

TOWN OF BYHALIA
MODEL SITE AND BUILDING DESIGN STANDARDS

Adopted August 7, 2009

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AN ORDINANCE TO ESTABLISH SITE AND BUILDING DESIGN STANDARDS AND THE METHODS OF ADMINISTRATION AND ENFORCEMENT THEREOF FOR THE BYHALIA, MISSISSIPPI

Be it ordained by the Mayor and Board of Aldermen of the City of Byhalia:

1. Purpose

The overall design of any development has a direct bearing on the economic value of the property. When public areas, business establishments, and residential communities exhibit good design, shoppers, businessmen, homeowners, and industrial developers tend to have strong confidence in the community. Poor design, congestion, and a lack of proper maintenance bring about blight, decay, decreased property values, and the loss of both private and public revenues.

Good community design is the product of the orderly and harmonious relationships established between man-made objects and nature. Good design results from the skillful combination and interrelation of these elements through both contrast and similarity.

What citizens experience daily in the community, both consciously and unconsciously, influence their lives. New building programs, along with the improvements and preservation of existing development, are necessary in order to maintain a healthy community. Expand building programs and land development greatly reduce open space, resulting in an increased awareness of the importance of good design and land use.

The United States Supreme Court has recognized the importance of good design to community well-being. In the landmark case, *Berman v. Parker* {348 U.S. 26 (1954)}, in a decision without dissent, Justice Douglas stated:

“The concept of the public welfare is broad and inclusive...The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled.”

The Court later re-emphasized this view in *Penn Central Transportation Co. v. New York City* {438 U.S. 104, 129, (1979)} when it stated:

“We emphasize what is not in dispute...This court has recognized in numerous settings, that states and cities may enact land use regulations or controls to enhance the quality of life by preserving the character and the desirable aesthetic features of a city...”

The quality of that environment has a direct impact on the City's livability and its economic prospects. The Town of Byhalia has acknowledged this vital linkage between the maintenance of a high quality of community design and the realization of the City's land use and fiscal objectives in its twenty-year master plan study, the General Development Plan. The importance of good design is reflected in the following six major goals of the General Development Plan.

- A. Enhance the visual appearance and living environment of the City through effective design, landscaping and control of visual clutter
- B. Maximize the conservation of existing housing and the preservation of established neighborhood character and quality.
- C. Promote the control and regulation of the adverse effects of development, such as noise, light, odor, etc., Within the City.
- D. Promote the preservation of historically significant structures and/or districts within the City and maximize the conservation of the established character of these facilities and areas.
- E. Encourage the stabilization of existing commercial areas and the development of new commercial nodes in locations which have (1) good vehicular access to local residential market areas; and, (2) minimal conflict or encroachment with either existing or newly developing residential land use areas in the vicinity.
- F. Encourage the continued expansion and development of industrial land use areas in existing locations and in new locations which offer the maximum potential for development, but compatible with surrounding land uses and transportation facilities.

In conjunction with the division of the City of Byhalia Code of Ordinances addressing related land use and fiscal controls, this division, which establishes design review regulations for the City, is adopted to implement the foregoing objectives of the General Development Plan.

2. Development Plan Required:

Neither a building permit nor a use and occupancy permit shall be issued for the construction of the following buildings:

- a. All new construction, additions, change in exterior appearance, exterior alteration, or change in use for either land, buildings, or buildings and land in combinations for all categories for commercial, multiple-family, institutional and industrial uses,
- b. The construction, reconstructions, alteration, or expansion of a parking area for automobiles, trucks, trailers, recreational vehicles, mobile homes, manufactured homes or other vehicles, whether for customer parking, sales, or temporary or long-term storage.
- c. Fences, signs, landscaping requirements, and curb cuts not otherwise reviewable in these regulations.
- d. Subdivision entrance signs and landscape plans for subdivisions or planned developments, including entrances, landscaped buffer areas, medians and streetscaping.
- e. Single-family residences and all accessory structures appurtenant thereto are exempt

- from these guidelines.
- f. All permits for plumbing, heating, air conditioning, elevators, fire alarms and extinguishing equipment, and all other mechanical and electrical equipment when such work is entirely within the interior of a building, or when located outside of the building, but buried beneath the surface of the earth are exempt from these guidelines.
 - g. All permits for interior alterations, repairs, or renovation are exempt from these guidelines.
 - h. All permits for demolitions or wrecking are exempt from these guidelines.

