

**Town of Byhalia, Mississippi**  
**Subdivision Regulations**

**January 11, 1998**

**Adopted August 7, 2009**

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**Be it Ordained by the Mayor and Board of Aldermen of the Town of Byhalia, Mississippi:**

## **ARTICLE 1 GENERAL PROVISIONS**

### **SECTION 100 SHORT TITLE**

**100.1** These regulations shall be known as the “Official Subdivision Regulations for Byhalia, Mississippi 1973” and may be so cited.

### **SECTION 101 PURPOSE**

**101.1** It is hereby found and declared that, to promote orderly, efficient, and coordinated growth and development within the Town and its environs and to promote the health, safety, morals, and general welfare of the residents of the Town and its environs, there exists a need for setting forth certain procedures and standards to be followed in the development and redevelopment of land in the Town and its environs.

- a. To secure equitable handling of development plans by providing uniform procedures and standards for the observance of both the developer and the Town.
- b. To ensure conformance of development plans with the public improvement plans of the Town.
- c. To establish minimum standards governing streets, drainage, utilities, and other Developmental improvements.
- d. To establish procedures and minimum standards governing the preparation, filing, and approval of subdivision plats and data.
- e. To fix penalties for the violation of provisions of these regulations.
- f. To provide that the Governing Body may vary these regulations in certain cases or under certain conditions.

### **SECTION 102 AUTHORITY**

**102.1** The provisions of this code are adopted pursuant to the authority granted by Sections 2890, 5, 3374-80 and 3374-123 of the Mississippi Code of 1942, Recompiled, as amended.

### **SECTION 103 APPLICATION AND GENERAL REQUIREMENTS**

**103.1** Any sub-divider of land within the territorial jurisdiction of the Town shall submit to the Town subdivisions plats along with construction plans for the proposed

improvements and such other information as may be required according to these regulations.

**103.2** In consideration the approval of the subdivision plats, the Town shall observe and enforce the requirements and procedures set forth herein.

**103.3** No sub-divider shall proceed with and construction work in a proposed subdivision, including grading, without first having obtained preliminary plat approval and construction plan approval.

**103.4** No sub-divider shall convey title to or lease any lot or parcel in a subdivision first having obtained the Final Plat Approval as prescribed herein,

## **SECTION 104 DEFINITIONS**

**104.1** As used in these regulations, words in the present tense include the future; words in the singular include the plural and words in the plural include the singular; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory.

**104.2** For the purpose of these regulations certain words and phrases used herein are defined as follows:

- a. Town: The term Town means the Town of Byhalia, Mississippi, or, when appropriate to the context, its duly authorized representative.
- b. Town Engineer: The term Town Engineer means the engineer employed by the Town for the purpose of reviewing the plans, plats, and data required by the regulations.
- c. Construction Plans: The term Construction Plans means the drawings of works to be constructed and includes the specifications and such other information as necessary to accurately describe the work, the methods, the materials, and the desired results.
- d. Engineer: The term Engineer means a registered professional engineer licensed to practice in the state of Mississippi.
- e. Governing Body: The term Governing Body means the Mayor and Board of Aldermen of the Town.
- f. Lot: The term lot means a parcel of land, or portion of a subdivision intended for lease, transfer of ownership, or development.
- g. Street: The term Street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue,

boulevard lane, place, alley, or however otherwise designated.

1. Major streets and highways are those which are used primarily for fast or heavy traffic and which provide a means to either bypass the Town or be routed expeditiously throughout the Town.
  2. Collector streets are those which carry traffic from minor streets to the major streets in residential and business areas and include the principal entrance streets of a residential development and streets for circulation within such a development.
  3. Local streets are those which are used primarily for access to the abutting properties.
  4. Marginal access streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protections from through traffic.
  5. Alleys are minor ways which are used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
- h. Sub-divider: The term Sub-divider means any person, individual, firm, partnership, association, corporation, estate or trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, and includes any agent of the sub-divider.
- i. Subdivision: The term Subdivision means the division of a parcel of land into two or more lots or parcels for the purpose, immediate or future, sale, lease, or building development, or if a new street is involved, any division of a parcel of land constitutes a subdivision, but the division of land for agricultural purposes into lots of five acres or more in size where no new street is created does not constitute a subdivision. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

## ARTICLE 2 PROCEDURE

### SECTION 200 PRE-APPLICATION PROCEDURE

- 200.1 Prior to the filing of an application of approval of the Preliminary Plat and the construction Plans, the Sub-divider shall submit to the Town plans and data specified in Article V. This step does not require formal application, fee, or filing of a plat with the Governing Body.
- 200.2 The purpose of the pre-application procedure is to afford the Sub-divider an opportunity to avail himself of the advice and assistance of the town and to consult early and informally with the Town before preparation of the preliminary plat and before formal application for its approval.
- 200.3 The Town shall promptly inform the Sub-divider that the plans and data as submitted or as modified do or do not meet the objectives of these regulations and, if they do not meet the objectives, the respects in which they do not do so.

