

# AN ORDINANCE AMENDING THE PIKE COUNTY SUBDIVISION ORDINANCE ADOPTED – April 15, 2024

## **Authority**

This Amended Residential Subdivision Ordinance of Pike County, Mississippi is adopted pursuant to the authority set forth in the Mississippi Code of 1972, annotated. It is hereby amended to include within its provisions, requirement that manufactured housing (or mobile homes) meet the same subdivision requirements regarding parcels of land which are to be used for sale, lease or rental purpose.

These regulations shall be known, referred to, and cited as the Pike County Subdivision Ordinance of 2024.

## **Purpose and Intent**

The Board of Supervisors, on May 15, 2009, adopted the Pike County Subdivision Ordinance for the purposed therein stated. The purpose of this ordinance is to supplement and clarify that ordinance. The ordinance was amended on February 2, 2015. This ordinance was amended on December 4, 2017.

## **Scope**

It shall be unlawful for any person, entity, or related entities to subdivide land for residential purposes within the boundaries of Pike County into four (4) or more:

1. lots,
2. tracts,
3. sites,
4. parcels,
5. dwelling sites,

of divisions of less than two (2) acres per dwelling site for the purpose of sale, resale, lease, or building development until a plat of such subdivision has been recorded in the office of the Chancery Clerk of Pike County. Plats must be approved by the Board of Supervisors and E-911 Director under the provisions of this Ordinance.

In addition, it shall be unlawful for any person or entity to develop a multifamily dwellings that consists of four (4) or more dwelling units on a site less than two (2) acres per multifamily dwelling, until a plat of such development has been recorded in the office of the Chancery Clerk of Pike County. Plats must be approved by the Board of Supervisors and E-911 Director under the provisions of this Ordinance.

Any deviation or revision from the original approved plat shall require the filing of a new plat. The revised plat shall also require the approval of that Board.

Subdivisions of family property for family members use will not require a plat to be filed. Family being defined as family to the third degree.

### **Compliance**

No owner or agent of the owner of any lots located in a subdivision as defined by this Ordinance shall transfer title to any such lots before a final plat of such subdivision has been duly approved and recorded in the office of the Chancery Clerk of Pike County, Mississippi.

Any person or entity who subdivides land in a manner that is intended to circumvent the requirements of this Ordinance by incrementally adding dwelling units shall be in violation of this Ordinance and subject to the penalties set forth herein. This provision explicitly prohibits the practice of incrementally adding dwelling units to avoid the ordinance and makes it clear that such actions are subject to penalties.

Any person, entity, or related entities who subdivide land in a manner that is intended to circumvent the requirements of this Ordinance by using multiple legal entities shall be in violation of this Ordinance and subject to the penalties set forth herein.

The Board of Supervisors and/or the E-911 Director shall have the authority to investigate and determine whether multiple entities are related entities for the purposes of this Ordinance. The Board may require any person or entity seeking to subdivide land to provide information and documentation necessary to make such a determination.

### **Procedure for Filing Plat**

The developer shall submit a final plat to the Pike County Board of Supervisors for approval. Plats shall be submitted on paper no smaller than 18" x 24" and no larger than 24" x 36". The Board of Supervisors shall approve, disapprove or give conditional approval of said plat within 15 days of submission. Scale factor can be no larger than 1" + 200'.

### **Plat Requirements:**

The purpose of the plat is to graphically show all facts needed to enable the County to determine if said plat meets the requirement provided under this section.

Each plat shall contain, at a minimum, the following information:

1. The title under which the subdivision or development is to be recorded; the location of the property to be subdivided; the names of the owner or owners and the developer or person dividing said property. It must also include the name and license number of the land surveyor.
2. Date of survey, north arrow and scale of said plat.

3. Exact boundary lines of the tract with bearings and distances along the boundary and total acreage of said tract. Plat must also include a point of beginning of a known section corner, quarter section corner or Quarter-Quarter section corner. Street intersections, adjoining property owner property corners, iron post, trailer axles and fence corners may NOT be used as points of beginning for proposed subdivisions.
4. Plat must also include location, names and widths of streets to be included in said subdivision. Layout of subdivision must also include lot or tract numbers and block numbers if applicable.
5. Plat must also indicate any existing utility right of ways; such as, but not limited to, power lines, sewer lines, gas lines or pipe lines.
6. If proposed subdivision does not border or have public road access, plat must include ingress and egress information.
7. Indexing information, section, township, range and quarter section at minimum.
8. All streets, roads, lanes, drives or trails shall be designated in writing on the plat as to being either private or public.
9. All restrictive covenants placed upon the real property or proposed restrictive covenants to be placed upon the real property shall be submitted along with the plat.

