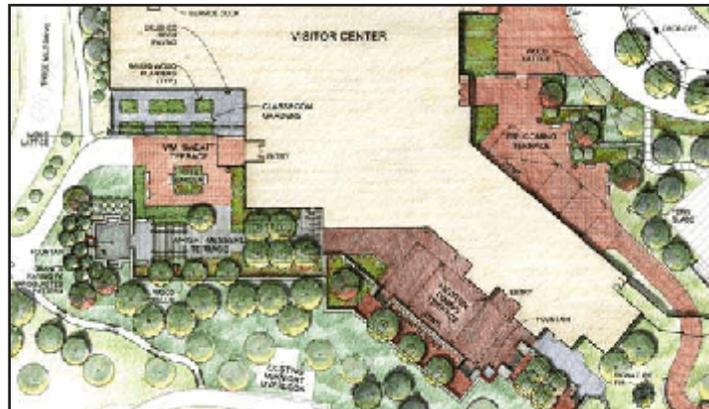


SITE AND BUILDING DESIGN STANDARDS



CITY OF BATESVILLE, MISSISSIPPI

Recommended by Planning Commission: 12/28/09
Adopted by Mayor and Board of Aldermen: 02/16/10
Effective: 03/19/10

ROBERT L. BARBER AND ASSOCIATES
Community Design and Planning
919 Getwell Road
Hernando, Mississippi 38632
www.RLBNet.com

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AN ORDINANCE TO ESTABLISH SITE AND BUILDING DESIGN STANDARDS AND THE METHODS OF ADMINISTRATION AND ENFORCEMENT THEREOF FOR THE City of Batesville.

Be It Ordained by the Mayor and Board of Aldermen of the City of City of Batesville:

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 orderly and harmonious relationships established between manmade 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, influences their lives. New building programs, along with the improvement and preservation of existing development, are necessary in order to maintain a healthy community. Expanded 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 City of Batesville 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 Batesville 2030 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 and 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 divisions of the City of Batesville 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:

An approved development plan shall be required prior to the issuance of a building permit and/or occupancy permit for the following:

- a. All new construction, additions, change in exterior appearance, exterior alteration, or change in use for either land, buildings, or buildings and land in combination for all categories of 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.
- 3. The following types of development shall be exempt from these standards:**
- a. Single-family residences and all accessory structures appurtenant thereto
 - b. 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 obscured from public view or buried beneath the surface of the earth
 - c. Interior alterations, repairs or renovation.
 - d. All permits for demolition or wrecking
 - e. Additions to existing buildings not in conformity with these standards if such addition is no greater than fifty (50) percent of the floor area under roof of the existing building.
- 4. General Architectural Guidelines:**
- a. The City of Batesville 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.
- 5. 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 shall 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 the 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 landscape accent lighting is encouraged.
- h. Raised light pole bases are to be attractively designed and detailed to be compatible with the overall project. Bases shall 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 shall 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.

6. 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.

7. 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 shall be screened from view in a manner that is compatible with the building and site design. Screening materials shall be the same as the primary building materials. The location of such services shall be sited with limited visibility to public view and/or adjacent properties. Trash dumpsters and trash receptacle areas shall 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 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 as grease barrels 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.

8. Sidewalks:

- a. Where the subject property does not already provide a public sidewalk, a six (6) foot wide sidewalk shall be constructed along the entire street 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 six (6) 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.

9. 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. Plantable walls allowing for the growth of vegetation are encouraged.

10. 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 City of Batesville sign regulations.

11. 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 prohibited.
- 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. Acceptable building materials include stone, brick, cement board, cementitious stucco, and wood. 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 shall be subdued, with natural tones and neutral colors predominating.
- c. Exterior Insulating Finishing (EIFS) 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 be limited to split face or burnished units. Painted, flat-faced concrete masonry units are prohibited.
- d. 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.
- e. Architectural consistency of colors, materials and detailing are to be provided between all building elevations. False or decorative façade 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 shall be avoided.
- g. All buildings shall be designed to be compatible with the most positive elements of community character as determined by the Site and Design review Committee.
- 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 of 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 is 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 of unified construction with the primary surface of the wall and of the same material and color. The parapet shall be design 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 used as a location or support for wall-mounted signage (painted signs on canopies are permitted).