3. General Architectural Guidelines:

- a. The Town of Byhalia strongly encourages interesting, articulated and high quality structures. Long or continuous wall planes should be avoided. Buildings should exhibit detail and elements appropriate for pedestrian view.

4. Lighting:

- a. Illumination shall be appropriate to site activities and site location. The minimum amount of illumination necessary for safety should be used. Exterior lighting of the building and site is to be designed so that light is not directed off the site and the light source is fully shielded from direct off-site viewing.
- b. Exterior light sources may not be exposed and must be shielded from view, down cast and parallel with the ground. All luminaries (the complete lighting unit, consisting of the light source and all necessary mechanical, electrical, and decorative parts) shall be “cut-off type” luminaries with elements such as shields, reflectors, or refractor panels which direct and cut off emitted light at an angle of ninety degrees or less.
- c. No exterior lighting fixture of any kind shall be so placed or directed such that the direct or reflected light therefrom shall interfere with the operation of automotive vehicles on any adjacent street.
- d. No exterior light shall have any blinking, flashing, or fluttering light, or other illuminating device which has a changing light intensity or brightness of color.
- e. Exterior lighting is to be architecturally integrated with the building style, material and colors.
- f. Lighting fixtures, whether mounted upon a building or independently upon a light standard, shall not exceed twenty-five feet (25') in height.
- g. Use of low, bollard-type lighting and landscaped accent lighting is encouraged.
- h. Raised light pole bases are to be attractively designed and detailed to be compatible with the overall project. Bases must be in a neutral color and not traffic yellow.
- i. Building mounted artificial light sources are to be shielded from public view, except for low intensity decorative lighting not exceeding forty-five (45) watts per bulb.
- j. All exterior lighting must be listed by the developer on site plans, including a detailed lighting plan that includes the type, number, brightness, and type of cutoff/ shielding for all fixtures.

5. Utilities:

- a. All on-site utilities shall be installed underground. Surface transformer switching pads shall be located and screened to be unobtrusive. In industrial zones, utilities may be located above ground, provided such utilities are on a steel pole and only on one side of the street.

6. Screening:

- a. Chain link fencing, including chain link fencing with slats or any other type of insert, is prohibited.
- b. In highly visible public areas where fencing is needed, decorative fencing is required. Decorative fencing is defined as black wrought iron fencing or masonry fencing, or a combination thereof.
- c. All exterior trash and storage areas, loading docks and ramps, and service areas are to be screened from view in a manner that is compatible with the building and site design. Screening materials should be the same as the primary building materials. The location of such services should be sited with limited visibility to public view and/or adjacent properties. Trash dumpsters and trash receptacle areas are to be screened with a masonry enclosure on three sides and gated.
- d. Garbage collection areas shall be located at the rear of buildings. The following criteria shall also apply:
 - I. Dumpster enclosures shall be located on a concrete pad, of such size as recommended by the disposal company.
 - II. The approach to the dumpster area shall be paved of a hard surface Portland cement or asphaltic concrete, of a specification sufficient to support the weight and continual use of the garbage collection vehicle.
 - III. The screening on all enclosed dumpsters shall be a minimum of at least two (2) feet taller than the dumpster.
 - IV. For compaction units, a floor drain shall be provided which ties to the sanitary sewer.
 - V. Either the dumpster enclosure must be constructed of sufficient size to accommodate all refuse materials to be recycled, such a grease barrel for restaurants and used oil barrels for automotive uses, or a separate enclosed pad of the same specification provided.
 - VI. The use of wooden fences or chain-link fences with slats as a screening device for garbage collection areas is strictly prohibited.
- e. Mechanical, communications, and service equipment, including satellite dishes and vent pipes, are to be totally screened from public view by parapets or walls. All building mounted equipment is to be screened by parapets or walls from ALL public views.
- f. **Spec on Gates for Dumpster Enclosures**
Dumpster enclosures gates must be constructed of Chain-Link Fencing with Privacy slat inserts or a fence constructed with dog ear cedar treated wood planks (painted) with approved color to match the building. Gate must be the height of the surrounding enclosure and attached to steel posts as wooden posts

will weaken with time. Minimum gate size must allow for truck access and gates must be able to swing a full 180 degrees to open. The gate must have a locking mechanism in both the open and closed positions.