In addition to the above plat information, the following information is required to be submitted before a subdivision plat will be approved:

1. **Subdivision Road Construction and Maintenance**

#### **Subdivision Roads Public and Private**

**Public** - If subdivision road is proposed to become public, a letter from the subdivision developer is required stating the road will be dedicated to Pike County. The developer is required stating the road will be dedicated to Pike County. The developer will place in escrow with Pike County an amount to construct the subdivision road to the Pike County Required Standards for Acceptance of Subdivision Roads (Exhibit 1). The amount to construct the subdivision road to The Pike County Required Standards for Acceptance of Subdivision Roads (Exhibit 1) will be determined by the County Engineer and/or County Road Superintendent based on current cost estimates (prices current upon filing of the subdivision plat). Failure to provide escrow funds for construction of road to be dedicated will result in rejection of subdivision plat.

**Private** - If subdivision road is proposed to remain private, a letter from the subdivision developer is required and must include the following:

- a. Statement that the road will remain private and it is the responsibility of the developer to maintain the road.
- b. A maintenance plan for the subdivision road.
- c. Name, address, and phone number of the party responsible for subdivision road maintenance, and
- d. Acknowledge that the subdivision road must meet the Pike County Required Standards for Acceptance of Subdivision Roads which include inspection requirements (Exhibit 1) should the road be dedicated to Pike County at some time in the future.

If the developer requests in the future that a subdivision road be dedicated to the County, the developer can construct or can place in escrow with Pike County an amount to construct the subdivision road to the Pike County Required Standards for Acceptance of Subdivision Roads (Exhibit 1) prior to the subdivision road being accepted.

## **2. Road Name**

All road, street, lane, drive, or trail name(s) must first be approved with the E911 Director prior to filing of said plat.

Documentation for E911 Director of such approval must be submitted with subdivision plat.

All subdivision roads shall be constructed to meet the Pike County Required Standards for Acceptance of Subdivision Roads, with a minimum width of 24 feet and a right-of-way width of 60 feet.

## **3. Method of Water Supply**

If water association, documentation from association verifying their willingness to supply water. If individual wells, documentation of clearance from the Health Department.

Each dwelling unit shall be connected to a public/community water system tested regularly by the Mississippi Department of Public Health or have its separate and individual well water capable of producing a minimum of 10 gallons per minute.

## **4. Method of Wastewater Treatment**

If existing sewer system is providing service, documentation from system verifying their ability and willingness to provide sewer service. If septic system, documentation of clearance from Health Department. If construction of new collection/treatment system, documentation of clearance from Department of Environmental Quality.

Each dwelling unit shall be connected to a public/community sewer system approved by the Mississippi Department of Public Health or Mississippi Department of Environmental Quality or have an individual septic system designed to accommodate a minimum of 2 bedrooms approved by the Mississippi Department of Public Health.

## **5. DWELLING UNIT MINIMUM SETBACK REQUIREMENTS FOR FIRE SAFETY**

Each dwelling unit shall be set back a minimum of 50 feet from any other dwelling unit.

#### 6. MULTIFAMILY DWELLING MINIMUM SETBACK

Multifamily dwelling structures shall be set back a minimum of 50 feet from all other dwelling units or other multifamily dwelling structures. Multifamily dwelling developments shall meet the same infrastructure requirements as set forth herein.

#### **Board of Supervisors' Acceptance of Subdivision Roads as Public Roads**

Subdivision roads are not accepted when the subdivision plat is accepted. The Board assumes no responsibility for road maintenance until the road is accepted as a public road. Subdivision Roads must meet the Pike County Required Standards for Acceptance of Subdivision Roads (Exhibit 1) prior to acceptance. The Board reserves the right to accept or reject any subdivision road, lane, street, or drive that does not meet or surpass the Pike County Required Standards for Acceptance of Subdivision Roads (Exhibit 1). Prior to final acceptance by the Board the subdivision road must be inspected by the County Engineer, County Road Superintendent, and two members of the Board of supervisors (not of the district which includes the road). After acceptance, it is solely within the discretion of the County to determine when the subdivision road will be paved.

