

Section 1. INTRODUCTION

1.1. Title. This Ordinance shall be known as the “Unified Development Code” of the City of Starkville, Mississippi, dated December 17, 2019. The map herein referred to as the “Zoning Map of Starkville, Mississippi,” dated December 17, 2019 and all explanatory matter thereon is hereby adopted and made a part of this Code.

1.2. Authority. This Code is adopted pursuant to authority granted to the City of Starkville by the Mississippi Code and is adopted in accordance with:

1.2.1. The enabling authority contained in Title 17 - Local Government; Provisions Common to Counties and Municipalities, Chapter 1 -Zoning, Planning and Subdivision Regulation (as amended); and

1.2.2. All other relevant laws of the State of Mississippi.

1.2.3. Whenever any provision of this Code refers to or cites a section of the Mississippi Code (as amended), and that section is later amended or superseded, this Code shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.3. Purpose & Applicability

1.3.1. Purpose. In accordance with Mississippi Code Title §17-1-9, this Code is made in accordance with the City’s Comprehensive Plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations have been made with reasonable consideration, among other things, to the character of the districts and their peculiar suitability for

particular uses, and with a view to conserving the value of buildings, and encouraging the most appropriate use of land throughout the City. Furthermore, these provisions have been intended to protect and enhance the quality of life of City residents, employees and visitors with respect to: the preservation of significant natural and cultural resources; the optimal use of land; appropriate densities, form and character of development; efficient and well-connected mobility accommodating varied transportation modes; sufficient infrastructure and utilities; open space and recreational facilities; varied and affordable housing alternatives; and economic development opportunities.

1.3.2. Applicability.

A. The provisions of this Code shall apply to the use and development of all incorporated land within the boundaries of the City of Starkville, Mississippi, unless exempted by this Code, State law, or Federal law.

B. The provisions of this Code shall also be used for establishing requirements in a development agreement for any developments requesting services from the City of Starkville outside of the city limits. The requirements may include but not be limited to zoning district requirements, use standards, development standards, subdivision standards, stormwater management, utility requirements, and building code.

1.4. Guiding Principles. The guiding principles establish fundamental design and planning principles for Starkville’s future growth. These principles shall guide day-to-day decisions of the governing authorities, boards, and city staff.

1.4.1. Preserve Open Space and Environmentally Sensitive Areas. Discourage development within environmentally sensitive areas such as floodplains, wetlands, steep slopes and important plant and animal habitats. Preserve tree

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- cover where possible, as well as open space connected to a broader open space network.
- 1.4.2. Take Advantage of Existing Community Assets.** Examples of assets to leverage include the historic downtown, older buildings citywide, open spaces, streams and other natural resources. Steer future development toward existing developed areas with existing infrastructure. Another key asset for Starkville to leverage is Mississippi State University and the MSU community.
 - 1.4.3. Foster Walkable Neighborhoods Offering a High Quality of Life.** Neighborhoods should feature a variety of housing types where appropriate, parks and recreation, strong pedestrian and biking accessibility, and small commercial nodes where appropriate. The character of existing historic neighborhoods should be protected through the preservation of buildings and compatible infill development, and automobiles should not dominate neighborhood Design.
 - 1.4.4. Create a Range of Housing Opportunities and Affordable Choices.** While single-dwelling unit detached houses will continue to dominate the community, a variety of housing types and sizes should be available, including accessory units, attached housing, and multi-dwelling unit housing. Higher density housing should be located where infrastructure can support it and where other land uses can provide needed amenities, including shopping, dining and recreation.
 - 1.4.5. Mix Land Uses for Pedestrian-Friendly Places.** Provide specific locations where a mixture of land uses, including commercial, office, housing and civic uses, can be physically integrated. Such integration should be both horizontal and vertical (mixed-use buildings.) and result in pedestrian-friendly places.
 - 1.4.6. Promote Attractive Development with a Strong Sense of Place.** Attractive development includes high-quality architecture and building materials, generous landscaping, and minimal visual impact of vehicle circulation and parking areas. Buildings should also have a strong physical relationship with their associated street, and development should reflect Starkville’s historic development patterns and character.
 - 1.4.7. Provide Recreational and Cultural Amenities.** With strong recreational and cultural facilities, including museums, performing arts, and visual arts, and plenty of active and passive recreational opportunities, Starkville can offer a high quality of life. Such amenities will benefit citizens directly, and also help with attracting new job-creating businesses.
 - 1.4.8. Provide a Variety of Transportation Choices and High-Quality Transportation Corridors.** Starkville should be easy and convenient to navigate. Traffic congestion should be minimized, and motorized traffic should be “calmed” to avoid negative impacts. “Complete streets” should be context sensitive and accommodate a range of transportation modes, including motorized vehicles, bikes and pedestrians. An extensive greenway system should be provided. Strip commercial corridors should be avoided and instead feature highly-functional and attractive corridors in which commercial development is concentrated into mixed use centers at key street intersections.
 - 1.4.9. Expand Economic Development Opportunities.** Starkville should offer a business-friendly climate that welcomes new businesses that provide jobs and add to the tax base of the city. A variety of business types should be pursued for a diversified economy, including those

featuring high technology and manufacturing jobs. MSU's Thad Cochran Research, Technology, and Economic Development Park should continue to be leveraged.

1.4.10. Ensure Policies and Processes that are Equitable to both Citizens and Developers. Encourage meaningful citizen participation in Starkville's growth and development decisions, while making development decisions predictable, fair, and cost-effective within a framework of policies that reflect the City's adopted citywide comprehensive plan.

1.5. Rules of Construction. The following rules shall apply for construing or interpreting the terms and provisions of this Code:

1.5.1. Minimum Requirements. In their application, the provisions of this Code shall be held to be the minimum requirements for the promotion and protection of the public health, safety, and general welfare, and shall be construed to achieve the purposes for which this Code is adopted.

1.5.2. Application of Most Restrictive Provisions. In the event of any conflict between the limitations, requirements, or standards contained in different provisions of this Code and applying to an individual use or structure, the more restrictive provision shall apply.

1.5.3. Priority of Text. In the event of a conflict or inconsistency between the text of this Code and any caption, figure, illustration, table, or map contained herein, the text shall control unless the intent of the Code is clear otherwise.

1.5.4. Interpretation of Words. The words "shall", "must", and "will", are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The word "may" is permissive in nature. Words used in the present tense include the future tense, and vice versa. Words used in the singular number include the plural number and the

plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa. For words, terms, and phrases used in this Code that are not defined in the Definitions section or elsewhere in the City's Code, the City Planner shall have the authority to interpret or define such words, terms and phrases. In making such interpretations or definitions, the city planner may consult secondary sources related to the planning and legal professions, such as "Black's Law Dictionary" (West Publishing Company, St. Paul, Minn., most current edition), "The Latest Illustrated Book of Development Definitions" by Harvey S. Moskowitz and Carl G. Lindbloom (Center for Urban Policy Research, Rutgers University. N.J. 2007, or most current edition), for technical words, terms, phrases, and graphics, or any "Webster's Dictionary" for other words, terms and phrases.

1.6. Comprehensive Plan. The goal of this Code is to ensure that all development within the City's jurisdiction is consistent with, and conforms to the vision, goals, and objectives of the City's adopted Comprehensive Plan and any adopted specific area plans and functional plans addressing growth and development within the City. To the extent that this Code is or becomes inconsistent with these adopted plans, it should be amended to become or remain consistent with the adopted plans. Additionally, all amendments to this Code's text or Official Zoning District Map should maintain and enhance consistency between this Code and the adopted plans.

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1.7. Relationship with Other Laws

- 1.7.1. **Conflicts with Other City Codes or Laws.** If a provision of this Code is inconsistent with another provision of this Code, or with a provision found in other adopted Codes or Codes of the City, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.
- 1.7.2. **Conflicts with Private Agreements.** The City shall not be responsible for monitoring or enforcing private easements, covenants, and restrictions, although the City may inquire as to whether land is subject to easements, covenants, and restrictions during the review of applications.
- 1.7.3. **Conflicts with State or Federal Laws.** Title 17 of the Mississippi Code establishes planning and zoning authority for local governments. If a provision of this Code is inconsistent with a provision found in the law or regulations of the State or Federal government, the more restrictive provision shall control, to the extent permitted by law.
- 1.7.4. **Vested Rights.** Nothing in this Code is intended to repeal, supersede, annul, impair, or interfere with any existing vested rights previously adopted, established, or issued in accordance with all applicable laws, provided such rights are lawfully established and remain in effect.

1.8. **Burden of Proof.** The burden of demonstrating that an application or any development subject to this Code complies with applicable review and approval standards is on the applicant. The burden is not on the City or other parties to show that the standards have been met by the applicant or person responsible for the development.

1.9. **Severability.** If any court of competent jurisdiction invalidates any provision of this Code, then such judgment shall not affect the validity and continued enforcement of any other provision of this Code. If any court of competent jurisdiction invalidates the application of any provision of this Code, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment. If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for a development approval or the approval of a special exception or use exception, then such judgment shall not affect any other conditions or requirements attached to the same approval which are not specifically included in that judgment.

1.10. **Repealer Section.** All ordinances or codes or parts of ordinances or codes adopted heretofore by the City of Starkville, Mississippi, which are in conflict herewith or inconsistent with the provisions of this ordinance are hereby repealed.

1.11. Transitional Rules

1.11.1. Violations Continue. Any violation of the previous Zoning Code shall continue to be a violation under this Code and any other applicable codes, laws, or statutes. Violations of this Code shall be subject to the penalties set forth in 3.19 Enforcement, and any other applicable ordinances, laws, or statutes.

1.11.2. Completed Applications

- A. Complete applications prior to this code.** Any application submitted and accepted as complete before the effective date of this Code, but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted. To the extent such an application is approved and proposes development that does not comply with this Code, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of 3.17 Nonconformities.
- B. Time frame of previous code.** Completed applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the applicant fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Code.
- C. Option for pending applications.** An applicant with a pending application accepted before the effective date of this Code may opt to have the proposed development reviewed and decided under the standards of this Code by withdrawing the pending application and submitting a new application in accordance with the standards of this Code.

D. Option for New Applications. An applicant with a new application accepted before the effective date of this Code may opt to have the proposed development reviewed and decided under the standards of this Code.

1.11.3. Approved Applications.

- A. Approvals per the previous code.** Any development approvals granted before the effective date of this Code in accordance with the procedures outlined in the City's previous Code, the Subdivision Regulations and/or other related regulations shall remain valid until their expiration date. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired.
- B. Prior or revoked approvals.** If the prior approval expires or is revoked (i.e., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall comply with the procedures and standards of this Code.
- C. Nonconforming status.** To the extent a prior-approved application proposes development that does not comply with this Code, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of 3.17 Nonconformities.

1.11.4. Nonconformities. If any use, structure, building, lot, or sign legally existed on the effective date of this Code, but does not fully comply with the standards of this Code, then that use, structure, lot, or sign shall be considered nonconforming under this Code and shall be subject to the provisions of 3.17 Nonconformities.

1.12. Effective Date. This Code shall take effect and be in force after its passage according to law.

3.6. Administrative Adjustments.

1. An administrative adjustment is any minor deviation from the required dimensional, numerical amount, or percentage as required in a zoning district, use standards, or development standards that still meets the intent of this code. During the site plan and/or architecture review process, the City Planner is authorized to approve an administrative adjustment at the request of the applicant.
2. It is the responsibility of the applicant to meet the burden of clearly demonstrating the reason for the requested administrative adjustment and to provide sufficient documentation to illustrate how the adjustment is related to a site constraint and/or how the modification would equal or exceed the existing standard in terms of achieving the intent of this code.

3.6.1. Adjustments. Only the following requirements and the amounts stated are to be considered for administrative adjustments:

- A. Lot Coverage.** Increase of up to five (5) percent of the maximum building coverage allowance.
- B. Building Setback**
 - 1. Setbacks in form-based districts**
 - i. Increase of up to five (5) feet of a required maximum front or side setback adjacent to street.
 - ii. Decrease of up to two (2) feet of a required minimum front or side setback adjacent to street.
 - 2. Setbacks in non-form-based districts**
 - i. Increase of up to five (5) feet of a required maximum front, side, or rear setback adjacent to a street if a minimum distance of ten (10) feet from any adjacent structure is maintained.
 - ii. Decrease of up to two (2) feet of a required minimum front, side, or rear setback adjacent to a street if a minimum distance of ten (10) feet from any adjacent structure is maintained.

C. Lot Frontage Buildout

1. Decrease of up to ten (10) percent of the lot frontage buildout requirement at the front or side setback adjacent to street.
2. For existing lots, the minimum decrease necessary to allow the applicant to meet the required side setbacks

D. Minimum Lot Width. A decrease of up to five (5) feet for any existing lot within a TN-E or MDU-g zoning district from the minimum lot width requirements for a residential or mixed-use development

E. Access Drives and Driveway Width

- i. Increase of up to five (5) feet of the maximum driveway width for shared driveways serving multiple units or when fire service cannot be provided from the street.
- ii. Increase the width of a driveway up to a maximum width of 30 feet for lots located within a SD-2 or SD-6 zoning district when accessing a garage or carport with three or more car bays.
- iii. Increase in minimum curb radii for industrial or other similar uses when the applicant provides engineering documentation including truck turning templates that necessitate a larger radius for the curb return

F. Required Amount of Parking. Increase or decrease up to ten percent (10%) from the number of required spaces based on the use.

G. Parking Setbacks. Decrease of up to five (5) feet of a required primary or side street parking setback for form-based districts only. All other districts will require a variance.

H. Parking Lot Layout.

1. **Parking space width.** A decrease of up to six (6) inches in parking space width, but maintaining a minimum overall width of nine (9) feet. The minimum width of parallel parking spaces is not eligible for administrative adjustments.
2. **Parking space length.** A decrease of up to six (6) inches in parking space length except for parallel and perpendicular parking spaces.

- 3. **Drive aisle width.** A decrease of up to six (6) inches in drive aisle width.
- I. **Required Amount of Parking.** An increase or decrease less than ten percent (10%) from the minimum or maximum number of required spaces.
- J. **Location of Recreational vehicles and equipment.** Maybe permitted on a hard surface on the side of the front yard if applicant demonstrates that the vehicle cannot be located in the side yard, rear yard, garage, carport, or an enclosed building due to physical constraints of the subject property. Physical constraints shall include existing trees, excessive grades, limited side yard width, HVAC equipment and existing utilities. The removal of existing trees in order to accommodate the parking requirements is not required or preferred.
- K. **Building Width.** Increase of up to ten (10) percent of the maximum street facing building width.
- L. **Articulation in Building Facade.** Decrease of up to 5 (5) percent of the required wall variation length.
- M. **Transparency.** An increase or decrease of up to five (5) percent of the minimum or maximum amount of required transparency.
- N. **Ground Floor Elevation**
 - 1. An increase or decrease of up to one (1) foot of a required minimum or maximum ground floor elevation for ADA accessibility.
 - 2. Ground floor elevation shall however be no lower than two (2) feet above the base flood elevation.
- O. **Story Height**
 - 1. Decrease of up to one (1) foot of a required minimum ground story floor height in form-based districts.
 - 2. Increase maximum building height up to five (5) feet.
- P. **Subdivision Requirements**
 - 1. **Blocks, Lots, Access.** Administrative adjustments may be appropriate where topographic changes are too steep, where existing buildings, streams, or other natural or man-made obstructions exist, or site layout of developed properties prevent cross-access, where adjoining uses are incompatible, or where strict compliance with this Unified Development Code would pose a safety hazard.
 - 2. **New Streets.** Administrative adjustments may be appropriate when an existing building would impede roadway expansion; when transitioning from a different street section; or where strict compliance with this Unified Development Code and City of Starkville Standards of Design & Specifications would pose a safety hazard.
- Q. **Requirements of *The City of Starkville Standards of Design and Specifications*.**
 - 1. Administrative adjustments may be appropriate for minor changes to methods, materials, and numerical values used in engineering calculations as long as it meets the intent of the requirement and does not compromise the quality of improvements, increase long-term maintenance or sacrifice the safety of the public, as determined by the City Engineer.
 - 2. Decrease in access point spacing up to ten (10) percent
 - 3. Decrease in access and driveway alignment up to five (5) feet.
- R. **Sidewalk Requirements.** All administrative adjustments for sidewalks shall be approved by the City Engineer prior to being authorized by the City Planner. The types of administrative adjustments for sidewalks are as follows:
 - 1. **Secondary Streets.** Sidewalks along secondary streets may not be required if it is determined that the construction associated with the placement of the sidewalk would adversely affect the character of the neighborhood and not provide a substantial increase in access to the area serviced by the proposed sidewalk.
 - 2. **Combining Sidewalks.** If it is determined that sidewalks would be difficult or impractical to locate on both sides of an existing or proposed street, an enlarged sidewalk may be located on just one side of the street. Size of the sidewalk will be based on the need of the area serviced by the sidewalk.

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3. **Relocation of Required Sidewalk.** If it is determined that a sidewalk along a primary street and/or secondary street would be difficult or impractical to construct, a new sidewalk or renovation to an existing sidewalk in the general area of the property may be allowed.
- 3.6.2. **Review Procedure.**
 - A. **Request.** The request for an administrative adjustment shall be made in writing and shall include any drawings and supporting materials to support the request.
 - B. **Review by City Staff.** The request will be reviewed by the City Planner, City Engineer, and/or city staff. At the discretion of the City Planner or City Engineer, the request may be reviewed during a Development Review Committee meeting.
 - C. **Approval procedure.** Upon approval of such administrative adjustment by the City Planner and/or City Engineer, a written explanation of the specific approved adjustments shall be attached to the approved site plan and/or building permit application.
 - D. **Disapproval procedure.** A decision to not allow an administrative adjustment by the City Planner, shall require a variance or special exception to allow for the requested adjustment.

3.14. Plat Specifications and Certifications

3.14.1. Preliminary Plat Specifications and Certifications

A. Preliminary Plat Specifications

1. The preliminary plat shall include a vicinity map at a scale no larger than one (1) inch equal to eight hundred (800) feet. The vicinity map shall illustrate streets, highways, railroads, property lines, existing subdivisions and other significant features within one-half mile of the proposed subdivision.
2. The preliminary plat shall be clearly and legibly drawn. The size of the plat shall not be smaller than eighteen (18) inches by twenty (24) inches and the scale no larger than one (1) inch equal to one hundred (100) feet.
3. The preliminary plat shall contain the following information:
 - i. Date of survey, north point, title, and graphic scale.
 - ii. Key map when more than one sheet is required to present the plan.
 - iii. The proposed name of the subdivision. The name of the subdivision shall not duplicate or too closely resemble the name of any other subdivision recorded in Oktibbeha County, Mississippi unless subdivision is a phase of a previously recorded plat.
 - iv. Names and addresses of the owners of the property, including the names of the existing mortgagee, the subdivider, and the engineer platting the tract.
 - v. Preliminary certificate of accuracy as shown in Section 3.14.1.B.
 - vi. Source of title, giving deed record book and page number.
 - vii. Location of the tract by legal description giving acreage.
 - viii. The boundary lines of all proposed lots and tract indicated by a heavy line giving dimensions to the nearest one-tenth foot, and angles to the nearest minute, which shall be balanced and closed with an error of closure not to exceed one to 5,000.
 - ix. True courses and distances to the two nearest established section corners or benchmarks or other recognized permanent monuments which shall accurately describe the location of the plat.
 - x. Accurate location and description of all monuments found.
 - xi. Municipal, county and section line locations accurately tied to the lines of the subdivision by distances and angles.
 - xii. Zoning districts.
 - xiii. Names of recorded subdivision(s) abutting the proposed subdivision, with plat book and page references.
 - xiv. Existing and Proposed streets and allies with right-of-way lines, including location, width, and proposed names of streets.
 - xv. The location and designation of all streets, alleys, parks and other areas intended to be dedicated or deeded to the public use, with proper dimensions.
 - xvi. Dimensions, locations, and purpose of all easements.
 - xvii. Dimension and location of all setback lines.
 - xviii. Lot and block numbers.
 - xix. The location and designation of any areas to be reserved for common use by deed covenant for all property owners within the subdivision.
 - xx. All lots logically and consecutively numbered.
 - xxi. The location and designation of any Federal Emergency Management Agency (FEMA) flood hazard zone.
 - xxii. All wetlands or other environmentally sensitive areas to the greatest extent possible utilizing the best information available including but not limited to visible observation and publicly available maps.

- xxiii. Existing contours shall be illustrated as a dashed line. Topographic contours shall be illustrated at a minimum of one (1)-foot intervals and extending a minimum of ten (10) feet beyond the property boundaries. Survey beyond the property boundaries may be supplemented with publicly available LIDAR topographic data if access is not feasible. Additional topographic information may be required beyond the minimum ten (10) feet if deemed necessary by City Staff.
- xxiv. Natural features within and immediately surrounding the proposed subdivision, including drainage channels, bodies of water, wooded areas and other significant features. On all watercourses leaving the tract, the direction of flow shall be indicated; and for all watercourses entering the tract, the drainage area above the point of entry shall be noted.

- xxv. The location and size of all utilities on or adjacent to the subdivision.
 - xxvi. The location and type of all proposed street lights and signs.
4. The preliminary plat shall be accompanied by the following information:
- i. Existing and proposed covenants and restrictions.
 - ii. Source and adequacy of the proposed water supply.
 - iii. Provisions for sewage disposal, drainage and flood control.
 - iv. Typical cross sections of all streets. Centerline profiles of approximate street grades derived from office computations may be required by the staff if deemed advisable.
 - v. Any other information that may be necessary for the full and proper considerations of the proposed subdivision.

B. Preliminary Plat Certifications

PRELIMINARY CERTIFICATE OF ACCURACY

I, _____, hereby certify that this proposed preliminary plat correctly represents a survey completed by me or under my supervision on _____ / _____ / _____, 20 _____; and is a true and correct representation of surveys made on the ground; and that all monuments which were found or placed on the property are correctly described and located.

Date of Execution

(signature of Registered Professional Engineer or Surveyor)
(Printed Name of Registered Professional Engineer or Surveyor)
No. (license number), Mississippi

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3.14.2. Final Plat Specifications and Certifications

A. Final Plat Specifications.

1. The final plat shall include a vicinity map at a scale no larger than one (1) inch equal to eight hundred (800) feet. The vicinity map shall illustrate streets, highways, railroads, property lines, existing subdivisions and other significant features within one-half mile of the proposed subdivision.
2. The final plat shall be clearly and legibly drawn. The size of the plat shall not be smaller than eighteen (18) inches by twenty (24) inches and the scale no larger than one (1) inch equal to one hundred (100) feet.
3. The final plat shall contain the following information:
 - i. Date of drawing, north point and graphic scale.
 - ii. Key map when more than one sheet is required to present the plan.
 - iii. The proposed name of the subdivision. The name of the subdivision shall not duplicate or too closely resemble the name of any other subdivision recorded in Oktibbeha County, Mississippi unless subdivision is a phase of a previously recorded plat.
 - iv. Names and addresses of the owners of the property, including lien holders shall be shown on the certificate of ownership as shown in Section 3.14.2.B.1.
 - v. Certificate of accuracy as shown in Section 3.14.2.B.3. for minor subdivisions and Section 3.14.2.B.4. for major subdivisions.
 - vi. Source of title, giving deed record book and page number.
 - vii. Location of tract by legal description giving total acreage.
 - viii. The boundary lines of all proposed lots and tract indicated by a heavy line giving dimensions to the nearest one-tenth foot, and angles to the nearest minute, which shall be balanced and closed with an error of closure not to exceed one to 5,000 including all necessary internal angles, arcs and chords and radii of rounded corners.
 - ix. The lot area labeled on each lot or in a chart on the plat with area in acreage to the hundred decimal point and square footage for each lot.
 - x. True courses and distances to the two nearest established section corners or benchmarks or other recognized permanent monuments which shall accurately describe the location of the plat.
 - xi. Accurate location and description of all monuments found and the size and material of all placed monuments.
 - xii. Municipal, county and section line locations accurately tied to the lines of the subdivision by distances and angles.
 - xiii. Zoning districts.
 - xiv. Names of recorded subdivision(s) abutting the proposed subdivision, with plat book and page references.
 - xv. Existing and Proposed streets and allies with right-of-way lines, including location, width, and proposed names of streets.
 - xvi. The location and designation of all streets, alleys, parks and other areas intended to be dedicated or deeded to the public use, with proper dimensions.
 - xvii. Dimensions, locations, and purpose of all easements.
 - xviii. Dimension and location of all setback lines.
 - xix. Lot and block numbers.
 - xx. The location and designation of any areas to be reserved for common use by deed covenant for all property owners within the subdivision.
 - xxi. All lots logically and consecutively numbered.
 - xxii. Certificate of recording as shown in Section 3.14.2.B.2
 - xxiii. Certificate of final plat approval as shown in Section 3.14.2.B.5.
 - xxiv. Street centerlines showing angles of deflection, angles of intersection, radii, length of tangents and arcs, degree of curvature, and all required curve data either labeled on plan or provided in chart form on the plat.

- 4. The final plat shall be accompanied by the following information and documents, unless this information appears on the plat itself:
 - i. Bill of assurance including but not limited to the following provisions: offering dedication of streets and alleys, parks, and other public lands; establishing easements, setting forth privileges and conditions pertaining thereto, and setting forth the deed restrictions and covenants running with each lot; and the procedure 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.
 - ii. Certificate of approval of water supply and sanitary sewage disposal facilities by the appropriate health department when the system is not connected to the municipal system.
 - iii. Statement by owner dedicating streets, rights-of-way, and any sites for public use; the name of the mortgagee of the property or the fact that there is no mortgagee; and also, a copy of a covenant running with the land stating that the city may at any time change the grade of any such street or other public way or any part thereof from the natural grade to the permanent grade without the

- payment of compensation or damages to the abutting property owners. The certificate shall include the consent by the mortgagee to the aforesaid dedication and covenant, if a lienholder does exist.
- iv. Resolution by the board of aldermen accepting the dedication of all parks, public open spaces, streets, avenues and other public ways shown on the plat, together with the certification of the city clerk as to the correctness of the resolution.
- v. Notary's acknowledgement of the registered engineer's certification, as well as the correctness of the signatures of the owners of the property and of the mortgagee if there is one.
- vi. Resolution by the board of aldermen accepting or assenting to the vacation of any street, public way, or portion thereof shown on the plat, together with the certification of the city clerk as to the correctness of the resolution.
- vii. The final plat shall be accompanied by three copies of any protection covenants running with the land in form for recording.

B. Final Plat Certifications

- 1. **Certificate of ownership.** If multiple owners, add a signature line for each owner

CERTIFICATE OF OWNERSHIP

I (We), the undersigned, owner(s) or lien holder 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 state in accordance with the within plat.

_____ (signature of Owner)
 Date of Execution (Printed Name of Owner/Lien Holder and Title if Applicable)
 (Address of Owner/Lien Holder)

_____ (signature of Notary Public)
 Date of Execution (Printed Name of Notary Public)

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2. Certificate of recording

CERTIFICATE OF RECORDING

This document, Number _____, filed for record on this the ____ day of _____, 20 ____, in Plat Book, _____, page _____.

(signature of Chancery Clerk)

(Printed Name of Chancery Clerk), Chancery Clerk
Oktoberbeha County, Mississippi

3. Certificate of accuracy for Minor Subdivision as defined in section 3.12.2.B

CERTIFICATE OF ACCURACY

I, (Print Name), hereby certify that this plat correctly represents a survey and plan made by me or under my supervision; that all monuments shown hereon actually exist and their location, size, type and material are correctly shown; and that all requirements of the City of Starkville, Mississippi, subdivision standards have been fully complied with.

Date of Execution

(signature of Registered Professional Engineer or Surveyor)
(Printed Name of Registered Professional Engineer or Surveyor)
No. (license number), Mississippi

4. Certificate of accuracy for Major Subdivision as defined in section 3.12.2.A

CERTIFICATE OF ACCURACY

I, (Print Name), hereby certify that this plat correctly represents a plan made by me or under my supervision; that all improvements and requirements of the City of Starkville, Mississippi, subdivision standards have been fully complied with.

Date of Execution

(signature of Registered Professional Engineer)
(Printed Name of Registered Professional Engineer)
No. (license number), Mississippi

I, (Print Name), hereby certify that this plat correctly represents a survey made by me or under my supervision; that all monuments shown hereon actually exist and their location, size, type and material are correctly shown; and that all requirements of the City of Starkville, Mississippi, subdivision standards have been fully complied with.

Date of Execution

(signature of Registered Surveyor)
(Printed Name of Registered Surveyor)
No. (license number), Mississippi

5. Certificate of final approval

CERTIFICATE OF FINAL APPROVAL

Pursuant to the subdivision standards of the City of Starkville, Mississippi’s Unified Development Code, this document was approved by the Development Review Committee. All of the conditions of approval having been completed, this document is hereby accepted, and this certificate executed under the authority of these regulations:

_____	<u>(signature of City Engineer)</u>
Date of Execution	Engineering Department
_____	<u>(signature of City Planner)</u>
Date of Execution	Planning Department
_____	<u>(signature of Fire Department Representative)</u>
Date of Execution	Fire Department
_____	<u>(signature of Utility Department Water/Sewer Representative)</u>
Date of Execution	Utility Department- Water/Sewer
_____	<u>(signature of Utility Department Electric Representative)</u>
Date of Execution	Utility Department- Electric

Pursuant to the approval requirements of the City of Starkville, Mississippi’s Unified Development Code, this document was given approval by the Mayor and Board of Aldermen at a meeting held on this the ____ day of _____, 20 _____. All of the conditions of approval having been completed, this document is hereby accepted, and this certificate executed under authority of these regulations, provided, however, this approval shall be invalid, null and void, unless this plat is filed with the chancery clerk within six months hereafter.

_____	<u>(signature of Mayor)</u>
Date of Execution	Mayor, City of Starkville, Mississippi
_____	<u>(signature of City Clerk)</u>
Date of Execution	City Clerk

Section 3. Procedures & Processes

3.14.3. Condominium Plat Specifications and Certifications

A. Condominium Plat Specifications.

1. The condominium plat shall include a vicinity map at a scale no larger than one (1) inch equal to eight hundred (800) feet. The vicinity map shall illustrate streets, highways, railroads, property lines, existing subdivisions and other significant features within one-half mile of the proposed condominium plat.
2. The condominium plat shall be clearly and legibly drawn. The size of the plat shall not be smaller than eighteen (18) inches by twenty (24) inches and the scale no larger than one (1) inch equal to one hundred (100) feet.
3. The condominium plat shall contain the following information:
 - i. Date of drawing, north point and graphic scale.
 - ii. Key map when more than one sheet is required to present the plan.
 - iii. The proposed name of the condominium. The name of the condominium shall not duplicate or too closely resemble the name of any other condominium or subdivision recorded in Oktibbeha County, Mississippi unless condominium is a phase of a previously recorded plat.
 - iv. Names and addresses of the owners of the property, including lien holders shall be shown on the certificate of ownership as shown in Section 3.14.3.B.1.
 - v. Source of title, giving deed record book and page number.
 - vi. Location of tract by legal description giving total acreage.
 - vii. Accurate location and description of all monuments found and the size and material of all placed monuments.
 - viii. Zoning districts.
 - ix. Dimensions, locations, and purpose of all easements.
 - x. Diagrammatic floor plans of the building or buildings built or to be built thereon in sufficient detail to identify each unit, its relative location and dimensioned per state

statute. The method used to dimension diagrammatic floor plan shall be stated on the plan (e.g., wall to wall, center of wall to center of wall, etc.).

- xi. All units logically and consecutively numbered with an approved address on the plat.
- xii. The location and designation of any areas to be reserved for common use as established in the condominium declaration of restrictions.
- xiii. The location and dimensions of existing and proposed improvements including but not limited to: streets, driveways, sidewalks, drainage improvements, parking areas, patios, decks, and accessory structures.
- xiv. Names of adjoining or adjacent streets.

B. Condominium Plat Certifications

Section 3. Procedures & Processes

4. Certificate of final approval

CERTIFICATE OF FINAL APPROVAL

Pursuant to the condominium regulations of the City of Starkville, Mississippi’s Unified Development Code, this document was approved by the Development Review Committee. All of the conditions of approval having been completed, this document is hereby accepted, and this certificate executed under the authority of these regulations:

_____	<u>(signature of City Engineer)</u>
Date of Execution	Engineering Department
_____	<u>(signature of City Planner)</u>
Date of Execution	Planning Department
_____	<u>(signature of Fire Department Representative)</u>
Date of Execution	Fire Department
_____	<u>(signature of Utility Department Water/Sewer Representative)</u>
Date of Execution	Utility Department Water/Sewer
_____	<u>(signature of Utility Department Electric Representative)</u>
Date of Execution	Utility Department Electric

6.3. Conventional Development

- 6.3.1. The conventional development is a pattern of residential development that includes single-dwelling and multi-dwelling units.
- 6.3.2. The conventional development option provides a majority of property owners with open yards on the individual lot.