### SECTION 201 PROCEDURE FOR APPROVAL OF THE PRELIMINARY PLAT

- 201.1 On reaching conclusions, informally as recommended on Section 200 above, regarding his general program and objectives, the sub-divider shall cause to be prepared a Preliminary Plat, construction plans for the required improvements and other supplementary material as specified in ARTICLE V.
- 201.2 Submission of the Preliminary Plat, the construction plans for the required improvements and the supplementary material specified shall be submitted initially to the Town with written application for approval, these data shall be submitted at least 15 days prior to the meeting at which they are to be considered. **Under the Zoning Ordinance, all application, maps and other documentations is to be turned in by the 1<sup>st</sup> of each month to be heard by the Planning Commission that months. Adopted by the Board December 15, 2020,**
- 201.3 The required fees shall be paid upon submission of the Preliminary Plat for approval.
- 201.4 Following (a) review of the Preliminary Plat, the construction plans and other material submitted for conformity to these regulations by the Town and (b) negotiations with the sub-divider on changes deemed advisable and the kind and extent of improvements to be made in the proposed subdivision. The town shall express informal approval or conditional approval and shall state the conditions of such approval if any, or if disapproval shall express disapproval and the reasons therefor.
- 201.5 The action of the Town and any conditions thereof, shall be noted on copies of the Preliminary Plat and construction plats. One (1) copy of each shall be returned to the sub-divider and the others retained by the Town.

201.6 Approval of a Preliminary Plat and construction plans shall not constitute approval of the final plat. It shall be deemed only an expression of approval of the general nature of the required improvements and the layout of the Preliminary plat which may be used as a guide in the preparation of the final Plat to be submitted for approval of the Governing Body and for recording upon fulfillment of the requirements of these regulations.

## **SECTION 202 PROCEDURE FOR APPROVAL OF FINAL PLAT**

202.1 The final Plat shall conform substantially to the Preliminary Plat as approved, and, if desired by the Sub-divider, may constitute only the approved preliminary Plat which he proposes to record and develop at the time: provided, however, that such portion conforms to all requirements of these regulations.

202.2 Three copies of the Final Plat and other exhibits required for approval shall be prepared as specified in ARTICLE V and shall be submitted to the Governing Authority fifteen (15) days prior to the meeting at which they are to be considered.

202.3 The Sub-divider shall have prepared and submitted to the Town's Attorney for approval prior to the consideration by the Governing Body, a certificate of title of land embraced in such subdivision before the final Plat is finally accepted by the Town.

202.4 Approval of the Final Plat shall not be granted until the Subdivision meets the requirements contained in these regulations, subject to any waivers or exceptions having been granted.

202.5 In the event the Governing Authority should approve the proposed map of said addition, an endorsement shall be made thereon by the Mayor, indicating such approval together with the date of the Governing Body's order. A copy of said map shall be filed with the Town Clerk, as well as with the Clerk of the Chancery Court by the Sub-divider after said map has been properly signed and acknowledged.



## **ARTICLE 3 DESIGN STANDARDS**

### **SECTION 300 STREETS**

300.1 The arrangement, character, extent, right-of-way and pavement widths, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets

300.2 The arrangements of streets in the subdivision shall either:

- a. Provide of the continuations or appropriate projection of existing principal streets in surrounding areas; or
- b. Conform to a plan for the neighborhood approved by the Town to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

300.3 Minor streets shall be do laid out that their use by through traffic will be discouraged.

300.4 Where subdivision abuts or contains an existing or proposed street, the Town may elect to require marginal access streets, major reverse frontage with screen planting contained on a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. In cases where a main street fronts or passes through a commercial area and marginal access streets are required, commercial facilities will be allowed to front the marginal access street.

300.5 Where a subdivision borders on or contains a railroad right-of-way or limited access right-of-way, the Town may elect to require a street approximately parallel to and on each side of such right-of-way, at a distance suitable of the appropriate use of the intervening land, as for park purposes in residential districts or for industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

300.6 Street jogs with center line offsets of less than 125 feet shall not be permitted.

300.7 A tangent of at least 100 feet shall be introduced between reverse curves on major and collector streets.

300.8 Changes in horizontal alignment shall be accomplished by a curve with a radius sufficient to insure an adequate sight distance. Minimum Sight distance for streets shall be as follows:

Type Street	Minimum Sight Distance
Major	275'
Collector	200'
Local	150'

300.9 Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect another street at less than 60 degrees unless approved by the Town.