Adopted by the Town of Byhalia September 17, 2013

g. Fencing Permits Fees

Leland Reed asked the Board of Aldermen if they would consider a flat fee for the Commercial Fencing Permit. Currently the Commercial Fencing Permit is one dollar a foot and a Residential Fencing Permit is thirty-five dollars (flat fee). Upon motion by Alderman Mike Hamblin and second by Alderwoman Mary Ann Cooper, with all in agreement, the board changed the Commercial Fencing Permit charge to a flat fee of sixty-five dollars (\$65.00.)

Adopted by the Town of Byhalia November 17, 2015

7. Sidewalks:

- a. Where the subject property does not already provide a public sidewalk, a five (5) foot wide sidewalk shall be constructed along the entire frontage of the property. The sidewalk shall be constructed to align with existing sidewalks on adjacent properties. Where sidewalks are not yet present on adjacent properties, the sidewalk shall be constructed at least five (5) feet back from the curb to allow for green space and street trees. In the instance of a corner lot, the sidewalk will be constructed along both street frontages, with handicap access ramps constructed at the street corner.
- b. Crosswalks. Crosswalks shall be provided both internally and externally to the development. Public crosswalks shall be striped in conformance with the latest edition of the Manual on Uniform Traffic Control Devices. Private crosswalks, internal to the site, shall be delineated by materials of a different color and texture from the surrounding parking lot (brick, cobblestone, etc. preferred) or by white, reflectorized pavement striping.
- c. Street Signs and Traffic Control Devices. When, as the result of the proposed project, street signs, traffic signals, or traffic regulatory signs are required, the applicant shall be responsible for the installation of such devices and signs, the design of which shall be integrated into the overall site design.

8. Retaining Walls:

- a. The height and length of retaining walls should be minimized with appropriate landscaping. Retaining walls should be designed to incorporate elements of other architectural features or natural features of the project.
- b. Materials utilized for the retaining walls should match the primary building material. Paintable walls allowing for the growth of vegetation are encouraged.

9. Signs:

- a. All signs are to be architecturally integrated and complement their surroundings in terms of size, shape, color, texture, and lighting. Signs are to complement the overall design of the building and are not to be designed to be in visual competition with other signs in the area. Signs must adhere to the Byhalia Sign Regulations.

10. Materials and Colors:

- a. Materials should have good architectural character, be durable, and be selected for their compatibility with adjoining buildings and properties. Natural, traditional building materials are encouraged. Highly reflective and/or synthetic materials are discouraged.
- b. Exterior materials should be selected based on their durability and appropriateness for their intended function. Special attention should be given to the durability of materials used around the ground floor of the building. Preferred building materials include stone, brick, cement board, cementuous stucco, and wood, **{Excluding masonite siding, 11/02/10 minutes}**. The materials selected should require minimal maintenance. Their color should be integral to the material and not painted on (except in the case of wood). No more than three (3) painted or applied colors may be used on the exterior of any building. Colors of the predominate exterior surface material should be subdued, with natural tones and neutral colors predominating.
- c. Exterior Insulating Finishing (EFIS) and concrete masonry **shall** not be the predominant building material. EIFS should be used as a way to accentuate an architectural element and should be limited to areas not subject to damage or abuse (lower parts of buildings). Concrete masonry should not be limited to split face or burnished units. Painted, flat-faced concrete masonry units are prohibited.
- d. **Metal veneer (siding) is not permitted in all new residential construction.** Warehouse or manufacturing areas of industrial buildings may utilize metal veneer surface or pre-cast concrete panels which are tinted or colored with the approval of the Site and Design Committee. **Where existing building(s) have metal siding, replacement of such metal siding is permitted. When replacing metal siding, the new material must be approved by the building official(s) and color to match the existing surround buildings. Color to comply with requirements that are stated within Model Site and Building Design Standards.**
 - 1. A remodeling building permit will be required when replacing existing metal siding that exceeds twenty percent (20%) of the surface face of any side of the structure.**
- e. Architectural consistency of colors, materials, and detailing are to be provided between all building elevations. False or decorative facade treatments, where one or more unrelated materials are placed upon the building are prohibited. Large parapet walls should reflect the function behind them and should not be freestanding. All elevations need not look alike; however, a sense of overall architectural continuity is strongly encouraged.
- f. Inconsistent adornment and frequent changes in material should be avoided.
- g. All buildings should be designed to be compatible with the character of the community.
- h. With the exception of industrial uses, the maximum unbroken facades plane shall be fifty (50) feet for multiple-family residential uses, and sixty (60) feet for commercial

and office uses. The wall of any such building shall be interrupted through the use of projections or recesses, portals, courtyards, plazas, or other appropriate architectural conventions. The design off-setting wall plane projections or recesses shall have a minimum depth of two (2) feet.