- 6.3.3. Under the conventional development option, no preserved common open space is required and the minimum lot size is limited to the lot size for the respective district.
- 6.3.4. **Base Dimensional Standards**

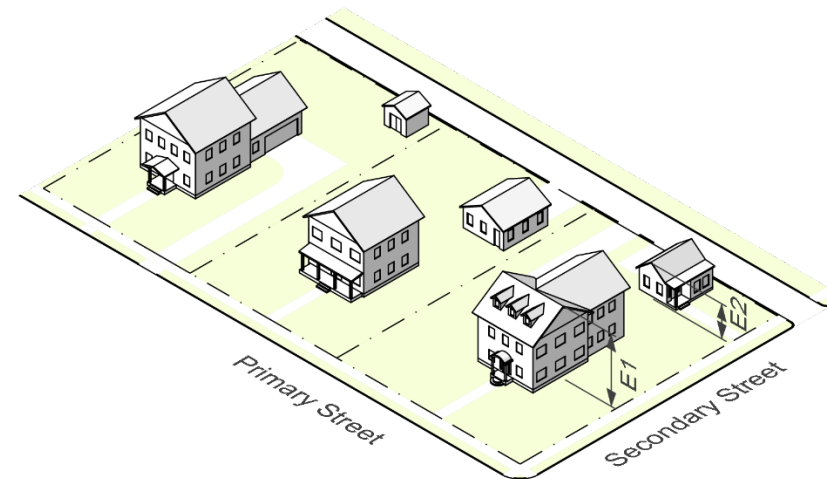
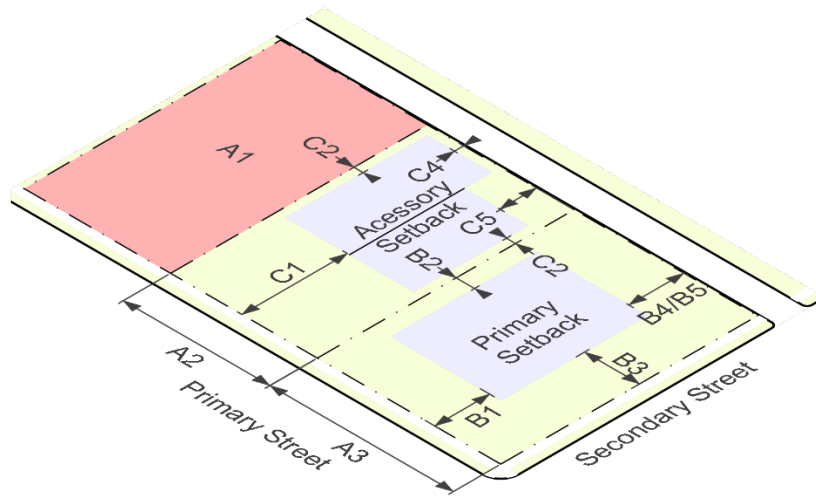


Fig 6.3-1

Detached and Attached Duplex Dwelling

A. Lot Dimensions	CR	RN	SD-2	SD-6	TN-N	TN-E	MDU-9	MDU-20
A1 Lot size per unit in sq. ft (min.)	40000	40000	17500	6000	5500	5500	5500	6000
A2 Lot width (min.)	80'	140'	100'	50'	45'	45'	45'	50'
A3 Lot width at corner (min.)	110'	140'	100'	60'	55'	55'	60'	60'
B. Principal Building Setbacks	CR	RN	SD-2	SD-6	TN-N	TN-E	MDU-9	MDU-20
B1 Front setback	40' min	40' min*	30' or infill standards	25' or infill standards	10' min 15' max	15' or see infill standards	10' min 15' max	25' or infill standards

Section 6. Residential Use Districts

Detached and Attached Duplex Dwelling								
B. Principal Building Setbacks (cont.)	CR	RN	SD-2	SD-6	TN-N	TN-E	MDU-9	MDU-20
B2 Side setback (min.)	10'	10'*	10' or infill standards	5' or infill standards	5' or infill standards	5' or infill standards	5' or infill standards	5' or infill standards
B3 Side setback corner lot (min.)	40'	40'*	30'	25'	10' min 15' max	15' or see infill	10' min 15' max	25'
B4 Rear setback (min.)	30'	30'	25'	20'	5'	15'	15'	20'
B5 Rear setback adjacent to street or alley (min.)	20'	20'	30'	25'	7' without parking, 18' with parking	15'	20'	20'
C. Accessory Dwelling Unit/Structure Setbacks	CR	RN	SD-2	SD-6	TN-N	TN-E	MDU-9	MDU-20
C1 Front setback	Behind rear wall of principal building							
C2 Side setback	5' min	5' min*	5' min	5' min	5' min	5' min	N/A	N/A
C3 Side setback corner lot (min.)	40'	40'*	30'	25'	10'	10'	10'	10'
C4 Rear setback	5', 100 for structures housing livestock	5', 100' for structures housing livestock	5', minimum of 10' from any structure	5', minimum of 10' from any structure	5', minimum of 10' from any structure	5', minimum of 10' from any structure	5', minimum of 10' from any structure	5', minimum of 10' from any structure
C5 Rear setback adjacent to alley for garages (min.)	N/A	N/A	20'	20'	7' without parking, 18' with parking	15'	20'	20'
C6 Structures housing livestock (min.)	100' min	100' min	N/A	N/A	N/A	N/A	N/A	N/A
D. Parking Setbacks	CR	RN	SD-2	SD-6	TN-N	TN-E	MDU-9	MDU-20
D1 From primary street	N/A	N/A	See infill standards	See infill standards	Behind front wall of principal building	See infill standards	Behind front wall of principal building	Behind front wall of principal building

Detached and Attached Duplex Dwelling								
E. Height	CR	RN	SD-2	SD-6	TN-N	TN-E	MDU-9	MDU-20
E1 Principal building(s) (max)	35', 2.5 story	35', 2.5 story	35', 2.5 story	30', 2 story	30', 2 story	30', 2 story	30', 2 story	30', 2 story
E2 Accessory Dwelling Unit(s)/Structure(s) (max)	Less than principal building							
E3 Accessory structure agricultural use	70'	70'	15'	15'	15'	15'	N/A	N/A
F. Pedestrian Access	CR	RN	SD-2	SD-6	TN-N	TN-E	MDU-9	MDU-20
F1 Street-facing primary entrance along street	yes	yes	yes	yes	yes	yes	yes	yes

(*) For lots existing prior to establishment of current zoning, infill standards shall be used for building, accessory dwelling, and accessory structure setbacks

Section 6. Residential Use Districts

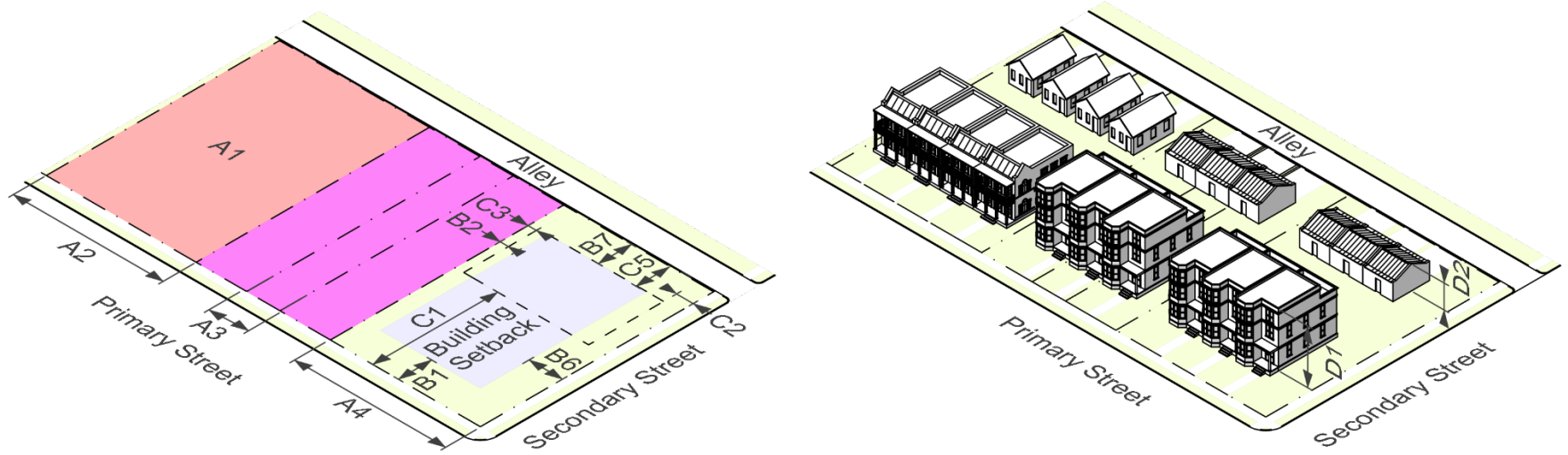


Fig 6.3-2

Townhouse /Rowhouse Dwelling

A. Lot Dimensions	TN-N	TN-E	MDU-9	MDU-20	C
A1 Site size per unit (min)	4000 sq. ft.	4000 sq. ft.	3300 sq. ft.	2100 sq. ft.	2100 sq. ft.
A2 Site width (min)	65'	65'	65'	100'	100'
A3 Lot width (min)	20'	20'	18'	18'	18'
A4 Lot width at corner (min)	30'	35'	38'	38'	33''
B. Building/Structure Setbacks	TN-N	TN-E	MDU-9	MDU-20	C
B1 Front setback	10/15' max	15' or see infill standards	20'	20'	15'
B2 Side setback for building	5'	5'	10'	10'	10'
B3 Side setback between buildings	10'	10'	10'	10'	10'
B4 Side setback between attached units	0'	0'	0'	0'	0'
B5 Side setback adjacent to detached residential (min.)	10'	10'	15'	25'	25'

Townhouse /Rowhouse Dwelling					
B. Building/Structure Setbacks (cont.)	TN-N	TN-E	MDU-9	MDU-20	C
B6 Side setback corner lot (min.)	10/15' max	15' or see infill standards	20'	20'	20'
B7 Rear setback	20'	20'	20'	20'	20'
B7 Rear setback	20'	20'	20'	20'	20'
B8 Rear setback adjacent to detached residential	25'	25'	30'	30'	30'
C. Parking Setbacks	TN-N	TN-E	MDU-9	MDU-20	C
C1 From primary street	Behind rear wall of principal building	Behind rear wall of principal building	Behind rear wall of principal building	Behind rear wall of principal building	Behind rear wall of principal building
C2 From side lot line adjacent to street	10'	10'	10'	10'	10'
C3 From side and rear lot line	5'	5'	5'	5'	5'
C4 From rear lot line adjacent to detached residential	10'	10'	10'	10'	10'
C5 From rear alley	20'	20'	20'	20'	20'
D. Height	TN-N	TN-E	MDU-9	MDU-20	C
D1 Principal building(s) (max)	30', 2 story	30', 2 story	28'/ 2 story	38', 3 story	38', 3 story
D2 Accessory Structure(s)	1 story	1 story	1 story	1 story	1 story
E. Pedestrian Access	TN-N	TN-E	MDU-9	MDU-20	C
E1 Street-facing primary entrance for each unit along street	yes	yes	yes	yes	yes
E2 Sidewalk connection to street from each entrance	yes	yes	yes	yes	yes

Section 6. Residential Use Districts

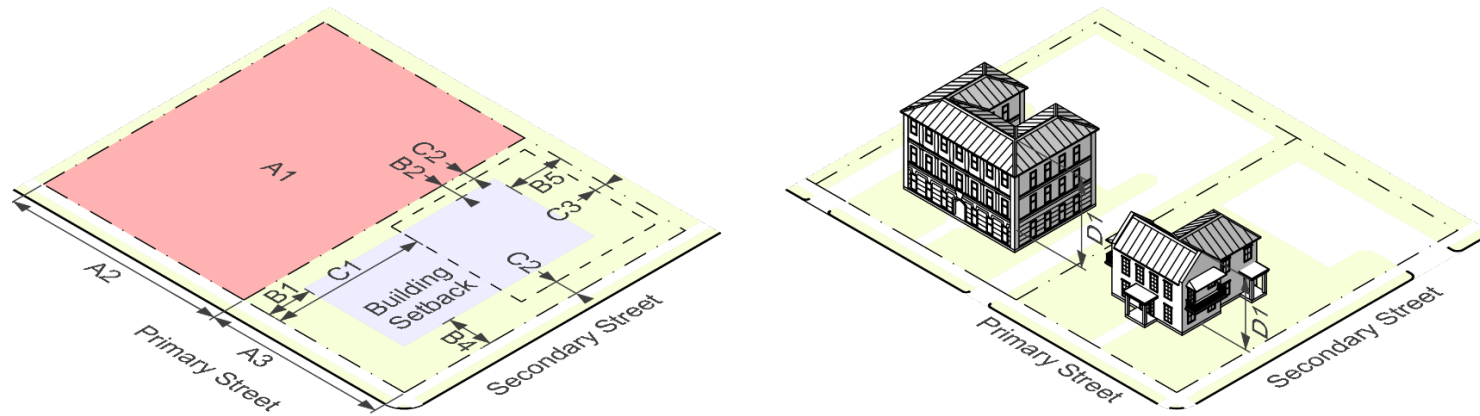


Fig 6.3-3

Triplex and Multi-plex Dwellings

A. Lot Dimensions	MDU-9	MDU-20
A1 Lot size per unit (min)	3300 sq. ft.	2100 sq. ft.
A2 Lot width (min)	65'	100'
A3 Lot width at corner (min)	80'	110'
B. Building/Structure Setbacks	MDU-9	MDU-20
B1 Front setback	20'	20'
B2 Side setback	10'	10'
B3 Side setback adjacent to detached residential	15'	25'
B4 Side setback corner lot (min.)	20'	20'
B5 Rear setback	25'	10'
B6 Rear setback adjacent to detached residential	30'	30'
C. Parking Setbacks	MDU-9	MDU-20
C1 From primary street	Behind front wall of principal building	Behind front wall of principal building
C. Parking Setbacks (cont.)	MDU-9	MDU-20

Triplex and Multi-plex Dwellings

C2 From side lot line adjacent to street	10'	10'
C3 From side and rear lot line	5'	5'
C4 From rear lot line adjacent to detached residential	10'	10'
D. Height	MDU-9	MDU-20
D1 Principal building(s) (max)	28', 2 story	38', 3 story
E. Pedestrian Access	MDU-9	MDU-20
E1 Street-facing primary entrance along street	yes, all units must be accessible from the street with either common entrance or individual doors	yes
E2 Sidewalk connection to street from each entrance	yes	yes

Section 6. Residential Use Districts

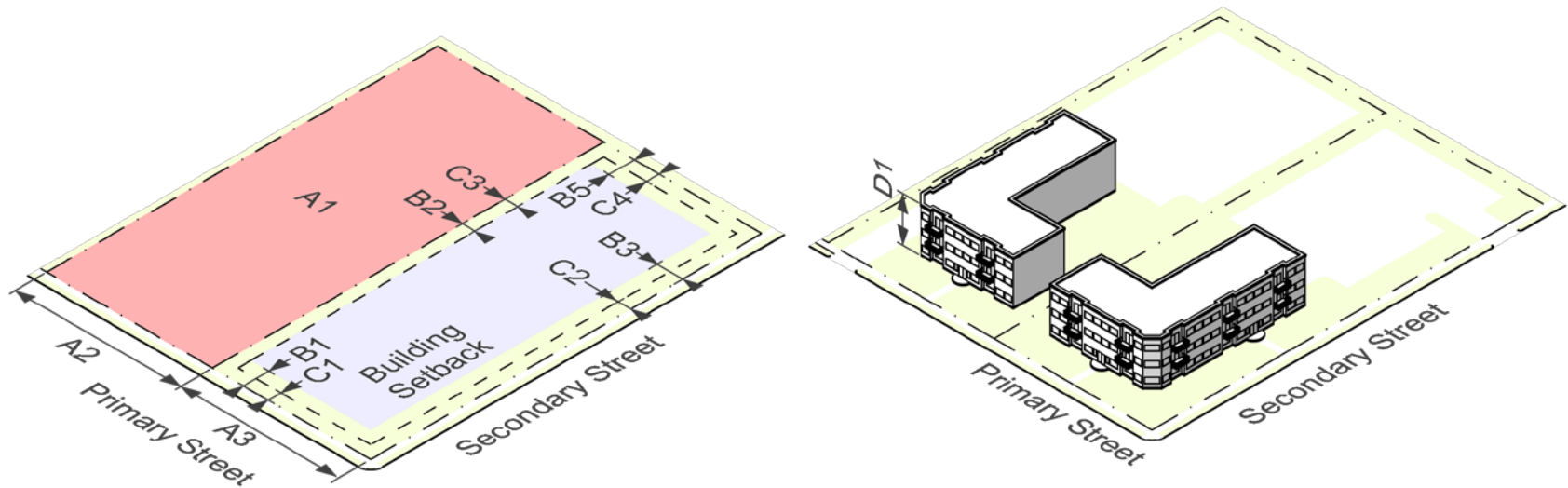


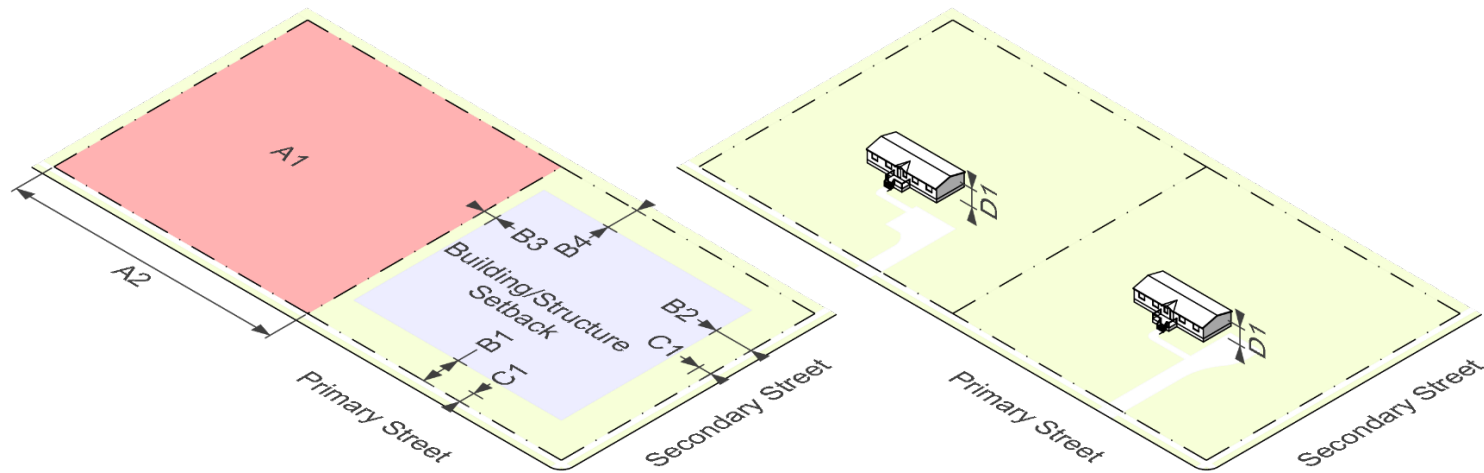
Fig 6.3-4

Apartments Dwellings

A. Lot Dimensions	MDU-20	C	CN	O-C
A1 Lot size per unit (min)	2100 sq. ft.	2100 sq. ft.	4000 sq. ft.	2100 sq. ft.
A2 Lot width (min)	100'	100'	45'	100'
A3 Lot width at corner	110'	110'	55'	110'
B. Building/Structure Setbacks	MDU-20	C	CN	O-C
B1 Front setback	20'	20'	20'	20'
B2 Side setback	10'	10'	5'	10'
B3 Side setback adjacent to detached residential	25'	25'	20'	25'

Apartments Dwellings				
B. Building/Structure Setbacks (cont.)	MDU-20	C	CN	O-C
B4 Side setback corner lot	20'	20'	20'	20'
B5 Rear setback	20'	20'	20'	20'
B6 Rear setback adjacent to detached residential	30'	30'	30'	30'
C. Parking Setbacks	MDU-20	C	CN	O-C
C1 From primary street	10'	10'	Behind front wall of principal building	10'
C2 From side lot line adjacent to street	10'	10'	10'	10'
C3 From side and rear lot line	10'	10'	10'	10'
C4 From rear lot line adjacent to detached residential	15'	15'	15'	15'
D. Height	MDU-20	C	CN	O-C
D1 Principal building(s) (max)	38', 3 story	38', 3 story	30', 2 story	38', 3 story
E. Pedestrian Access	MDU-20	C	CN	O-C
E1 Street-facing primary entrance along street	yes	yes	yes	yes
E2 Sidewalk connection to street from each entrance	yes	yes	yes	yes

Section 6. Residential Use Districts



Manufactured and Modular Home

A. Lot Dimensions

A1 Lot size per unit (min)

RN

40000 sq. ft.

CR

40000 sq. ft.

A2 Lot width

100'

100'

B. Building/Structure Setbacks

RN

CR

B1 Front setback

30'(**)

30'

B2 Side setback corner lot

30'(**)

30'

B3 Side setback

10'(**)

10'

B4 Rear setback

25'

25'

C. Parking Setbacks

RN

CR

C1 From primary street

10'

10'

D. Height

RN

CR

D1 Principal building(s) (max)

1 story

1 story

(**) For lots existing prior to establishment of current zoning, building and structure setbacks can be reduced as part of approval of special exception request

Section 6. Residential Use Districts

6.8. Infill Development Standards for Residential Uses.

- 6.8.1. Intent.** The intent of the residential infill compatibility standards is to accommodate and encourage compatible development and appropriate redevelopment in existing residential neighborhoods and platted subdivisions, while reinforcing the established character of the neighborhood and mitigating adverse impacts on adjacent homes.
- 6.8.2. Applicability**
- A.** When indicated on the base dimensional standards chart as “infill standards”, infill development standards shall be applied unless determined to be not applicable in accordance with Section 6.8.2. The base dimensional standards of the district shall apply if infill standards are not applicable.
- B.** The standards contained within this section apply to any building in an SD-2, SD-6, TN-E, and TN-N district where all of the following are present:
- 1.** The total site area is three (3) acres or less
 - 2.** At least fifty percent (50%) of the side and rear property lines abut existing detached or attached building types
 - 3.** For a lot that is a part of an existing platted subdivision or any lot within a TN-E or TN-N zone that is adjacent to existing residential dwellings that front the same street.
 - 4.** These infill development standards do not take precedence over any requirements found in a Historic District.

- C. **Front Setback** (see fig 6.8-1)
1. The proposed building must be located within the range of front setbacks, no closer than the smallest setback in the range and no further than the largest setback in the range.
 2. On an interior lot, the range of front setbacks is measured on the basis of the two (2) closest developed lots in both directions along the primary street.
 3. On a corner lot, the range of front setbacks is measured on the basis of the two (2) closest developed lots along the primary street.

4. Where the calculation cannot be applied to at least four (4) lots on an interior lot or two (2) lots on a corner lot, the building shall meet the base dimensional standards for the zoning district.
5. Where a setback in any lot(s) used in the calculation is significantly out of the range of setbacks along the block face, the City Planner may eliminate it from the range.

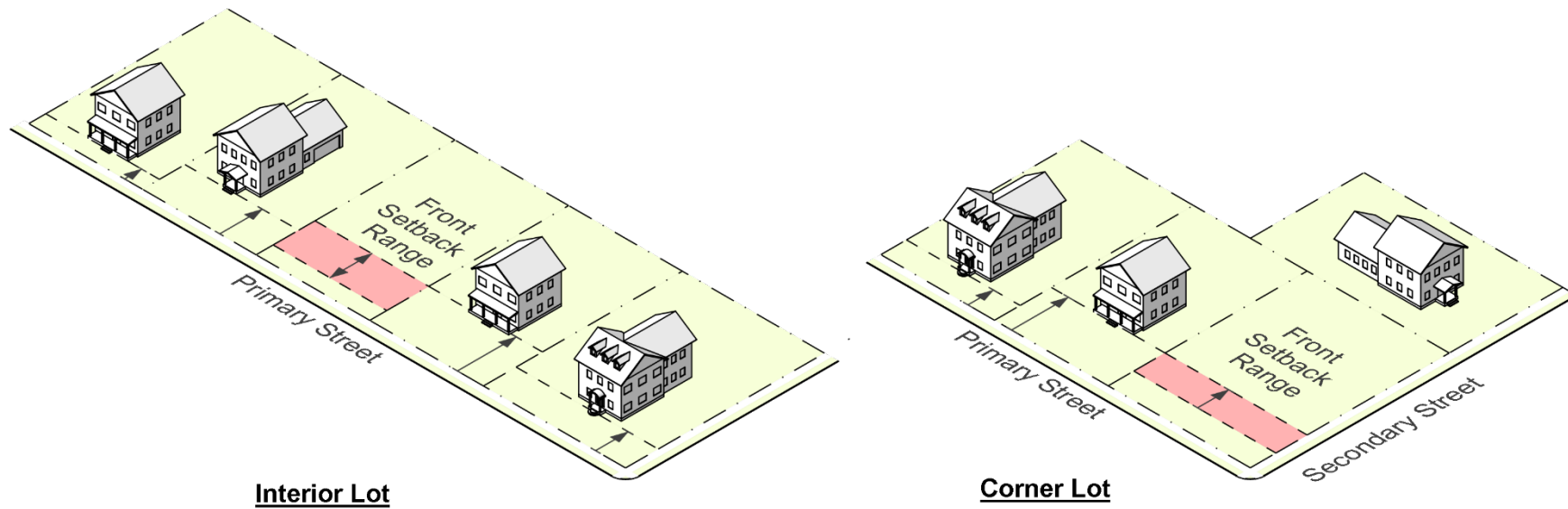


Fig 6.8-1

Section 6. Residential Use Districts

- D. **Side Setback** (see fig 6.8-2)
1. The minimum side setback is equal to the average side setback of the two (2) closest developed lots in either direction along the block face.
 2. On a corner lot, the range of side setback adjacent to a street is measured on the basis of the front setback range

3. No side setback is required to exceed twenty-five percent (25%) of the subject lot width.
4. No structure shall be sited within ten (10) feet of an existing structure on the adjacent lot.

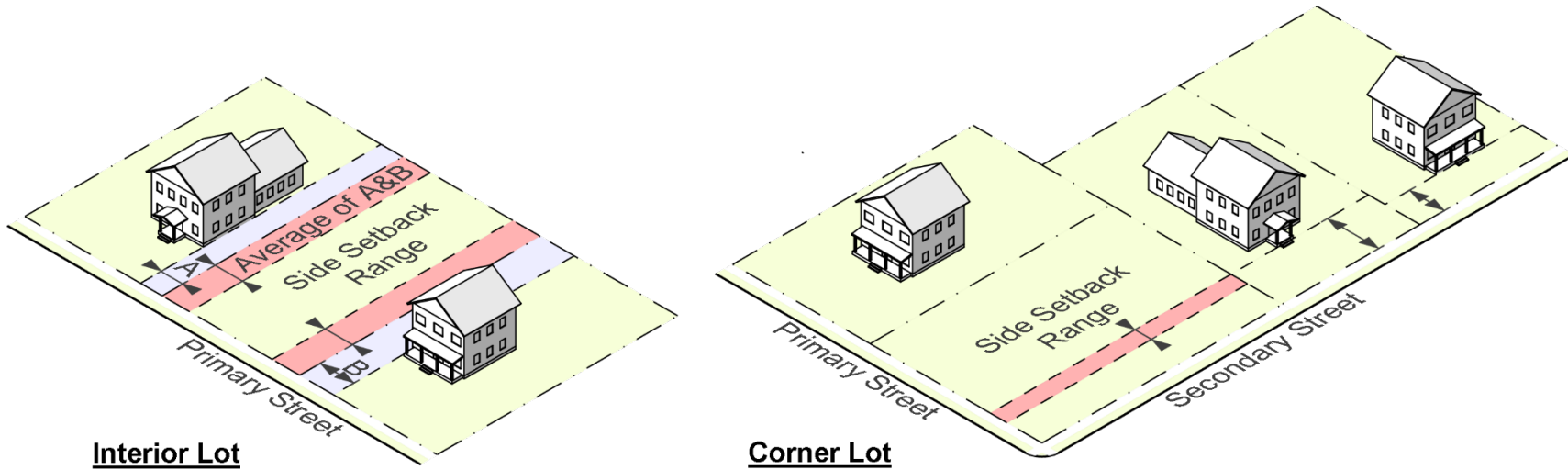


Fig 6.8-2

E. Height

1. For any new building or addition to an existing building in a SD-2, SD-6, TN-E, and TN-N zoning district, the maximum height of the structure shall not exceed 1.5 stories or twenty-five (25) feet. If adjacent structures on the two (2) closest developed lots in either direction along the block face exceed this requirement, the maximum height cannot exceed either adjacent structure heights.
2. If the adjacent height of a structure is significantly out of the range of heights along the block face, the City Planner may eliminate it from the range.

F. Garages (see fig 6.8-3)

1. Garages and/or carports shall not open onto a front yard, unless more than sixty (60) percent of existing dwellings on the block on both sides of the road have garages and/or carports which open on to a front yard. Garages and/or carports may be located in the rear of the lot by right and face any direction.
2. Attached garages and/or carports shall be a minimum of ten (10) feet behind the front facade of the building.

3. An attached garage and/or carport shall not exceed fifty (50) percent of the width of the front façade of the house.

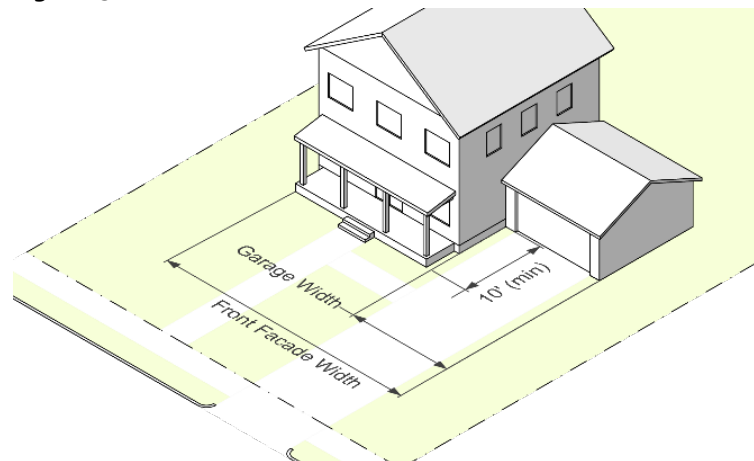
G. Foundation

1. Raised ground floors shall be required on any new building if raised ground floors are part of sixty percent (60%) of existing dwellings on the block face.
2. Any building that requires a raised ground floor must have a foundation height of at least sixteen (16) inches measured from top of grade to the first finished floor.

H. Newly created lots

1. Any newly subdivided lot within a SD-2, SD-6, TN-E, and TN-N zoning district, must have a minimum lot width that is the average along the block face.
2. Any newly created lot within a SD-2, SD-6, TN-E, and TN-N zoning district, must have a buildable area equal to the average first floor square footage of the block face. Buildable area is calculated as the remaining lot area with the infill standard setbacks applied.

Fig 6.8-3



Section 14. Development Standards

14.8. Infrastructure Sufficiency

14.8.1. General Purpose

- A. To lessen congestion in the streets, to facilitate the efficient and adequate provision of transportation, water, and sewage, and to secure safety from fire, every site plan shall be subject to a determination of the sufficiency of infrastructure, as defined below according to the established levels of service in this Article
- B. Infrastructure shall be considered sufficient where it is demonstrated to have available capacity to accommodate the demand generated by the proposed development.