300.10 Property lines at street intersections shall be rounded with a radius of 10 feet minimum. The Town may require comparable chords in place of rounded corners. A comparable chord shall be considered a line connecting the points of tangency of the radius it is replacing.

300.11 Street right-of-way and pavement widths shall be in accordance with the following:

Type Street	Right-of-Way	Pavement width Face to Face of Curb	Maximum Grade
Major	80	48	8.00%
Collector	60	40	10.00%
Local	50	32	12.00%

300.12 Minimum street construction on non-plastic soil shall be eight inches (8") compacted clay gravel base with double bituminous surface treatment riding surface. Base strength shall be suitably adjusted for plastic soils.

300.13 Half streets shall be prohibited.

300.14 Dead-end streets, designed to be so permanently, shall not be longer than 400 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 100 feet and a street property line diameter of at least 117 feet.

300.15 No street names shall be used which duplicate or can be confused with the names of existing streets. Street names shall be subject to the approval of the Town and the United States Post Office.

## **SECTION 301 ALLEYS**

**301.1** Alleys shall be provided in commercial and industrial districts, except that the Town

may elect to waive this requirement where other definite, assured, and adequate provision is made for service access, such as off-street loading, unloading, and parking.

301.2 The right-of-way width of an alley in commercial and/or industrial sections shall be a minimum of 20 feet.

301.3 Alley intersections and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

301.4 Dead-end alleys shall be avoided, but, if unavoidable, shall be provided with adequate turn-around facilities at the dead-end as determined by the Town.

301.5 Where alleys are permitted in residential areas, the width of the right-of-way shall be a minimum of 20 feet.

### **SECTION 302 EASEMENTS**

302.1 Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 20 feet wide at ground level with an additional 6' feet wide overhead on each side from 12 feet above ground and up or, in special cases, at a width designated by the Town.

302.2 Where easements intersect or sharp changes in alignment are necessary, corners shall cut off sufficiently to permit equipment access.

302.3 No fences, buildings, or other structures will be permitted in easements.

302.4 Any overhanging limbs, shrubbery, or vegetation of any kind may be removed from within the limits of easements at the sole discretion of the maintenance personnel of the utilities installed or to be installed on or above easements.

302.5 Every easement shall terminate at both ends upon a street, alley, or another easement, except that dead-end easements may be permitted if not more than 150 feet in length with no turns or bends.

302.6 Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course or an accepted canal or drainage course, and such further width or construction, or both, as will be necessary for equipment access.

### **SECTION 303 BLOCKS**

303.1 The lengths, widths, and shapes of blocks shall be determined with due regard to:

- a. Provision of adequate building sites suitable to the special needs to the type of use contemplated.
  - b. Zoning requirements as to lot sizes and dimensions.
  - c. Need for convenient access, circulation, control, and safety of street traffic.
  - d. Limitations and opportunities of topography.
- 303.2 As a usual practice, block lengths shall not exceed 1,320 feet or be less than 50 feet and block widths shall not exceed 400 feet or be less than 250 feet, but the Town may elect to make exceptions in particular cases.
- 303.3 Pedestrian crosswalks, not less than 10 feet wide, shall be required where deemed necessary to provide circulation or access to schools, play-grounds, shopping centers, transportation, and other community facilities.

## **SECTION 304 LOTS**

- 304.1 The lot size, width, depth, and the minimum building setback lines shall conform to the requirements of the zoning ordinance.
- 304.2 The minimum size of residential lots where a public sanitary sewer is not available shall be determined by an Engineer after studies have been made of the soil conditions existing on the site of the proposed subdivision with the approval of the Mississippi State Health Department and the Town. The costs of such studies shall be borne by the Sub-divider.
- 304.3 Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- 304.4 The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.
- 304.5 Double frontage and reverse frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other incompatible use.
- 304.6 Side lot lines shall be substantially at right angles or radial to street tight-of-way lines.

## **SECTION 305 PUBLIC SITES AND OPEN SPACES**

305.1 Where the Town has developed a Comprehensive Plan and where a proposed park, playground, school, or other public use shown in the Comprehensive Plan is situated in whole or in part in a subdivision, the Sub-divider may be required to allow the Town to take an option for a period of three years on such acreage required for public use. During the three-year reservation period, the Town shall have the right to purchase said acreage at its current market value.

