

PUBLIC HEARINGS:

FIFTH PUBLIC HEARING AND CONSIDERATION OF AMENDING SECTION 3, 17, AND 18 OF THE UNIFIED DEVELOPMENT CODE WITH THE ADDITION OF THE RENTAL HOUSING CODE

Daniel Havelin, City Planner, and Odie Avery, Assistant City Planner, presented the following proposed amendments to the UDC:

UDC Section Number	Description of Revision
3.8	Added Administrative Appeal of Rental Housing Code and Transient Vencor Licenses
17.6	Added Rental Housing Code
18	Adding, Updating, and Deleting Definitions relating to Rental Housing Code

Mayor Spruill opened the Public Hearing.

Alvin Turner noted his home recently was inspected as part of HUD housing and he felt this to be a positive thing for rental properties.

There being no additional comments, the Mayor closed the Public Hearing.

28. CONSIDERATION OF AMENDING SECTIONS 3, 17, AND 18 OF THE UNIFIED DEVELOPMENT CODE WITH THE ADDITION OF THE RENTAL HOUSING CODE

Alderman Sistrunk, duly seconded by Alderman Beatty, offered a motion approving the amending of sections 3, 17, and 18 of the Unified Development Code with the addition of the Rental Housing Code. The Board voted as follows:

- Alderman Ben Carver Voted: Nay
- Alderman Sandra Sistrunk Voted: Yea
- Alderman Jeffrey Rupp Voted: Yea
- Alderman Mike Brooks Voted: Nay
- Alderman Hamp Beatty Voted: Yea
- Alderman Roy A'. Perkins Voted: Yea
- Alderman Henry Vaughn, Sr. Voted: Yea

Having received a majority affirmative vote, the Mayor declared the motion passed.

The amendments follow this page.

ORDINANCE NO. 2022-01

ORDINANCE OF THE CITY OF STARKVILLE, MISSISSIPPI FOR AMENDING THE UNIFIED DEVELOPMENT CODE WITH THE ADOPTION OF SECTION 17.6 RENTAL HOUSING CODE

WHEREAS, The City of Starkville finds that certain of its residential neighborhoods could experience declining property values, a concomitant loss of City property tax revenue, and a decline in health, safety, and quality of life due to a lack of inspection and preventive and ongoing maintenance for an increasing number of long-term rental properties;

WHEREAS, the City has received numerous complaints from residents regarding unabated nuisances and risks to health, welfare, and safety caused by poorly maintained long term rental properties in their neighborhoods, including single family homes, resulting in sanitation problems, traffic safety issues, environmental and health concerns, and code violations; and

WHEREAS, the City finds and declares a compelling interest in establishing standards for licensing, inventorying, inspecting, and maintaining properties that are rented or leased for long term residential occupancy, in order to ensure decent, safe, and sanitary residential long term rental properties in the City and its residential neighborhoods; and

WHEREAS, the City has a duty and need to enact regulations that establish safe standards related to preventive and ongoing long term rental property maintenance, and enable the City to effectively license, inventory, inspect, and, if necessary, repair rental properties, in order to protect the overall health, safety, and welfare of the City's residents; and

WHEREAS, Section 21-17-5 of the Mississippi Code authorizes the City to adopt ordinances with respect to the care, management, and control of its municipal affairs, property, and finances; and

WHEREAS, Section 21-19-25 of the Mississippi Code authorizes the City to adopt codes by ordinance dealing with the general public health, safety, or welfare, or a combination of the same; and

WHEREAS, the Mayor and Board of Aldermen of the City of Starkville, Mississippi, did hold multiple public hearings in connection with the proposed amendments of the Unified Development Code; and

WHEREAS, the Mayor and Board of Aldermen do hereby find that notice of said public hearings was given as required by law, and based upon the input from citizens and others, the City of Starkville finds the need to amend the Unified Development Code.

NOW THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Starkville, Mississippi:

SECTION 1. That Sections 3, 17, and 18 of the Unified Development Code of the City of Starkville shall be amended as provided herein-above.

SECTION 2. Said Ordinance having been previously reduced to writing, a motion was made by Alderman Sistrunk and seconded by Alderman Brooks to adopt the Ordinance and no request having been made by the Mayor or any member of the Board of Aldermen that said Ordinance be read by the City Clerk before a vote was taken, and reading of such having been waived, said Ordinance was adopted by the vote of the Board of Aldermen, the results being as follows:

Alderman Ben Carver	Ward 1	Voted: <u>Nay</u>
Alderman Sandra C. Sistrunk	Ward 2	Voted: <u>Yea</u>
Alderman Jeffrey Rupp	Ward 3	Voted: <u>Yea</u>
Alderman Mike Brooks	Ward 4	Voted: <u>Nay</u>
Alderman Hamp Beatty	Ward 5	Voted: <u>Yea</u>
Vice Mayor Roy A'. Perkins	Ward 6	Voted: <u>Yea</u>
Alderman Henry N. Vaughn, Sr.	Ward 7	Voted: <u>Yea</u>

ORDAINED AND APPROVED, this the 15th day of February, 2022, at the Recess Meeting of the Mayor and Board of Aldermen of the City of Starkville, Mississippi.