14.8.2. Streets

- A. The City Engineer may require the applicant to prepare and submit a traffic impact study for any proposed site that would generate one-hundred (100) or more total trips during the peak hour of the traffic generator or the peak hour of the adjacent street as outlined and illustrated in the latest versions of the Mississippi Department of Transportation Access Management Manual or for a proposed project that may generate traffic issues.
- B. The Traffic Impact Study format and requirements shall conform to the City of Starkville Standards of Design and Specifications for Subdivisions.
- C. Where the traffic impact study indicates impact greater than the allowable thresholds, the applicant shall prepare and submit a traffic mitigation plan to the City Engineer. The mitigation plan shall identify capital projects and phasing strategies that would bring the development impact to within the acceptable thresholds. This plan may identify improvements undertaken by the private sector, the public sector or both. Site plan approval shall not be granted until the City Engineer determines that the plan provides reasonable and adequate mitigation. Factors to be considered include whether: the cost of the mitigation

measures exceed the value of the proposed development; transportation demand management strategies including multi-modal improvements are included; alternative access strategies are considered.

- D. Turning lanes shall be provided at heavily traveled intersections as determined by the City Engineer. It will be the responsibility of the developer to pay for the costs for the roadway improvements; however, the City Board of Aldermen may elect to participate in some of the construction costs upon written request of the developer.

14.8.3. Water Supply

- A. Water supply shall be determined based on system capacity and average and peak flows.
- B. The minimum size of any water line shall meet the current version of the City of Starkville Minimum Water and Sewer Specifications and may require off-site improvements.

14.8.4. Electric Supply. Electric supply shall be determined based on available capacity.

14.8.5. Wastewater Disposal

- A. Wastewater disposal shall be determined based on system capacity and average and peak flows.
- B. The minimum size of any wastewater line shall meet the current version of the City of Starkville Minimum Water and Sewer Specifications and may require off-site improvements.

14.8.6. Fire Suppression

- A. Required fire flow shall be determined using the methodology of the Insurance Services Office (ISO).
- B. In determining the impact of the proposed development on fire suppression, the City shall consider water pressure available to the development.

- 14.8.7. **Stormwater.** Where proposed stormwater runoff is to be connected to existing stormwater infrastructure, (e.g. storm sewers, open channels, box culverts, etc.) an analysis of the existing structure and its ability to convey additional runoff will be required. In the event the downstream infrastructure cannot convey the required runoff, the City Engineer may require further mitigation of peak flow or off-site improvements to accommodate additional flows.
- 14.8.8. **Bike Lanes, Cycle Tracks, & Trails.** Conventional, on- street bike lanes, cycle tracks, or trails may be required by the City Engineer if:
 - A. There are existing bike facilities on the proposed development site;
 - B. There are existing bike facilities adjacent to the proposed development site; or
 - C. The bike and pedestrian plan propose bike facilities in the future on the site.
- 14.8.9. **Transit Facilities**
 - A. Accommodations for a bus or transit stop may be required by the City Engineer or City Planner in a proposed development if:
 - 1. The development is along a current transit route, and presents an opportunity and need for alternative transportation options.; or
 - 2. The future transit plan proposes a bus stop or route in the future near the proposed development.
 - B. Transit facility design, materials, and construction shall conform with the National Association of City Transportation Officials (NACTO) and Federal Transit Administration Design guidance, along with input from the local transit authority.

14.10. Parking and Vehicular Circulation.**14.10.1. General Provisions**

- A.** Permanent off-street parking for all structures and uses of land shall be provided and conform to the minimum requirements of this section and Section 13 Use Standards. The amount of required parking is determined by the parking requirements for the use categories. The property owner is ultimately responsible for ensuring that sufficient parking is provided.
- B.** Any lot that is being developed, redeveloped, or remodeled and requires site plan review by the development review committee shall provide parking per the development standards and use standards and must conform to all design standards.
- C.** Any new development shall only be required to construct the amount of parking required per the use standards. However, during site plan review, the developer will be required to show on the site plan adequate space for a future expansion of the parking area if needed to accommodate the highest parking standard for that use district. The expansion of the parking area shall be noted on the approved site plan.
- D. Change in Use**
 - 1.** A change in use must comply with the parking requirements unless the use has the same or a lesser parking demand than the previous use as determined by the City Planner.
 - 2.** Where, according to the use standards for that use, the required number of parking spaces for a new use is less than a twenty-five percent (25%) increase from the previous use requirements, no additional parking is required.
 - 3.** Where, according to the use standards for that use, the required number of parking spaces for a new use is more than a twenty-five percent (25%) increase from the previous use requirements, additional parking shall be required. A reduction of up to fifty percent (50%) of the required additional spaces may be granted at the discretion of the City Planner.

14.10.2. Vehicular Access**A. General Access Requirements**

- 1.** All existing and proposed development must provide a satisfactory means of vehicular, pedestrian and bicycle ingress and egress to and from a street or an abutting site.
- 2.** All off-street parking areas must have vehicular access from a street, alley, drive aisle, or cross-access easement.
- 3.** All off-street parking areas must be designed to allow vehicles to enter and exit the parking area in a forward motion, unless otherwise excluded in this section or determined by the City Engineer that the street type and/or posted speed limit does not create a safety issue. Backing out into an alley is permitted.

B. Street Signage & Traffic Control

- 1.** All traffic signs and street name signs shall be purchased by the Developer and installed by or to the satisfaction of the City before the Certificate of Occupancy is issued.
- 2.** Traffic flow and direction shall be shown on the site plan and be subject to modification by the City Engineer.
- 3.** Regulatory signs shall be in compliance with the current Manual on Uniform Traffic Control Devices (MUTCD) and shall be installed accordingly. The placement and number of signs shall be approved by the City Engineer.
- 4.** All streets and crosswalks within the public right-of-way shall use thermoplastic materials for striping.
- 5.** Site signage and traffic control design, materials, and construction shall conform to the City of Starkville Standards of Design and Specifications for subdivisions.

Section 14. Development Standards

C. All Driveways

1. All driveway design and construction must comply with the *City of Starkville Standards of Design & Specifications*, or the Fire Code when conflict exists, except for single unit and duplex residential uses on a single lot.
2. Driveway dimensions measured at the street right-of-way shall be in accordance with the following table:

Table 14.10-1: Driveway Dimension Requirements			
	Width (min)	Width (max)	Radius (max)
Single Unit and Duplex Residential	8'	20'	5'
Multi-Unit Residential less than 6 off-street parking spaces	10'	18'	10'
Multi-Unit Residential 7+ off-street parking spaces (one-way)	12'	16'	10'
Multi-Unit Residential 7+ off-street parking spaces (two-way)	20'	24'	10'
Mixed-Use/Commercial (one-way)	12'	18'	10'
Mixed-Use/Commercial (two-way)	20'	32'	15'
Industrial	30'	40'	30'

3. The City Engineer may require wider driveways where unusual traffic, grade, or site conditions exist.

D. Driveways for Single Unit and Duplex Residential Uses

1. When an alley is provided, all driveways shall take access from the alley.
2. No residential lot shall have more than two (2) driveways on the same street. Multiple driveways that service one (1) lot may be no closer than forty (40) feet to each other.
3. Maximum driveway width within the right-of-way shall be twenty (20) feet. Driveway widths up to thirty (30) feet may be allowed by administrative adjustment only within a SD-2 or SD-6 zoning district.
4. Driveways for single and attached duplex dwelling residential shall be a minimum of twenty (20) feet from the intersection of two (2) street rights-of-way.
5. Driveways for multi-dwelling residential shall follow the City's access management policy and be reviewed during site plan approval.
6. Driveways shall meet parking setback requirements per zoning district.
7. Parking areas shall not constitute more than forty percent (40%) of the front yard.
8. Only single and attached duplex dwelling residential shall be permitted to back out directly into a street unless it is determined by the City Engineer that the street type and/or posted speed limit create a safety issue.
9. Gravel driveways shall have a concrete apron that is a minimum of eight (8) feet from the property to the edge of pavement at the street. The design of the apron shall prevent loose gravel from being deposited on the sidewalk and roadway.

- E. **Driveways for Multi-Unit Residential, Mixed-Use, and Non-Residential**
 - 1. When an alley is provided, access from an alley is required and new curb cuts along the public right-of-way are not allowed.
 - 2. Driveway locations shall follow the City's access management policy and be reviewed during site plan approval.
 - 3. Driveways shall meet parking setback requirements per zoning district.
- F. **Cross-Access between Adjoining Development**
 - 1. The internal vehicular circulation system shall be designed to allow for vehicular cross-access between adjoining lots or to the boundary of adjoining vacant land zoned to allow non-residential or mixed-use development.
 - 2. Cross-access ways shall provide for two-way vehicular traffic between the vehicle use areas on the adjoining lots through the use of a single driveway or drive aisle that is at least twenty-two (22) feet wide or through the two (2) one-way driveways or aisles that are each at least eleven (11) feet wide.
 - 3. Cross-access ways should be offset from the driveway intersection a minimum of fifty (50) feet to reduce vehicular conflicts.
 - 4. The City Engineer and City Planner may waive or modify the requirement for vehicular cross-access upon determining that such cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, or vehicular safety factors.
 - 5. Easements allowing cross-access to and from properties served by a vehicular cross-access, along with agreements defining maintenance responsibilities of property owners,

shall be recorded with the Office of the Chancery Clerk of Oktibbeha County before a temporary or final certificate of occupancy is granted.

14.10.3.

Calculation of required parking

- A. The number of parking spaces required shall be calculated in accordance with the parking for that use. Where the use is not specifically listed or only a broad use category is shown, the City Planner shall be responsible for categorizing the use and determining the minimum number of parking spaces.
- B. For a multi-tenant development with a combination of commercial or institutional uses, the parking requirements are the sum of the requirements for each use and no parking space for one (1) use can be included in the calculation of parking requirements unless otherwise permitted in this section.
- C. Institutional and commercial uses that share a parking lot with other commercial uses may not exceed their minimum parking by more than twenty-five percent (25%).

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14.10.4. Parking reductions for required parking

Parking Occupancy Rates						
Uses	M - F	M - F	M - F	SAT & SUN	SAT & SUN	SAT & SUN
	8 AM - 6 PM	6 PM - 12 AM	12 AM - 8 AM	8 AM - 6 PM	6 PM - 12 AM	6 PM - 12 AM
Residential Mixed Use	60%	100%	100%	80%	100%	100%
Hotels, Motels, or Inns	70%	100%	100%	70%	100%	100%
Offices Professional	100%	20%	5%	5%	5%	5%
Retail Sales and Services	90%	80%	5%	100%	70%	5%
Eating & Drinking Establishments	70%	100%	100%	70%	100%	10%
Theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	5%
Conference and Convention	100%	100%	5%	100%	100%	5%
Places of Worship	20%	20%	5%	100%	50%	5%

- A. Mixed-use development.** For developments on the same lot with more than one use, the total number of parking spaces required may be adjusted downward to the highest total demand calculated for each weekday (night, daytime, and evening periods) and weekend (night, daytime, and evening periods) according to the Parking Occupancy Rates chart. The weekday or weekend time period generating the highest demand shall indicate the new minimum parking space requirement for that specific combination of uses.
- B. Proximity to transit.** A ten percent (10%) reduction in the number of required parking spaces is allowed for commercial uses with a main entrance within a walking

- distance of thirteen hundred and twenty (1,320) feet of an operating transit stop. This reduction does not apply to form-based districts or used in conjunction with the reduction allowed with the Parking Occupancy Rate Chart.
- C. Bicycle parking.** Within a commercial use district, form-based district, or multiple dwelling unit district, the overall parking space requirements can be reduced by two spaces if bicycle parking is provided. Bicycle parking shall be provided for all developments located along a dedicated bike path or bike lane.

14.10.5. Off-street parking

- A. Required parking spaces must be located on the same lot they are intended to serve unless otherwise permitted in accordance with this Section 14.10.5.
- B. Parking shall only be permitted on a hard surface unless otherwise permitted in accordance with this Section 14. Parking shall not be permitted on open lawn area from the front façade of the building to the street.

14.10.6. Off-site parking

- A. Required parking spaces may be permitted on an off-site parking area separate from the site on which the principal use is located if the off-site parking is located within five hundred (500) feet. Newly constructed off-site parking areas may require a special exception per the use standards.
- B. Off-site parking is measured as the walking distance from the nearest point of the shared parking area to the primary entrance of the use served. All off-site parking shall be reviewed and approved as part of site plan approval and/or building permit review.
- C. Prior to the issuance of a permanent or temporary certificate of occupancy, a recorded perpetual easement to the parking area must be filed in the office of the Chancery Clerk of Oktibbeha County. Easements for shared parking shall be reviewed and approved by the City Attorney.

14.10.7. On-street parking

- A. This section defines the parking criteria for adding on-street parking adjacent to a development. Parking may be allowed on Local and Minor Collector streets at the discretion of the City Engineer. Parking shall not be allowed on Major Collector or Arterial streets.
- B. Parallel parking is permitted on certain streets as approved by the City Engineer.
- C. For all streets in which parking is limited or not allowed, "No Parking" street signs may be required as part of the

approved site plan.

- D. The addition of perpendicular or angled parking shall not be allowed on City public streets.
- E. Parking inset from the curb line may be allowed by the City subject to the approval of the City Engineer.
- F. An on-street parking space within the right-of-way shall be designed with a minimum clearance of six (6) feet offset from the edge of a driveway unless additional clearance is required by the City Engineer.
- G. An on-street parking space within the right-of-way shall be designed with a minimum clearance of thirty (30) feet from the nearest edge of the intersection. The designer shall establish the minimum clearance by reviewing sight distance requirements in the AASHTO Policy on Geometric Design of Highways and Streets.
- H. Special consideration shall be given to mailbox locations near on-street parking such that parked vehicles do not interfere with mail delivery.
- I. On-street parking cannot be privately metered or reserved.

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14.10.8. Tandem parking

Fig. 14.10-1



- A. Tandem parking is allowed for the following residential use categories: detached dwelling and accessory dwelling unit.
- B. Tandem parking is allowed for the following residential use categories with a maximum of three (3) dwelling units within one (1) structure: attached duplex, attached triplex, and townhouse/rowhouse.
- C. A maximum of two (2) parking spaces may be in one (1) tandem parking space with a minimum dimension of 9 feet in width by thirty-six (36) feet in length.
- D. Both parking spaces in tandem must be assigned to the same dwelling unit and signed appropriately.

14.10.9. Queuing Areas

- A. Adequate space must be made available on-site for stacking, storage, and queuing of vehicles.
- B. Vehicles using drive-thru facilities may not encroach on or interfere with the public use of streets and sidewalks by vehicles or pedestrians.
- C. Each stacking space must be a minimum of twenty (20) feet in length and ten (10) feet in width along straight portions. Stacking spaces and stacking lanes must be a minimum of twelve (12) feet in width along curved segments.
- D. See use standards for specific requirements for drive-thru facilities.

14.10.10. Loading Areas. Loading areas shall be required based on the specific use as stated in the use standards.

14.10.11. Medians Within Driveways Accessing Public Right-of-Way. If medians are included and are placed either entirely or partially in the public right-of-way, they shall meet the following standards for design:

- A. No obstruction. The medians may not obstruct the design vehicle turns.
- B. Visibility. The medians must be placed such that the required visibility in the intersection is not obstructed.
- C. Undiminished Use. Medians must be placed so they do not diminish the intersection use except where designing a right-in/right-out intersection.

- D. Median Maintenance. Medians shall be maintained.
- E. Pedestrian refuge islands shall be required if a median is intersected by a required pedestrian crossing.
- F. Signage is allowed within medians.

14.10.12. Pedestrian Crossings

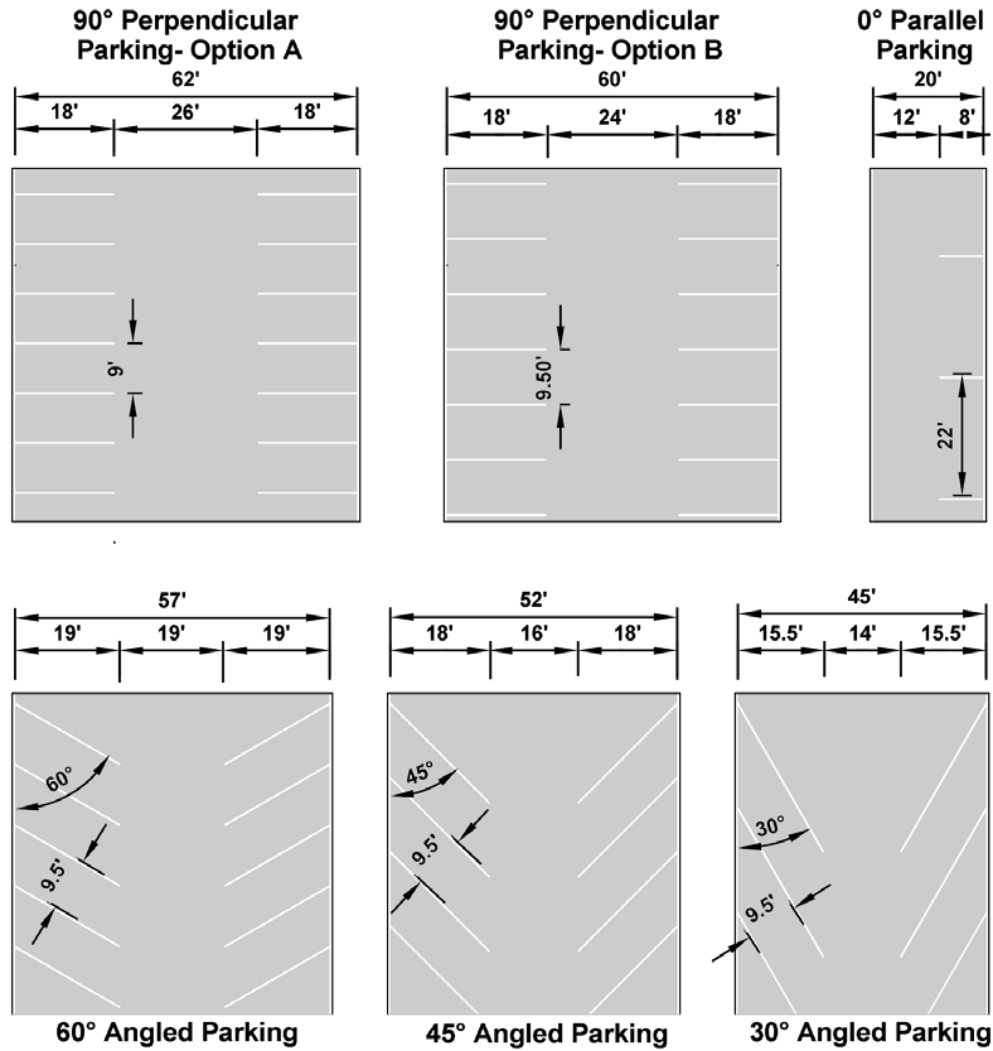
- A. Pedestrian crossings across all entrances shall be ADA compliant.
- B. Pedestrian crossings shall be marked and/or signed as required by City Engineer and/or ADA Coordinator.

14.10.13. Parking Location for Commercial, Industrial, Institutional, Mixed-Uses, and Residential Uses with three (3) or More Dwellings per Site

- A. Required parking spaces must be located on the same lot they are intended to serve, except where specifically allowed under off-site parking requirements.
- B. All off-street parking must be arranged so that no vehicle is forced onto any public street, not including an alley, to gain access from one (1) parking aisle to another parking aisle.
- C. Vehicles shall not back out directly onto any public street.
- D. Parking shall only be permitted on a hard surface. Parking shall not be permitted on open lawn area from the front façade of the building to the street.
- E. Driveway width and location shall be determined based on the adopted city access management policy.

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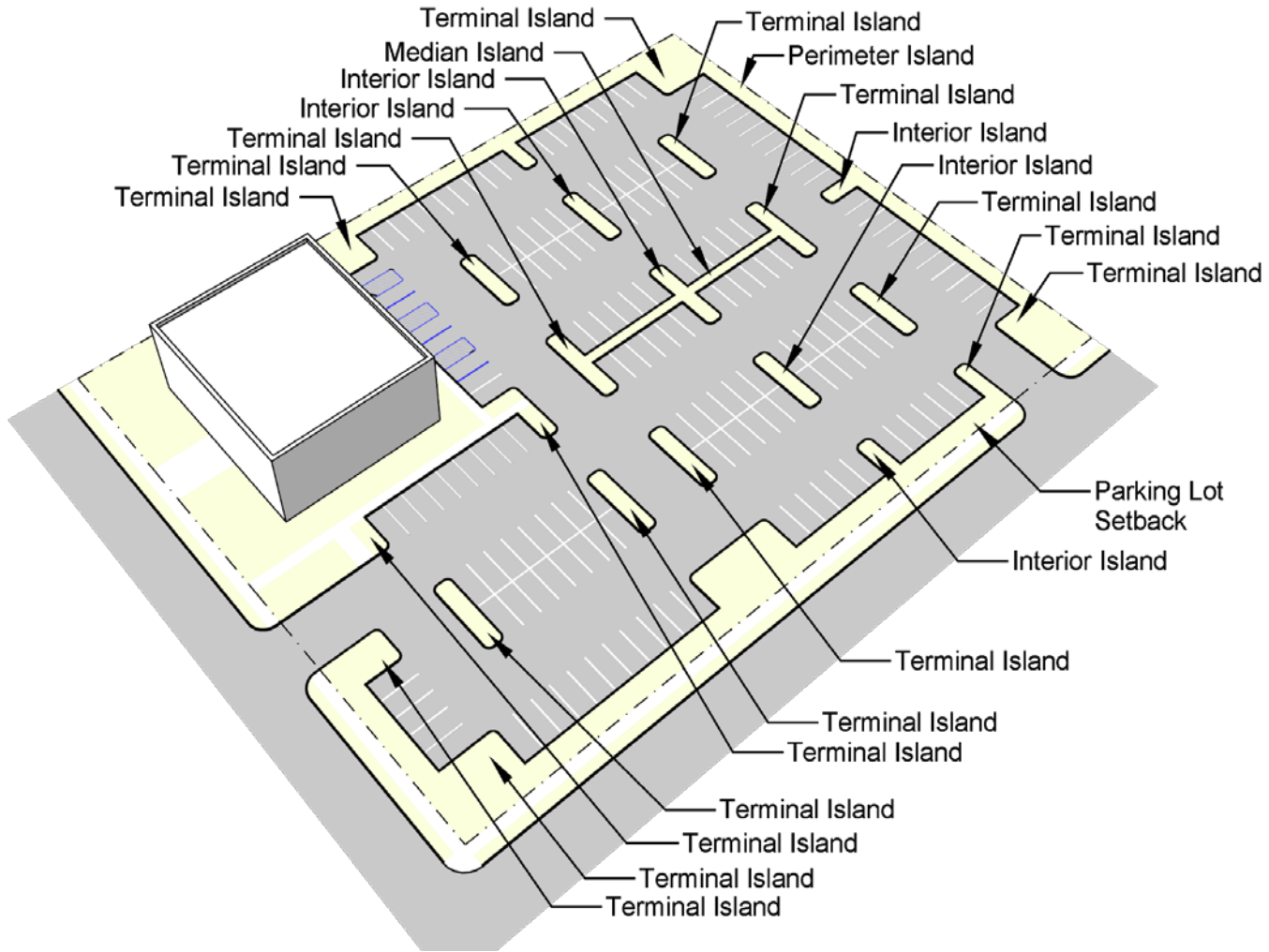
14.10.14. Parking Layout
Fig. 14.10-2



- A. **Ninety degree (90°) perpendicular parking option A.** Parking spaces shall have a minimum dimension of nine (9) feet wide by eighteen (18) feet long with a minimum drive aisle width of twenty-six (26) feet.
- B. **Ninety degree (90°) perpendicular parking option B.** Parking spaces shall have a minimum dimension of nine and a half (9 1/2) feet wide by eighteen (18) feet long with a minimum drive aisle width of twenty-four (24) feet.
- C. **Sixty degree (60°) angled parking.** Parking spaces shall have a minimum dimension of nine and a half (9 1/2) feet wide by nineteen (19) feet long with a minimum drive aisle width of nineteen (19) feet.
- D. **Forty-five degree (45°) angled parking.** Parking spaces shall have a minimum dimension of nine and a half (9 1/2) feet wide by eighteen (18) feet long with a minimum drive aisle width of sixteen (16) feet.
- E. **Thirty degree (30°) angled parking.** Parking spaces shall have a minimum dimension of nine and a half (9 1/2) feet wide by fifteen and a half (15 1/2) feet long with a minimum drive aisle width of fourteen (14) feet.
- F. **Zero degree (0°) parallel parking.** Parking spaces shall have a minimum dimension of eight (8) feet wide by twenty-two (22) feet long with a minimum drive aisle width of twelve (12) feet.
- G. **Other angled parking.** All other angled parking lot dimensions not stated above shall require approval by the City Planner and/or City Engineer based on the dimensional standards of the two (2) closest angled parking categories.
- H. **Fire lanes and access drives.** Drive aisle width requirements in this section shall not apply to any required fire lanes or fire access drives. Aisle widths for fire lanes and fire access drives shall be as required by the latest adopted edition of the International Fire Code or other applicable adopted building codes.
- I. **Parking lot islands.** All parking lots shall provide for perimeter islands, terminal islands, interior islands, and median islands as required by the Development Standards Chart and the Landscape Sections (see Fig. 14.10-2).
- J. **Required curbs.** Interior islands, terminal islands, median islands, and parking lot perimeter shall have a six (6) inch high by six (6) inch wide concrete curb. Wheel stops cannot be used as the only means of protection. If median islands are being used for stormwater management, the requirement for a concrete curb may be removed only with the approval of the City Planner and/or City Engineer.

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Fig. 14.10-2



1.

14.10.15. Recreational Vehicles and Equipment. For the purposes of this section, recreational vehicles shall include: travel trailers, motor homes, boats, personal watercraft, and all-terrain vehicles. Equipment shall include: utility trailers, construction dumpsters, and temporary storage containers.

- A. Recreational vehicles and equipment shall be stored behind the nearest portion of a building to the street in either the side yard, rear yard, garage, carport, or an enclosed building. For loading and unloading, recreational vehicles and equipment shall be permitted to park anywhere on the property for a maximum of twenty-four (24) hours.
- B. Parking of recreational vehicles and equipment is not permitted on any public street for a period in excess of twenty-four (24) hours.
- C. Recreational vehicles cannot be used as a dwelling or short-term residential rental. Recreational vehicles can be used as a temporary sleeping quarters on property that is the primary residence of the property owner during home game weekends for Mississippi State University for a maximum of three (3) nights consecutively and not to exceed thirty (30) days within a calendar year as well as during city-recognized holidays. During this temporary period, one (1) recreational vehicle may be parked in the driveway of an occupied dwelling as long as the vehicle does not block public sidewalks or protrude into the street.
- D. Recreational vehicles shall be allowed on the side of the front yard on a hard surface by Administrative Adjustment.

14.10.16. Exceptions from Off-Street Parking Requirements

- A. Parking of automobiles is permitted in the front yard for private events for a period not to exceed twelve (12) hours.

Private event parking exceptions shall be limited to no more than three (3) events within a calendar year.

- B. Parking of automobiles is permitted in the front yard during home game weekends for Mississippi State University from 12:00 pm Friday to 12:00 pm Sunday.
- C. Equipment shall be permitted in the front yard of any structure with an active building permit. All utility trailers and temporary storage containers shall be removed once construction activities have ended, stopped, and/or a certificate of occupancy has been issued.

14.10.17. Variances. Any deviation from the number of required spaces and/or the off-street parking requirements not approved by the City Planner as an administrative adjustment shall be required to receive approval through the Variance process.

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14.11. Sidewalks and Pedestrian Circulation

- 14.11.1. Sidewalks Required by Subdivision.** Within all newly platted subdivisions, sidewalks shall be required. The installation shall be required in accordance with Section 15.3.3.H.
- 14.11.2. Sidewalks Required by Site Plan**
- A. On any development or redevelopment within the sidewalk development zone (see Fig 14.11-1) that requires site plan approval, sidewalks shall be required.
 - B. Sidewalks shall be completed and approved by the City prior to issuance of a certificate of occupancy.
 - C. The developer or property owner of any development or redevelopment shall be required to bring existing sidewalks adjacent to the property into compliance with current sidewalk and/or ADA standards.
- 14.11.3. Sidewalks Required by Building Permit**
- A. On any construction project that does not require site plan approval within the sidewalk development zone (see Fig 14.11-1) with a cost for improvements that is greater than fifty thousand dollars (\$50,000), sidewalks shall be required unless any of the following conditions exist:
 - 1. The project is a single dwelling unit located on a single lot that is not part of a development that requires sidewalks.
 - 2. The installation cost of the required sidewalk is greater than thirty percent (30%) of the cost for the improvements. The improvement cost shall include all improvements on the site, structure, and/or building for all phases. The installation cost of the sidewalks shall be based on unit prices. The unit prices shall be determined based upon quarterly posted construction bid averages provided by the Mississippi Department of Transportation (MDOT). The unit price used to determine the installation cost shall be reviewed and approved by the City Engineer.

- 3. The developer or property owner of any development or redevelopment shall be required to bring existing sidewalks adjacent to the property into compliance with current sidewalk and/or ADA standards.

14.11.4. General Requirements

- A. Sidewalks shall be designed and constructed to comply with the Americans with Disabilities Act and most current version of the Americans with Disabilities Act Accessibility Guidelines. Developments on a corner lot shall be responsible for providing handicapped access curb ramps on the corner.
- B. Required sidewalks shall be located within the right-of-way adjacent to the subject property. Sidewalks shall be provided along all public and private streets from lot line to lot line and align with existing sidewalks on adjacent properties. Sidewalks that cannot be located within the right-of-way shall be located as close to the right-of-way as possible in an easement allowing for public access and maintenance. Sidewalk easements width shall be six (6) feet plus the width of the sidewalk.
- C. Unless otherwise specified by the Development Review Committee, sidewalks shall be located closer to the right-of-way line than the back of curb of a street. Thus, creating an area for the planting of sod or other landscape materials.
- D. Sidewalk material shall be in accordance with the Development Standards Chart.
- E. The width of the sidewalk shall be a minimum of five (5) feet except for developments that have additional setback requirements in accordance with Section 5.3. In locations with higher current or anticipated pedestrian use, a wider sidewalk may be required as deemed necessary by the City Planner and/or the City Engineer.
- F. Sidewalk crossings at any driveway shall provide an ADA compliant connection between the sidewalk ends.