## **ARTICLE 4 REQUIRED IMPROVEMENTS**

### **SECTION 400 GENERAL**

400.1 In consideration of the acceptance by the Town and the assumption of the responsibility for maintaining the utilities and streets constructed in a subdivision, the sub-divider shall cause to be constructed, at no expense to the Town, the improvements required by this Article according to the current Town practices and the specifications set forth in this Article.

400.2 All improvement construction shall be designed and supervised by an Engineer.

400.3 Construction Plans shall be submitted to and approved by the Town prior to construction of any improvements.

400.4 Before starting construction, the sub-divider shall make arrangements with an Engineer for adequate laboratory and construction inspection to ensure that the improvements shall comply with the regulations. Records of such texts and inspections shall be made available to the Town upon request.

400.5 All work must be inspected during construction by the Engineer and such work will not conform to the requirements of this regulation until the Engineer shall certify that it conforms to the current Town practice for such construction.

400.6 Prior to the beginning of construction of the various improvements, the sub-divider shall furnish the Town a Surety Bond in the amount of the estimated cost of construction guaranteeing for the faithful performance of all covenants, stipulations and agreements, and guaranteeing the work against the incorporation of the faulty materials or poor workmanship for a period of one year after the date that construction was certified as complete by the Engineer.

400.7 "As Built" drawings of all improvements showing such improvements as actually installed shall be submitted to the town within ninety (90) days after the completion of said improvements. In some cases, reproducible "As Built" drawings may be required.

400.8 Where no Town standard exists governing the design or construction of required improvements, the Town Engineer shall determine the requirements.

### **SECTION 401 MONUMENTS**

401.1 Monuments shall be placed at all corners or changes of alignment along the boundary of the subdivision and at all block corners, angle points, or points of curves in street right-of-way boundary lines and at all lot corners or changes in

alignment in lot boundaries. These monuments shall conform to current Town practices.

401.2 All monuments shall be set with the top thereof flush with finish grade. Where farming operations or other uses might destroy or disturb the monument, the monument shall be sunk underground a sufficient depth to preserve it and referenced to a permanent landmark.

## **SECTION 402 GRADING**

402.1 The Sub-divider shall be responsible for all grading in the subdivision. Site grading shall be in direct accordance with plans approved by the Town and said plans shall show both existing and proposed contours and such other data as the Town may require for adequate review.

402.2 Areas to be graded by cutting or filling shall be rough graded to within 0.2 of a foot of the accepted elevation after necessary allowance has been made for the thickness of the topsoil, paved areas, and other installations.

402.3 Final cross sections and profiles of streets and other installations shall conform to grades approved by the Town.

402.4 All timber, logs, trees, brush, vegetable matter, and other rubbish shall be removed and disposed of so as to leave the areas that have been disturbed with a neat and finished appearance.

402.5 All tree stumps, masonry, and other obstructions shall be removed to a depth as follows:

For paved areas: 2 feet below degraded

For lawn areas: 2 feet below finished grade

402.6 Grading shall be continued until the area conforms with the lines, grades, slopes, and typical cross sections shown on the approved plans.

## **SECTION 403 DRAINAGE**

403.1 The Sub-divider shall be responsible for the construction of all drainage facilities.

403.2 All storm drainage systems shall be in accordance with the appropriate sections and subsections of the latest edition of the Mississippi Standard Specifications for State Aid Road and Bridge Construction, and shall be subject to the approval of the Town. The Town reserves the right to require that main sewers and canals be designed to handle storms occurring on an average frequency of 10 years when engineering studies indicate such to be advisable. The Town reserves the right to prohibit the filing of low-lying areas and to zone such areas for uses that would not be damaged by short duration flooding.

403.3 The drainage plan will show location and size of pipes and ditches, manholes and catch basins, culverts with head walls and aprons for same, bridges, contours of the project, street layout, and the lotting pattern with lot numbers. The drainage plan will also show the kind, invert elevations and grade of each drainage pipe or channel, and the contributing drainage area for it.

403.4 The sub-divider may be required to install drainage structures in excess of those required to adequately serve the subdivision. In these cases, the Town may reimburse the sub-divider for the difference in cost between the drainage facilities actually needed in the subdivision and the cost of drainage facilities necessary to provide for planned future development.

#### **SECTION 404 WATER SUPPLY**

404.1 The sub-divider shall be required to provide an adequate supply of pure water to all lots in the subdivision. The water supply shall be sufficient to satisfy the needs of both domestic use and fire protection. The distribution system shall be so designed and constructed as to form an integral part of the 's distribution system and shall be in accordance with current Town practice as well as the standards of the State Health Department and the State Fire Rating Bureau.

