved site plan, and any minor changes to the approved site plan granted by the Director of Planning and Development pursuant to section 5.7.13 of this Ordinance. The Planning Department shall have ten (10) days after the applicant has requested an inspection to inspect and certify the improvements as being constructed in

- (4) Correction of defects and deficiencies: Any such list of defects, deficiencies and required repairs shall be delivered to the applicant in person or by registered or certified mail, return receipt requested, and shall require that the defect and deficiencies stated therein shall be satisfactorily corrected within sixty (60) days of the date the list was mailed. If the applicant fails to correct all defects and deficiencies and to make all required repairs within this sixty (60) day period, then the necessary improvements and repairs shall be completed by the city at the expense of the applicant, using funds from any guarantees provided by the applicant.
- (5) Completion of work and release of guarantees: Upon completion of the required improvements, the applicant may apply to the Director of Planning and Development for a certificate of completion and discharge of any guarantee provided above. If the Director of Planning and Development finds that the improvements conform to the requirements of this Ordinance, the approved site plan, and any minor changes to the approved site plan granted by the Director of Planning and Development pursuant to Section 5.7.13 of the Ordinance, the Planning Department shall issue such certificate and release the guarantee covering the work that has been satisfactorily completed.
- (6) Completion of Work. The city reserves the right to hold building permits or certificates of occupancy until the improvements have been completed and accepted.

14.2.4. Acceptance of Public Improvements for City Maintenance

Inspection by City Departments: The installation of public improvements shall in no case bind the city to accept any such public improvements for public maintenance or operation thereof, until the Planning, Public Works and Water and Light Departments, in accordance with this Section, have inspected and

accepted the public improvements as meeting all applicable requirements.

14.2.5. Continuing Maintenance of Private Improvements

The driveways, private streets, parking areas, traffic aisles, fire lanes, loading areas, exterior lighting, signage, internal crosswalks, curb stops, pedestrian facilities, and such other improvements depicted on the approved site plan, shall be considered as binding elements of the project in the same manner as the proposed buildings, landscaping, and other details. The applicant, his successors, assign, and/or subsequent owners and their agents shall be responsible for the continued maintenance of all such private improvements in accordance with the approved site plan. The parking areas shall be maintained in a clean manner with all litter and other debris removed daily. Grass shall be removed from all curbs and sidewalks areas. Potholes in the parking lot surface, cracks in the pavement or sidewalks, and all other signs of the physical deterioration of all approved improvements shall be repaired or replaced within thirty (30) days following notification by the City.

PART 3. SOILS REPORTS

Optional information on the distribution and construction characteristics of soils may be submitted with subdivision plats or site plans. A soils report by a qualified professional engineer, with adequate detail for the design of foundations, may be placed on file with the Building Department or provided to builders or lot purchasers. The report shall state the cost and the number of lots or building sites that are included. The availability of such a report shall qualify the permit applicant for a credit on the permit fee for a primary building on any lot or building site included in the report. The credit shall be equal to the prorated cost per lot or site for the report, up to two hundred, fifty dollars (\$250), not to exceed the total permit fee.