City of Starkville, Mississippi

D. Lynn Spruill, Mayor

ATTEST:

Lesa Hardin, City Clerk

Section 3. Procedures & Processes

3.4. Special Exception

1. Special exceptions shall include any building, sign, accessory structure, or site feature associated with the use that is being altered or built and is not permitted by right in a zoning district. Special exceptions shall follow the additional design standards associated with a use that shall be adhered to as a part of the approval unless specifically removed as part of approval. A special exception shall also include any request to deviate from the Use Standards, Development Standards, Subdivision Standards, or Base Dimensional Standards that are non-dimensional in nature.
2. The purpose and intent of this article is to ensure that special exceptions shall only be permitted on sites where the proposed building, sign, accessory structure, or site associated with the use may be adequately accommodated, without generating adverse impacts in the area of the proposed special exception. The determination of need for a special exception shall be made by the City Planner. A special exception shall be permitted only upon a finding by the Planning and Zoning Commission and the Board of Alderman in compliance with the procedures and criteria set forth below:
 - 3.4.1. **Criteria for special exception review and approval in all zoning districts.**
 - A. **Site suitability.** The proposed location of the structure and use has adequate space for development, adequate access to the site, fits contextually with the surrounding area, and has been properly designed for any environmental constraints.
 - B. **Traffic.** There is no undue nuisance or serious hazard to pedestrian or vehicular traffic in the surrounding area by the proposed structure and use.
 - C. **Immediate neighborhood impact.** The proposed structure and use are not detrimental, injurious, obnoxious, or offensive to other properties in the neighborhood. Negative impacts can include excessive

- D. **Availability of public services.** The proposed structure and use are adequately served by sewer, water, electricity, fire protection, police protection, and provides for any stormwater requirements.
 - E. **Site plan.** A site plan shall be reviewed by the Development Review Committee prior to review by the Planning and Zoning Commission only if the proposed development meets the requirements for site plan review. This review shall be to determine if elements have been adequately provided on the plan. These elements can include, but are not limited to: parking areas, loading areas, buffers, screening, landscaping, and signage. Additional approval by the Development Review Committee may be required for site plan approval after approval of a special exception.
 - F. **Impact on property values.** The proposed location of the structure and use will not cause or contribute to a decline in property values of surrounding properties.
 - G. **Consistency with Comprehensive Plan.** The proposed special exception is consistent with the goals, objectives, and policies of the Comprehensive Plan.
 - H. **Additional standards.** All associated additional standards for the proposed building, sign, accessory structure, or site associated with the use have been adequately provided for on the site plan.
- 3.4.2. **Additional Criteria for special exception review and approval in form-based districts**
 - A. The special exception request shall be consistent with the intent of the form-based districts.
 - 3.4.3. **Review procedures.**
 - A. **Application.** All applications for a special exception shall be in the form required and provided by the City Planner. Completed application packages are due by 5:00 p.m. on the deadline date as set forth by the approved Planning and Zoning Commission schedule. Such applications shall be submitted to the City Planner together with the fee

Section 3. Procedures & Processes

established by resolution of the Mayor and Board of Aldermen. A "completed application" shall include the application form, the applicable fee, a legal description of the subject property, letter of authorization if required and all required supplemental information necessary to render determinations related to the special exception request including:

- 1. Interest and ownership.** The applicant's name, address, and interest in the application, and the concurrence of the owner or owners of the entire land area and structures to be included within the subject property.
- 2. Applicant statement.** The applicant statement shall include an explanation with the reasoning for the special exception request and a citation of the specific code section from which the special exception is sought.

B. Review by the Development Review Committee. The application shall be reviewed by the Development Review Committee before their public hearing date. Comments from this meeting, if not addressed prior to the hearing, may be added to the staff report for the public hearing as recommended condition(s) of approval.

C. Administrative examination. Upon receipt of an application for a special exception, the City Planner shall examine, or cause to be examined, the application and shall make such investigation into the proposed special exception as is necessary. If the application is determined to be complete, the City Planner shall place the item on the agenda for the Commission. The date the item will be heard by the Commission shall be determined by the Planning and Zoning Commission schedule.

D. Public hearing. Upon receipt of a completed application for a special exception by the City Planner, the Planning and Zoning Commission shall hold a public hearing in accordance with the procedures cited in this section. The Commission shall recommend approval with or without conditions or recommend denial of the request. If recommended for approval or denial, the request will then

be scheduled for a public hearing for the Mayor and Board of Aldermen.