404.2 Water mains shall be a minimum of six (6) inches inside diameter. Smaller lines connecting water mains may be permitted on major streets where all lots along the street is within 400 feet of a fire hydrant.

404.3 Fire Hydrants shall be installed on water mains only, shall be AWWA approved type with 5-1/2-inch opening installed at the extremity of a six (6) inch minimum diameter pipe and shall be so located that no lot will be in excess of 400 feet from a fire hydrant with the measurement being made along the streets.

404.4 All valves shall be AWWA approved and shall be installed at junctures to enable isolation of line segments for maintenance.

404.5 The Sub-divider may be required to install water mains, fire hydrants and valves in excess of those required to adequately serve the subdivision. In these cases, the Town may reimburse the sub-divider for the difference in cost between the water facilities actually needed in the subdivision and the cost of the water facilities necessary to provide for planned future development.

404.6 In subdivisions where Town water supply is not available and an individual well will supply each dwelling, a letter of acceptance and approval from the State Health Department must be submitted with the preliminary plat.

#### **SECTION 405 SANITARY SEWERS**



- 405.1 Sanitary sewers shall be constructed by the Sub-divider, shall provide a minimum of one 4" connection at the street boundary line for each lot or Parcel of record and shall be so designed and constructed as to form an integral part of the sanitary disposal system of the Town and shall be in accordance with all applicable state and local laws pertaining to sewage collection.
- 405.2 All sewer pipe shall be concrete or vitrified clay or Polyvinyl chloride. Sewer pipe installed with trench depth up to and including ten (10) feet shall be standard strength, and for trench depth greater than ten (10) feet, extra strength pipe shall be used.
- 405.3 All joints shall be either rubber gasket, preformed plastic joint, or factory cast plastic seal.
- 405.4 The minimum diameter pipe for sanitary sewer shall be eight (8) inches. Minimum diameter service pipe for house connection shall be four (4) inches for single family dwellings and six (6) inches for multi-family dwellings. House connections shall be stubbed out to each lot property line before street construction, and plugged with extended sewer stub marker tape from pipe to surface.
- 405.5 The minimum slope allowable for 8" sewer line will be 0.40 feet per 100 feet.
- 405.6 Man holes shall be no further than four hundred (400) feet apart and at each change in alignment of grade and shall be provided with traffic grade cast iron lids and frames.
- 405.7 There shall be a minimum of ten (10) feet separation between all parallel sanitary sewer and water mains.
- 405.8 Any sewer mains exposed through ditches shall be class 150 cast iron for mains, or cast-iron soil pipe for services.
- 405.9 Infiltration in any section of sewer main or service line shall not exceed three tenths (0.3) gallons per hour per inch diameter per one hundred (100) feet of pipe.
- 405.10 When any of the sanitary sewers within a proposed subdivision or sewers necessary to connect the proposed subdivision with the Town sewer system or an outlet acceptable to the Town are so located that portions thereof may be a segment of a sanitary sewer main or outfall, the Sub-divider may be required to install sewer pipe for that portion of the line which may become a main or outfall sewer of such size as may be necessary to facilitate future expansion of the sanitary sewer system, In these instances, the City may reimburse the Sub-divider for the extra cost incurred by installing larger sewer mains.

## **SECTION 406 WATER DISTRIBUTION SYSTEMS AND STORM OR SANITARY SEWERS OUTSIDE THE CORPORATE LIMITS**

406.1 Town policy regarding the construction or extension of water distribution systems and storm or sanitary sewers outside the corporate limits of the Town shall be as follows:

- a. Any water distribution system, storm sewer or sanitary sewer or appurtenance thereto constructed outside the corporate limits of the Town to connect with or discharge into a like facility owned by the Town shall be constructed in accordance with the requirements established in the Article before such connection or discharge will be permitted. If any such facilities are not constructed in accordance with these provisions and at some future time, the Town extends its area to include the facilities or any part thereof, the Town may replace the entire facility or any part thereof which it determines to be unsatisfactory and assess the cost of replacement against the property benefited in accordance with sections 3664-3700 of the Mississippi Code Annotated.
- b. Operation, repair, or maintenance of any water distribution system, storm sewer, or sanitary sewer or appurtenances thereto constructed outside the corporate limits of the Town shall be the responsibility of the party or parties constructing said facilities even though such facilities may be connected with or discharge into a like town owned facility, and the Town does not agree to assume responsibility for any of these functions until such time as the corporate boundaries may be extended to include said facilities.