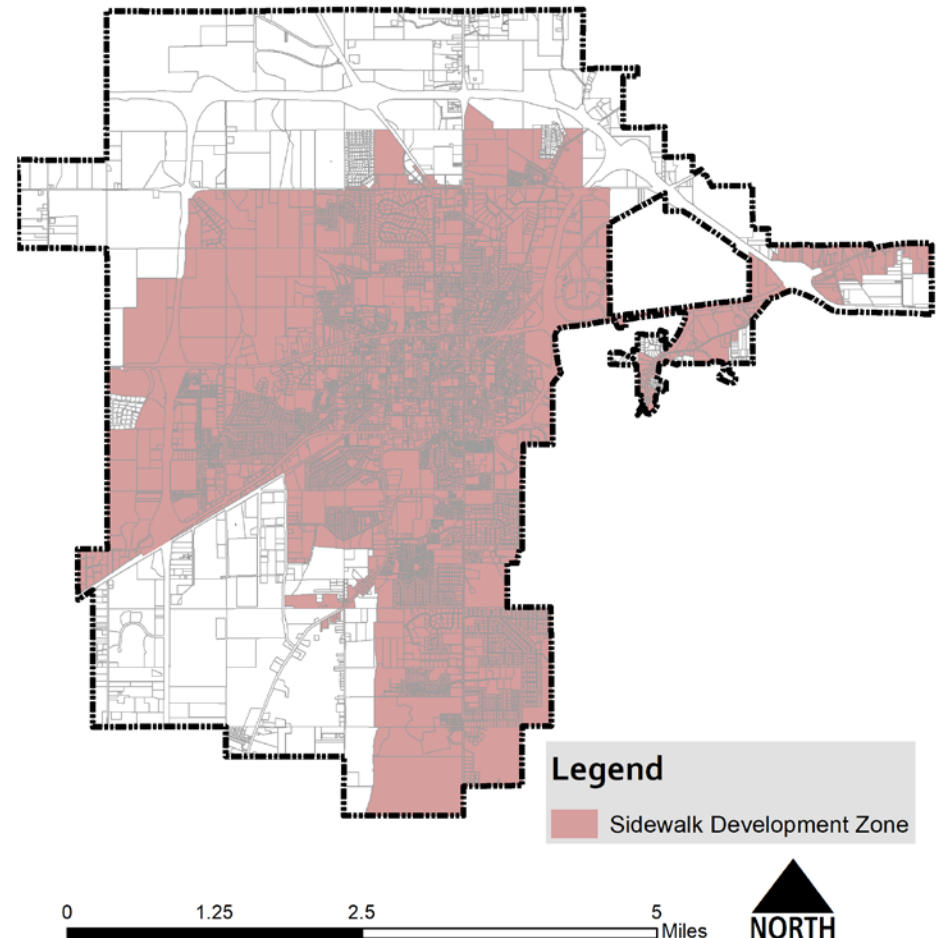
- G.** Crosswalks shall be required and striped in conformance with the latest edition of the Manual on Uniform Traffic Control Devices or to the current City standard.
- H.** If required, Internal pedestrian circulation shall be provided and meet the requirements of the Development Standards Chart.
- I. Repair and Maintenance.** Upon issuance of a certificate of occupancy, the city shall be responsible for the repair and maintenance of sidewalks and multi-use paths within public right-of-way. The expense of repairing any sidewalk shall be incurred by the city. Sidewalks not located within a public right-of-way or an approved sidewalk easement, are the responsibility of the property owner. It shall be the responsibility of the property owner to have sidewalks evaluated by city staff prior to any action which may result in damage or removal by an owner, renter, or contractor during work done at a property. Sidewalks that are damaged or removed by direct action shall be repaired/replaced by property owner. The evaluation shall determine whether the sidewalk condition warrants repair or reconstruction.
- J. Obstructions.** The owner and/or occupant of every lot or premises adjoining any street shall clear and keep all sidewalks or multi-use paths adjoining such lots or premises from any obstructions including, but not limited to, structures, vehicles, materials, debris, vegetation, or other items. The owner and/or occupant shall also keep clear the area which is located directly over the sidewalk, up to a height of eight (8) feet, in a manner which will allow reasonable travel without interference from obstructions as defined above.
- K. Sidewalk Protection During Construction.** Construction activities adjacent to a public sidewalk shall adhere to the following:
- 1. Protection Area.** Sidewalk protection areas shall have a clear unobstructed width of not less than six (6) feet in all areas.
 - 2. Open Sidewalk.** At the building official's discretion, the open sidewalk should be separated from the adjacent work zone by a chain link fence or other similar barrier. Any gate in the fence must swing inward toward the work zone. The fence must be properly anchored but cannot be bolted or attached in any similar manner into the sidewalk.
 - 3. Barricades.** During construction, sidewalks that are not protected by a physical barrier (curb and cutter, grass strip, etc.), the property owner may be required to provide water filled barricades as determined by the Development Review Committee during site plan review.
 - 4. Sidewalk Overhead Protection** (sidewalk bridge, a protective canopy or sidewalk shed). As part of site plan approval, the Development Review Committee may require overhead protection for public sidewalk.
 - A sidewalk shed must be erected whenever materials will be hoisted over the sidewalk, regardless of building height or horizontal distance between the building and sidewalk. Without a sidewalk shed, no construction operation is allowed over the sidewalk.
 - Specifications and drawings of the sidewalk shed must be submitted with the traffic control plan during site plan review and, if applicable, lane closure permit application.
 - The drawing must show the side view, front view, and cross section view of the sidewalk shed.
 - The sidewalk shed shall have a clear unobstructed ceiling height of not less than eight (8) feet.
 - Roof materials shall consist of planking no less than the industry standard nominal thickness of two (2) inches, closely laid, made watertight, and covered with exterior grade fire resistant plywood.
 - Sidewalks within a sidewalk shed shall be lit with approved temporary lighting.

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- All walking surfaces within a sidewalk shed shall be compliant with the American Disabilities Act Accessibility Guidelines.
- L. **Permit for Obstruction of Sidewalk.** When and where it shall be necessary in the construction or repair of buildings, structure, or site, the Mayor and Board of Aldermen may approve the issuance of a written permit, not exceeding two (2) months, permitting the applicant to obstruct the free and unimpeded use of the sidewalk. A pedestrian traffic plan shall be required. If the provisions and conditions of permit are not strictly adhered to, a stop work order for the entire project shall be issued.
- M. **Review and Approval Procedure**
1. Sidewalks shall be subject to review and approval as part of the site plan review process.
 2. No certificate of occupancy shall be issued until all required sidewalks are completed in accordance with the approved site plan.
 3. If required sidewalks are incomplete, a temporary certificate of occupancy may be issued in accordance with section 17.5.2.B.
- N. **Variance from Sidewalk Requirements.** Any variance from sidewalk requirements in Section 14.11 shall follow the procedures and processes of Section 3.7.5.
- O. **Administrative Adjustments from sidewalk requirements.** Any administrative adjustments from sidewalk requirements in Section 14.11 shall follow the procedures and processes of Section 3.6

Fig 14.11-1

Sidewalk Development Zone Map



14.15. Condominium Development Standards

14.15.1. General Provisions

- A. The requirements of this section shall apply to any condominium. Existing structures shall not be converted into condominiums unless the building and site meet all current development standards, use standards, and building codes. The burden of demonstrating compliance shall be placed on the applicant.
- B. No person shall commence the construction or conversion of a condominium without first obtaining an approved condominium plat and building permits. Site plan approval and building design plan may be required in accordance with section 3.9 and 3.10.
- C. Condominiums may be commercial, residential, industrial, or mixed use. Single dwelling unit developments shall not be permitted to be approved as or converted to a condominium, unless as a part of an approved cottage court development.

14.15.2. Improvements

- A. **Building Code.** All applicable provisions of the adopted Building Code shall be complied with.
- B. **Use Standards and Development Standards.** All applicable provisions of the Use Standards and Development Standards shall be complied with.
- C. **Establishment and maintenance of utilities.** Utility lines located within a lot or parcel of land and serving only one lot or parcel shall not be maintained by the city except as notated on the approved site plan.
- D. **Connectivity Required.** A public road may be required by the City Engineer or Development Review Committee to connect to adjacent property or adjacent public roads. Determination of the location of connections shall be made by the Development Review Committee based on adjacent existing developments, proposed future development, and/or potentially developable vacant land.
- E. **Streets.**
 - 1. The City Engineer shall review the proposed public road and shall classify all the road in one of the categories listed in the City of Starkville Standards of Design & Specifications.

- 2. New public streets shall be built in accordance with section 15.4.
- 3. The City Engineer may require the applicant to prepare and submit a traffic impact study for any proposed site that would generate one-hundred (100) or more total trips during the peak hour of the traffic generator or the peak hour of the adjacent street as outlined and illustrated in the latest versions of the Mississippi Department of Transportation Access Management Manual or for a proposed project which may generate traffic issues.
- 4. The Traffic Impact Study format and requirements shall conform to the City of Starkville Standards of Design and Specifications for Subdivisions.
- 5. Where the traffic impact study indicates impact greater than the allowable thresholds, the applicant shall prepare and submit a traffic mitigation plan to the City Engineer. The mitigation plan shall identify capital projects and phasing strategies that would bring the development impact to within the acceptable thresholds. This plan may identify improvements undertaken by the private sector, the public sector or both. Condominium plat approval shall not be granted until the City Engineer determines that the plan provides reasonable and adequate mitigation. Factors to be considered include whether: the cost of the mitigation measures exceeds the value of the proposed development; transportation demand management strategies including multi-modal improvements are included; alternative access strategies are considered.
- 6. Turning lanes shall be provided at heavily traveled intersections as determined by the City Engineer. It will be the responsibility of the developer to pay for the costs for the roadway improvements; however, the City Board of Aldermen may elect to participate in some of the construction costs upon written request of the developer.
- F. **Utility Easements.** Appropriate access and utility easements shall be provided as depicted in the private street cross-sections as included in the applicable code section(s) in the Starkville Code of Ordinances, chapter 98, streets, sidewalks and other public places. The following language shall be included on both the face of the plat as well as in the condominium declaration

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regarding easements:

"The undersigned owner of (condominium development), as shown on the condominium plat and as described in the condominium declarations, does convey to the City of Starkville, Mississippi, along with the right of ingress and egress, all utilities and utility easements to be used by the City of Starkville, Mississippi for providing public services, along with permanent, and perpetual utility easements.

It is understood and agreed that the City of Starkville is held harmless from liability or payment of compensation to the abutting property owners, or entity deriving therefrom, for damages resulting from utility line failures or damages to improvements within the aforementioned easements, up to, but not limited to buildings, light fixtures, mailboxes, ornamental landscaping, turf grass, fences, along with private road surfaces, curbs and gutters, sidewalks, as a result of ingress, egress and the maintenance or replacement of utilities."

G. Parking. If the City Engineers determines that the road type is appropriate and the Development Review Committee approves, parallel on-street parking may be allowed along public roads. On-street parking shall not be included in the minimum required parking for the use unless otherwise allowed in the Unified Development Code.

H. Sidewalks.

1. Sidewalks shall be constructed to allow for interior connectivity between all common spaces and public spaces to individual units.
2. Sidewalk access shall be provided from each building within a condominium development or by a shared sidewalk connecting all common spaces and individual units to the street. Location of shared sidewalk shall be approved by the Development Review Committee.
3. Sidewalks shall be required along public right-of-way in accordance with section 14.11.

14.15.3. Variances and Administrative Adjustments. Any deviation from the requirements of this section shall be in accordance with the procedures and processes in Section 3 in this Unified Development Code.

Section 15. SUBDIVISION STANDARDS

15.1. General Provisions

15.1.1. Applicability.

- A. No construction shall commence until all required plans, profiles and specifications have been reviewed and approved as part of an approved infrastructure plan by the City or other governmental approving agency.
- B. No City services or utilities shall be extended or furnished to any development until the applicant has installed the improvements specified in this Unified Development Code or guaranteed their installation as provided for in this Unified Development Code.
- C. Variances and Administrative Adjustments shall be in accordance with the procedures and processes in Section 3 in this Unified Development Code. The City Planner and City Engineer, where specifically authorized may approve administrative adjustments.
- D. All improvements must conform to all adopted City plans and Codes.

15.1.2. Phasing.

- A. If set out as part of the preliminary plat, lots may be recorded and public improvements may be constructed in phases as long as each phase is able to stand alone by meeting all City requirements.
- B. A phasing plan shall be submitted that shows the extents of all improvements in each phase including access, utilities, and any other necessary items.
- C. The City Planner shall ensure that the phasing plan is in accordance with the preliminary plat and that each phase, as constructed, will comply with City requirements.
- D. Infrastructure plans shall be prepared for each phase in order to show the extent of construction and connections.

15.1.3. Design & Construction Requirements.

- A. All subdivision design, materials, and construction shall conform to the City of Starkville Standards of Design & Specifications for Subdivisions.
- B. If the primary development related improvements are not completed, inspected, and accepted by the City Staff prior to a request for final plat for all or a part of any subdivision or issuance of a building permit for any lot, whichever occurs first, a Performance Guarantee Agreement and an acceptable surety in an amount approved by the City Engineer shall be in place before the execution of a certificate of final plat approval. The itemized construction cost estimate, which shall be prepared and certified by a licensed professional engineer, shall be provided to the City Engineer and the Utility Department. The City Engineer will determine the surety amount based on this information and may require additional information if the estimate is incomplete or underestimated. The surety shall be two hundred percent (200%) of the itemized construction cost estimate of the primary and secondary development-related improvement.
- C. If the primary development related improvements are complete, but the secondary development-related improvements are not completed, inspected, and accepted by the City Staff prior to a request for final plat for all or a part of any subdivision or issuance of a building permit for any lot, whichever occurs first, a Performance Guarantee Agreement and an acceptable surety in an amount approved by the City Engineer shall be in place before the execution of a certificate of final plat approval. The itemized construction cost estimate, which shall be prepared and certified by a licensed professional engineer, shall be provided to the City Engineer and the Utility

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Department. The City Engineer will determine the surety amount based on this information and may require additional information if the estimate is incomplete or underestimated. The surety shall be one hundred and fifty percent (150%) of the itemized construction cost estimate of the secondary development related improvements. The surety for the final layer of asphalt may be reduced to one hundred percent (100%) of the itemized construction cost estimate at the discretion of the City Engineer based on the level of completion.

- D. All primary development-related improvements shall be installed, inspected and approved prior to the issuance of the first temporary or permanent certificate of occupancy within the subdivision phase. All secondary development-related improvements may, at the discretion of Starkville Utilities, the City Planner and/or the City Engineer, be installed within one hundred and eighty (180) days following the issuance of the first certificate of occupancy. Any extension to the one hundred and eighty (180) days may be approved at the discretion of Starkville Utilities, the City Planner and/or the City Engineer based on accepted hardships that delayed the completion of the improvements. If an extension is not granted, the Performance Guarantee Agreement may be executed at any time after the one hundred and eighty (180) day period. The warranty period shall not commence until all the outstanding items have been installed, inspected, and approved.

15.1.4. Warranty.

- A. All development-related improvements must have a warranty guaranteeing the work against defects for a period of one (1) year from the date of warranty period commencement for the respective infrastructure system.

- B. The warranty shall list the City as a beneficiary.
- C. A warranty surety shall be provided in an amount of fifteen percent (15%) of the estimated value of the warranted development-related improvements. The surety shall expire six (6) months after the expiration of the warranty period.

15.1.5. Acceptance.

- A. No subdivision streets shall be eligible for acceptance by the City until a minimum of eighty-five percent (85%) of construction has been completed based on the number of total lots or a period of seven (7) years, whichever occurs first.
- B. Subdivisions to be constructed in phases shall not be eligible for street acceptance by the City until eighty-five percent (85%) of the construction has been completed based on the number of total lots of all phases if the construction route requires access to any of the previously platted phases or a period of seven (7) years, whichever occurs first.
- C. Any development-related improvements shall not be officially accepted until the improvements have been inspected and approved by the City, corrections are made in the field and on the approved infrastructure plans, a reproducible copy of the as-built drawings are provided to the Community Development and Engineering Departments, and the warranty required in the previous section is completed. As-built drawings to meet requirements outlined the City of Starkville Standards of Design and Specifications for subdivisions and shall be signed and certified by a licensed Professional Engineer indicating that all work is in accordance with the approved plans and the City of Starkville codes, standards and requirements.
- D. The developer shall maintain the roadways in a safe and good condition until the streets are eligible for acceptance. If at any time, the City notifies the developer of an unsatisfactory roadway condition, the developer will

- have thirty (30) days to remedy or the City may utilize a portion of the surety for roadway repairs or maintenance.
- E.** Final street repairs and construction must be completed prior to acceptance by the City.
- 15.1.6. Dedication of Public Land.** Where a proposed park, greenway, open space, school, fire station or other public use shown in the Comprehensive Plan is located in whole or in part in a development, the Board of Aldermen may require the reservation of the land for future use.
- 15.1.7. Easements.**
- A.** Platted easements and deed of easements shall be provided in the locations and dimensions required by the City in order to:
1. Allow for adequate storm drainage facilities;
 2. Allow for proper installation of water and sewer lines, whether immediately proposed or necessary for adequate service in the future;
 3. Allow for cross-access between properties;
 4. Allow for adequate transit facilities and access;
 5. Allow for adequate pedestrian and bicycle access;
 6. Allow for adequate right-of-way for street types;
 7. Allow for adequate public access; and
 8. Allow for adequate slope for roadway construction.
- B.** Easement widths shall be specified by the City as necessary to accommodate existing and future needs as well as construction and repair of facilities.
- C.** Drainage easements are required for any development that involves more than one (1) lot and may be required for individual lot developments. This includes commercial developments with outparcels, phased development, and other developments with surrounding land under the same ownership as the tract being developed.
- D.** Public drainage easements shall be provided for:
1. All culverts and pipes outside or directly adjacent to the right-of-way which are to be conveyed to the City for ownership and maintenance;
 2. All new or existing open channels or watercourses which drain City streets or property;
 3. Any other locations deemed appropriate by the City Engineer or staff.
- E.** Private drainage easements shall be provided for:
1. All culverts and pipes outside the right-of-way that are not to be conveyed to the City for ownership and maintenance;
 2. All permanent and temporary stormwater mitigation facilities for all individual drainage swales along a rear or side lot line or swales which accommodate uphill lot drainage;
 3. Any other locations deemed appropriate by the City Engineer or staff.
- F.** Easements centered on rear or side lot lines shall be provided for individual or uphill site drainage where necessary and shall be at least fifteen (15) feet wide, or a width designated by the City Engineer.
- G.** Drainage easements containing only storm drainage facilities should be centered over the culvert or watercourse and be a minimum of fifteen (15) feet wide, or a width designated by the City Engineer.
- H.** Where easements intersect or sharp changes in alignment are necessary, corners shall be cut sufficiently to permit equipment access as determined by the City Engineer.
- I.** All drainage easements shall be designed to tie into existing easements, existing watercourses, or to other appropriate locations when possible.
- J.** Permanent buildings or fences shall not be permitted in easements. Paving, planting, or other landscape and

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hardscape elements will not be permitted in easements without Board of Alderman approval. In those circumstances, where allowed, it will not be the responsibility of the City to repair the paving, planting, landscaping or hardscaping should the utility line be in need of repair and maintenance and the improvements in the easement be damaged or removed in order to complete this work.

- K. Any overhanging limbs, shrubbery, or vegetation of any kind may be removed from within the limits of the easements at the sole discretion of the maintenance personnel of the utilities installed or to be installed in or above the easements.
- L. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage easement conforming substantially with the lines of such watercourse or an accepted canal or drainage course, and any further width or construction as will be adequate for drainage purposes. The easement widths shall be based on drainage area and existing channel width and shall be as follows or as determined by the City Engineer:

Table 15.1-1

Drainage Area of Watercourse (acres)	Easement Width (feet)
< 10 Acres	CW* + 10' on each side
10 - < 25 Acres	CW* + 20' on each side
25 - < 50 Acres	CW* + 30' on each side
50 - < 100 Acres	CW* + 40' on each side
> 100 Acres width, whichever is greater	CW* + 50' on each side or Floodway

* CW is defined as channel width and should be measured from top bank of either side of the channel.

15.1.8. Names and Numbering.

- A. Proposed streets which are obviously in alignment with those already existing and named shall bear the names of the existing streets. In no case shall names of proposed streets duplicate or be confused with existing street names located within the City of Starkville or Oktibbeha County.
- B. Street names shall be subject to the approval of the Mayor and Board of Alderman, Oktibbeha County EMA Director, and USPS.
- C. Street names shall be shown on the preliminary plat for review and shown on the final plat for approval.
- D. The proposed name of a subdivision and/or proposed street name shall not duplicate or too closely approximate, phonetically, the name of any other subdivision or street.
- E. Words that are part of a name and are generic in their meaning (e.g. "river," "woods," "hills") shall not be considered as duplicates of other similar uses of words.
- F. House or building numbers shall conform to the system established for the City.

15.1.9. Street Signage & Traffic Control.

- A. All traffic signs and street name signs shall be purchased by the Developer and installed by or to the satisfaction of the City before final plat approval.
- B. Traffic flow and direction shall be shown on the preliminary plat and be subject to modification by the City Engineer.
- C. Regulatory signs shall be in compliance with the current Manual on Uniform Traffic Control Devices (MUTCD) and shall be installed accordingly. The placement and number of signs shall be approved by the City Engineer.
- D. All streets and crosswalks within the public right-of-way shall use thermoplastic materials for striping.
- E. Street signage and traffic control design, materials, and construction shall conform to the City of Starkville Standards of Design and Specifications for subdivisions.

15.1.10. Subdivision Monuments.

A. Permanent Markers

- 1. Permanent markers shall be placed at locations of the subdivision in accordance with this section.
- 2. Permanent markers must be made of concrete at least three (3) feet long and four (4) inches square or in diameter with appropriate markings on top. The location and coordinates of each of these markers shall be shown on the subdivision plat.

B. Coordinate System

- 1. Permanent markers shall be placed at one (1) or more corners of the subdivision that are coordinated with a horizontal control monument of some United States or State agency survey system where such monument is within two thousand (2,000) feet of a corner.
- 2. Where the Mississippi State Plane System coordinates of the monument are on file with the state, the coordinates

of both the referenced corner and the monuments used shall be computed and shown in X (easting) and Y (northing) coordinates on the map.

- 3. The coordinates shall be identified as based on "NAD 83" indicating North American datum of 1983, or as "NAD 27," indicating North American datum of 1927. Where such a monument is not available, the tie shall be made to some pertinent and permanent recognizable landmark or identifiable reference point.

C. Lot Markers

- 1. Monuments shall be placed at all corners or changes in alignment along the boundary of the subdivision and at all block corners, angle points, and curves in street right-of-way boundary lines. Markers shall be placed at all corners or changes in alignment in lot boundaries. Iron pins of no less than thirty (30) inches long nor less than three-fourths ($\frac{3}{4}$) inches in diameter shall be set flush with the ground at every lot corner.
- 2. All monuments or markers shall be set with the top thereof flush with the finished grade or as allowed by state requirements. Where necessary to prevent disturbance, the monument shall be buried underground and referenced to permanent landmarks.

D. Referenced Mark

- 1. Whenever any portion of any lot in the subdivision lies within a flood prone area, a reference mark in the form of an "X" indicating the elevation in relation to mean sea level to the nearest one tenth ($\frac{1}{10}$) of one (1) foot shall be located on a permanent marker or structure such as a culvert, bridge, headwall or wing wall or as otherwise approved by the City Engineer.

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2. The elevation and a description of the location of the reference mark shall be indicated on the subdivision plats, which contain lots in flood prone areas.
- 15.1.11. Fee in Lieu.** Where the City Engineer determine that construction of public improvements would not be feasible, a fee in lieu may be considered by the City Engineer. The City Engineer shall review the request and associated cost. The fee shall be an amount not less than one hundred and fifty percent (150%) of the estimated cost of construction and materials as estimated by a licensed Professional Engineer. The fee shall be approved by the Mayor and Board of Alderman. Right-of-way dedication and all necessary easements shall be dedicated to the City. Infrastructure construction plans may be required to determine the extent of public improvements and easements.
- 15.1.12. Floodplain Areas.**
- A. Land subject to flooding with a frequency of a one-hundred (100) year flood shall not be subdivided unless precautionary measures are taken to eliminate or minimize flood hazards. All building finished floor elevations shall be raised to an elevation two (2) feet above the one-hundred (100) year flood elevation in accordance with the latest FEMA map for the area or calculated for the area in which the proposed subdivision is situated.
 - B. No fill shall be made, or any subdivision constructed, which will increase flood hazards to other lands, or in any manner impede or restrict the flow of water in a flood situation.
 - C. All proposed roadway and primary driveway grades shall be above the one-hundred (100) year flood elevation in accordance with the latest FEMA map in order to provide emergency service access during a flood event.
 - D. All utilities and facilities such as water, sewer, gas, and electrical systems shall be located, elevated, and constructed to eliminate or minimize flood damage, and adequate drainage shall be provided so as to reduce exposure to flood hazards.
 - E. Refer to Section 16.10 Flood Damage Prevention Ordinance for more information and requirements
- 15.1.13. General Grading.**
- A. All unsightly topographic features will be rounded, leveled, filled or otherwise graded to a pleasant appearance in a configuration commensurate with the overall development.
 - B. All trash and debris and other unsightly material will be removed from all premises located within the boundary of the tract of land being subdivided and/or developed. Erosion will be prevented and sediment controlled by the planting of grass and shrubbery or by other remedial procedures.
 - C. All building sites and lands immediately adjacent thereto streets and other surfaces shall be graded and shaped in a manner that will cause stormwater to drain away from buildings and away from the subdivision in a natural water course or in a man-made channel acceptable to all parties involved.
 - D. Grading and centerline gradients shall be in accordance with plans and profiles approved by the City Engineer.
 - E. Maximum slopes allowed in all areas (except stormwater management ponds located as described in Section 16.9 Stormwater Management) shall be 3:1 (Horizontal: Vertical).
 - F. All streets shall be graded to a minimum line extending ten (10) feet back of the curb line, with a minimum rise of not

- less than eight (8) inches, and a maximum of not more than two (2) inches from the top of the gutter.
 - G. Prior to a final plat or temporary or final certificate of occupancy, all timber, logs, trees, brush, biodegradable matter, and other rubbish shall be removed or otherwise disposed of in accordance with the rules and regulations of the Mississippi Department of Environmental Quality as to leave areas that have been disturbed with a neat and finished appearance.
 - H. Burning of cleared vegetation and perishable debris is not allowed unless approved by the City Fire Department by issuance from the Fire Marshal of the required burn permit.
 - I. Damage to existing streets and structures, utilities, trees, or private property shall be repaired and restored to its original condition by the Contractor.
- 15.1.14. Erosion & Sediment Control.**
- A. Installation of the above improvements shall be done in such a manner as to provide for the most effective control of erosion and sediment. All erosion control measures shall be in accordance with City, State, and Federal requirements.
 - B. Permanent final vegetation and structures shall be installed as soon as practical in the development. Final approval of any project shall not be considered until vegetation is established on all disturbed areas and all permanent measures have been installed. Established vegetation shall be defined as acceptable when a satisfactory stand and growth of in season plantings have sufficiently covered the area seeded to provide ample erosion protection.
 - C. Refer to Section 16.8 Erosion Control for more information and requirements.
 - D. Design, materials, and construction of erosion control measures and plans shall conform to the City of Starkville Standards of Design and Specifications for Subdivision.
- 15.1.15. Common Areas**
- A. **Ownership-** Any platted common area(s) and any facilities located within the common area(s) shall be owned by the Homeowners' Association and/or the owner(s) of the individually platted lots. For any newly platted subdivision, ownership shall be specifically addressed in the filed covenants for the development.
 - B. **Maintenance-** Any platted common area(s) and any facilities located within the common area(s) shall be maintained by the Homeowners' Association and/or the owner(s) of the individually platted lots. For any newly platted subdivision, maintenance shall be specifically addressed in the filed covenants for the development.
 - C. **Penalty for Code Violation-** If at any time a common area is cited for a code violation, it shall be the responsibility of the Homeowners' Association to take corrective action to remedy the violation and/or pay associated fines or liens. If the Homeowners' Association has been disbanded, dissolved, or ceases to exist for any reason, it shall be the responsibility of the owner(s) of the individually platted lots within the platted subdivision to take corrective action to remedy the violation and/or pay associated fines or liens. The amount of any issued fines or lines will be assessed based on the number of lots and not the number of owners.

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15.2. Infrastructure Sufficiency

15.2.1. In General.

- A. To lessen congestion in the streets, to facilitate the efficient and adequate provision of transportation, water, and sewage, and to secure safety from fire, every subdivision plan shall be subject to a determination of the sufficiency of infrastructure, as defined below according to the established levels of service in this Article.
- B. Infrastructure shall be considered sufficient where it is demonstrated to have available capacity to accommodate the demand generated by the proposed development as well as other approved developments and any master plans.

15.2.2. Streets.

- A. The City Engineer may require the applicant to prepare and submit a traffic impact study for any proposed site that would generate one-hundred (100) or more total trips during the peak hour of the traffic generator or the peak hour of the adjacent street as outlined and illustrated in the latest versions of the Mississippi Department of Transportation Access Management Manual or for a proposed project which may generate traffic issues.
- B. The Traffic Impact Study format and requirements shall conform to the City of Starkville Standards of Design and Specifications for Subdivisions.
- C. Where the traffic impact study indicates impact greater than the allowable thresholds, the applicant shall prepare and submit a traffic mitigation plan to the City Planner and City Engineer. The mitigation plan shall identify capital projects and phasing strategies that would bring the development impact to within the acceptable thresholds. This plan may identify improvements undertaken by the private sector, the public sector or both. Subdivision

preliminary plat approval shall not be granted until the City Planner and City Engineer determines that the plan provides reasonable and adequate mitigation. Factors to be considered include whether: the cost of the mitigation measures exceeds the value of the proposed development; transportation demand management strategies including multi-modal improvements are included; alternative access strategies are considered.

- D. Turning lanes shall be provided at heavily traveled intersections as determined by the City Engineer. It will be the responsibility of the developer to pay for the costs for the roadway improvements; however, the City Board of Aldermen may elect to participate in some of the construction costs upon written request of the developer.

15.2.3. Water Supply.

- A. Water supply shall be determined based on system capacity and average and peak flows.
- B. All water infrastructure shall be installed in accordance with this Unified Development Code, Latest edition of the Utility Standards as established by City Utility Department, and the latest edition of Recommended Minimum Design Criteria for Mississippi Public Water Systems

15.2.4. Wastewater Disposal.

- A. Wastewater disposal shall be determined based on system capacity and average and peak flows.
- B. All water infrastructure shall be installed in accordance with this Unified Development Code, Latest edition of the Utility Standards as established by City Utility Department, the latest edition of Recommended Minimum Design Criteria for Mississippi Public Water Systems, and the latest edition of the Mississippi

Department of Environmental Quality Guidance for the Design of Publicly Owned Wastewater Facilities.

15.2.5. Fire Suppression.

- A. Required fire flow shall be determined using the methodology of the Insurance Services Office (ISO).
- B. In determining the impact of the proposed development on fire suppression, the City shall consider water pressure available to the development.

15.2.6. Stormwater. Where proposed stormwater runoff is to be connected to existing stormwater infrastructure, (e.g. storm sewers, open channels, box culverts, etc.) an analysis of the existing structure and its ability to convey additional runoff will be required. In the event the downstream infrastructure cannot convey the required runoff, the City Engineer may require further mitigation of peak flow or off-site improvements to accommodate additional flows.

15.2.7. Pedestrian & Bicycle Infrastructure.

- A. In locations with higher current or anticipated pedestrian use, thoroughfares and areas where commercial or multi-unit developments exist or are proposed, a wider sidewalk shall be required as deemed necessary by the City Planner and the City Engineer.
- B. Bike facilities shall be required in locations as outlined in any proposed or adopted plans or as deemed necessary by the City Planner and the City Engineer.

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15.3. Blocks, Lots, Access

15.3.1. Intent.

- A. The intent of the maximum block perimeter and connectivity regulations is to provide a well-connected street network.
- B. Large blocks with limited connectivity discourage walking, contribute to street congestion and add driving distance that can negatively impact emergency services. New streets should be designed to consider future development.
- C. The access regulations are intended to provide a means for safe, efficient, and convenient vehicular and pedestrian access within developments and between adjacent developments and to lessen traffic congestion. Pedestrian, bike, and vehicular access should be safe, direct, and convenient.
- D. Access and circulation systems associated with a development shall provide for multiple travel modes (e.g. vehicular, transit, bicycle and pedestrian), as appropriate to the development's size, character and relationship to existing and planned community transportation systems. Vehicular, transit, bicycle, and pedestrian access and circulation systems shall be coordinated and integrated as necessary to offer the development's occupants and visitors improved transportation choices while enhancing safe and efficient mobility throughout the development and the community.
- E. The design and construction of access and circulation systems associated with a development shall be consistent with the transportation goals, objectives, and actions in the City's Comprehensive Plan and other City-adopted plans addressing transportation.

- F. Administrative adjustments to the requirements of this Article may be appropriate where topographic changes are too steep, where existing buildings, streams, or other natural or man-made obstructions exist, or site layout of developed properties prevent cross-access, where adjoining uses are incompatible, or where strict compliance with this Unified Development Code would pose a safety hazard.

15.3.2. Lots.

- A. **Lot Frontage.** Every lot shall have frontage on a public street unless otherwise allowed as part of an approved site plan for a Planned Unit Development or Optional District.
- B. **Lot Arrangement.**
 - 1. Lots shall be subdivided to permit conformance with all laws and ordinances and to ensure for orderly urban growth, proper building arrangement and to provide City services and facilities.
 - 2. Lot dimensions shall provide for the potential development of all lots and future compliance with the development standards of this Unified Development Code.
- C. **Lot Dimensions.** Lots that are occupied or are intended to be occupied shall conform with the minimum lot size, lot width, and lot depth requirements provided under Section 5, Section 6, Section 7, Section 8, Section 9, Section 10, Section 11, and Section 12.
- D. **Recombination of Lots.** The recombination of lots shall be done in accordance with Section 3.12 Subdivisions procedure – Minor and Major.