- I. No flat-faced cement block or metal surfaces shall be visible upon the exterior of any building.
- j. Where pitched roofs are utilized, the primary roof form shall be on a slope of no less than 6/12. Porches shall be on a slope of not less than 3/12. Pitched roofs shall be shingled with wood textured composition shingles or architectural shingles. Roof design should be appropriate for the architectural style of the building. Enameled standing seam metal, flat tiles of concrete or clay, and copper metal roofs are permitted. All surfaces are permitted when the roof is concealed from public view by parapets (flat, built up or pitched roofs). The use of plastic, fiberglass, other metal or glass, visible to public view, is strictly prohibited. The use of bright, high intensity colors **are** strictly prohibited.
- k. The treatment of doors and windows shall be uniform throughout the building design, with the exception of designated fire doors located on the rear of the building.
- l. Parapet facades may be used when facades are of unified construction with the primary surface of the wall and of the same material and color. The parapet shall be designed such that the reverse side of all elements shall not be visible to public view. False mansards are prohibited. Canopies are permissible provided they are an integrated part of the overall building design, are not used to create the impression of a false mansard, and are not as a location or support for wall-mounted signage (painted signs on canopies are permitted).
Revision in BOLD adopted 10-15-2019.

11. Landscaping:

Landscaping is used in parking areas to reduce heat radiated from paving, improve auto circulation and safety, and to screen parked automobiles from public view.

- a. A consistent landscaped treatment along public streets enhances the appearance of the public domain, and provides an attractive, unified setting for variations among individual developments. Landscaped areas should dominate the frontage of any site where entries are the only interruption. Although the type and nature of the landscaping between individual properties may vary, the design and depth of landscaped areas shall be consistent as they transition from one property to another.
- b. A minimum of one (1) large deciduous shade tree for every thirty-five (35) feet of lineal street frontage or portion thereof shall be planted upon the subject property within the area five (5) feet behind the street ROW line up to said street ROW line. The size of the trees at planting is to be 3 1/2" caliper as measured six (6) inches above the ground.
- c. Parking areas shall be organized as a series of small parking bays with landscape islands separating them. A landscape island shall be placed for each 10 parking spaces as follows:
- d. Single-loaded parking rows – a raised island, not less than six (6) inches in height, five (5) feet wide by twenty (20) feet in length shall be located at both ends of every single-loaded parking row and for every 10 parking spaces. This island shall contain a minimum of one (1) medium deciduous shade tree, 2 ½ inches in caliper as

- measured six inches above the ground, and low shrubs at least eighteen (18) inches high.
- e. Double-loaded parking rows – a raised island, not less than six (6) inches in height, ten (10) feet wide by forty (40) feet in length shall be located at both ends of every single-loaded parking row and for every 10 parking spaces. This island shall contain a minimum of two (2) medium deciduous shade trees, 2 ½ inches in caliper as measured six inches above the ground, and low shrubs at least eighteen (18) inches high.
 - f. Where parking areas adjoin public streets, an opaque barrier, a minimum and maximum of three (3) feet above the elevation of the adjacent parking areas shall be provided between the parking area and the street ROW line, for the length of the parking area, to obscure parked vehicles within these areas from public view, and to prevent the lights from parked vehicles encroaching upon the public street. The barrier may take the form of a decorative masonry wall with plantings on the street frontage, an earthen berm with established ground cover, or dense shrubbery of sufficient density to present an uninterrupted vegetative wall.
 - g. Trees planned for the purpose of complying with the perimeter landscaping requirements shall not be double counted for compliance with the interior landscaping requirements.
 - h. Ground cover. Areas adjacent to streets and pedestrian walkways, as well as interior landscaped areas, shall be treated with grass, mulch, or other types of vegetative ground cover.
 - i. Irrigation. In order to present a healthy, neat and orderly appearance, landscaped areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, and trees by utilizing a sprinkler system or hose bibs.
 - j. Whenever possible, healthy existing trees should be maintained, as they are an amenity that increases the value of property and requires many years to replace. All existing trees eight (8) inches or larger or significant tree canopy, must be identified on the site plan.
 - k. The trees, shrubs and other landscaping materials depicted upon the approved Development Plan shall be considered as elements of the project. The applicant and his successors, assign, and/or subsequent owners and their agents shall be responsible for the continued maintenance of all landscaping materials. Plant materials which exhibits evidence of insects, disease or damage shall be appropriately treated. Dead plants shall be removed and replaced within thirty (30) days following notification by the Village.
 - l. A planted buffer-yard of at least twenty (20) feet is required between any commercial, industrial, multiple-family residential, or institutional use and any single-family use. Buffer-yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel line, alongside and rear property lines. Buffer-yards shall not be located on any portion of a public or private street ROW. A decorative masonry wall of brick, cementuous stucco, or natural stone, six feet in height, with support columns no further apart than ten (10) feet may be used instead of the planted area, or in conjunction with the planted material. Decorative wrought iron may be used in conjunction with the fencing materials and with landscaping of sufficient density to maintain the integrity of the wall as an effective barrier. The use of wood or chain