## **SECTION 407 STREETS**

407.1 The Sub-divider shall construct streets including grubbing, grading, laying of base, pavements, curbs and gutters, culverts, bridges, storm sewer mains and structures in accordance with current Town standards and or practice.

407.2 The Town may require certain streets serving a subdivision be constructed to a higher standard than would be necessary to serve the particular subdivision and when higher standards are so imposed, the Town may assume a proportionate share of the increased cost of construction, such cost shall not exceed the difference between that required for construction of the minimum street capable of adequately serving the subdivision and the cost of street construction imposed by the Town.

407.3 In commercial and industrial zones, parking lots shall provide **HARD SURFACE** pavement from any portion of a parking area abutting a public street for a minimum distance of 50 feet towards the interior of the parking area. Said pavement shall

be provided prior to the issuance of a building permit or a performance bond shall be furnished to the Town securing required improvements in accordance with Section 400.6 of these regulations. **HARD SURFACE PAVEMENT shall mean Asphalt Cement or Concrete. The thickness of the Hard Surface Pavement shall be sufficient to withstand the intended use of the proposed surface.**

**407.4 Driveways in all residential zoning districts will require HARD SURFACE PAVEMENT. The Hard Surface Pavement shall start at the edge of the existing street or road pavement and continue to residential structure or parking lot if the residential development requires parking. The following is the exception:**

- 1. Residential zoning district "A" (Agricultural), or residential districts that lots are 1 acre or more. If the proposed structure is being place on the residential lot within 10' (ten feet) of the minimum building set back requirements as required by the zoning codes, a Hard Surface Pavement will be required from the existing street or road to the proposed structure.**

*Approved by the Town Board of Alderman September 18, 2018*

## **SECTION 408 STREETS CONSTRUCTED OUTSIDE THE CORPORATE LIMITS**

408.1 Town policy regarding the construction of streets outside the corporate limits of the Town but within the Town's planning area shall be as follows:

- a. Any street constructed outside the corporate limits of the Town but within the Town's planning area shall be constructed in accordance with the requirements established in this Article. If such streets are not constructed in accordance with these provisions and at some future time the Town extends its area to include said streets, or portions thereof, the Town may assess the cost of upgrading to Town standards against the property benefited in accordance with the Mississippi Code Annotated.
- b. Repair or maintenance of streets outside the Town's corporate limits shall be the responsibility of the party or parties constructing said streets and the Town does not agree to assume responsibility for these functions until such time as the corporate boundaries may be extended to include the streets.

## **SECTION 409 PLANTINGS**

409.1 No planting, other than lawn greens, will be permitted within 25 feet of the right-of-way boundaries of any intersecting street. All planting strips shall be graded and sodded or seeded with Bermuda, St. Augustine, Zoysia, or similar grasses. Any planting other than lawn grasses within boulevard right-of-way and/or median strips must be approved by the Town.

## **SECTION 410 STREET NAME SIGNS**

410.1 Street name signs shall be a responsibility of the Sub-divider and shall conform to those currently used in the Town.

## **SECTION 411 GAS UTILITIES**

411.1 Gas utility facilities shall be required in a subdivision. The system piping shall be located in the street right-of-way or other Town Approved easement and the exact location shall be coordinated with other underground utilities. The gas piping courses shall yield position to gravity governed utilities. All costs associated with the installation of gas utilities shall be the responsibility of the developer.

## **SECTION 412 ELECTRICAL UTILITIES**

**412.1** The Sub-divider shall make provisions for the installation of electric utilities as required by the local electric supplier.

**412.2** All utilities shall be installed underground.

## **ARTICLE V PLATS AND DATA**

### **SECTION 500 PRE-APPLICATION AND PLATS**

**500.1** General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required below. This information may include data on existing covenants, land characteristics, available community facilities, and information describing the subdivision proposal such as price range, business and public areas, and proposed protective covenants.

**500.2** A sketch plan on a topographic map shall be provided showing in simple sketch form the proposed layout of streets, blocks, lots, and other features in relation to existing conditions. The sketch plan may be a free-hand pencil sketch made directly on a print of the topographical map. In any event the sketch plan shall include either the existing topographical data listed under 501.1 below or such of these data as the Town determines is necessary for its consideration of the proposed sketch plan.