12. 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 landscape 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 landscape 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 street ROW line up to said street ROW line. The size of the trees at planting is to be 3 ½" 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 from 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 planted 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 obscured from public view.
- 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 material 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 City.
- l. A planted bufferyard of at least twenty (20) feet is required between any commercial, industrial, multiple-family residential, or institutional use and any single-family use. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel line, along side and rear property lines. Bufferyards 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 maybe 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. Bufferyards 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 bufferyard.
- m. All landscaping shall be in accordance with the approved plant list in Appendix "A".

13. Off-site Improvements:

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

14. 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 retained to review site and building plans, the Planning Commission may act upon submission under these Design Standards.

15. Administration and Appeals:

Any person or persons aggrieved by any action of the Planning Commission may appeal such action to the Mayor and Board of Aldermen of the City of Batesville, Mississippi, by filing with the City Clerk of the City of Batesville, Mississippi a “Notice of Appeal” in writing within ten (10) days of the date of the meeting of the Planning Commission at which such action was taken. The Mayor and Board of Aldermen of the City of Batesville, Mississippi, may grant variances to the matters set forth in this ordinance in the same manner and under the same conditions as variances may be granted under the Batesville Zoning Ordinance of the City of Batesville, Mississippi.

16. Penalties:

- a. Any person, firm, association, corporation, or other entity that shall violate the terms, conditions, or provisions of this ordinance shall be guilty of a misdemeanor and upon conviction therefor, or a plea of guilty or nolo contendere, shall be punished by a fine of \$500 for the first offense, a fine of \$750 for the second offense within one (1) calendar year of the first offense, and a fine of \$1000 for the third offense and subsequent offenses within one (1) calendar year of the first offense. Each calendar day that any violation occurs shall constitute a separate offense. Any person convicted of such a violation or in a plea of guilty or nolo contendere shall pay all court costs.
- b. In addition to the penalties provided for in this section, any condition caused or permitted to exist in violation of any provision of this ordinance or any condition or contingency imposed in connection with a variance issued by the Mayor and Board of Aldermen pursuant to this ordinance, shall be deemed a public nuisance and may be abated by the City as provided by law and each calendar day that such condition continues shall be regarded as a new and separate offense.

APPENDIX "A"
Approved Plant List
Design Review Ordinance

LARGE MATURING TREES — Deciduous

Common Name Scientific Name	Growth Rate	Height Range	Information
White Ash <i>Fraxinus americana</i>	medium	50' to 80'	Resistant to heat and drought; do not plant in heavy clay soil
Bald Cypress <i>Taxodium distichum</i>	fast	50' to 80'	Produces small leaves that do not need raking.
River Birch <i>Betula nigra</i>	fast	40' to 70'	Subject to drought problems; may be multi-stem
Lace Bark Elm <i>Ulmus parvifolia</i>	medium	40' to 50'	Resistant to Dutch Elm disease
Ginko <i>Ginko biloba</i>	slow	50' to 60'	Pest free, tolerates pollution, drought resistant
Laurel Oak <i>Quercus laurifolia</i>	medium to fast	60' to 80'	"Darlington" variety recommended
Pin Oak <i>Quercus palustris</i>	medium to fast	60' to 70'	Dried foliage persists in winter
Sawtooth Oak <i>Quercus acutissima</i>	medium to fast	35' to 70'	Holds its leaves during winter, drops lots of acorns, toughest of the oaks
Shumard Oak <i>Quercus shumardii</i>	medium to fast	40' to 80'	
Southern Red Oak <i>Quercus falcata</i>	medium to fast	70' to 80'	Natural to area
Water Oak <i>Quercus nigra</i>	medium to fast	70' to 80'	Prefers well-drained clay, fertile moist soil
Willow Oak <i>Quercus phellos</i>	fast	70' to 80'	Very common tree in this area, withstand urban conditions
Japanese Pagoda <i>Sophora japonica</i>	fast	70' to 80'	May develop cankers which can girdle limbs
London Plane Tree <i>Platanus x acerifolia</i>	fast	60' to 100'	Withstands harsh urban conditions
Tupelo Black Gum <i>Nyssa sylvatica</i>	medium	50' to 70'	Resistant to disease, urban tree, long life
Tulip Poplar <i>Liriodendron tulipifera</i>	fast	60' to 90'	Needs lots of space, good soils
Japanese Zeikova <i>Zelkova serrata</i>	fast	50' to 80'	Form of elm resistant to Dutch Elm disease