link fencing as an opaque barrier is strictly prohibited. Buffer-yards shall contain one (1) large deciduous tree (ultimate height of 50+ feet), three medium (ultimate height of 25') evergreen trees (planted on a twenty-five-foot triangular staggered spacing), and one small ornamental tree for every seventy-five (75) lineal feet of buffer-yard,

- m. All landscaping shall be in accordance with the approved plant list in Appendix “A”.

12 Off-site Improvements:

Where off-site roadway or utility improvements are required as a result of the planned development (due to impact), those improvements shall be the responsibility of the applicant, and shall be constructed or installed prior to any final inspection or the issuance of an occupancy permit.

13. Planning Commission to Serve as Site and Design Review Committee:

The Planning Commission is hereby established as the Site and Design Review Committee. With the advice of the Fire Chief, Police Chief, Building Official, and any consultants hired by the Town to review site and building plans, the Planning Commission may act upon submission under these Design Standards.

14. Administration and Appeals:

Any person or persons aggrieved by any decision of the Planning Commission may appeal such decision to the Mayor and Board of Aldermen filing a “Notice of Appeal” in writing within (10) days of the date of the final action of the development plan. The Mayor and Board of Aldermen may affirm, reverse, remand, or modify the decision of the Planning Commission as may be appropriate. The Planning Commission may issue variances to the regulations in keeping with the rules of the Zoning Ordinance.

15. Design and Review Application Procedures

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Town of Byhalia
Plan / Design Review Application

Per the Town of Byhalia Ordinances a Plan /Design Review is required for all non-residential development projects including new construction, additions, changes in exterior appearance, exterior alteration, or change in use (for either land, buildings, or buildings and land in combination) of/to churches, commercial, industrial, parking lots (whether for customer parking, sales, or temporary or long – term storage), and other non-residential uses and features including fences, signs, curb cuts, entrance ways, landscaped buffers areas, medians, and streetscaping.

A complete Plan / Design review Application consists of the following information:

1. A completed Application Form the property description and signatures of all property owner, or the designees, who will serve as the primary contact during the Review process.
2. A Set of Plans measuring twenty-four (24) inches by thirty-two (32) inches or more but not exceeding thirty-six (36) inches, drawn to a scale as large as practical, including the following.
 - a. Existing conditions:
 - i. Scale, date, north arrow, title, of project, and a vicinity map reflecting the location of the proposed project.
 - ii. The boundaries, dimensions, and total gross acreage of the subject property.
 - iii. The relationship of the project to the surrounding road system, including the widths of right-of-way and pavement for all adjacent roads.
 - iv. The location and dimensions of all existing man-made features, such as roads, utilities, and structures on both the subject site and adjacent properties, along with an indication of which features on the subject site are to be removed.
 - v. The location and dimensions of existing easements, watercourses, town drains, utilities, water and sewer lines, and other important physical features on and adjoining the project.
 - vi. The location and delineation of existing trees eight (8) inches in diameter or larger, as measured three (3) feet above the ground, and information as to which trees will be removed.
 - b. Proposed conditions:
 - i. The footprint, location, dimensions, and height of the proposed main and accessory buildings, their relation one to another and to any existing structures to remain on the site.
 - ii. The distance between all proposed buildings and structures to the adjacent property lines.
 - iii. The location of the one hundred (100) year flood plain, where applicable, and the existing or proposed finish floor elevations of all structures.