- a. Streets: names, rights-of-way and roadway widths; approximate grades and gradients; similar data for alleys, if any.
- b. Other rights-of-way or easements: locations, width and purpose,
- c. Location of utilities, including:
  - 1) Location, invert elevation, and sizes of storm and sanitary sewers, location and size of sanitary service connections, location, bottom elevation, and cross section of any ditches or canals.
  - 2) Location and size of water mains and fire hydrants.
- d. Lot lines and lot numbers.
- e. Sites, if any, to be reserved or dedicated for parks, play-grounds, or other public use.
- f. Sites, if any, for multi-family dwellings, shopping centers, churches, industry, or other non-public uses exclusive of single-family dwellings.
- g. Minimum building setback lines.
- h. Existing and proposed covenants and restrictions.
- I. Such other data, if any, as shall be required by statutes of the State of Mississippi for town plats.

j. Each and every modification, variance or waiver of these subdivision regulations sought by a Sub-divider shall be specially applied for, in the numerical order of the subdivision regulations, in writing by the Sub-divider.

**500.3** Other preliminary plans and data: When required by the Town, the Preliminary Plat shall be accompanied by such other plans and data as it deems necessary for adequate considerations of the proposed development.

## **SECTION 501 PLATS AND DATA FOR FINAL APPROVAL AND FILING**

**501.1** Final Plats shall be prepared as required by the statutes of Mississippi relating to town plats. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For a large subdivision, the Final Plat may be submitted for approval progressively in continuous sections satisfactory to the Governing Body. The Final Plat shall show the following:

- a. Name of subdivision; name, seal, and registration number of the engineer preparing the plat; owners of record, giving data record book and page number; date of drawing, north point and graphic scale; location of tract by legal description, giving acreage; vicinity map; key map when more than one sheet is required to present the plat.
- b. True courses and distances to the two nearest established section corners, or other recognized permanent monuments which shall accurately describe the location of the plat.
- c. Exact boundary lines of the tract indicated by a heavy line, or other acceptable control traverse, giving dimensions to the nearest one-tenth ( $1/10^{\text{th}}$ ) foot, and angles to the nearest minute, which shall be balanced and closed with an error of closure not to exceed one (1) to five thousand (5,000).
- d. Street and alley and other right-of-way lines with locations and width, with street names indicated.
- e. Street center line showing angles of deflection, angles of intersection, radii, length or tangents and arcs, and degree of curvature with the basis of curve data.
- f. Lot lines with dimensions to the nearest one-tenth ( $1/10^{\text{th}}$ ) foot, necessary internal angles, arcs and chords and radii of rounded corners; building lines with dimensions.
- g. Lot numbers.
- h. Easements giving dimensions, location and purpose; accurate outlines and description of any areas to be dedicated or reserved for public use or acquisition with the purposes indicated thereon; and of any areas to be reserved by deed

covenant for common uses of all property owners.

l. Accurate location and description of all monuments.

j. Certificate of engineer; certificate of owner; certificate of final approval; clerks' certificate.

k. Names of record owners of adjoining unplatted land.

l. Reference to recorded subdivision plats of adjoining platted land by record name, book and page numbers.

m. Any requirements of the statutes of Mississippi relating to plats. In case of any conflict between these regulations and statute of Mississippi, the statute shall control.

n. Protective covenants in form for recording.

o. Other data such as certificated, affidavits, or endorsements as may be required by the Governing Body in the enforcement of these regulations.

**501.2** The Final Plat shall be accompanied by the following information and documents unless shown on the plat itself:

a. Bill of Assurance, including but not limited to the following provisions: offering dedications of streets and alleys, parks and other public lands; establishing easements, setting forth the restrictions and covenants of the subdivisions; setting forth procedures by which amendments to the bill of assurance can be made. Such bill of assurance shall contain reference to the approval of the Final Plat.

b. Certificate of approval of water supply and sanitary sewage disposal by the appropriate agency.

c. All calculations and field notes when required by the Governing Body.

d. House numbering plan.

e. Resolution of the Governing Body accepting the dedication of the parks, public open spaces, streets, avenues, or other public ways shown on the plat, together with the certificate of the Town Clerk or Chancery Clerk, as applicable, as to the correctness of the resolution.

## **SECTION 502 PLAT CERTIFICATES**

**502.1** Each plat submitted to the Governing Body shall carry the following certificate thereon:

## **CERTIFICATE OF ENGINEER**

I (engineer), hereby certify that this plat correctly represents a survey and a plat made by me or under my supervision; that all monuments shown hereon actually exist and their locations are correctly shown.

Date of Execution

(Signed)

Registered Professional Engineer or Registered Land Surveyor  
No. (Registration No.), Mississippi

## **CERTIFICATE OF OWNER**

I (we), the undersigned owner(s) of the real estate shown and described herein, do hereby certify that I (we) have laid off, platted and subdivided, and do hereby lay off, plat and subdivide the real estate in accordance with the within plat.