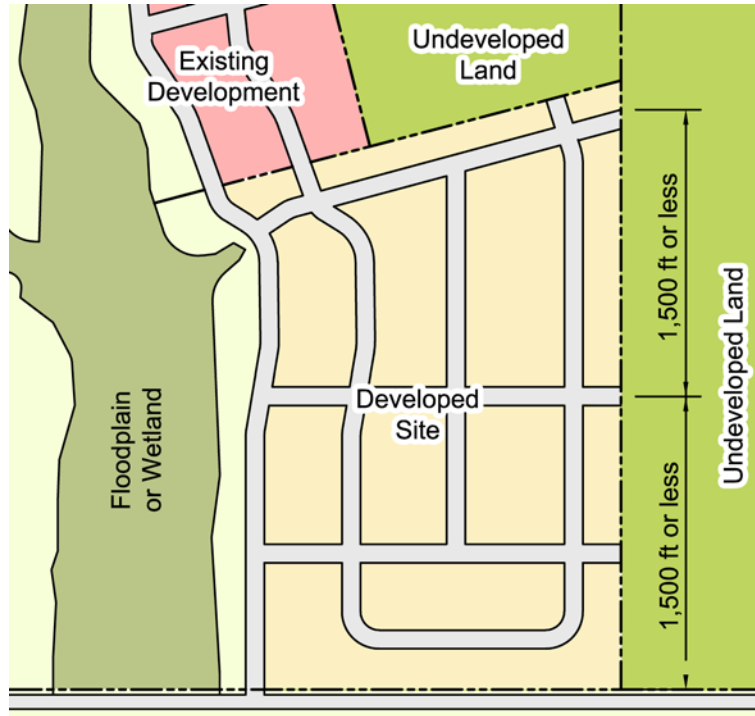
15.3.3. Subdivision Access.

- A. **Open Access.** Subdivisions must provide roadways that remain permanently open to the public and provide

community-wide access as part of an overall connected street network.

B. Connectivity Required.

Fig. 15.3-1



1. Proposed streets must be interconnected and must connect with adjacent streets external to the subdivision in order to provide multiple routes for pedestrian and vehicle trips from, to and within the subdivision.
2. The vehicular access and circulation system for a development shall incorporate the continuation and connection of roadways and/or associated rights-of-way extended or connected to the boundary of the development site from existing or approved adjoining developments. It also shall provide for the extension or

connection of proposed internal roadways and associated rights-of-way to those boundaries of the development site that adjoin potentially developable or re-developable land. See Figure 15.3-1.

3. Roadway extensions and connections to adjoining lands shall occur on all principal borders that adjoin undeveloped and re-developable property and shall be spaced at intervals not exceeding one-thousand five-hundred (1,500) feet along each principal boundary direction (north, south, east, west). See Figure 15.3-1.

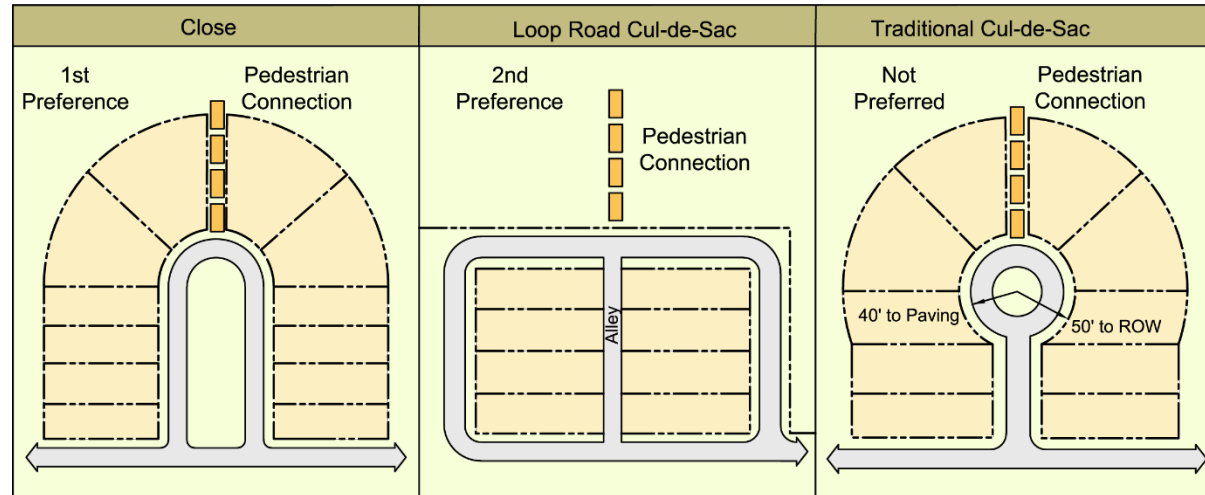
C. Stub Streets.

1. New developments shall connect to any existing street stubs from adjacent properties and stub to all adjacent properties, unless deemed impractical by the City Engineer and City Planner.
2. Exemptions. Street stubs may not be required where the conditions listed below would prevent connections as determined by the City Engineer and City Planner:
 - i. Topographical conditions in which pre-development slopes of eighteen percent (18%) or greater exist.
 - ii. The crossing of a significant physical barrier or environmentally sensitive area (e.g. railroads, watercourses, floodplains, wetlands, etc.) exists.
 - iii. Property shape makes such connection impractical.
 - iv. Property accessibility where an existing platted subdivision with no stubs exists.
 - v. Incompatible adjacent land uses exist.
3. Stub streets and streets intended for extensions during future phases shall be constructed to extend to the property line or as close to the line as is practical. In all cases, the right-of-way should extend to the boundary line.

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4. It shall be the responsibility of the second development to construct the connection to an existing stub street, even if the stub street is beyond the development's boundary line.
 5. Stub streets shall not exceed one-hundred and fifty (150) feet in length without a paved turnaround (permanent or temporary). The Final Subdivision Plat shall be recorded stating that future connection is possible at any stub streets and streets intended for extension during future phases. A sign shall be installed at the terminus of the roadway that informs neighboring property owners that the roadway is intended to be extended in the future (e.g. "Street may be extended by authority of the City of Starkville").
- D. Spite Strips.** Spite or Reserve strips which are strips of land preventing access to the right-of-way at the terminus of, or adjacent to, existing or proposed roads shall not be permitted.
- E. Development Accessibility.**
1. Any residential development with eighty (80) or more homes, more than two-hundred and fifty (250) bedrooms, or a development larger than twenty (20) acres shall have at least two (2) separate access roads. All phases of development should be considered.
 2. Access road entrances shall be separated by a minimum of one-hundred and fifty (150) feet, although a shorter distance may be considered if recommended and approved by the Development Review Committee (DRC). A boulevard with a median will not be considered as two (2) separate emergency access roads.
- F. Access Designation.** The City Engineer and City Planner shall review the street system for the proposed subdivision and shall classify all proposed streets in one of the categories listed in the City of Starkville Standards of Design & Specifications.
- G. Dead-End Streets & Cul-de-sac Alternatives.** Dead end streets and cul-de-sacs are prohibited unless approved by the City Engineer and City Planner and comply with the following alternative designs and standards:
1. Alternative design solutions, such as close (first preference) or a loop road cul-de-sac (second preference) are preferable to a traditional cul-de-sac which contains a center island. See Figure 15.3-2.

Fig. 15.3-2

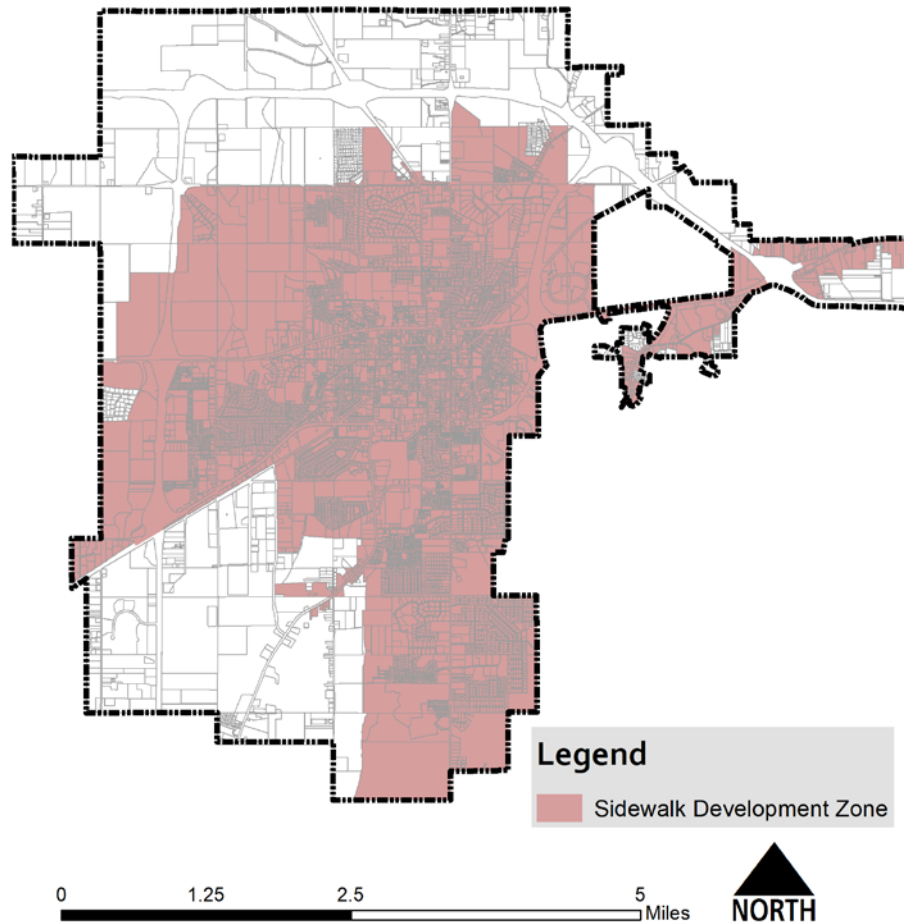


2. Permanent dead-end streets shall be no longer than three-hundred (300) feet.
3. Whenever cul-de-sac roads are created, at least one (1) pedestrian access easement shall be provided, to the extent practicable, between each cul-de-sac head or road turnaround and the sidewalk system of the closest adjacent road or pedestrian pathway. The access easement shall be direct with a minimum width of the required sidewalk width plus six (6) feet.
4. Temporary dead-end streets that are not intended to be opened for twelve (12) or more months shall be provided with a paved turnaround area which shall be designed considering traffic usage, maintenance, and removal. While the road is closed it shall be posted with a sign stating that the road will be extended in the future and open to through traffic.
5. The City will not maintain landscaped medians and a private maintenance agreement for the median shall be

6. required to be approved by the City Attorney through the Encroachment Process.
6. Dead-end street and cul-de-sac design, materials, and construction shall conform to the City of Starkville Standards of Design and Specifications
- H. **Sidewalks and Pedestrian Circulation.**
 1. All new subdivisions shall be served by a system of walkways (including sidewalks, pedestrian paths, and trails) that permits safe, convenient, efficient, and orderly movement of pedestrians among the following origin and destination points within the subdivision, as well as between the internal walkway system and the existing or planned external pedestrian circulation system and any adjoining public parks, greenways, schools, community centers or shopping areas.
 2. See Figure 15.3-3 for the sidewalk development zone map which will require walkways and sidewalks for all new subdivisions.

Fig 15.3-3

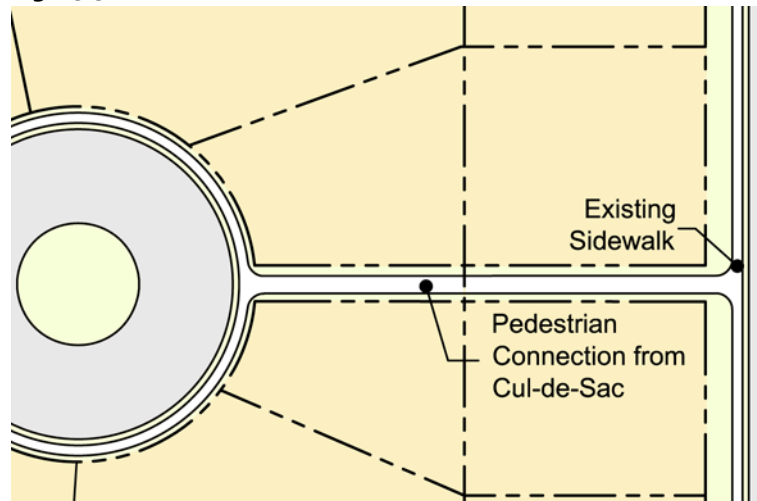
Sidewalk Development Zone Map



3. All new subdivisions shall install sidewalks on both sides of all roadways including those with loop streets, cul-de-sacs, private streets, principal driveways to commercial and multi-family residential developments, and road bridges within the subdivision unless an existing sidewalk meeting City and ADA standards is already in place.
4. If an existing sidewalk exists adjacent to a lot being subdivided and the existing sidewalk adjacent to the subdivision does not meet current City and/or ADA standards, the sidewalk shall be brought to current City and/or ADA standards in conjunction with the subdivision. The City may participate in part of the cost of the sidewalk installation if a sidewalk exists but does not meet current City and/or ADA standards with written request from the Developer and approval by the Board of Alderman.
5. Subdivided lots that are undeveloped shall be required to complete all required sidewalks prior to issuance of a certificate of occupancy for any future development.
6. Subdivided lots that have existing development(s) shall only be required to complete sidewalks on lots that have existing development(s). All required sidewalks on newly developed lots shall either be installed and accepted prior to approval of the final plat by the Board of Aldermen or have a Performance Guarantee Agreement with a time limit and an acceptable surety by City staff.
7. All common areas within a subdivision shall have sidewalks complete prior to final plat.
8. Where the subdivision fronts an existing public street with insufficient right-of-way width to accommodate the installation of a required sidewalk along the frontage, the subdivider shall create additional right-of-way to accommodate the required sidewalk.

9. Pedestrian sidewalks and an accompanying easement width of the proposed sidewalk width plus six (6) feet wide (SW + 6') shall be provided between the ends of cul-de-sacs and the nearest existing or proposed sidewalk, pedestrian path or trail. Such easements shall also be provided through the center of blocks that exceed the maximum block length standards in Section 15.3.2 where necessary to provide convenient pedestrian access within the development, as well as to adjacent transit stops or stations, community facilities and shopping areas. See Figure 15.3-4, Pedestrian Cut-Through at End of Cul-de-Sacs

Fig. 15.3-4



10. Pedestrian access and circulation systems for development shall incorporate the continuation and connection of walkways and/or associated rights-of-way or easements extended or "stubbed out" to the boundary of the development site from existing or approved adjoining developments, and shall provide for the extension of connection of proposed internal walkways

- and associated rights-of-way or easements to those boundaries of the development site that adjoin potentially developable or re-developable land.
11. The City Engineer and City Planner may waive or modify the requirements or standards for the extension of a walkway from or to adjoining property upon determining that such extension is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area (e.g. railroads, watercourses, floodplain, wetlands).
- I. **General Sidewalk Layout & Design.** Sidewalk and walkway design, materials and construction shall conform to the City of Starkville Standards of Design & Specifications for subdivision.
- J. **Sidewalk Exceptions.** Exceptions to the sidewalk requirements, as designated in this article, may be given under the following circumstances:
 1. The City Engineer and City Planner determines that public construction that requires sidewalk replacement will take place on the street within one (1) year; and
 2. In detached residential dwelling unit subdivisions with a density of less than one (1) dwelling unit per acre.
 3. **Fee in lieu of sidewalk construction.** In special circumstances, as determined by the City Engineer and/or City Planner, on any part of a proposed subdivision where sidewalks are unfeasible or impractical to construct, A fee shall be paid prior to issuance of a Certificate of Occupancy or Final Plat to cover the cost of constructing a required sidewalk. The fee shall be equal to installation cost of the sidewalks based on unit prices. The unit prices shall be determined based upon quarterly posted construction bid averages provided by the Mississippi Department of Transportation (MDOT). The unit price used to determine

Section 15. Subdivision Standards

the installation cost shall be reviewed and approved by the City Engineer. All fee in lieu payments shall be deposited into a sidewalk specific account to be used for the sole purpose of design and construction of new sidewalks or the replacement of existing sidewalks in areas of the city where the existing sidewalk system can be extended or completed. In cases of a fee in lieu payment option, it is still the developer's responsibility to provide sidewalks and walkways internal to the site. Right-of-way dedication and all necessary easements shall be dedicated to the City as needed for future pedestrian connectivity.

- K. Variance from sidewalk requirements.** Any variance from sidewalk requirements in Section 15.3.3 shall follow the procedures and processes of Section 3.7.5.
- L. Administrative Adjustments from sidewalk requirements.** Any administrative adjustments from sidewalk requirements in Section 15.3.3 shall follow the procedures and processes of Section 3.6.
- M. Bike Lanes, Cycle Tracks, & Trails.** Conventional, on-street bike lanes, cycle tracks, or trails may be required by the City Engineer or City Planner if:
1. There are existing bike facilities on the proposed development site;
 2. There are existing bike facilities adjacent to the proposed development site; or
 3. The bike and pedestrian plan proposes bike facilities in the future on the site of the proposed subdivision.
- N. Transit Facilities.**
1. Accommodations for a bus or transit stop may be required by the City Engineer or City Planner in a subdivision if:
 - i. The subdivision is along a current transit route, and the proposed subdivision presents an opportunity and need for alternative transportation options.; or

- ii. The future transit plan proposes a bus stop or route in the future near the proposed subdivision.
2. Transit facility design, materials, and construction shall conform with the National Association of City Transportation Officials (NACTO) and Federal Transit Administration Design guidance, along with input from the local transit authority.
- O. Residential Direct Access from Higher Classification Streets.**
1. For a new subdivision, direct driveway access should be provided from the development's principal origin or destination points and individual lots are not allowed direct access on higher classification streets unless approved by the City Engineer and City Planner. Access to these lots should be accommodated with secondary roadways or alleys. Some of the criteria utilized to make this determination include:
 - i. Limited sight visibility due to roadway geometry or right-of-way conditions;
 - ii. Traffic volume of roadways serving the development; or
 - iii. Other conflict points adjacent to or offset from the proposed development.
 2. Where this requirement cannot be met, shared or common driveways may be required. All shared or common driveways shall be designed to provide egress in a forward motion.
- P. Roadway and Intersection Alignment & Access Location.**
1. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at ninety (90) degrees but no less than seventy-five (75) degrees for two-way streets and between

- sixty (60) degrees and ninety (90) degrees for one-way streets.
- 2. Street jogs with centerline offsets of less than one-hundred and twenty-five (125) feet shall be avoided.
- 3. New roadways along a street shall line up with existing intersections of the opposite side of the street unless the intersections are separated by a median in the street or shall to the best ability be offset by at least one-hundred and twenty-five (125) feet as measured from the centerline of the street or as determined by staff.
- 4. New streets and access points to the development shall be located at least one-hundred and twenty-five (125) feet from an intersection of a public or non-city owned roadway as outlined and illustrated in Figure 15.3-5.
- 5. The minimum spacing between adjacent intersections along collector and arterial streets shall comply with the requirements in the table below.

Table 15.3-2: Minimum Intersection Spacing Along Collector & Arterial Streets

Posted Speed Limit (miles per hour)	Minimum Spacing (feet) ^{1, 2}
< 30	185
35	245
40	300
45	350
> 50	425

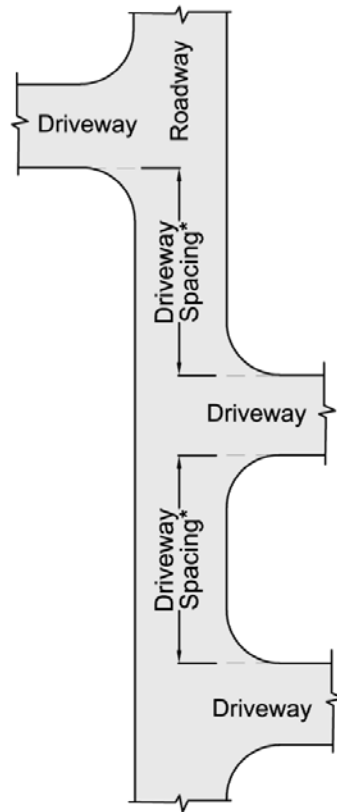
1. Measured from the near extended edge of the driveway to the near extended edge of the adjacent driveway or roadway (See Figure 15.3-5)

2. Spacing between a pair of adjacent one-way driveways (one in, one out) may be reduced to forty (40) feet if approved by the City Engineer and be compatible with the internal circulation for the development(s) served and wrong-way movements on the driveways are made impossible or extremely difficult to motorists.

- 6. Developments that are intended to be subdivided into multiple parcels, with or without multiple business owners, will be viewed as a single development and will be subject to the requirements of this section as such. Individual parcels within such developments shall not be permitted access unless the access point meets the requirements of this section.
- 7. The location of access points shall not conflict with vehicle turning movements.
- 8. Exceptions may be approved if the property would otherwise be landlocked. If an exception is approved, the access will be from the Engineering Department or Building Department.
- 9. Roadway design, materials, and construction shall conform the City of Starkville Standards of Design and Specifications for subdivisions.

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Fig 15.3-5



*Measured from near edge to near end of adjacent driveways

- Q. Medians in Roadway Entrances. Medians may be required by City Staff or requested by the subdivider within subdivision entrance drives. All medians shall comply with the following:
1. The median shall be surrounded by valley or "roll" curbing;
 2. Signage in the median shall conform with the sign requirements for that zoning district and not interfere with sight distance at the intersection

3. Planted material shall not interfere with sight distance at the intersection
4. The minimum aisle width shall be maintained for each travel and turning lane.
5. Accommodations shall be made for long term maintenance and upkeep of the landscaped median by the Homeowners Association and set out in the covenants for the subdivision.

15.4. New Streets

15.4.1. General Provisions. This Article describes guidelines for the construction of new streets throughout the City and is intended to provide a catalog of pre-approved street types that are appropriate to use. The City has approved a separate Standards of Design & Specifications which provides further details.

A. Intent.

1. The intent of the new streets regulations is to provide a palette of street typologies and design elements that reflect the character of different areas within the City.
2. The new street regulations provide adequate travel lanes for vehicles, cyclists, and pedestrians.
3. Administrative adjustments approved by the City Planner pursuant to Section 3.6. may be appropriate when an existing building would impede roadway expansion; when transitioning from a different street section; or where strict compliance with this Unified Development Code and City of Starkville Standards of Design & Specifications would pose a safety hazard.
4. Gated public streets shall not be permitted.

B. Applicability.

1. When a preliminary plat, final plat, or site plan proposes the construction of a new street the requirements of this Article apply.
2. Sidewalks, streets, and street trees must be installed and constructed in accordance with this Article.
3. Existing streets may remain serving existing development in their current configuration; however, they shall not be extended or substantially rebuilt except in conformance with this Article (see also Section 15.5. Existing Streets).

C. Roadway Typical Sections & Pavement.

1. See Sec. 15.4.2. for roadway cross-section elements and dimensions based on roadway classification type.
2. Roadway pavement design, materials, and construction shall conform to the City of Starkville Standards of Design & Specifications.
3. The Standards of Design & Specifications for subdivisions for the City of Starkville categorizes city streets according to the pavements intended purpose and expected traffic volume.
4. The Roadway pavement section structure number shall be in accordance with the City of Starkville Standards of Design & Specifications.
5. Minimum pavement thicknesses are presented in the tables for asphalt pavement sections for each of the city traffic level categories and commercial developments. The minimum pavement thicknesses are valid for typical soil conditions in the Starkville area (i.e. CBR = 5, K = 150 pci).
6. Typical curb and gutter sections are illustrated in the City of Starkville Standards of Design & Specifications.
7. Typical asphalt pavement sections are illustrated the City of Starkville Standards of Design & Specifications.
8. All pavement thicknesses shall be verified for actual expected traffic volumes and loadings using appropriate design parameters for subgrade soils and pavement structure materials. Pavement sections for heavy traffic streets shall be designed according to anticipated heavy truck volumes to insure adequate structural capacity.
9. Concrete pavements will be considered on a case-by-case basis upon written request to the City Engineer.
10. Private streets and principal driveways for commercial developments shall be built to the same standards as required for public streets.

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D. **Roadway Construction, Maintenance & Dedication.**

1. The construction and maintenance of all streets shall be in accordance with the City of Starkville Standards of Design & Specifications.
2. The dedication of all streets shall be in accordance with Section 3.12 Subdivisions Procedure – Minor and Major.

E. **Roadway Right-of-Way Widths.**

1. Street right-of-way widths shall be in accordance with the City of Starkville Standards of Design & Specifications.
2. The entire right-of-way shall be provided where any part of the development is on both sides of the existing street.
3. When the development is located on only one side of the existing street, one-half (0.5) of the required width of the right-of-way, measured from the centerline of the existing roadway, shall be provided. If the development provides improvements to the existing roadway that shifts the centerline of the roadway, then the one-half (0.5) of the required width of the right-of-way shall be measured from the new centerline of the roadway.
4. When required by the City Engineer, additional right-of-way shall be required to accommodate future roadway improvements.

- F. **Half Streets.** The City Engineer may allow the construction of half streets on Minor Collector and Local Streets when only one side of a street right-of-way is available. A minimum of twenty-two (22) feet of pavement must be provided on any half street. In such cases the property owner is responsible for right-of-way dedication and construction of the half of the new street section that is adjacent to their property. Typically, these partial street sections will be built to permanent street standards including all curb and gutter, drainage, sidewalks and other elements as called for in the typical section for that

street classification. The additional dedication of street easements may be required by the City Engineer in these cases.

G. **Medians.**

1. The general criteria for medians are specified in the City of Starkville Standards of Design & Specification. Medians are required on all Arterial and Major Collector Streets. Raised medians are preferred, but depressed or painted medians may be allowed on a case-by-case basis. Other medians may be required by the City Engineer for specific circumstances to control traffic. Medians requested by developers may be approved as long as additional rights-of-way are dedicated and all maintenance shall be done by viable private parties. The minimum width of any raised median shall be four (4) feet wide, from face-of-curb to face-of-curb.
2. If medians are included, they shall be placed in the public right-of-way, and they must meet the following standards for design:
 - i. **No obstruction.** The medians may not obstruct the design vehicle turns.
 - ii. **Visibility.** The medians must be placed such that the required visibility in the intersection is not obstructed.
 - iii. **Undiminished Use.** Medians must be placed so they do not diminish the intersection use except where designing a right-in/right-out intersection.
 - iv. **Alignment.** Lanes on one side of the intersection must align with the correct lanes on the opposite side of the intersection.
 - v. **Median Maintenance.** Most medians will be maintained by parties other than the City. The maintenance responsibility must be defined on the Final Plat or Development Agreement. The City will maintain selected

medians, primarily along State highways, based on agreements with MDOT.

- vi. **Public Use.** The City may use these islands for street signing and may choose to remove the medians if it is deemed necessary by the City Engineer.
- 3. **Additional Right-of-Way.** The Developer shall dedicate all additional right-of-way necessary to include these medians.
- 4. **Compliance with these Standards.** The median design must comply with all applicable median criteria in the City of Starkville Standards of Design & Specifications and the streetscape standards of the City.
- H. **On-Street Parking.**
 - 1. This Article defines the parking criteria for on-street parking, including downtown parking, parking on cul-de-sacs and other special areas. Parking may be allowed on Local and Minor Collector streets at the discretion of the City Engineer. Parking shall not be allowed on Major Collector or Arterial streets.
 - 2. Parallel parking is permitted on certain streets as approved by the City Engineer.
 - 3. For all streets in which parking is limited or not allowed, "No Parking" street signs may be required as part of the street design.
 - 4. Diagonal parking shall not be allowed on City public streets and shall not be allowed to utilize the public street for maneuvering. The City Engineer must approve any on-street parking areas that are not designed as parallel parking. All areas approved for diagonal parking shall be designed at an angle of thirty (30), forty-five (45), or sixty (60) degrees, as approved by the City Engineer.
 - 5. Where on-street parking is provided on the block perimeter and the parking is marked or metered, a

minimum number of handicap accessible parking spaces must be accessible and shall comply with the Public Rights-of-Way Accessibility Guidelines and all ADA regulations.

- 6. Parking inset from the curb line may be allowed by the City subject to the approval of the City Engineer. In these cases, additional right-of-way may be required to provide the roadside features shown on the typical cross-sections.
- 7. Parking in a cul-de-sac is typically prohibited in order to allow adequate room for emergency and service vehicles to maneuver. If parking is proposed in the cul-de-sac, a plan shall be submitted to the City Engineer demonstrating that parked vehicles will not impede movements to be made by emergency and service vehicles. When on-street parking is allowed, the minimum cul-de-sac dimensions shown in the Standard Drawings, included in the City of Starkville Standards of Design & Specifications, shall normally be increased by a minimum of eight (8) feet.
- 8. A vehicular parking space within the right-of-way shall be designed with a minimum clearance of six (6) feet offset from the edge of a driveway.
- 9. A vehicular parking space within the right-of-way shall be designed with a minimum clearance of thirty (30) feet from the nearest edge of the intersection. The designer shall establish the minimum clearance by reviewing sight distance requirements in the AASHTO Policy on Geometric Design of Highways and Streets.
- 10. Special consideration shall be given to mailbox locations near on-street parking such that parked vehicles do not interfere with mail delivery.
- I. **Alleys.**

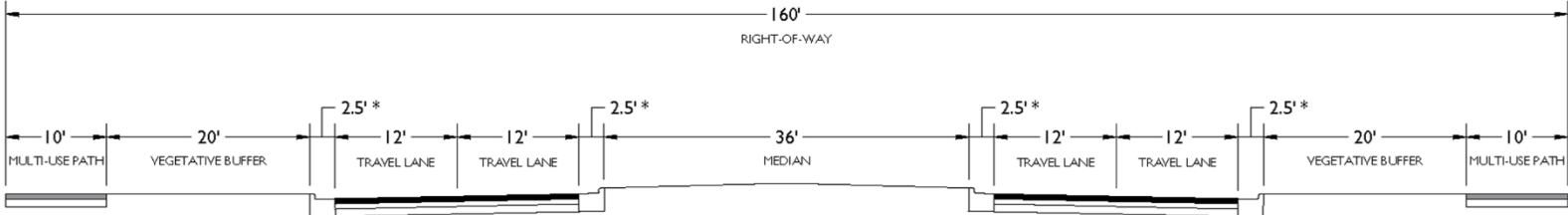
Section 15. Subdivision Standards

1. Alleys may be provided in commercial or industrial subdivisions.
 2. The right-of-way width of an alley in commercial and industrial areas shall be a minimum of twenty-five (25) feet.
 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 and sight distance.
 4. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be less than three hundred (300) feet in length and shall be provided with a turnaround having an outside roadway diameter of at least eighty (80) feet and a right-of-way diameter of at least one hundred (100) feet. The City Engineer may require a larger turnaround when it is determined necessary to provide adequate turnaround space.
 5. Alleys may be provided in residential areas but the ownership and maintenance responsibility shall be of the Homeowners Association, and the City shall not accept future ownership or maintenance.
 6. When alleys are used for utility placement and services, additional easements or construction standards may be required.
- J. Traffic Calming.** Street layout will be designed in such a way as to keep travel speeds at a minimum. Developers are encouraged to use traffic calming measures such as, but not limited to, curvilinear alignments, islands, medians, round-a-bouts, etc. to ensure that speeds are kept to a minimum. Traffic calming measures may be required by Staff.
- K. Letter of Acceptance Required.** Sidewalks, streets, and all other improvements as shown on the approved infrastructure plans must be installed prior to the issuance of a letter of final acceptance.
- L. Tree Planting.**
1. Unless otherwise noted below, all trees planted in accordance with this Article must be canopy trees.
 2. Where the planting of a canopy tree will create a conflict with overhead utilities, a small tree may be planted in place of the canopy tree. Tree species shall be approved by the City Planner.
 3. All required street trees must meet the requirements of Section 14- Development Standards

15.4.2. Street Types.

A. Arterial

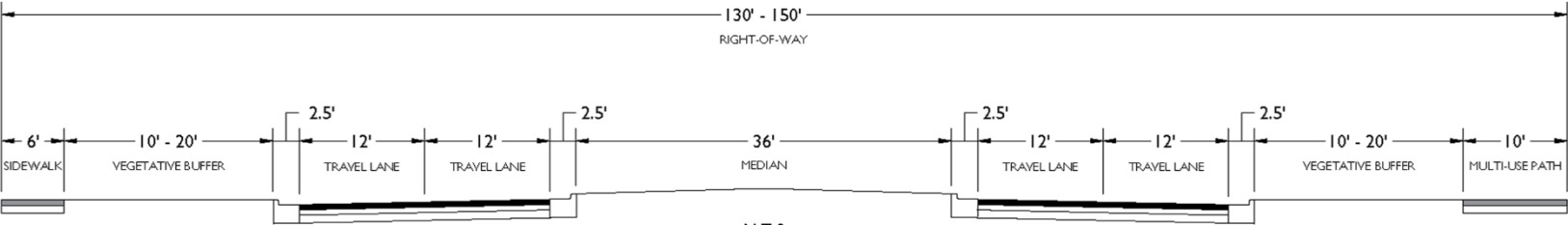
1. Parkway, 4-Lane, Divided



N.T.S.