#### **Submission of Subdivision Plat to E-911 Director**

(a) Submission Requirement. The subdivision plat shall be submitted to the E-911 Director for review and approval prior to the issuance of any addresses for residences within the subdivision.

(b) Authority of E-911 Director. Pursuant to "§ 19-5-369 residence owners or renters are required to obtain 911 address," the E-911 Director shall have the authority to assign 911 addresses to residences, buildings, or structures within the subdivision. No address shall be assigned to any residence unless the subdivision plat has been approved by the E-911 Director and the provisions of this ordinance have been fully complied with.

#### **Penalty**

Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and subject to a fine of not less than \$1,000 first offense and not less than \$2,500 for each offense thereafter for each lot or parcel of land so subdivided or transferred or sold, until which time a plat has been filed.

#### **DEFINITIONS**

**BOARD:** Board of Supervisors of Pike County, Mississippi.

**BOND:** Any form of security including a cash deposit, surety bond, irrevocable letter of credit, certified check, or property in an amount and form satisfactory to the Board. All bonds must be approved by the Board wherever a bond is required by these regulations.

**COUNTY ENGINEER:** Person or firm recognized by Pike County as responsible for approving construction design of public works such as streets, bridges, etc. in the county.

**DEVELOPMENT:** The land to be subdivided and platted along with the improvements made thereon.

**DWELLING UNIT:** a dwelling unit shall be any residential structure intended for occupancy by a single household, a site-built home, a manufactured home, or mobile home.

**DWELLING SITE:** a dwelling site shall be the real property on which a dwelling unit is situated.

**FINAL ACCEPTANCE:** Board Order accepting the maintenance of roads and streets and other public improvements.

**INCREMENTAL DEVELOPMENT:** The practice of subdividing land or adding dwelling units in stages over time, with the intent to avoid the requirements of this Ordinance.

**LAND SURVEYOR:** a registered land surveyor registered in the State of Mississippi.

**LOT:** A plot, parcel or tract of land with fixed boundaries, intended as a unit for the transfer of ownership for building development or both.

**MULTIFAMILY DWELLING:** A building or portion thereof designed for occupancy by two or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

**PLAT (FINAL):** A map of a land subdivision prepared in a form suitable for filing of record with the necessary affidavits, dedications and acceptances, and with complete bearing and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of lane.

**RELATED ENTITIES:** Any entities that are owned, controlled, or managed by the same person or group of persons, or have a common beneficial ownership interest, including but not limited to corporations, partnerships, limited liability companies, trusts, or other legal entities.

**RESTRICTIVE COVENANTS:** Restrictive covenants are contractual agreements, typically found in legal documents such as employment contracts, real estate deeds, or business agreements, that impose limitations or restrictions on one party's actions. These

restrictions are designed to protect the interests of another party involved in the agreement.

**SUBDIVISION:** Any division of a tract of property for location of traditional custom built housing or for purposes of location of manufactured homes or mobile homes, for offer, sale, rental, lease, or development, either on the installment plan or upon any or all other plans, terms, and conditions, of any tract or parcel of land into five (5) or more lots or parcels, which lots or parcel are less than five (5) acres in size.

The terms and conditions of this amendment to the Pike County subdivision ordinance supercede all prior amendments and ordinances. The Board of Supervisors does hereby find that this ordinance shall take effect immediately in order to protect the public health, safety, and welfare of citizens of the county. This amended ordinance shall take effect immediately upon its publication.

**ORDER APPROVING AMENDMENT TO THE SUBDIVISION ORDINANCE**

Following discussion, Supervisor Robert Accardo moved and Supervisor Jake Gazzo seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

Supervisor Justin Lofton voted:	<u>For</u>
Supervisor Samuel Hall voted:	<u>For</u>
Supervisor Robert J. Accardo voted:	<u>For</u>
Supervisor Jake Gazzo voted:	<u>For</u>
Supervisor Lee Fortenberry voted:	<u>For</u>

The motion having received the affirmative vote of a majority of the members present, the President declared the motion carried and the resolution adopted this the 15<sup>th</sup> day of April, 2024.

Justin A. Lofton  
Justin Lofton President, Board of Supervisors  
Pike County, Mississippi

ATTEST:

Becky Buil Chancery Clerk  
Clerk, Board of Supervisors By Court, DC  
Pike County, Mississippi