Date of Execution

Signed Address

I, (name), Notary Public in and for the County of and State of Mississippi, hereby certify that, to be personally, known as the owner(s) of above real estate, appeared before me on the day of, 20', and made the above oath.

My Commission expires (exp date) Source of Title:

signed

Notary Public

## **CERTIFICATE OF FINAL APPROVAL**

Pursuant to the Official Subdivision Regulations of the Town of Byhalia Mississippi, this document was given approval by the Mayor and Board of Aldermen of the Town of Byhalia in a meeting held (date).

City Clerk

Mayor

## **CLERK'S CERTIFICATE**

I, (Name), Clerk of the Chancery Court of Marshall County, Mississippi, do hereby certify



that I have this day examined the original plat of (Subdivision) as certified to by the owner and the engineer and this plat is a true and correct copy and a duplicate of the original map and contains the executed certification of the owner and the engineer and the same is hereby filed and placed on record on this day in Plat Book (NO.) at page (No.) in my office.

This (day) of, (year).

Clerk of the Chancery Court of Marshall County Mississippi.

SG

### **RESTRICTIVE COVENANTS**

The property located in (Subdivision) as shown on this plat is subject to restrictive covenants which are out in an instrument recorded in Book (NO.) at Page (No.) of the deed of records of Marshall County, Mississippi.

Clerk of the Chancery Court of Marshall County

For Bill of Assurance, See Deed Record Book (NO.), Page (No.)

## **ARTICLE VI VARIATIONS AND MODIFICATIONS**

### **SECTION 600 HARDSHIP**

600.1 Where the Governing Body 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 variation will not have the effect of nullifying the intent and purpose of these regulations.

### **SECTION 601 PLANNED UNIT DEVELOPMENT**

601.1 The standards and requirements of these regulations may be modified by the Governing Body in the case of a plan and program for a new village, a complete community, or a neighborhood unit, which in the judgment of the Governing Body provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated and which also provide such covenants or other legal provisions as will assure conformity to and achievement of the Comprehensive Plan or these regulations.

### **SECTION 602 CONDITIONS**

602.1 In granting variances and modifications, the Governing Body may require such conditions as will secure substantially the objectives of the standards or requirements so varied or modified.

## **ARTICLE VII ADMINISTRATION**

### **SECTION 700 ADMINISTRATION**

**700.1** Final approval of plats and data shall be the responsibility of the Governing Body as prescribed by law.

**700.2** It shall be the duty of the Town Engineer to:

- a. Consult with the Sub-divider at the pre-application conference to provide technical knowledge and professional experience.
- b. Review all Subdivision maps, plats, construction plans, and supplementary data for conformance with the requirements of these regulations and to inform the appropriate Town agency or Governing Body, as required, of his findings.
- c. Determine requirements governing the design or construction of required improvements in cases where no Town standard exists.
- d. Inform the Governing Body when said body is considering Final Plat approval whether or not the subdivision is in substantial conformance with these regulations.

**700.3** The Governing Body may from time to time, issue instructions and operating procedures to be followed in the administration of these regulations to the end that the public may be informed and that approval of plats be expedited.

**700.4** No building permit shall be issued by the Town for any structure on a lot for which the plat has not been approved and recorded in the manner prescribed herein.

**700.5** No building permit shall be issued by the Town for any structure on a lot which does not front on a legally established public street, which street must have a right-of-way width of not less than fifty (50) feet.

**700.6** No building permit shall be issued by the Town for any structure on a lot for which there is not a Town approved lot grading plan which conforms to the subdivision grading and drainage plans.

### **SECTION 701 FEES**

**701.1** At the time of filing application with the Town requesting Preliminary Plat Approval, the Sub-divider shall pay to the Town Clerk a filing fee of \$50.00, plus a \$1.00 for each lot included in the Plat, but in no case shall the fee be less than \$75.00.

## **SECTION 702 PENALTIES**

**702.1** Any person, firm, or corporation using an unapproved and unrecorded plat in the sale of a subdivided land or violating any of the terms or provisions of these subdivision regulations shall be guilty of a misdemeanor and, upon conviction, shall be punished by the fine of not more than \$100.00. Each violation and each Day of failure to comply with the provisions of these regulations shall constitute a separate violation.

## **SECTION 703 SEVERABILITY**

**703.1** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion of this ordinance, which shall remain in full force and effect, and this end the provisions of this ordinance are hereby declared severable.

## **SECTION 704 CONFLICT**

**704.1** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

## **SECTION 705 EFFECTIVE DATE**

**705.1** This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

## **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.**