- * CURB & GUTTER OPTIONAL FOR ARTERIAL PARKWAY
- ** BIKE LANES OPTIONAL AND MAY BE REQUIRED AS PART OF OVERALL TRANSPORTATION PLAN

2. Boulevard, 4-Lane, Divided



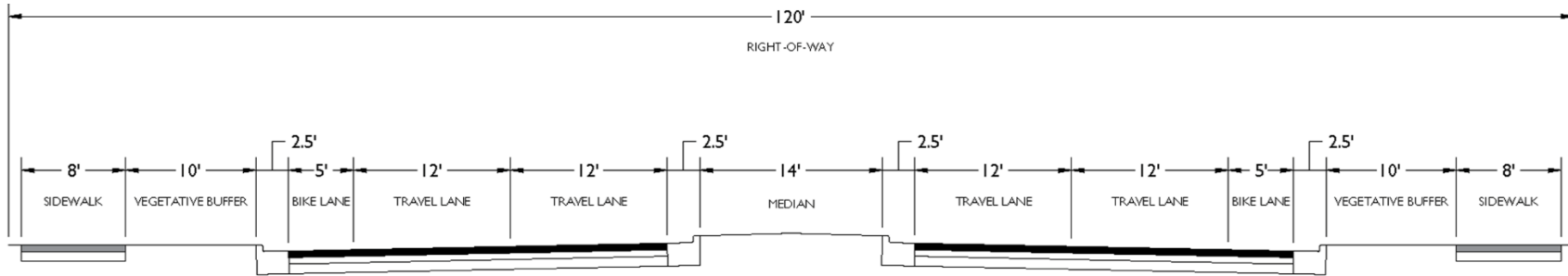
N.T.S.

- * BIKE LANES OPTIONAL AND MAY BE REQUIRED AS PART OF OVERALL TRANSPORTATION PLAN

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B. Major Collector

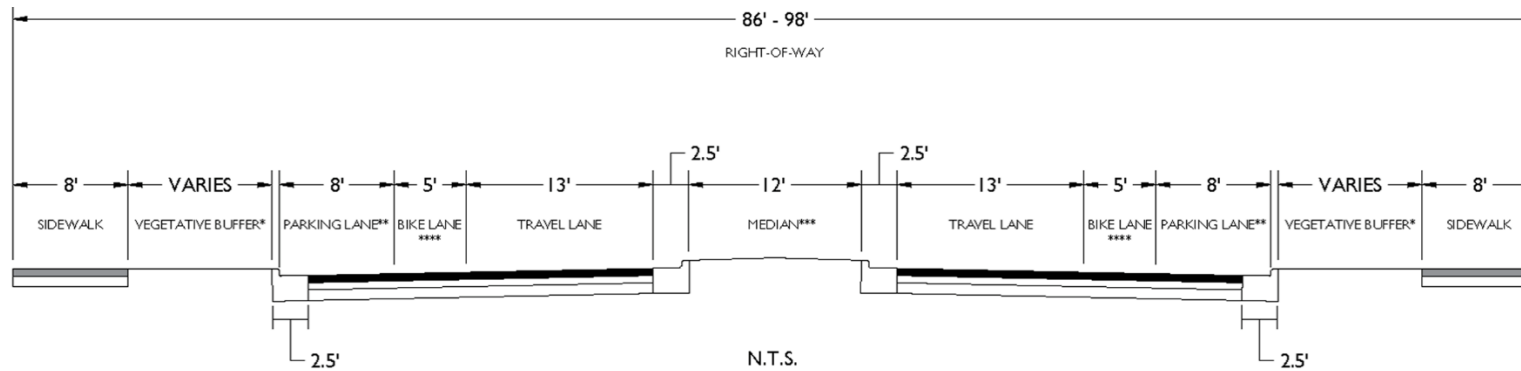
1. Boulevard, 4-Lane, Divided



* BIKE LANES REQUIRED

N.T.S.

2. Avenue, 2-Lane, Divided



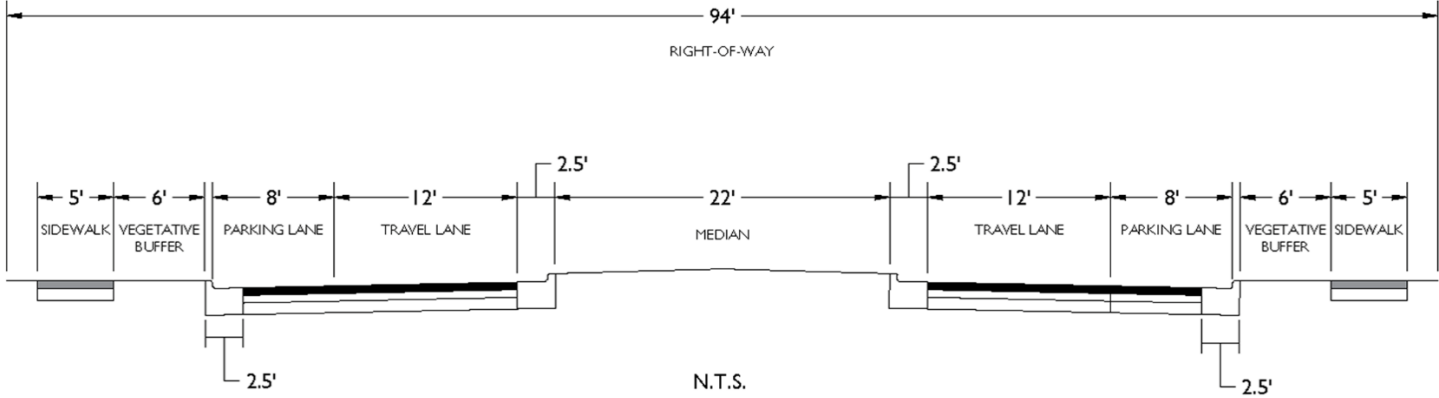
* MAY BE REQUIRED BASED ON ZONING AND LAND USE CONTEXT.

** PARKING IS OPTIONAL BUT MAY BE REQUIRED IN FORM BASED CODE DISTRICTS OR OTHER AREAS AS DETERMINED BY STAFF. PARKING TO BE 8' WIDE.

*** MAY NOT BE REQUIRED BASED ON ZONING AND LAND USE CONTEXT.

**** BIKE LANES OPTIONAL

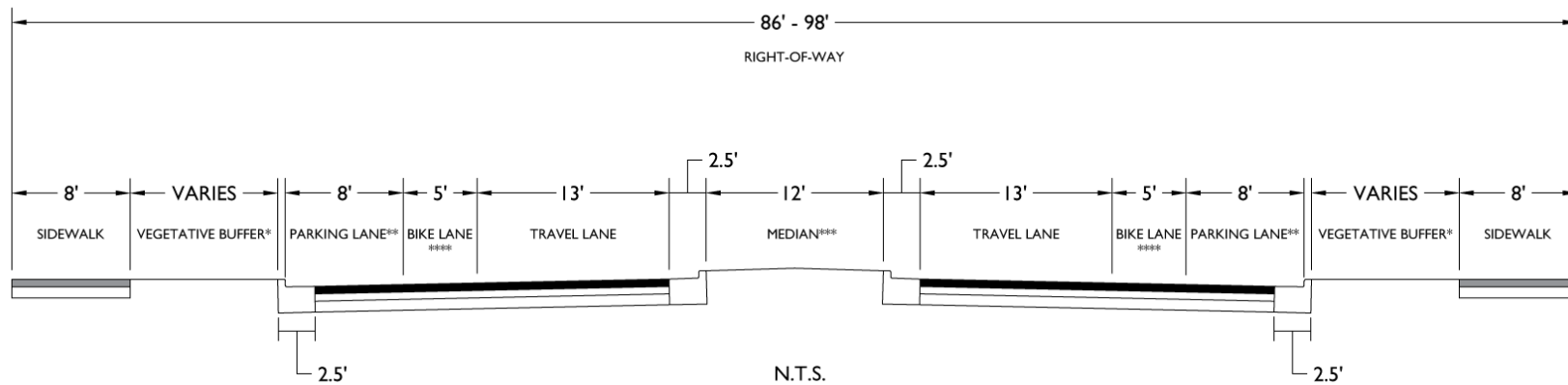
3. Avenue Traditional, 2-Lane, Divided, Parallel Parking



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C. Minor Collector

1. Avenue, 2-Lane, Divided, Parking Optional



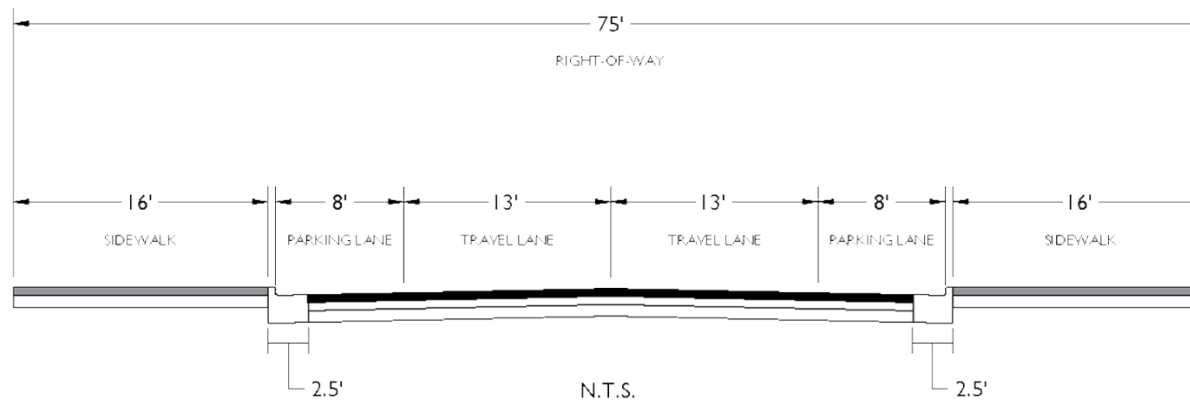
* MAY BE REQUIRED BASED ON ZONING AND LAND USE CONTEXT.

** PARKING IS OPTIONAL BUT MAY BE REQUIRED IN FORM BASED CODE DISTRICTS OR OTHER AREAS AS DETERMINED BY STAFF. PARKING TO BE 8' WIDE.

*** MAY NOT BE REQUIRED BASED ON ZONING AND LAND USE CONTEXT.

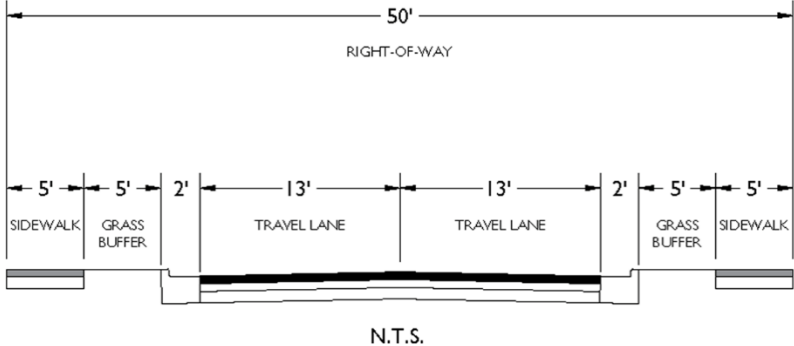
**** BIKE LANES OPTIONAL

2. Main, 2-Lane, Undivided, Parallel Parking



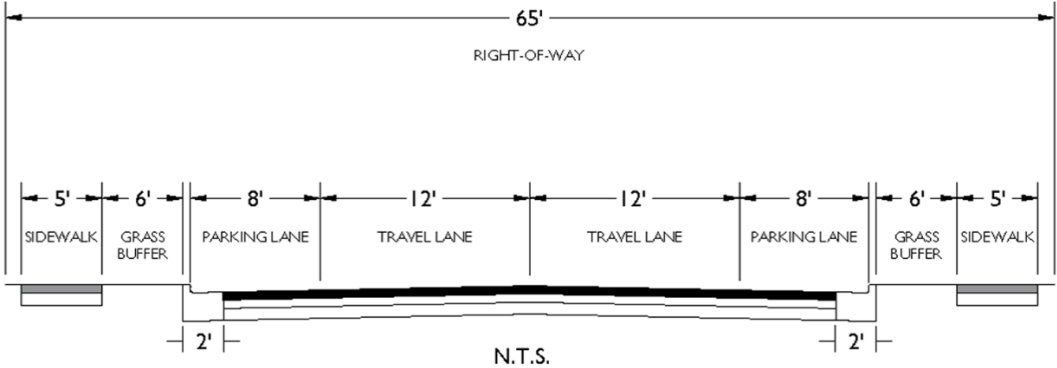
* BIKE LANES MAY BE REQUIRED AS PART OF OVERALL TRANSPORTATION PLAN

3. Local, 2-Lane, Undivided



* BIKE LANES MAY BE REQUIRED AS PART OF OVERALL TRANSPORTATION PLAN

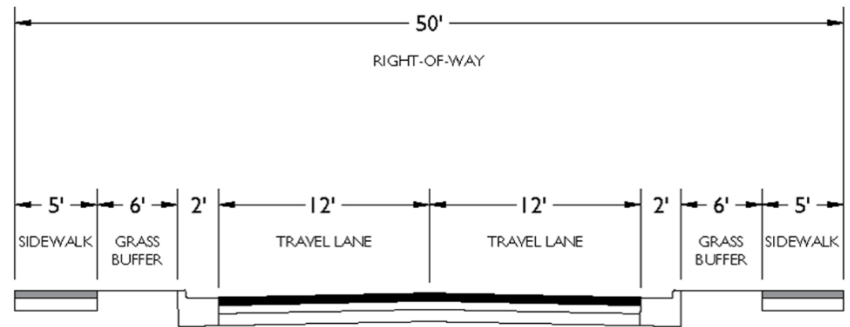
4. Local Traditional, 2-Lane, Undivided, Parallel Parking



* BIKE LANES MAY BE REQUIRED AS PART OF OVERALL TRANSPORTATION PLAN

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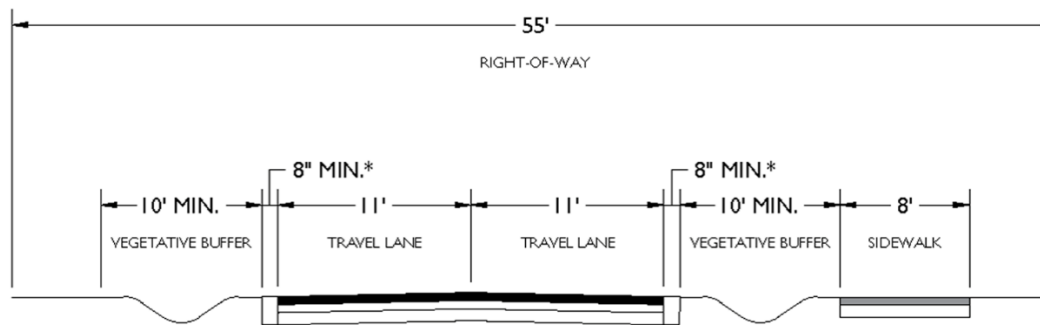
- D. Local
 - 1. Dead End, 2-Lane



N.T.S.

* BIKE LANES MAY BE REQUIRED AS PART OF OVERALL TRANSPORTATION PLAN

- 2. Sensitive, 2-Lane

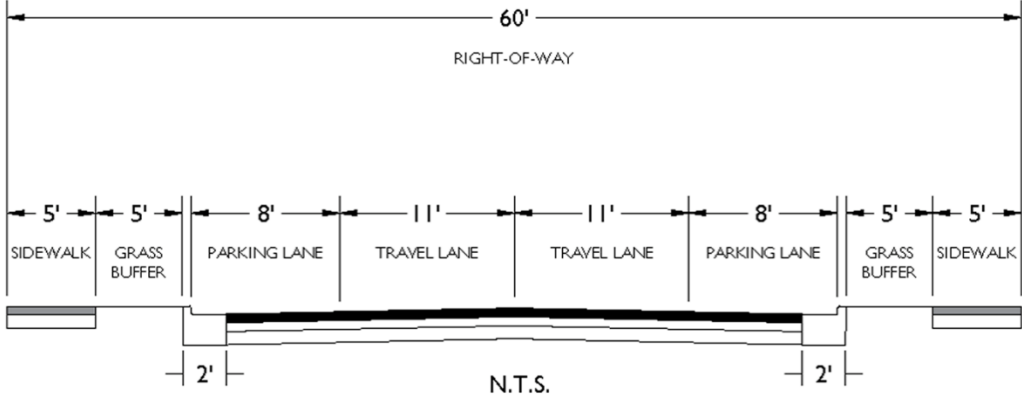


N.T.S.

* 8" MINIMUM RIBBON CURB REQUIRED.

** BIKE LANES MAY BE REQUIRED AS PART OF OVERALL TRANSPORTATION PLAN

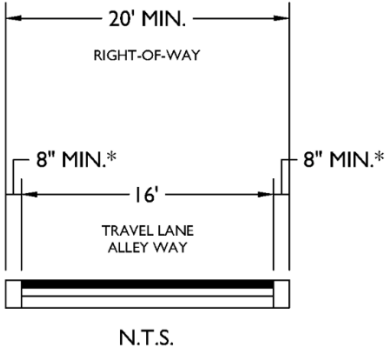
3. Traditional, 2-Lane, Parallel Parking



* BIKE LANES MAY BE REQUIRED AS PART OF OVERALL TRANSPORTATION PLAN

E. Other

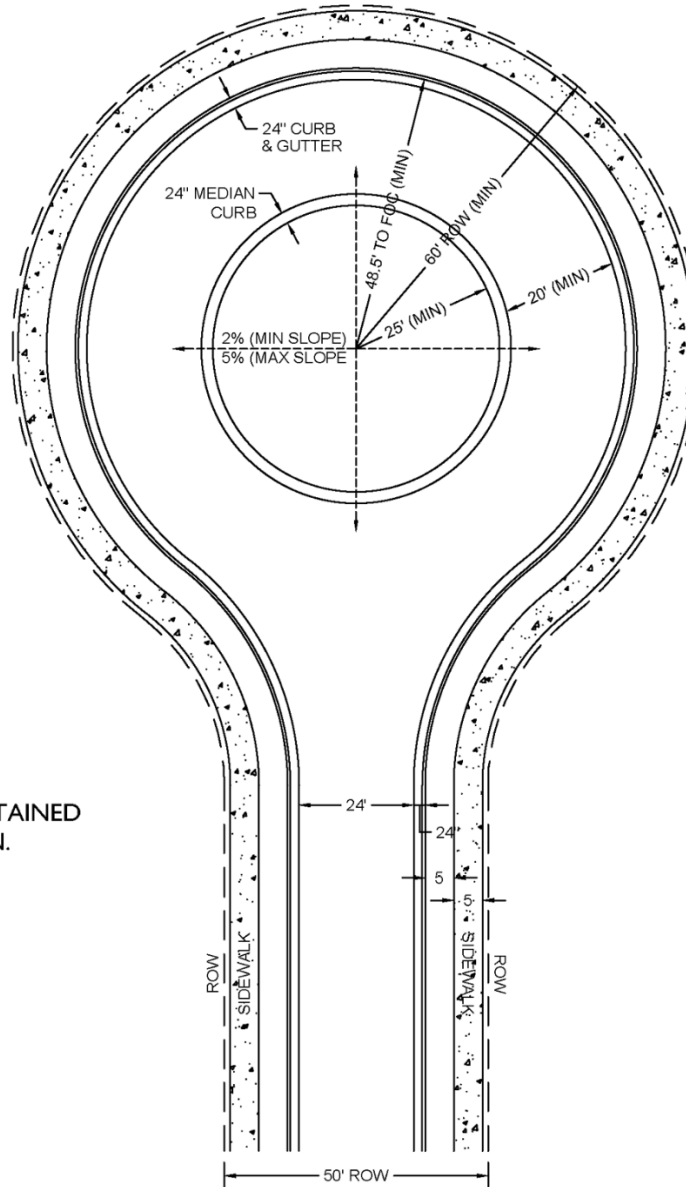
1. One-Way Alley, Parking Optional



* 8" MINIMUM RIBBON CURB REQUIRED.
 ** PARKING IS OPTIONAL BUT MAY BE REQUIRED IN FORM BASED CODE DISTRICTS OR OTHER AREAS AS DETERMINED BY STAFF. PARKING TO BE 8' WIDE, AND WILL REQUIRE AN INCREASE IN THE MINIMUM 20' RIGHT-OF-WAY.

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2. Cul-de-Sac, 2-Lane

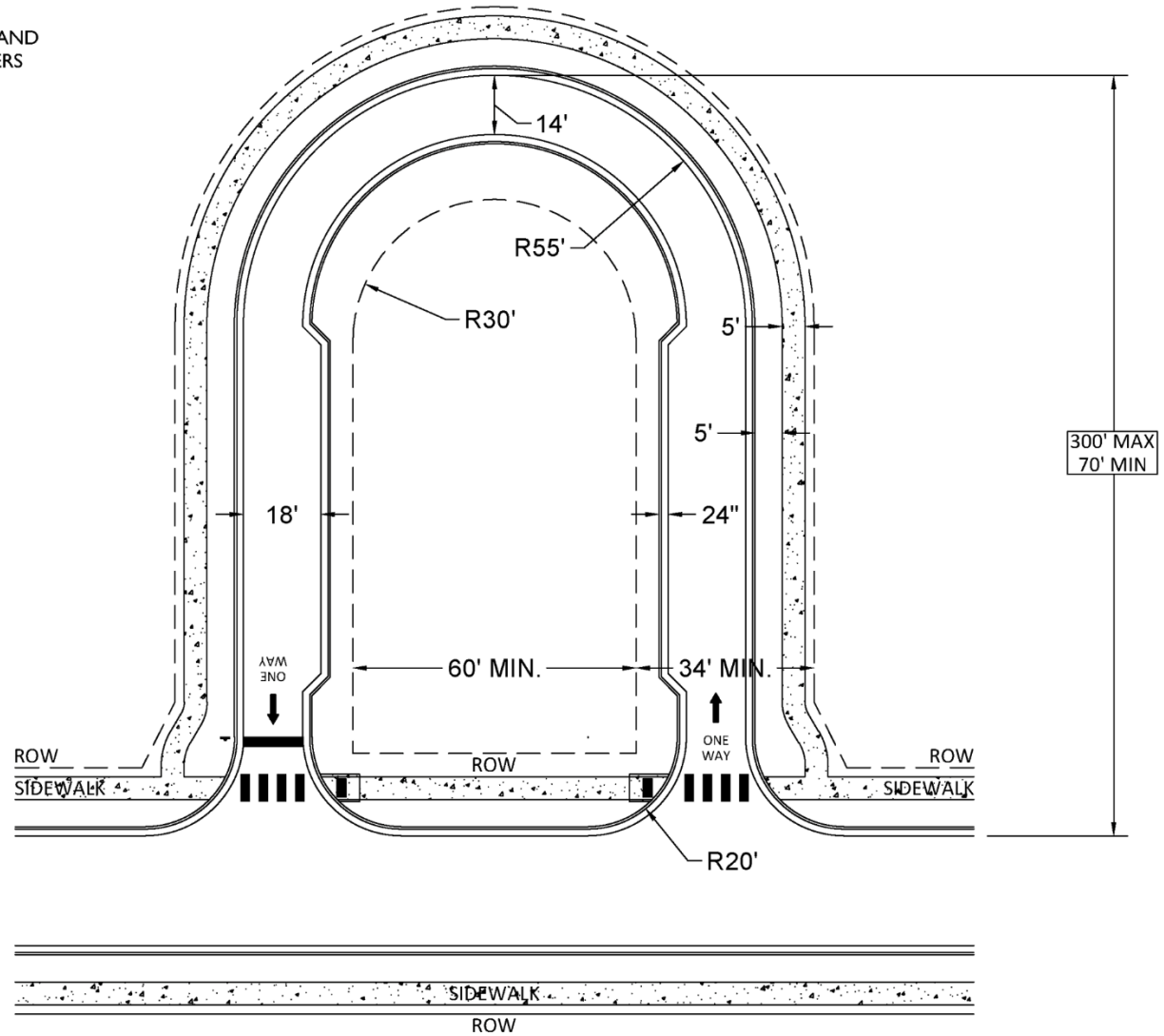


* LANDSCAPE ISLAND TO BE MAINTAINED BY HOME OWNERS ASSOCIATION.

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4. Close / Eyebrow, One-Way, With Parking

* THE MEDIAN SHALL BE LANDSCAPED AND SHALL BE MAINTAINED BY THE OWNERS ASSOCIATION.



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15.5. Existing Streets

15.5.1. General Provisions. Improvements may be required on existing streets based on any City improvements plans or the findings of a traffic impact study.

15.5.2. Existing Private Streets.

A. General.

1. No new private streets are allowed.
2. All existing private streets and alleys must remain under maintenance of the homeowner's association and must be maintained to the equivalent of public street standards.
3. Private streets and alleys shall not be dedicated to the public and shall not be publicly maintained.
4. Private streets and alleys that are not maintained shall be considered a nuisance and subject to a code violation.

B. Homeowner's Association. In no case shall the City be responsible for failing to provide any emergency or regular fire, police, or other public service when such failure is due to lack of access to such areas due to inadequate design or construction, locking of access routes, inadequate maintenance, or any other factor within the control of the developer, homeowner's association, or occupants.

C. Locked Gate Access.

1. Any private street in existence or approved prior to the adoption of the Unified Development Code may be considered for gate access.
2. All private streets and drives with access limited by locked gates or similar devices must provide a pass-key and lock-box of a type, at a location, and installed in a manner, as may be required by the City Fire Department and Police Department for the provision of emergency access.
3. The owner, including any homeowners' association, shall maintain the lock-box, gate and gate lock in a working

order so as to ensure accessibility by emergency personnel and vehicles.

4. The City and other applicable governmental entities and their respective emergency personnel shall be granted in writing the right, without liability, to break the locked gate or such similar device when emergency personnel reasonably believe that doing so is necessary to save life, prevent serious bodily harm, put out a fire, to prevent a crime or to apprehend an apparent lawbreaker, or to avert or control a public catastrophe.
5. Gates shall be setback a distance as determined by the City Engineer from the right-of-way to prevent vehicles from protruding into any public street.

15.6. Utilities

15.6.1. Water Supply.

A. Within City Limits.

1. When a subdivision is located within the corporate limits of the City, the sub-divider shall coordinate with the City Utility Department to connect to the existing water distribution system. The subdivider shall install all water lines in accordance with this Unified Development Code, Latest edition of the Utility Standards as established by the City Utility Department, and the latest edition of *Recommended Minimum Design Criteria for Mississippi Public Water Systems*. The subdivider must install services to every lot within the subdivision prior to final acceptance.
2. All infrastructure improvements, and their easements, shall be deeded to the City upon acceptance by the Board of Alderman.

B. Outside City Limits.

1. Subdivisions located outside the corporate limits of the City, but within the service area of City Utility Department, must install the water distribution system in accordance with this Unified Development Code, Latest edition of the Utility Standards as established by the City Utility Department, and the latest edition of *Recommended Minimum Design Criteria for Mississippi Public Water Systems*. The subdivider must install services to every lot within the subdivision prior to final acceptance.
2. Subdivisions located outside the corporate limits of the City, but situated within one mile of existing service area, and not within another Public Service Area, must first be approved after review by the Developmental Review Committee, and secondly be provided with a Letter of Intent from the City Utility Department. All infrastructure

improvements must be installed according to this Unified Development Code, Latest edition of the Utility Standards as established by the City Utility Department, and the latest edition of *Recommended Minimum Design Criteria for Mississippi Public Water Systems*. The subdivider must install services to every lot within the subdivision prior to final acceptance.

3. All infrastructure improvements, and their easements, shall be deeded to the City upon acceptance by the Board of Alderman.

15.6.2. Sewage Disposal.

A. Within City Limits

1. When a subdivision is located within the corporate limits of the City, the subdivider shall coordinate with the City Utility Department to connect to the existing sewer collection system. The subdivider shall install all sewer lines, in accordance with this Unified Development Code, Latest edition of the Utility Standards as established by the City Utility Department, *Recommended Minimum Design Criteria for Mississippi Public Water Systems* latest edition, and the *Mississippi Department of Environmental Quality Guidance for the Design of Publicly Owned Wastewater Facilities* latest edition. The subdivider must install services to every lot within the subdivision prior to final acceptance.
2. All infrastructure improvements, and their easements, shall be deeded to the City upon acceptance by the Board of Alderman.

B. Outside City Limits

1. Subdivisions located outside the corporate limits of the City, but within the service area of City Utility Department, must install the sewer collection system in accordance with this Unified Development Code, Latest edition of the

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- Utility Standards as established by the City Utility Department, *Recommended Minimum Design Criteria for Mississippi Public Water Systems* latest edition, and the *Mississippi Department of Environmental Quality Guidance for the Design of Publicly Owned Wastewater Facilities* latest edition. The subdivider must install services to every lot within the subdivision prior to final acceptance.
2. Subdivisions located outside the corporate limits of the City, but situated within one mile of existing service area, and not within another Public Service Area, must first be approved after review by the Developmental Review Committee, and secondly be provided with a Letter of Intent from the City Utility Department. All infrastructure improvements must be installed in accordance with this Unified Development Code, Latest edition of the Utility Standards as established by the City Utility Department, *Recommended Minimum Design Criteria for Mississippi Public Water Systems* latest edition, and the *Mississippi Department of Environmental Quality Guidance for the Design of Publicly Owned Wastewater Facilities* latest edition. The subdivider must install services to every lot within the subdivision prior to final acceptance.
 3. All infrastructure improvements, and their easements, shall be deeded to the City upon acceptance by the Board of Alderman.
- 15.6.3. Public Water and Sewer Service Connections.**
- A. In a subdivision, the subdivider shall extend water and sewer connections to the property line of each lot. Each service connection shall be marked, protected, and accessible before final acceptance of the plat.
 - B. Water service extensions shall be made in accordance with this Unified Development Code, Latest edition of the Utility Standards as established by the City Utility Department, and the latest edition of *Recommended Minimum Design Criteria for Mississippi Public Water Systems*.
- C. Sewer service extensions shall be made in accordance with this Unified Development Code, Latest edition of the Utility Standards as established by the City Utility Department, *Recommended Minimum Design Criteria for Mississippi Public Water Systems* latest edition, and the *Mississippi Department of Environmental Quality Guidance for the Design of Publicly Owned Wastewater Facilities* latest edition.
- 15.6.4. Electrical Underground Utilities.**
- A. **Extension of Utility Systems.** Electrical service shall be extended by the subdivider to each lot within a subdivision.
 - B. **Primary Services.** All new primary electrical lines installed to serve a project shall be placed underground within the entire subdivision to serve each parcel or building, without expense to the City.
 - C. **Secondary Services.**
 1. Within the subdivision, all new secondary utilities installed to serve the project shall be placed underground without expense to the City.
 2. Secondary utilities shall be underground from the point they enter the site and shall include but not be limited to pad mounted transformers and secondary electrical into the meter base.
 3. Underground secondary electrical services shall originate from a pad mounted electrical transformer. Pad-mounted transformers shall not be located in the public right-of-way, but shall fall within the City easement dedicated at the time of final plat.

D. Street Lights

1. When installing underground electrical service, underground terminal facilities for street lighting shall be installed along public streets. All street light designs must follow the Standards for Roadway Illumination as established by the Illuminating Engineering Society of North America.
2. The average maintained foot candle level for new subdivisions shall be in accordance with the latest edition of the *RP-8 Standard of Recommended Practice for Design and Maintenance of Roadway and Parking Facility Lighting* as defined by the Illuminating Engineering Society of North America.
3. The City will not take responsibility for any street lighting system until it meets the above standards.