- iv. The internal circulation pattern for both vehicular and pedestrian traffic, including the sidewalks, as well as the location, size and number of parking spaces within off-street parking areas, as well as the identification and dimensions of service islands, service parking, and loading zones.
- v. Total project building floor area by the use intended for commercial and industrial projects.
- vi. Percentage of landscaping/open space areas and percentage of impervious surface areas to the total area of the site.
- vii. Location and dimensions of all landscape areas, open space areas, and buffer yard areas, including the location, number, type and size of all landscaping materials.
- viii. Size, location, materials, and orientation of all signs.
- ix. Location, height, and type of all exterior lighting.
- x. Location, area, and type of screening for all exterior trash collection and/or recyclables collection areas.

c. Architectural Elevations

- i. Architectural drawing, drawn to scale showing all elevations of the proposed structures and other improvements as they will appear upon completion of construction.
- ii. If the exterior of an existing structure is to be changed, both the proposed and existing elevations of such structures shall be shown.
- iii. If an addition to an existing structure is proposed, the elevations of the existing structure shall be together with those of the addition.
- iv. The elevations shall also show all superstructures and equipment above the roof. Projections from the wall of the structure, mechanical units, etc.
- v. A floor plain for all structure.
- vi. Exterior material to be used shall be noted in terms of type, location, texture, and color, with samples of each to be provided with the submitted plans.
- vii. The location and type of screening for all mechanical units, utility services, and so forth.

3. A written description of the proposed phasing of construction for the project, if possible.

Property Description

Name of Business: _____

Occupancy Type: _____

Address of Property if known: _____

Property Parcel Number: _____

Section: _____ Township: _____ Range: _____ Zoning: _____

Type of structure: _____

(Commercial, Retail, Church, Industrial, Mixed-Use, etc.)
Building Materials: _____
(Brick, Block, Wood Frame, etc.)
Size of structure (Sq. Ft.): _____ Building Dimensions (20 x 30) _____

Primary Contact/Applicant information

Contact's/Applicant's

Name: _____
(Circle one: Developer/Property Owner/Architect/Contractor)

Name of Business for contact: _____

Contact's/Applicant's address: _____

Telephone number: _____

Alternate phone number: _____

Fax Number: _____

E-Mail Address: _____

The information stated above and the statements contained in the materials submitted herewith are true and accurate to the best of my knowledge. I understand that this statement is null and void if any of the above information is not supplied or is inaccurate.

Signature of Applicant (s)

Date

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Steps to Obtain a Building Permit for Commercial Construction and or Commercial Property Development within the Town of Byhalia

Ordinances and Regulations for the Town of Byhalia require certain steps to be performed before a building permits can be issued.

No construction work, clearing of the site or earthmoving activates shall occur on the site until after the Town Building Official has issued a building permit.

A design review is required for **all non-residential development projects** including new construction, additions, changes in exterior appearance, exterior alteration, or change in use (for either land, buildings, or buildings and land in combination) of/to any commercial or industrial property.

Building codes adopted by the Authority Having Jurisdiction: 2012 International Building Code, 2012 International Fire Code, 2012 International Mechanical Code, 2012 International Plumbing Code, 2012 International Fuel Gas Code, 2014 National Electrical Code

The above codes have been replaced by the following:

International Building Code 2018, International Residential Code 2018, International Plumbing Code 2018, International Mechanical Code 2018, International Fuel Gas Code 2018, International Fire Code 2018, National Electrical Code 2020, International Existing Building Code 2018, International Swimming Pool and Spa Code 2018, and International Property Maintenance Code

Adopted by the Board of Alderman 2-18-2020

Zoning/Planning Commission involvement:

1. First contact the Zoning Official to determine the zoning use that the property is located within.
2. Once the zoning use has been classified to have the correct classification by the Zoning Official a Plan / Design review process will need to take place.
3. Plain / Design Review application will be required to be submitted in full to the Byhalia Town Hall, along with the Plan / Design Review Fee. The Plan / Design Review fee is calculated as half (1/2) the cost of a permitted building permit fee as figured from the validation cost consisting from the total development cost of said project. Then a date can be set for the Planning Commission to review requested documentation and approve or disapprove the building and or property design.
4. If the new construction, or building alteration is found to be within the Historic section of the Town of Byhalia by the Zoning or Building Official the first step will be as follows. That person or persons wishing to develop property within the historic district will have to set up a meeting with the Town's appointed Historic Commission to go over all changes wishing to be made (Contact the Byhalia Area Chamber of Commerce to set up this meeting). Once this meeting has been completed a Plain / Design review will then have to be completed first by the Historic Commission approving or disapproving the proposal. If disapproved you will be contacted and all information supplied can be retrieved along with a letter stating the reason of denial. If approved you will be

contacted and all required documentation will be sent to the Planning Commission for a Plain / Design review process to begin.