LARGE MATURING TREES — Evergreen

Leyland Cypress <i>Cupressocyparis leylandii</i>	medium to fast	60' to 70'	Maintains good shape, excellent screening
Canadian Hemlock <i>Tsuga canadensis</i>	fast	40' to 70'	Requires partial shade and good soils
Southern Magnolia <i>Magnolia grandiflora</i>	medium to fast	50' to 80'	Drops large leaves
Austrian Pine <i>Pinus nigra</i>	medium	50' to 60'	Tolerates urban conditions; growth rate; height range
Loblolly Pine <i>Pinus taeda</i>	fast	40' to 60'	Susceptible to pine beetles if not kept healthy
Virginia Pine <i>Pinus virginiana</i>	medium	15' to 40'	Susceptible to pine beetles if not kept healthy

MEDIUM TO SMALL MATURING TREES — Flowering

Kwanzan Cherry <i>Prunus 'Kwanzan'</i>	slow	20' to 25'	Good soils preferred
Yoshino Cherry <i>Prunus x yedoensis</i>	medium	20' to 25'	Good soils preferred
Crabapple Hybrids <i>Malus hybrids</i>	medium	15' to 25'	Recommended varieties: "Snowdrift", "Zumi", and "Centurion"
Crape Myrtle <i>Lagerstroemia indica</i>	medium	15' to 45'	Must be maintained in tree form
Flowering Dogwood <i>Cornus florida</i>	medium to fast	20' to 25'	Needs partial shade and good soils
Kousa Dogwood <i>Cornus kousa</i>	slow to medium	15' to 30'	More hardy tree than Flowering Dogwood
Hawthorn <i>Crataegus viridis</i>	slow to medium	20' to 25'	Prone to insect problems
Saucer Magnolia <i>Magnolia x soulangeana</i>	medium	20' to 30'	
Aristocrat Pear <i>Pyrus calleryana 'Aristocrat'</i>	fast	30' to 40'	Very tolerant, best limb structure
Callery "Bradford" Pear <i>Pyrus calleryana</i>	fast	30' to 40'	Very tolerant, requires regular pruning
Capital Pear <i>Pyrus calleryana 'Capital'</i>	fast	30' to 40'	Very Tolerant, most columnar
Redspire Pear <i>Pyrus calleryana 'Redspire'</i>	fast	30' to 40'	Very tolerant, more narrow than the Bradford
Purpleleaf Plum <i>Prunus cerasifera</i>	medium to fast	15' to 30'	Remains purple, produces fruit

MEDIUM TO SMALL MATURING TREES — Non-Flowering

Carolina Cherry Laurel <i>Prunus caroliniana</i>	medium	20' to 30'	Gold soils preferred
Foster Holly #2 <i>Ilex x attenuata 'Fosteri'</i>	medium to fast	15' to 20'	Multiple uses
Savannah Holly <i>Ilex x 'Savannah'</i>	fast	20' to 30'	Multiple use
American Hornbeam <i>Carpinus caroliniana</i>	slow	20' to 30'	Pest free, tolerates urban conditions
European Hornbeam <i>Carpinus betulus</i>	slow to medium	40' to 60'	Pest free tolerates urban conditions