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15.7. Surface Water Drainage

15.7.1. Connection to Sanitary Sewer Prohibited. No surface water drainage shall empty into a sanitary sewer.

15.7.2. Stormwater Drainage Systems.

- A. The design of stormwater drainage systems shall insure adequate control of stormwater runoff through the use of properly sized and positioned drainage structures including, but not limited to: curb and gutter, curb and open-throat inlets, storm drains, box culverts, open channels and bridges.
- B. Drainage facilities shall be designed to prevent excessive runoff onto adjacent properties and to reduce long term maintenance by the City or property owner.
- C. Stormwater drainage systems shall include headwalls, inlets, junction boxes, rip rap and other appurtenances generally recognized as necessary for the proper functioning of the system.
- D. Design, materials, and construction shall conform to the *City of Starkville Standards of Design & Specifications* for subdivisions.

15.7.3. Piping of Watercourses.

- A. This section applies to all storm drainage piping of watercourses except crossing public or private streets.
- B. The City encourages retaining stormwater onsite through rainwater harvesting, infiltration, and/or evaporation and through preserving natural drainage features. All natural watercourses shall remain open and unaltered unless piping, enclosing or altering is requested and justified by the developer or required by the City Planner, but then only when the following conditions are met:
 - 1. The developer must do all grading and provide all structures necessary to properly connect to the existing storm drainage system;

- 2. All design and construction must be to City standards; and
- 3. Pipes, drains, catch basins, and open channels must be designed in accordance with the City of Starkville Standards of Design & Specifications.

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16.8. Erosion Control

16.8.1. Scope.

- A. Construction sites, land disturbance, and earthwork loosen soil and remove vegetation. This loosened soil is easily transported downstream during rain events and contributes to the degradation of land surfaces, water quality in streams and lakes, and air quality. This degradation often manifests in the form of erosion, siltation, dusty conditions, clogged storm sewers, polluted waterways, increased runoff and localized flooding. Degradation and the subsequent damage increase maintenance costs for roadways, storm sewers, and other infrastructure. It is the intent of this ordinance to protect the health and safety of residents and to protect adjoining or nearby property in the city including land, streams, hills, and vegetation through the oversight of land disturbance activities.
- B. The regulations set forth in this article shall apply to all real property within the city limits now and in the future. This article shall be a minimum standard.

16.8.2. Applicability & Exemptions.

- A. **Applicability.** It shall be unlawful for any entity to clear, clear cut, grade, level, excavate or fill in the process of construction or as a preliminary to construction or development (hereinafter *land disturbance*), perform land disturbance activities on any property within the city limits without having first obtained a Land Disturbance Permit (LDP) from the City of Starkville Building Department that is greater than one-thousand (1000) square feet or which requires a building permit, whichever is smaller. However, no LDP shall be issued for the following:
1. Any property for which a preliminary subdivision plat is required, as determined by the city engineer, which has not been approved by the Planning and Zoning Commission and the Mayor and Board of Aldermen.
 2. Any property for which a site plan approval is required, as determined by the building official, which has not been approved by the Planning and Zoning Commission.

- B. **Exemptions.** The following development activities are exempted from this article. However, exempt activities shall still include construction entrances where entering a public roadway, and must prevent pollution to adjacent property owners and water courses, natural or manmade.
1. Repairs and/or construction deemed emergency in nature as defined by the City Engineer or City Planner;
 2. Any logging, timber harvesting, or agricultural activity;
 3. Public utility repairs;
 4. Ditch or channel cleaning;
 5. Drainage maintenance for any conveyance systems, natural or manmade.

16.8.3. Submission of Land disturbance permits.

A. Permits Required.

1. For all land disturbance activities greater than one-thousand (1000) square feet or which requires a building permit (whichever is smaller), an LDP must be secured from the City of Starkville Building Department prior to starting any *land disturbance* activities after the site plan has been approved. This provision shall not apply to single lot residential detached dwellings.
2. For all new subdivision developments, an LDP must be secured from the City of Starkville Building Department prior to starting any *land disturbance* activities after the infrastructure plans have been approved.
3. For all residential detached dwelling construction, an LDP must be secured from the City of Starkville Building Department prior to starting any *land disturbance* activities after the building plans have been approved.
4. No permit shall be issued for any land disturbance activities until the LDP has been reviewed and approved by the Engineering or Community Development Departments.

B. Required Information: The LDP applications shall contain the following information:

1. The total lot area or property boundary area with corresponding dimensions;
2. All plans to scale, no more than one (1) inch equals one

- hundred (100) feet,
 - 3. Intended use of the property;
 - 4. The name and location of the project;
 - 5. The name, address and telephone number of the owner, owner's agent or lessee of the property;
 - 6. The specific BMP's proposed;
 - 7. The name, address, and telephone number of the entity performing such work;
 - 8. The total land disturbance area;
 - 9. General description of work to be performed.
 - 10. SWPPP for all projects whose property boundary is one acre or greater
 - 11. QCP information (name, address, telephone number, description of qualifications) for all non-single dwelling unit residential land disturbance projects.
- C. Control Measures Permit (CMP).**
- 1. After a full LDP application has been submitted, the Building Department will issue a CMP which will specify the initial control devices. This will allow the applicant to install silt fencing around the property boundary, install any required construction entrances, and provide appropriate protection for any existing storm water structures or natural conveyance systems.
 - 2. No other land disturbance activities, including clearing, grading, grubbing, or other land clearing activities, shall be performed until an inspection from city staff has been made of these items.
 - 3. Once all initial control devices have been installed in accordance with the CMP, the contractor shall request a CMP inspection.
- D. Land Disturbance Permit.**
- 1. The contractor and inspector will meet on site to review the initial control devices, as designated in the CMP. Upon a satisfactory inspection from city staff and the subsequent approval of the LDP, the applicant may begin land disturbance activities on the site
 - 2. No permit will be issued for any property, contractor, or owner on which indebtedness to the city exists.

- 3. The fee for issuance of permits shall be set by the latest fee schedule.
 - 4. For sites requiring a stormwater permit from the Mississippi Department of Environmental Quality (MDEQ), a copy of such approved permit shall also be submitted as part of the application for the permit.
 - 5. Any land disturbance to be performed within any 100-year floodplain area shall also be identified on maps or plats showing the existing elevations of the property, 100-year floodplain and floodway areas, and location and elevation of proposed fill material.
 - 6. No permit shall be required in an emergency situation to repair or restore utility service.
 - 7. During and throughout construction, any party that has obtained an LDP shall be subject to ongoing erosion control inspections. The city may at any time request additional or replacement BMP's and/or erosion control measures for any measures that seem inadequate or non-functional.
- 16.8.4. Design and Implementation of Erosion Control Plan.** All erosion and sediment control practices as well as water crossings for both design and implementation shall meet the design criteria set forth in the most recent versions of the MDEQ Handbook for EC and the Field Manual. The erosion control plan shall be designed and certified by a QCP, as defined in the definitions portion of this ordinance, for all non-single dwelling unit residential lot construction projects.
- A. General Design.** The erosion control plan shall require, and the entity shall install, specific erosion control plans which shall be maintained in proper working condition for so long as work is being conducted on the property or for so long as an active permit of any nature is issued for the project. Erosion control devices required by the LDP may include, but are not limited to, silt fences, hay bales, retention ponds, sedimentation ponds, mulch, sod, rip-rap, vegetation barriers, washing stations and any other measures outlined in the Design Guide for EC or Field

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Manual that will adequately prevent sediment from being eroded onto adjoining property or into manufactured or natural stormwater conveyances systems.

B. Clearing and grading.

1. Clearing and grading of natural resources, such as wetlands, waterways, and watercourses, shall not be permitted, except when in compliance with all other chapters of this Code and any and all federal, state and local regulations.
2. Clearing techniques that retain natural vegetation and natural drainage patterns are strongly encouraged.
3. For natural or manmade streams and/or watercourses, a buffer area within the front, side, and rear setbacks is required. The buffer area can either be the existing vegetation that is left undisturbed or re-establishment by planting new vegetation if clearing or grubbing is required within setbacks. If setbacks are not required, perimeter control measures are expected to act as buffer. The buffer shall be fifteen (15) feet in width as measured perpendicular to the top-of-bank.
4. Multi-stage phasing may be required on sites, with the size of each phase to be established by the QCP and approved by the city. The erosion control plan and/or stormwater pollution prevention plan should clearly delineate each phase of clearing and the estimated duration of exposed soils.
5. Any clearing or land disturbance, except as is necessary to install the initial BMPs, shall not begin until the city's BMP minimum requirements are met.
6. Cut and fill slopes shall be no steeper than 3:1, except as approved by the city.
7. Developers requesting city sewer and/or water services must obtain site plan approval prior to clearing regardless of property location.

C. Erosion control.

1. Permanent erosion control measures shall be applied to denuded areas which have been either partially or wholly cleared or removed by development activities within seven (7) days after final grade is reached on any portion of the site. Soil stabilization shall also be applied within seven (7) days to any denuded area which may not be at final grade, but will remain dormant (undisturbed by construction activity) for longer than fourteen (14) days. Any temporary soil stockpiles shall be stabilized or protected with sediment trapping measures to prevent erosion. Applicable erosion control measures shall include establishment of vegetation, mulching, and the early application of gravel base on areas to be paved. Selected permanent or temporary erosion control measures should be appropriate for the time of year, site conditions, and estimated duration of use.
2. If vegetative erosion control methods, such as seeding, have not germinated to a coverage of at least 90 percent within fourteen (14) days, the city may require that the site be reseeded, sodded, or stabilized with alternative cover. All land disturbance projects shall be stabilized prior to the issuance of a final plat, certificate of occupancy or temporary certificate of occupancy unless otherwise approved by the Engineering and Community Development Departments.
3. On slopes that are tributary to any waterways, watercourses, or any other conveyance system, special techniques that meet or exceed design criteria outlined in the *Field Manual* shall be used to ensure stabilization.
4. Soil stockpiles must be stabilized at the end of each work week or if a rain event is predicted.
5. Techniques, as referenced the *Field Manual* shall be employed to prevent the blowing of dust or sediment from the site onto adjacent properties. The use of chemical agents in or near critical areas is discouraged.
6. Right-of-way disturbances shall be stabilized with sod or a combination of sod and seed/mulch unless otherwise

directed by the City Engineer. Seed and mulch alone shall not be acceptable.

7. Techniques shall be employed to divert upland runoff past or around disturbed slopes.

D. Sediment controls.

1. All silt fencing shall be installed with wire backing and steel posts on all non-single dwelling unit residential developments.
2. Sediment controls shall be provided in the form of perimeter controls, such as silt fences, sediment basins and/or sediment traps.
3. Where possible, sediment basins shall be designed in a manner that allows adaptation to provide long term stormwater management.
4. Adjacent properties shall be protected from any and all types of pollutants.
5. For project sites greater than or equal to five (5) acres, a sedimentation pond is required. The installation of the pond shall occur prior to the mass grading of the site.

E. Waterways and watercourses.

1. When a watercourse must be crossed regularly during construction, a temporary stream crossing shall be provided. When applicable, approval must be obtained from the United States Army Corps of Engineers, state and federal agencies, and the city.
2. When in-channel work is conducted, the channel shall be stabilized after the work is completed.
3. Any construction of a crossing of a waterway or watercourse in a floodway must be engineered with a no-rise certificate and shall have minimal temporary or permanent disturbance of the floodways bottom condition.
4. All on-site stormwater conveyance channels shall be designed according to the criteria outlined in the *Field Manual*.
5. Outlets of all pipes and paved channels shall have adequate stabilization to prevent erosion. Riprap or Flexamat may be required for stabilization if vegetative

measures prove to be ineffective at controlling erosion in waterways or watercourses.

F. Construction site access.

1. A stabilized construction access (e.g., construction entrance) shall be required on all development and construction sites, including single-family lot construction, at any point where construction traffic will be entering and leaving the construction site in order to ensure sediment is not tracked on to public streets from the construction site. All construction entrances shall conform to MDEQ *Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas* Chapter on Construction-Exit Pad (CEP) or the city's erosion control requirements, whichever is more stringent. Stone pads shall be a coarse aggregate meeting the requirements for MDOT's Size I aggregate (ranging from 3/8 to 1 inch), be six inches thick and shall be placed a minimum width equal to the existing drive or as defined below, whichever is greater. The length of stone pad will be sufficient to prevent sedimentation from entering public streets from the construction site and adhere to the requirements below.
 - i. For single lot residential dwelling unit construction, the construction entrance shall be at a minimum sixteen (16) feet in width by fifty (50) feet in length;
 - ii. All other sites shall provide construction entrances, at a minimum, are twenty (20) feet in width by one-hundred (100) feet in length.
 - iii. The City Engineer and building official reserve the right to increase the requirements of construction entrances depending on the type, nature, and exigency of the site.
2. Sediment accumulation and tracking on public rights-of-way, such as streets, alleys, storm drains or sanitary sewers, ditches and sidewalks, is not allowed and shall be removed daily.

- G. Maintenance.** The responsibility of the property owner and its agents shall be jointly and severally with the entity performing the work for the maintenance of all erosion

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- control devices, which shall be maintained in a condition so as to prevent erosion of sediment on the property.
- H. Completion of construction activities.** All open channels and ditches shall be permanently vegetated upon final building inspection. Seed and mulch shall not be accepted. If sod is used on slopes, corners will need to be pinned per the Field Manual.
1. Common areas, such as detention basins, shall be permanently stabilized upon final inspection. Seed and mulch shall not be accepted.
 2. Prior to final inspection, all construction waste and debris, silt fences, hay bales, inlet protection, and other BMPs shall be removed, except those required for the next phase of construction, or those deemed necessary for continued stabilization by the building official or City Engineer.
 3. The responsible party shall submit a letter to building official requesting termination of the LDP upon completion of all construction activities and stabilization of property. No certificate of occupancy or final plat approval will be issued or executed until the site is fully stabilized unless otherwise approved by the Engineering and Community Development Departments.
- 16.8.5. Performance Bonds.** Prior to the issuing of a permit for any land disturbance activity in excess of five acres, and for smaller areas when potentially hazardous soil or drainage conditions exist due to types of soils, steep grades, floodplain development, or critical areas such as nearby lakes, streams, large drainage ditches, roads or wetlands, as determined by the city staff, the applicant shall be required to provide a performance bond or similar form of security acceptable to the city to complete all land and grade stabilization measures and improvements as shown in the approved plan. The city staff shall establish the amount and time period of the bond, based on the estimated cost and time for completing the plan.
- 16.8.6. Violations on Municipal Property.**
- A.** It shall be unlawful for any entity to cause, permit or allow any sediment to be washed or otherwise disposed upon any municipal property within the city. In the event any entity shall allow such sediment to be deposited upon municipal property, such entity shall immediately remove such sediment from said municipal property.
 - B.** It shall be unlawful for an entity, upon notice from the city official of a violation of subparagraph (1) above, to not immediately remove such sediment. Once notice is given, if the entity does not act immediately to remove such sediment, the city official shall issue a stop work order on such project. If the sediment is not removed within 24 hours of notice by the city official, and the city official determines that a dangerous situation exists with regard to the sediment, the city may remove such sediment and charge the entity with all reasonable costs associated with the removal of the sediment.
 - C.** Notice by the city official is deemed sufficient if the notice is orally given to the entity. Written notice may then be mailed or hand delivered to such entity or its representative. Such notice is deemed given when orally transmitted, and not at any time associated with the giving or receiving of the written notice.
- 16.8.7. Penalties.** Any entity violating any provision of this article shall be deemed guilty of a misdemeanor and fined not less than five hundred (\$500.00) dollars nor more than one thousand (\$1,000.00) dollars and/or sixty (60) days in jail or both. Each twenty-four-hour (24) period after notice is given by the city official shall be considered a separate offense hereunder. Furthermore, an entity found guilty of such violation who fails to remove the sediment after notice is given, shall be required to pay to the city restitution equaling the costs and expenses of removal. In calculating the costs and expenses incurred by the city, a reasonable rate shall be charged for use of all city equipment and employees, with such rate to be at least equal to the costs of contracting the removal of such sediment with a private entity.

16.9. Stormwater Management

16.9.1. Purpose. During rainfall, a portion of precipitation is either captured by plants or infiltrates into the ground; any remaining precipitation flows over the ground, typically to the nearest conveyance system. This remaining precipitation is known as stormwater runoff. In developed areas where there are high percentages of impervious surfaces, especially when compared to undeveloped conditions, a majority of precipitation becomes stormwater runoff. This increase in water flowing along the ground, rather than infiltrating into the soil, can cause localized and regional flooding due to the increased runoff volumes, velocities and flow rates. Furthermore, loss of infiltration due to impervious surfaces increases the amount of pollutants and sediment that are transported downstream and can cause significant degradation both in manmade stormwater conveyance systems and natural conveyance systems (e.g., creeks, streams, channels).

The purpose of this article is to diminish threats to public health and safety caused by stormwater runoff; reduce economic losses to individuals and the community-at-large; and protect, conserve and promote the orderly development of land, water and all natural resources. The provisions of this article further regulate, guide and control:

- A. The subdivision layout, new development, redevelopment, land disturbance activities, changes in ground cover, and improvement of lands located within the City of Starkville.
- B. The construction of buildings and drainage of the sites on which structures are located, including parking and other paved surfaces.
- C. The design, construction and maintenance of stormwater management facilities.
- D. Any development located outside the city limits which seeks water and/or sewer service(s) to be provided by the City of Starkville.

16.9.2. General Criteria and Standards

A. Applicability. This article shall be applicable within the City of Starkville's jurisdictional area or to any development located outside the city limits which seeks water and/or sewer service(s) to be provided by the City and shall apply to:

- 1. New development or redevelopment that is greater than or equal to one-half (1/2) acres and less than two (2) acres and having fifty (50) percent or greater impervious surface;
- 2. New development or redevelopment that is two (2) acres or greater;
- 3. Land development activities that are smaller than the minimum applicability criteria established in subsection (1) i.—ii. above, if such activities are part of a larger common plat (plan of development), even though multiple separate and distinct land development activities may take place at different times on different schedules (such as a phased residential subdivision).

B. Exemptions.

- 1. The following development activities are exempted from this article: Existing, individual single-family residential lots less than ten (10) acres, provided that single-family lots that are part of a new subdivision or phased development project are not exempt from this article;
- 2. Additions or modifications to existing single-family structures;
- 3. Developments or redevelopments that are less than one-half (1/2) acre, provided they are not part of a larger common development plan;
- 4. Property that is part of an agriculture and forestry use as defined in Section 13.9.6.;
- 5. Land disturbing activities conducted for the purpose of restoration of streams, stream banks, riparian zones, or other environmentally protected areas; and
- 6. Repairs and/or construction deemed emergency in nature.

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- C. **Mitigation of Excess Stormwater Runoff.** The increased stormwater runoff resulting from the proposed development or redevelopment meeting the minimum applicability criteria of subsection (1) shall be mitigated by proper stormwater management facilities. Said mitigation will be designed so that the peak flows of stormwater runoff from the site, in the final condition in which it is proposed to be developed, will not exceed the rate of runoff from the site in its pre-development state for the 2-year, 10-year and 100-year, 24-hour storm events.
- D. **Storage Capacity.** Stormwater management facilities shall be designed with sufficient capacity to accommodate all runoff caused by the development in excess of that runoff which would occur from the site if left in its pre-development state. This storage shall be sufficient to store all excess flows and volumes for the 2-year, 10-year and 100-year, 24-hour event. The stormwater management facilities shall be designed so that the peak flow rate at any exit point in the post-developed condition shall be less than or equal to the peak flow rate for that exit point in the pre-developed condition for the 2-year, 10-year and 100-year, 24-hour storm event.
1. **Initial Storage Estimate:** As part of a rezoning, conditional use, special exception, pre-application, or a preliminary plat, the City Engineer may require an initial storage estimate concurrent with NRCS TR-55, Chapter 6 Storage Volume for Detention Basins. If required, the resultant storage estimate should be relatively the same as that provided by the proposed detention/retention structure.
- E. **Downstream Runoff Analysis.** An important consideration of a new development or redevelopment is the increased volume of water that is added to downstream areas. Even when peak flows have been properly attenuated, downstream flooding can still occur due to increased duration of higher peak flow rates. These longer durations of higher flows can combine with existing downstream flows to create flooding that may not have previously existed. A downstream analysis of the design events will be required based on the proposed development for the following conditions:
1. Developments between two (2) acres and twenty (20) acres will be required to perform a stormwater analysis subject to the standards of this ordinance at a point five-hundred (500) feet downstream or to a significant point of interest, as determined by the City Engineer, of the development for the required design events to ensure that the proposed runoff does not create an increase in peak flow downstream that did not exist during pre-development. This analysis shall be based on the time of concentration of the overall basin draining to the point five-hundred (500) feet downstream, not just that of the proposed site.
2. Developments ten (10) acres or greater will be required to perform a "10% Rule" analysis, as described in the Georgia Stormwater Management Manual (current edition). In the event the downstream runoff analysis concludes a potential for increased peak flows downstream, the City Engineer may require further mitigation to protect downstream properties.
- F. **Stormwater Management Facilities in Floodplains.** If stormwater storage is provided within any floodplain, no facility or storage volume may be provided below the 100-year base flood elevation (BFE) established for that floodplain. If not established, a study prepared by a design professional registered or licensed in the state of Mississippi utilizing standard engineering practices approved by FEMA may be submitted to determine the base flood elevation. Special consideration may be given

- by the City Engineer if no alternate location of the stormwater management facility is practical.
- G. Stormwater Bypass.** Stormwater management facilities shall have adequate capacity to bypass, through the development, the existing flow from all upstream areas. Bypass conveyance should be designed such that they do not overtop the bypass system. Bypass flow should not be conveyed through proposed on-site stormwater management facilities unless otherwise approved by the City Engineer. A supplemental drainage report will be required that accounts for all upstream contributing areas and the flows that said areas impose on the proposed development. The bypass system shall be designed to convey runoff based on the following information:
1. For upstream contributing areas equal to or greater than twenty (20) acres, the bypass system shall be designed to accommodate, convey, and bypass the one-hundred (100) year storm event, based on existing upstream conditions.
 2. For upstream contributing areas less than twenty (20) acres, the bypass system shall be designed to accommodate, convey, and bypass the one hundred (100) year storm event, based on existing upstream conditions. Flows in excess of the one hundred (100) year storm event shall be conveyed to and accommodated in the on-site stormwater management facilities.
- H. Drainage Way Protection.** It shall be unlawful to dump trash, debris, landscape waste, and other deleterious materials in any and all drainage ways in the city.
- I. Regulation of Flow Distribution.** Detailed information shall be provided for each runoff exit point from the property which determines the pre-development flow distribution and location. Flow must exit the property in the post-developed condition in the same flow distribution and location as it exited the property in the pre-developed condition, to the greatest extent possible. In rare circumstances where the flow distribution is increased at any given point, the post-development flow at that point shall not increase from its pre-development state, even if the entire site runoff collectively is less than pre-development unless otherwise approved by the City Engineer.
- J. Connection to Existing Structures.** Where proposed stormwater runoff is to be connected to existing stormwater infrastructure, (e.g., storm sewer, open channel, box culvert, etc.), an analysis of the existing structure and its ability to convey additional runoff will be required. In the event the downstream infrastructure cannot convey the required runoff, the City Engineer may require further mitigation or improvement.
- K. Redevelopments with Existing Impervious Surfaces.** For redevelopments that require site plan approval, and that have large quantities of existing impervious surfaces, such that post-developed conditions may decrease or maintain the current weighted curve number, it will be required to reduce the stormwater runoff to an amount of less than or equal to ninety-five (95) percent of the pre-development condition.
- For larger redevelopment sites where only a portion is being developed or redeveloped, when the new development area is twenty (20) percent of the total existing site area or less, only the new development area is to be mitigated. Percentage of the site to be cumulative over a ten (10) year period if the site is redeveloped in multiple phases.
- For redevelopments that require site plan approval, and that have large quantities of existing impervious surfaces,

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such that post-developed conditions may increase the weighted curve number, it will be required to reduce the stormwater runoff to the lesser of the following unless approved otherwise by the City Engineer:

1. pre-development condition; or
 2. an amount of less than or equal to ninety-five (95) percent of the post-development condition.
- L. Phased Development.** For developments designed to occur in phases, the stormwater management facilities, including both conveyance and detention, shall be designed to individually comply with the regulations set forth in this ordinance and in the City of Starkville Standards of Design and Specifications at the end of each phase such that the system would meet these requirements even if future phases do not occur. As additional phases develop, the stormwater management facilities may be expanded and modified to meet the requirements of future phases.
- M. Regional Stormwater Management.** The Drainage Plan for each land development project shall provide for stormwater management measures located on the site of the project unless provisions are made to manage stormwater by an offsite or regional facility. The City Engineer, with the approval of the Planning and Zoning Commission, may make allowance for an offsite or regional facility based on a development's location, lot size, percentage of the lot used, stormwater management facility design, and other factors that the City Engineer in their professional opinion may deem relevant. The offsite or regional facility, if applicable, must comply with the following:

1. The offsite or regional facility must be on property legally dedicated for the purpose and this purpose run with the land by filing either deed, easement, or plat;
 2. For purposes of use, only developments contiguous to the offsite or regional facility or developments that have obtained legal and binding easements allowing the transfer of stormwater across all properties involved to gain access to the offsite or regional facility are eligible;
 3. A drainage easement for the conveyance of stormwater to the regional facility is required; and
 4. There must be a legally obligated entity responsible for the long-term operation, inspection, and maintenance of the offsite or regional facility.
- N. Stormwater Management during Construction.** Stormwater management shall be implemented during all stages of site development. Stormwater management facilities shall be implemented as part of the initial land disturbance activities and incorporated into the development's Stormwater Pollution Prevention Plan and Erosion Control Plan. Erosion control measures, such as stormwater retention devices or sediment traps, may be used as temporary stormwater management facilities during the development's construction process. At a minimum, a temporary stormwater management facility must be capable of managing runoff from the 2- and 10-year storm events. Stormwater management facilities, permanent or temporary, must be properly maintained during all stages of site development.

16.9.3. Improvement Regulation

A. Required Information. A Drainage Plan shall be prepared and certified by a registered professional engineer licensed in the State of Mississippi and submitted with the plans for each proposed development. The stormwater report shall use the United States Department of Agriculture Soil Conservation Service (SCS) method for determining runoff rates and volumes, the TR-55 Method for time of concentration values, and shall follow the format and regulations set forth in this ordinance and in the City of Starkville Standards of Design and Specifications.

1. Pre-development Calculations. Calculations shall be provided which show the pre-development rate of runoff for the 2-year, 10-year, and 100-year, 24-hour event. These calculations shall use the SCS Runoff Curve number method in accordance with the United States Department of Agriculture Soil Conservation Service Technical Release 55. The City Engineer reserves the right to allow alternate methods. Recommended curve number values can be found in the City of Starkville Standards of Design and Specifications and shall be in accordance with TR-55. Precipitation frequency estimates should be obtained from the National Oceanic and Atmospheric Administration (NOAA) website.

2. Post-development Calculations (without mitigation). Calculations shall be provided which show the post-development rate of runoff for the 2-year, 10-year, and 100-year, 24-hour event. These calculations shall use the same methodology that is used to calculate the existing peak flow rates.

3. Routed/Detained Calculations. Calculations shall be provided which show the total planned release rate after detention has been incorporated for the 2-year, 10-year, and 100-year, 24-hour event. These calculations shall use the same methodology that is used to calculate pre- and

post-development peak flow rates. The Rational Method shall not be used for detention design.

4. Drainage Plan: A comprehensive Drainage Plan shall be designed to safely and completely accommodate existing stormwater runoff, handle the proposed stormwater runoff and to manage increased stormwater runoff. This plan shall adhere to the necessary documents, calculations, and guidelines set forth in this ordinance and in the City of Starkville Standards of Design and Specifications, and shall include and be designed based upon the following:

i. For all stormwater management facilities, design hydrographs of inflow, outflow and routed/detained conditions for the 2-year, 10-year, and 100-year, 24-hour event peak flows from the site under pre-development, post-development, and routed/detained conditions;

B. Time of concentration path including length, slope and type (e.g., sheet, shallow-concentrated, channel, closed conduit, etc.) of flow. Calculation method for time of concentration shall be performed in accordance with the TR-55 method; furthermore, sheet flow shall not exceed one-hundred (100) linear feet for any time of concentration calculation for a post-development scenario and shall not include any flow paths representative of a designed conveyance system including but not limited to curb and gutter, swales, ditches, graded channels, etc.

C. Stormwater Management Facilities: Stormwater management facilities, including detention and retention facilities, are designed primarily to detain increased runoff that occurs from development and additional impervious areas. These facilities must meet the requirements set forth in this ordinance and in the City of Starkville Standards of Design and Specifications.

1. Location of Facilities: Stormwater management facilities,

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including detention and retention facilities, are designed primarily to detain increased runoff that occurs from development and additional impervious surfaces. These facilities must meet the requirements set forth in this ordinance and in the City of Starkville Standards of Design and Specifications.

2. **Maintenance of Facilities:** All improvements, including landscaping, shall be maintained in perpetuity and cannot be developed for any other use which would limit or cause to limit the use of the improvements. In the case of shared stormwater management facilities, the improvements shall be owned and/or maintained by the property owner's association of the development. A special note to this effect shall appear on any final plat of subdivision or any plat of condominium and their declarations. A property owner's association shall be formed by the developer in perpetuity for the maintenance of the improvements. Membership shall be mandatory for all property owners. Articles of agreement of the property owner's association must be approved by the Board of Aldermen of the City of Starkville before recording. When problems arise due to inadequate maintenance, the City Engineer or his designated agent of the City of Starkville may inspect the improvements and compel the correction of the problem by issuing a written notice of violation to the owner of the property. If remediation of the violation and/or restoration of affected property is required, the notice shall set forth a deadline of thirty (30) days within which such remediation or restoration must be completed. In accordance with the authority of the municipality granted by MCA 1972 § 21-17-5, said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated

governmental agency or a contractor and the expense thereof shall be charged to the violator.

3. **Inspection of Facilities:** Inspection of Facilities: The City Engineer or his designated agent shall inspect all stormwater management facilities while under construction. All stormwater management facilities located on private property shall be accessible at all times for inspection by the City Engineer or other responsible public official. A final inspection by the City Engineer or his designated representative is required before the release of any certificates of occupancy or performance securities can occur.
4. **As-built Documentation.** Upon completion of a project or a phase of a phased project, the registered landscape architect or the licensed professional engineer is responsible for submitting a signed/stamped certification that the completed project is in accordance with the approved Drainage Plan. All applicants are required to submit actual "as-built" plans for any stormwater management facilities or practices after final construction is completed. See the City of Starkville Standards of Design and Specifications for as-built documentation requirements.

16.9.4. Miscellaneous

- A. Penalties for Violation.** Any responsible party found to be in violation of any of the terms and provisions of this article shall be notified in writing of the violation. If remediation of the violation and/or restoration of affected property is required, the notice shall set forth a deadline of thirty (30) days within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof and a civil penalty of not more than \$500.00 per day of continuing violation shall be charged to the violator. In addition, the City may issue stop work orders on any Development that fails to remediate stormwater violations, and reserves the right to pursue any and all additional remedies allowed by law.
- B. Validity.** If any term or provision of this article shall be held to be unconstitutional or otherwise unenforceable, the remainder thereof shall not be affected thereby and shall remain in full force and effect.
- C. Conflict.** All ordinances heretofore adopted on the subject which are in conflict herewith are hereby repealed and the application of this article as will not be contrary to the public interest.
- D. Variance.** All variances from the requirements of this section shall be reviewed in accordance with Section 3.7 by the Board of Adjustments and Appeals.
- E. Maintenance Access Easements.** The owner or responsible party must ensure access from a public right-of-way to the stormwater management facilities. A permanent access easement shall be secured to ensure access to the stormwater management facilities to perform regular inspection, maintenance, and repairs. Such access shall be sufficient for all necessary equipment for maintenance activities and repairs. All such easements

shall be noted on any plat, survey, site plan, or other application or map provided to the City of Starkville for any purpose.

16.10. Flood Damage Prevention Ordinance

16.10.1. Statutory Authorization, Findings of Fact, Purpose, and Objectives.

A. Statutory Authorization. The Legislature of the state of Mississippi has in Title 17, Chapter 1, Mississippi Code of 1972 Annotated delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Board of Aldermen for the City of Starkville, Mississippi does hereby adopt the following floodplain management regulations.

B. Finding of Fact

1. The City of Starkville, Mississippi is subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions, both inside and outside the identified Special Flood Hazard Areas, causing increases in flood heights and velocities and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages

C. Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards,

which result in damaging increases in erosion or in flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging, and other development which may increase erosion or flood damage, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

D. Objectives. The objectives of this ordinance are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
7. To ensure that potential homebuyers are notified that property is in a flood prone area.