5. If the property is not zoned for a specific use intended and the party wishes to fill out a **Conditional Use** application and submit it in full along with the required payment to the Byhalia Town Hall. The Planning Commission will then set up a public hearing and meeting to be held and this action may take approximately 1 to 2 months depending on scheduled work time.
6. If the building official determines that this project will require subdivision of the property, the applicant must obtain a **Subdivision Application** and submit it in full along with the required payment to the Byhalia Town Hall. The Planning Commission will then set up a public hearing and meeting to be held and this action may take approximately 1 to 2 months depending on scheduled work time.
7. Once the Planning Commission has approved or disapproved Design Review application, the matter will then be turned over to the Mayor and Board of Aldermen (Authority Having Jurisdiction) at the next scheduled meeting date. The Mayor and Board of Aldermen (AHJ) will have the deciding power to approve or disapprove or make changes to the Planning Commission decision.
8. If approved by the AHJ the Building Official will need submitted to him 2 complete sets of plans (24' x 32" or larger). One set will stay with the Building, Code, Fire Department, and the second set will be stamped and given back to the contractor to keep on the job site. Also, a letter from the Architect or Engineer must accompany the plans certifying they meet the adopted 2012 International Building Code, 2012 International Fire Code, 2012 International Mechanical Code, 2012 International Plumbing Code, 2012 International Fuel Gas Code, 2014 National Electrical Code.
9. After all plans are have been reviewed by the Building Official, he or she can assign a building permit to said project to the licensed General Contractor.
10. Once the General Contractor has received the building permit, the trade contractors will be allowed to pull their permits.
11. Trade permits like Electrical, Mechanical, and Plumbing must make their own applications and pay their own fees, plus the job must be performed by a licensed contractor of that trade.

Adopted by the Town of Byhalia May 5, 2015

**APPENDIX “A”
APPROVED PLANT LIST
DESIGN REVIEW ORDINANCE**

LARGE-MATURING TREES

Deciduous

White Ash (<i>Fraxinus Americana</i>)	Resistant to heat and drought, growth rate medium, height range 50' to 80'; do not plant in heavy clay soil
Bald Cypress (<i>Taxodium Distichum</i>)*	Growth rate fast; height range 50' to 80'; produces small leaves that do not need raking
River Birch (<i>Betula Nigra</i>)*	Subject to drought problems; may be multi-stem; growth rate fast; height range 40' to 70'
Lacebark Elm (<i>Ulmus Parvifolia</i>)	Resistant to Dutch Elm disease; growth rate medium; height range 40' to 50'
Ginko (<i>Ginko Biloba</i>)*	Pest free, tolerates pollution, drought resistant; growth rate slow; height range 50' to 60'.
Laurel Oak (<i>Quercus Laurifolia</i>)	Growth rate medium to fast, height range 60' to 80'; “Darlington” variety recommended
Pin Oak (<i>Quercus Palvstris</i>)	Growth rate medium to fast; height range 60' to 70'; Dried foliage persists in winter.
Sawtooth Oak (<i>Quercus Acutissima</i>)	Holds its leaves during winter, drops lots of acorns, toughest of the oaks; growth rate medium to fast; height range 35' to 70'
Shumard Oak (<i>Quercus Shumardii</i>)*	Growth rate medium to fast; height range 40' to 80'
Southern Red Oak (<i>Quercus Falcata</i>)*	Natural to area; growth rate medium to fast; height range 70' to 80'
Water Oak (<i>Quercus Nigra</i>)	Prefers well drained clay, fertile moist soil, growth rate medium to fast; height range 70' to 80'
White Oak (<i>Quercus Alba</i>)	Very long lived; growth rate slow; height range 70' to 80'