E. Methods of Reducing Flood Losses. In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 4. Controlling filling, grading, dredging, and other development which may increase flood damage, and;
 5. Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards in other areas.
- 16.10.2. Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

A

A Zone is the Area of Special Flood Hazard without base flood elevations determined.

AE Zone is the Area of Special Flood Hazard with base flood elevations determined.

Accessory structure (Appurtenant structure) means a structure, which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory

structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing building) means any walled and roofed expansion to the perimeter or height of a building. Any addition shall be considered new construction. If the addition is more than 50% of the market value of the structure, then the addition and the existing structure are now new construction.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

AR/AE, AR/AH, AR/AO, and AR/A Zones are SFHAs that result from the decertification of a previously accredited flood protection system or levee that is in the process of being restored to provide a one percent chance or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.

Agg Zone is that part of the SFHA inundated by the one percent chance flood to be protected from the one percent chance flood by a Federal flood protection system or levee under construction, no base flood elevations are determined.

Area of shallow flooding means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater

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chance of flooding in any given year. This area is also referred to as the Special Flood Hazard Area (SFHA).

B

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year (also called the “one percent chance flood”).

Base Flood Elevation (BFE) is the elevation shown in the Flood Insurance Study (FIS) for Zones AE, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, and VE that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

Basement means any portion of a building having its floor sub-grade (below ground level) on all sides.

Breakaway Wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. This is associated with VE Zone construction.

Building see **Structure**.

C

Coastal High Hazard Area is an area of special flood hazard. Extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as VE Zone.

Community is a political entity and/or its authorized agents or representatives that have the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Floodplain Management Map means any map produced by the community utilizing best available base flood elevation and floodway data that is from a federal, state, or other accepted technical source.

Community Rating System (CRS) is a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Community Flood Hazard Area (CFHA) is an area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. This includes areas downstream from dams.

Critical facility (also called critical action) means facilities for which the effects of even a slight chance of flooding would be too great. The minimum floodplain of concern for critical facilities is the 0.2 percent chance flood level. Critical facilities include, but are not limited to facilities critical to the health and safety of the public such as: emergency operations centers, designated public shelters, schools, nursing homes, hospitals, police, fire and emergency response installations, vital data storage centers, power generation and water and other utilities (including related infrastructure such as principal points of utility systems) and installations which produce, use or store hazardous materials or hazardous waste (as defined under the Clean Water Act and other Federal statutes and regulations).

D

D Zone is an area in which the flood hazard is undetermined.

Dam is any artificial barrier, including appurtenant works, constructed to impound or divert water, waste water, liquid borne materials, or solids that may flow if saturated. All structures necessary to maintain the water level in an impoundment or to divert a stream from its course will be considered a dam.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

Dry Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damages to real estate or improved real estate property, water, and

sanitary facilities, structures, and their contents. Structures shall be floodproofed with a minimum of 12 inches of freeboard (more is recommended) in relation to the base flood elevation. Dry floodproofing of a pre-FIRM residential structure that has not been substantially damaged or improved is allowed. Dry floodproofing of a post-FIRM residential building is not allowed. Non-residential structures may be dry floodproofed in all flood zones with the exception of the Coastal High Hazard Area or the Coastal AE Zone.

E

Elevated building means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, pilings, columns, or piers.

Elevation Certificate is a FEMA form used as a certified statement that verifies a building's elevation information.

Emergency Program means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance coverage for all insurable buildings in that community before the effective date of the initial FIRM.

Enclosures below the Lowest Floor see "Lowest Floor."

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

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Executive Order 11988 (Floodplain Management) this order requires that no federally assisted activities be conducted in or have the potential to affect identified Special Flood Hazard Areas, unless there is no practicable alternative.

Executive Order 11990 (Wetlands Protection) this order requires the avoidance of adverse impacts associated with the destruction or modification of wetlands.

Existing Construction means structures for which the "start of construction" commenced before date January 1, 1975. Existing construction may also be referred to as existing structures.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision includes the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

F

Fill means a deposit of earthen materials placed by artificial means.

Five-Hundred Year Flood means the flood that has a 0.2 percent chance of being equaled or exceeded in any year.

Areas subject to the 0.2 percent chance flood have a moderate risk of flooding.

Flood or flooding means:

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in paragraph (A)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A)(1) of this definition

Flood (insurance definition) means a general and temporary condition of partial or complete inundation of two or more acres of normally dry land areas or of two or more properties (e.g. a building and a public street) from (1) overflow of inland or tidal waters (2) unusual and rapid accumulation or runoff of surface waters (3) mudflows caused by flooding.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the

areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the document which provides an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide and/or flood-related erosion hazards.

Floodplain means any land area susceptible to being inundated by flood waters from any source.

Floodplain Administrator is the individual appointed to administer and enforce the floodplain management regulations.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing Certificate is an official FEMA form used to certify compliance for non-residential structures in non Coastal High Hazard Areas as an alternative to elevating buildings to or above the base flood elevation.

Floodway See Regulatory Floodway.

Floodway fringe means that area of the special flood hazard area on either side of the regulatory floodway.

Flood Protection Elevation is the base flood elevation plus the community freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations or base flood elevations determined and/or approved by the floodplain administrator plus freeboard.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, ship building and ship repair facilities. The term does not include long-term storage, manufacture, processing functions, sales, administrative functions, or service facilities.

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H

Hardship (as related to variances of this ordinance) means the exceptional difficulty that would result from a failure to grant the requested variance. The Mayor and Board of Aldermen requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Hazard potential means the possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or mis-operation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way on the current condition of a dam and its appurtenant structures (e.g. safety, structural integrity, and flood routing capacity).

High hazard dam means a class of dam in which failure may cause loss of life, serious damage to residential, industrial, or commercial buildings; or damage to, or disruption of, important public utilities or transportation facilities such as major highways or railroads. Dams which meet the statutory thresholds for regulation that are proposed for construction in established or proposed residential, commercial, or industrial areas will be assigned this classification, unless the applicant provides convincing evidence to the contrary

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Historic Structure means any structure that is:

- a.) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b.) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c.) Individually listed on the State of Mississippi inventory of historic structures, or;
- d.) Individually listed on a local inventory historic places in communities with historic preservation programs that have been certified by an approved state program as determined by the Secretary of the Interior.

Hydrologic and hydraulic engineering analyses means the analyses performed by a professional engineer, registered in the state of Mississippi, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and /or floodway boundaries.

I

Increased Cost of Compliance (ICC) coverage means under the standard flood insurance policy the cost to repair a substantially flood damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are floodproofing (nonresidential), relocation, elevation, demolition, or any combination thereof. All renewal and new policies with effective dates on or after June 1, 1997, include ICC coverage.

L

Letter of Map Change (LOMC) is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies.

Letter of Map Amendment (LOMA) An amendment based on technical data showing that a property was incorrectly included in a designated SFHA, was not elevated by fill (only by a natural grade elevation), and will not be inundated by the one percent chance flood. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.

Letter of Map Revision (LOMR) A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the BFE and is, therefore, excluded from the SFHA.

Conditional Letter of Map Revision (CLOMR) A formal review and comment by FEMA as to whether a proposed

project complies with the minimum NFIP floodplain management criteria. A CLOMR does not revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Levee means a man-made structure; usually earthen embankments designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices. For a levee system to be recognized, the following criteria must be met. All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or revised). All operations must be under the jurisdiction of a Federal or State agency, an agency created by Federal or State law, or an agency of a community participating in the NFIP.

Limit of Moderate Wave Action (LiMWA) is the limit of the AE Zone category area exposed to wave attack from wavers greater than 1.5 feet during the base (one percent chance) flood on open coastal and inland areas exposed to erosion and wave propagation.

Low hazard dam means a class of dam in which failure would at the most result in damage to agricultural land, farm buildings (excluding residences), or minor roads.

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Lowest adjacent grade means the elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is placed for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a building's foundation system.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the non-elevation provisions of this code.

M

Manufactured home (44 CFR 59.1 definition / FEMA) means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a "recreational vehicle."

Manufactured housing (24 CFR 3280.3 and 3285.5 definitions / HUD) means "...a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet in length or which when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map Amendment means a change to an effective NFIP map that results in the exclusion from the SFHA or an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Map Panel Number means the four-digit number followed by a letter suffix assigned by FEMA on a FIRM. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised.

Market value means the property value (as agreed between a willing buyer and seller); excluding the value of land as established by what the local real estate market will bear. Market value can be established by independent certified appraisal; replacement cost depreciated by age of building (Actual Cash Value); or adjusted assessed values.

Mean Sea Level means, for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

N

National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) means a vertical control, corrected in 1929, used as a reference for establishing varying elevations within the floodplain.

New Construction means a structure or an addition to an existing structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and any subsequent improvements to such structure or the addition.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain regulations adopted by a community.

Non-Residential means, but is not limited to; small business concerns, churches, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels and motels with normal room rentals for less than 6 months duration.

North American Vertical Datum (NAVD) of 1988 means a vertical control, corrected in 1988, used as a reference for establishing varying elevations within the floodplain.

O

Obstruction means, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channel construction, bridge, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One Percent Flood (aka 100-Year Flood) is the flood that has a one percent chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A or V is subject to inundation by the one percent chance flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood within the SFHA.

P

Participating Community is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Post-FIRM Construction means new construction and substantial improvements for which start of construction occurred after December 31, 1974, or after the effective date of the initial FIRM of the community, whichever is later.

Pre-FIRM Construction means new construction and substantial improvements for which start of construction occurred before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

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Probation is a means of FEMA formally notifying participating communities of the first of the two NFIP sanctions due to their failure to correct violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Public safety and nuisance means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

R

Recreational vehicle means a vehicle that is:

- a.) Licensed and titled as an RV or park model (not a permanent residence);
- b.) Built on a single chassis;
- c.) 400 square feet or less when measured at the largest horizontal projection;
- d.) Has no attached deck, porch, or shed;
- e.) Has quick-disconnect sewage, water, and electrical connectors;
- f.) Designed to be self-propelled or permanently towable by a light duty truck, and;
- g.) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regular Program means the second phase of the community's participation in the NFIP in which second layer coverage is available based upon risk premium rates only after FEMA has completed a risk study for the community.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must

be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Repair means the reconstruction or renewal of any part of an existing building for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and all such regulations effective at the time of permitting must be met.

Repetitive Loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Repetitive Loss Property is any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A RL property may or may not be currently insured by the NFIP.

S

Section 1316 means that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that FEMA finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Severe Repetitive Loss Structure means any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership:

1. Four or more separate claim payments of more than \$5,000 each (including building and contents payments); or
2. Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.

Significant hazard dam means a dam assigned the significant hazard potential classification where failure may cause damage to main roads, minor railroads, or cause interruption of use, or service of relatively important public utilities.

Special flood hazard area (SFHA) means that portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zones A, AE, AH, AO, AR, AR/AE, AR/AO, AR/AH, AR/A, Agg, or VE.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act P. L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs

or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure (for floodplain management purposes), means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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Structure (for insurance purposes), means a building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; a manufactured home built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation; or a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. The term does not include a recreational vehicle or a park trailer or other similar vehicle, except as described in the last part of this definition, or a gas, or a liquid storage tank.

Subrogation means an action brought by FEMA when flood damages have occurred, a flood insurance claim has been paid, and all or part of the damage can be attributed to acts or omissions by a community or other third party.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any combination of reconstruction, rehabilitation, or other improvement of a structure taking place during a 10 year period in which the cumulative percentage of improvement equals or exceeds 50 percent of the current market value of the structure before the "start of construction" of the improvement. . The costs for determining substantial improvement

include the costs of additions. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work performed.

The term does not apply to:

a.) Any project for improvement of a building required to correct existing violations of state or local existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are minimum necessary to assure safe living conditions, provided that said code deficiencies were not caused by neglect or lack of maintenance on the part of the current or previous owners or;

b.) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Substantially improved existing manufactured home parks or subdivisions means manufactured home parks or subdivisions where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Suspension means the removal, with or without probation, of a participating community from the NFIP because the community failed to adopt and enforce the compliant floodplain management regulations required for participation in the NFIP.

V

VE Zone see “Coastal High Hazard Area”

Variance is a grant of relief from the requirements of this ordinance.

Violation means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

W

Watercourse means any flowing body of water including a river, creek, stream, or a branch.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wet floodproofing means a method of construction which allows water to enter a structure in such a way that will minimize damage to the structure and its contents. Wet floodproofing is appropriate for functionally dependent use and uses that facilitate open space use by variance only, structures utilized for parking or limited storage, or when all other techniques are not technically feasible. Wet floodproofing shall not be utilized as a method to satisfy the requirements of this ordinance for bringing substantially damaged or improved structures into compliance. Wet floodproofing is not allowed in lieu of complying with the lowest floor elevation requirements for new residential buildings.

X

X Zones (shaded) are areas of 0.2 percent chance flood that are outside of the SFHA subject to the one percent chance flood with average depths of less than one foot, or with contributing drainage area less than one square mile and areas protected by certified levees from the base flood.

X Zones (unshaded) are areas determined to be outside the 0.2 percent chance floodplain.

Z

Zone means a geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

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16.10.3. General Provisions.

- A. **Lands to Which This Ordinance Applies.** This ordinance shall apply to all areas of special flood hazard (SFHA) areas within the jurisdiction of the City of Starkville, Mississippi.
- B. **Basis for Establishing the Area of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled "The Flood Insurance Study (FIS), Number 28105CV000A, for Oktibbeha County, Mississippi and Incorporated Areas", dated February 17, 2010 with accompanying Flood Insurance Rate Maps (FIRM) panel numbers 0063, 0064, 0068, 0132, 0151, 0152, 0153, 0154, 0158, 0161, 0162, 0166, and the Oktibbeha County Map Index, for the City of Starkville (Community Number 280124), Oktibbeha County, Mississippi, and other supporting data are adopted by reference and declared to be part of this ordinance. The Flood Insurance Study and maps are on file at the City of Starkville's Building Department.
- C. **Establishment of Floodplain Development Permit.** A development permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities in identified areas of special flood hazard within the community.
- D. **Compliance.** No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
- E. **Abrogation and Greater Restrictions.** This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap,

whichever imposes the more stringent restrictions shall prevail.

- F. **Interpretation.** In the interpretation and application of this ordinance all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body, and;
 - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- G. **Warning and Disclaimer of Liability.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Mayor and Board of Aldermen for the City of Starkville, Mississippi or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- H. **Enforcement, Penalties, and Violations.** Civil penalties. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000.00 or imprisoned for not more than 90 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be

considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful actions as are necessary to prevent or remedy any violation.

16.10.4. Administration.

- A. Designation of Flood Damage Prevention Ordinance Administrator.** The Mayor and Board of Aldermen for the City of Starkville, Mississippi hereby appoints the City Engineer to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator and/or the administrator.
- B. Permit Procedures.** Application for a Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
- 1. Application Stage.**
 - i. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings, which will be submitted on a FEMA Elevation Certificate Form 81-32 by a state of Mississippi registered engineer or surveyor;
 - ii. Elevation in relation to mean sea level to which any non-residential building in an A Zone will be floodproofed;
 - iii. Certificate from a state of Mississippi registered professional engineer or architect that the non-residential flood-proofed building will meet the floodproofing criteria in Section 16.10.4.2 (A) (2) and Section 16.10.5.2 (B);

- iv. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
2. **Finished Construction.** Upon completion of construction, a FEMA elevation certificate Form 81-32 which depicts all finished construction elevations is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, a FEMA floodproofing certificate is required to be submitted by the permit holder to the Floodplain Administrator.
- C. Powers, Duties, and Responsibilities of the Floodplain Administrator.** The Floodplain Administrator and his or her designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.
 - 1. Right of Entry**
 - i. Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Administrator has reasonable cause to believe that there exists in any building or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the Administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the Administrator by this ordinance.
 - ii. If such building or premises are occupied, the Administrator shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such building or premises.

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- iii. If entry is refused, the Administrator shall have recourse to every remedy provided by law to secure entry.
 - iv. When the Administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after a proper request is made as herein provided, to promptly permit entry therein by the Administrator for the purpose of inspection and examination pursuant to this ordinance.
2. **Stop Work Orders.** Upon notice from the Administrator, work on any building, structure or premises that is being performed contrary to the provisions of this ordinance shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
3. **Revocation of Permits**
 - i. The Administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - ii. The Administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.
 4. **Duties of the Administrator.** The duties of the administrator shall include, but not be limited to:
 - i. Review all development permits to assure that the permit requirements of this ordinance have been satisfied.
 - ii. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Additionally, require the permittee to obtain and submit copies of any required federal or state permits and maintain them on file with the development permit.
 - iii. Perform a minimum of three inspections to ensure that all applicable ordinance and floodplain development requirements have been satisfied. The first inspection upon the establishment of the Base Flood Elevation reference mark at the development site; the second upon the establishment of the structure's footprint prior to pouring the slab or the establishment of the lowest floor in an elevated foundation system; and the final inspection upon completion and submission of the required finished construction elevation certificate.
 - iv. Verify any required setback distances.
 - v. Verify that all placement of fill or grading is according to certified plans. Assure that any fill being used as part of the structure's foundation system (not allowed in a CHHA) is both clean material and properly compacted and placed. A professional certification that any structure built on fill is reasonably safe from flooding can be requested of the builder/developer.
 - vi. Verify adequate placement and size of any required flood vents in regard to the number of openings, their location, size, and height above ground level.
 - vii. Ensure that a crawlspace has adequate vents or openings and that the interior grade is at or above the exterior grade.

- viii. Verify that the structure's utilities, duct work, and HVAC systems are at or above the base flood elevation.
- ix. Notify adjacent communities, the NFIP State Coordinator, and other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse.
- x. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- xi. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction and substantially improved buildings, in accordance with Section 16.10.4.2 (B). Information must be recorded on the FEMA Elevation Certificate Form 81-32.
- xii. Verify and record the actual elevation (in relation to mean sea level) to which the new construction and substantially improved buildings have been floodproofed, in accordance with Section 16.10.4.2 (B). Information must be recorded on the FEMA Elevation Certificate Form 81-32.
- xiii. Review certified plans and specifications for compliance.
- xiv. Make the necessary interpretation where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
- xv. Obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source when base flood elevation data or floodway data have not been provided in accordance with

Section 16.10.3.2, in order to administer the provisions of Section 16.10.5.

- xvi. Provide information, testimony, or other evidence, as needed during variance request hearings.
- xvii. Conduct the following actions when damage occurs to a building or buildings:
 - a. Determine whether damaged structures are located within the Special Flood Hazard Area;
 - b. Conduct damage assessments for those damaged structures located in the SFHA, and;
 - c. Make a reasonable attempt to notify the owner(s) of damaged structure(s) of the requirement to obtain a building permit / floodplain development permit prior to repair, rehabilitation, or reconstruction.
- xviii. Perform such other inspections as may be required to ensure compliance with the other provisions of this ordinance.

16.10.5. Provisions for Flood Hazard Reduction

- A. General Standards for All Zones.** In all areas of special flood hazard the following provisions are required:
 - 1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.
 - 2. Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Dry stacked blocks (stacked without the use of mortar or cement to bond them together) are not to be used as an anchor/elevation method. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

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3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 5. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, such facilities shall be located a minimum of two feet above the Base Flood Elevation.
 6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.
 10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity shall meet the requirements of "new construction" as contained in this ordinance.
 11. All gas and liquid storage tanks (both above and below ground) shall be adequately anchored to prevent floatation, lateral movement resulting from hydrodynamic forces, and the effects of buoyancy.
12. When new construction and substantial improvements are located in multiple flood zones or in a flood zone with multiple base flood elevations, they shall meet the requirement for the more stringent flood zone and the highest base flood elevation.
 13. Require that all manufactured homes be placed or installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Dry stacked blocks (stacked without the use of mortar or cement to bond them together) are not allowed within the Special Flood Hazard Area.
- B. Specific Standards for Riverine Zones.** In all areas of special flood hazard designated on the community's FIRM, where base flood elevation data have been provided (excluding CHHA and Coastal AE Zone), as set forth in Section 16.10.3.2, the following provisions, in addition to the standards of Section 16.10.5.1, are required:
1. **Residential Construction.** New construction and substantial improvement of any residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than two feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces on exterior walls of enclosures that are subject to flooding, shall be provided in accordance with standards of Section 16.10.5.2 (D).
 2. **Non-Residential Construction.** New construction and substantial improvement of any commercial, industrial, or non-residential building (including manufactured building)

shall have the lowest floor, including basement, elevated to no lower than two feet above the base flood elevation. Buildings located in all A Zones may, together with attendant utility and sanitary facilities, be floodproofed in lieu of being elevated provided that all areas of the building below the base flood elevation plus two feet plus a minimum of one (1) foot of freeboard are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. Dry floodproofing is allowed only where flood velocities are less than or equal to five feet per second. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A Flood Emergency Operation Plan and an Inspection and Maintenance Plan must be provided by the design professional for the building. Such certification shall be provided to the Floodplain Administrator.

3. In special flood hazard areas with base flood elevations (AE Zones) but without floodways, no encroachments, including fill material or structures, shall be permitted unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification must be supported by technical data that conforms to standard hydraulic engineering principles.
4. **Enclosures.** New construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor

shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Enclosed areas, including crawl spaces, shall be used solely for parking of vehicles, building access, and storage.

- i. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed the following criteria:
 - a. Provide a minimum of two openings, on different sides of each enclosed area; if a structure has more than one enclosed area below the base flood elevation, each shall have openings on exterior walls;
 - b. The total net area of all openings shall be at least one square inch for each square foot of enclosed area, or the openings shall be designed and the construction documents shall include a statement that the design and installation will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters;
 - c. The bottom of all openings shall be no higher than one foot above interior grade (which must be equal to in elevation or higher than the exterior grade);
 - d. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions and automatically equalize hydrostatic flood loads on exterior walls, and;
- ii. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,

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- iii. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.
 - iv. Property owners shall be required to execute a flood openings/venting affidavit acknowledging that all openings will be maintained as flood vents, and that the elimination or alteration of the openings in any way will violate the requirements of Article 5, Section B. Periodic inspections will be conducted by the Floodplain Administrator to ensure compliance.
 5. Detached storage buildings, sheds, or other like accessory improvements, including detached garages, carports, and boat houses, shall solely be used for parking of vehicles and storage. Such storage space shall not be used for human habitation and shall be limited to storage of items that can withstand exposure to the elements and have low flood damage potential. The storage space shall be constructed of flood resistant or breakaway materials, and equipment and service utilities, such as electrical outlets, shall be limited to essential lighting and other incidental uses, and must be elevated or floodproofed. Flood openings in accordance with the standards of Section 16.10.5.2 (D) shall also be required. These accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters. Accessory improvements and other appurtenant structures shall be firmly anchored to prevent flotation that may result in damage to other structures.
 6. Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor of the structure or the detached accessory building shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area.
7. Standards for Manufactured Homes and Recreational Vehicles.
 - i. All manufactured homes placed, or substantially improved, on individual lots or parcels, in existing manufactured home parks or subdivisions, in expansions to existing manufactured home parks or subdivisions, in new manufactured home parks or subdivisions or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring and the flood openings requirements of Section 16.10.5.2 (D). Manufactured homes must be:
 - a. Elevated on a permanent foundation to have its lowest floor elevated no lower than two feet above the base flood elevation, and;
 - b. Securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - c. Require that all manufactured homes be placed or installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Dry stacked blocks (stacked without the use of mortar or cement to bond them together) are not allowed within the Special Flood Hazard Area.
 - ii. All recreational vehicles placed on sites must either:
 - a. Be on site for fewer than 180 consecutive days and shall leave the site and obtain a new permit before returning to the same site, and;
 - b. Be fully licensed and ready for highway use, or
 - c. Must meet all the requirements for new construction, including anchoring and elevation requirements of this

Section 16.10.5.2 (F) (1) or Section 16.10.5.2 (F) (2) (i) above.

A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the state of Mississippi motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- iii. **Floodways.** Located within areas of special flood hazard adopted by reference in Section 16.10.3.2, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:
 - a. Encroachments, including fill, new construction, substantial improvements, and other development, are prohibited.
 - b. The placement of manufactured homes (mobile homes) is prohibited.
 - c. Permissible uses within the floodway may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also lawns, gardens, athletic fields, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. These permissible uses may require certification (with supporting technical data) by a registered professional engineer demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. The uses in this subsection are permissible only if and to the extent that they do not cause

any increase in flood levels during the base flood discharge.

- C. **Standards for Streams Without Base Flood Elevations and Floodways.** When base flood elevation data and floodway data are not available in accordance with Section 16.10.3.1, in Special Flood Hazard Areas and Community Flood Hazard Areas without base flood elevation data, new construction and substantial improvements shall be elevated or floodproofed to elevations established by the community. The following provisions in addition to the standards of Section 16.10.5.1 and the enclosure standards of Section 16.10.5.2 (D) shall apply:
 - 1. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than five lots or five acres, whichever is lesser, include within such proposals base flood elevation data;
 - 2. The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Section 16.10.5. When such data are available, standards of Section 16.10.5.2, shall apply. If data is not available from Section 16.10.5.3 (A) or outside sources, then the following provisions shall apply.
 - 3. No encroachments, including fill material or other development, shall be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or twenty feet each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the

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- base flood discharge. The enclosure standards of Section 16.10.5.2 (D) shall apply.
4. The Floodplain Administrator shall require that a single lot applicant develop the base flood elevation for the development site, utilizing accepted engineering practices and procedures. Upon review of the submitted data, the Administrator may accept or reject the proposed base flood elevation. When such data is accepted, standards of Section 16.10.5.2, shall apply.
 5. Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 6. Require that all manufactured homes be placed or installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Dry stacked blocks (stacked without the use of mortar or cement to bond them together) are not allowed within the Special Flood Hazard Area.
- D. Standards for Subdivision Proposals and Other Proposed Development.**
1. All subdivision proposals shall be consistent with the need to minimize flood damage;
 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
 4. Base flood elevation data shall be provided for all new subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than five lots or five acres, whichever is the lesser.
5. All subdivision proposals shall have at least one means of ingress/egress where the roadway shall be elevated to or above the base flood elevation;
 - i. The subdivider/applicant shall comply with the following:
 - a. Show the floodplain boundary on the face of the subdivision plat, referencing the flood insurance rate map panel number and effective date.
 - b. Indicate the lowest finished floor elevation (FFE) and building pad elevations for each lot located within the special hazard flood area on the face of the subdivision plat.
 6. All preliminary plans for platted subdivisions shall identify the flood hazard areas and elevations of the base flood.
 7. All final subdivisions plats shall provide the boundary of the special flood hazard area, the floodway boundary, and the base flood elevation
- E. Critical Facilities.** Construction of new and substantially improved critical facilities shall be located outside the limits of the special flood hazard area (one percent chance floodplain). Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available and access to the facilities remains available during a 0.2 percent chance flood. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet six inches (3'6") above the base flood elevation at the site (or to the 0.2 percent chance flood elevation whichever is greater). Floodproofing and sealing measures must be implemented to ensure that toxic substances will not be displaced by or released into floodwaters. Multiple access

routes, elevated to or above the 0.2 percent flood elevation, shall be provided to all critical facilities to the maximum extent possible. Critical facilities must not only be protected to or above the 0.2 percent chance flood, but must remain operable during such an event. The community's flood response plan must list facilities considered critical in a flood, since loss of access can cause a critical situation. Other facilities in low risk flood zones that may also be needed to support flood response efforts must be included on the critical facility list. The use of any structure shall not be changed to a critical facility, where such a change in use will render the new critical facility out of conformance with this section. The list of the operators of the critical facilities affected by flooding must be updated at least annually, as part of the community critical facility planning procedures.

16.10.6. Variance Procedures.

- A. Designation of Variance and Appeals Board.** The Board of Aldermen for the City of Starkville, Mississippi shall hear and decide appeals and requests for variances from the requirements of this ordinance and is herein referred to as the board.
- B. Duties of Variance and Appeals Board.** The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Oktibbeha County Circuit Court as provided in Mississippi Code Annotated, § 11-51-75 (1972).
- C. Variance Procedures.** In passing upon such applications, the board shall consider all technical evaluations, relevant

- factors, and standards specified in other sections of this ordinance, and:
1. The evaluation must be based on the characteristics unique to that property and not be shared by adjacent parcels. The characteristics must pertain to the land itself, not to the structure, its inhabitants, or its owners;
 2. Variances shall not be granted for multiple lots, phases of subdivisions, or entire subdivisions;
 3. The danger that materials may be swept onto other lands to the injury of others;
 4. The danger of life and property due to flooding or erosion damage;
 5. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and the community;
 6. The importance of the services provided by the proposed facility to the community;
 7. The necessity of the facility to be at a waterfront location, where applicable;
 8. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 9. The compatibility of the proposed use with existing and anticipated development;
 10. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 11. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 12. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site, and;
 13. The costs of providing governmental services during and after flood conditions, including maintenance and repair

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of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges and culverts.

14. Upon consideration of factors listed above, and the purpose of this ordinance, the board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

15. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Conditions for Variance.

1. Variances shall only be issued when there is:

- i. A showing of good and sufficient cause;
- ii. A determination that failure to grant the variance would result in exceptional hardship, and;
- iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

2. The provisions of this ordinance are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this ordinance, considering the flood hazard, to afford relief. In the instance of a Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building (See Section 16.10.6.6).

3. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor

is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

4. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and Mississippi Emergency Management Agency upon request (Section 16.10.6.5).

5. Upon consideration of the factors listed above and the purposes of this ordinance, the board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

6. Variances shall not be issued "after the fact."

E. **Variance Notification.** Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and;

2. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Chancery Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances to the Federal Emergency Management Agency and the Mississippi Emergency Management Agency upon request.

F. **Historic Structures.** Variances may be issued for the repair or rehabilitation of "historic structures" only upon a

determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

G. Special Conditions. Upon consideration of the factors listed in Section 16.10.6, and the purposes of this ordinance, the City of Starkville may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this ordinance.

H. Floodway. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

16.10.7. Severability. If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 17. Building and Housing Code

17.7. Standards for Boarding up Vacant and Occupied Structures

17.7.1. Permit Required. In order to protect a structure from the elements or to ensure the security of a structure, the owner or the owner's agent may deem it appropriate to board up windows or door openings. Prior to boarding up the window or door openings in any vacant or occupied structure, the owner and/or the owner's agent shall have applied for and received a boarding up permit. Should damage occur to a structure during the nighttime hours, on weekends, or at other times when the Building Official is not available, the owner or the owner's agent may install boarding provided that application is made for a permit during the first business day following the boarding up action.

17.7.2. Review Procedure. The Building Official shall review each board up permit application to determine the potential for vandalism, structural damage due to exposure to rain, wind and other elements of nature, the security of the structure, the overall security, the aesthetic impact on the neighborhood, and the need to provide light and ventilation for occupants. Based on the following criteria, a boarding up permit can be issued if the Building Official determines that boarding up some or all of the windows and door openings in a structure will best serve to protect:

- A. The safety and welfare of the occupants
- B. The safety of the structure
- C. The overall safety and security of the neighborhood

17.7.3. Permit. A permit to board up the structure shall be issued to the owner or the owner's agent and work may commence immediately to board up the structure under the standards established in this section. If, however, the Building Official determines that boarding up window and door openings is not necessary based on the review criteria

in Section 17.7.2, a board up permit shall be denied. Upon denial, the owner or the owner's agent shall be instructed to proceed immediately with normal window and door repairs so that the structure will remain safe and secure and impervious to the elements. Such repairs to be accomplished as provided for in the relevant sections the Unified Development Code and the Adopted Technical Codes.

17.7.4. Duration.

- A. No boarding up permit shall be issued for a maximum initial permit period greater than one hundred and eighty (180) days.
- B. The Building Official may set a permit period of less than one hundred and eighty (180) days based on the review criteria.

17.7.5. Extension.

- A. The owner or the owner's agent of a structure that has been boarded up, may request an extension in writing to the Building Official.
- B. Each extension request shall include a detailed explanation of why the construction, reconstruction, repair, and reoccupancy of the building cannot be accomplished within the initial permit period.
- C. Each extension request shall include a time table as to when the construction, reconstruction, repair, and reoccupancy of the building will occur.
- D. The Building Official may grant the requested extension for a period not to exceed ninety (90) additional days. Under extraordinary circumstances, in order to protect the public health, safety and welfare, the Building Official may grant monthly extensions of the boarding up permit thereafter.