Willow Oak (<i>Quercus Phellos</i>)	Very common tree in this area, withstands urban conditions growth rate fast, height range 70' to 80'
Japanese Pagoda Tree	May develop cankers which can girdle limbs; growth rate (<i>Sophora Japonica</i>) fast; height range 70' to 80'
London Planetree	Withstands harsh urban conditions, growth rate fast; Height (<i>Plantanus Acerifolia</i>)* range 60' to 100'
Tupelo Black Gum (<i>Nyssa Aquatica</i>)	Resistant to disease, urban tree, long life; growth rate medium, height range 50' to 70'
Tulip Poplar (<i>Kiriodendron Tulipifera</i>)	Needs lots of space, good soils; growth rate fast; Height range 60' to 90'
Japanese Zeikova (<i>Zeikova Serrata</i>)	Form of elm resistant to Dutch Elm disease; growth rate fast; height range 50' to 80'

Evergreen

Leyland Cypress	Maintains good shape, excellent screening, growth rate (<i>Cupressocyparis Leylandii</i>) medium to fast, height range 60' to 70'
Canadian Hemlock	Requires partial shade and good soils, growth rate fast; (<i>Taug Canadensis</i>) height range 40' to 70'
Southern Magnolia	Drops large leaves; growth rate medium to fast; Height (<i>Magnolia Grandiflora</i>) range 50' to 80'
Austrian Pine (<i>Pinus Nigra</i>)	Tolerates urban conditions, growth rate medium; height range 50' to 60'
Loblolly Pine (<i>Pinus Taeda</i>)	Susceptible to pine beetles if not kept healthy; growth rate fast, height range 40' to 60'
Virginia Pine (<i>Pinus Virginiana</i>)	Susceptible to pine beetles if not kept healthy; growth rate medium; height range 15' to 40'

MEDIUM TO SMALL MATURING TREES

Flowering

Kwanzan Cherry (<i>Prunus Serrulata</i>)	Good soils preferred; growth rate slow; height 20' to 25'
Yoshino Cherry (<i>Prunus Yedoensis</i>)	Good soils preferred; growth rate slow; height 20' to 25'
Crabapple (<i>Malus Sylvestris</i>)	Recommended Varieties: “Snowdrift”, “Zumi”, and “Centurion”; growth rate medium to fast; height range 15' to 25'
Crapemyrtle (<i>Lagerstroemia Indica</i>)*	Must be maintained in tree form, growth rate Medium height range 15' to 45'
Flowering Dogwood (<i>Cornus Florida</i>)*	Needs partial shade and good soils; growth rate medium to fast; height range 20' to 25'
Kousa Dogwood (<i>Cornus Kousa</i>)*	More hardy tree than Flowering Dogwood; growth rate slow to medium; height range 15' to 30'.
Hawthorne (<i>Crataegus Viridis</i>)	Prone to insect problems; growth rate slow to medium; height range 20' to 25'
Saucer Magnolia (<i>Magnolia Souciangeana</i>)	Growth rate medium; height range 20' to 30'
Aristocrat Pear (<i>Pyrus Calleryana</i>)*	Very tolerant, best limb structure; growth rate fast; height range 30' to 40'
Bradford Pear (<i>Pyrus Calleryana</i>)	Very tolerant, requires regular pruning, growth rate fast; height range 30' to 40'
Capital Pear (<i>Pyrus Calleryana</i>)	Very tolerant, most columnar; growth rate fast; height range 30' to 40'
Redspire Pear (<i>Pyrus Calleryana</i>)	Very tolerant, narrower than the “Bradford”, growth rate fast; height range 30' to 40'
Purpleleaf Plum (<i>Pyrus Calleryana</i>)	Remains purple, produces fruit; growth rate medium to fast; height range 15' to 30'

Non-Flowering

Carolina Cherry Laurel	Good soils preferred; growth rate medium; height Range (Prunus Caroliniana) 20' to 30'
Foster Holly #2	Multiple uses; growth rate medium to fast; height range (Ilex x Attenuata "Foster") 15' to 20'
Savannah Holly (Ilex x Attenuata)	Multiple uses; growth rate fast; height range 20' to 30'
American Hornbeam	Pest free, tolerates urban conditions; growth rate slow; (Carpinus Caroliniana)* height range 20' to 30'
European Hornbeam	Pest free, tolerates urban conditions; growth rate 20' to 30'

SPECIAL NOTE:

All additions and addendums approved by the Byhalia Board of Aldermen's have been insert within the body of these codes. They are identified by the **Bold Text and dated as to when they were approved.**