E. Notice and public hearing procedure for special exception. In considering and acting upon applications for special exception, the following procedures shall be observed:

- 1. Mailing of notices.** The City Planner shall mail notices at least fifteen (15) calendar days prior to the scheduled public hearing, setting forth the time, place, and purpose of the public hearing to all owners of real property within a minimum of one hundred and sixty (160) feet of the boundaries of the land upon which the special exception is requested. For the purpose of notice requirements to nearby owners of real property, the names and addresses of the owners shall be deemed to be those on the current tax records of Oktibbeha County. The failure of any owner required by this section to be notified by mail sent to the address on the current tax records of Oktibbeha County shall not invalidate or otherwise have any effect on the recommendation or final decision of any application.

- 2. Legal ad.** A legal ad shall be placed in the newspaper of record for Starkville at least fifteen (15) calendar days prior to the scheduled public hearing with the following information: governing body to hear the request, date of the hearing, time of the hearing, the location of the hearing, reason for the request, and a legal description of the property per Mississippi Code Title § 17-1-17.

- 3. Posting.** A sign shall be placed on the subject property in a conspicuous location at least fifteen (15) calendar days prior to the public hearing, notifying the general public of the request.

F. Applicant to pay costs. All costs of notification shall be paid by the applicant together with the application fee established by resolution of the Mayor and Board of Aldermen. Costs which exceed that paid at the time of application shall be billed and paid by the applicant prior to the public hearing by the Planning and Zoning Commission and/or Board of Aldermen. The application

Section 3. Procedures & Processes

fee for a special exception that did not receive approval prior to the commencement of construction and/or requires a modification of an approved site plan or building plan shall be charged an application fee three (3) times the established rate.

G. Appearance and presentation. At any public hearing upon any matter subject to the provisions of this article, the applicant seeking the special exception and any other party desiring to be heard upon the application may appear in person, by agent, or by attorney. The applicant shall be entitled to make a presentation and at the conclusion of presentations or statements by all other parties, shall be entitled to offer a statement in rebuttal if desired. The chairman of the Planning and Zoning Commission shall, at the commencement of the hearing upon each application or at any time during such hearing, require that parties desiring to make a presentation identify themselves and may specify the time to be allowed each such party within which to make such a presentation.

H. Action. If approval or denial is recommended by the Planning and Zoning Commission, that recommendation and any specific conditions shall be forwarded to the Mayor and Board of Aldermen for their binding decision.

I. Appeal. Parties aggrieved by the final decision of the Mayor and Board of Aldermen, may appeal to a court of competent jurisdiction pursuant to state statute.

J. Conditions of approval. The Mayor and Board of Aldermen may attach conditions in accordance with the approval. Conditions attached to the approval of a Special Exception shall run with the land and shall be binding upon the applicants, their heirs, and/or successors. The condition can be assigned for the duration of the use of the building, sign, accessory structure, or site.

K. Abandonment or discontinuance. Any built structure or site associated with an approved special exception may continue with the associated use unless the use is made a nonconformity by any subsequent zoning ordinance

and/or action by the Board of Aldermen. All nonconformities shall be regulated in accordance with section 3-17. If a specific time is not set as part of the approval of a special exception, the special exception shall expire within 18 months if no building permit has been issued and/or construction activities have ceased on the site. A special exception for any sign type shall expire upon the abandonment or discontinuance of the use or business. Reapplication for a special exception for sign will be required.

L. Reapplication. Reapplication for the same piece of property requesting the same special exception cannot be made within one (1) year from the date the application was originally denied by the Planning and Zoning Commission and/or the Board of Aldermen.

3-4-4. Other uses not specified. Any proposed structure or use not specifically prohibited by this Code shall be reviewed as a special exception application.

3.8. Administrative Appeal. An administrative appeal is any appeal from administrative interpretations on all matters pertaining to the adopted codes of the City that does not require a variance, waiver, use exception, or special exception. Administrative Appeals of the interpretation of the adopted Technical Codes or any issue related to stormwater requirements shall be reviewed by the Board of Adjustments and Appeals. All other Administrative Appeals shall be reviewed by the Planning and Zoning Commission.

3.8.1. Criteria for Administrative Appeal.

- A. Interpretation.** The appeal of the interpretation of the requirements by City Staff or the City's Consultant(s) shall be based on an alleged error in interpreting and/or the application of the requirements of the Unified Development Code.
- B. Appropriateness of the request.** The request for an Administrative Appeal shall be for interpretation only and does not trigger the requirements of a variance, waiver, use exception, or special exception.
- C. Review.** The Planning and Zoning Commission, Board of Adjustment and Appeals, and the Board of Aldermen shall have the power to review the decision of City Staff, *de novo*, but shall not consider new evidence that was not available to City Staff at the time of making an interpretation.

3.8.2. Application. An application for an appeal shall be submitted along with any supporting information to the Planning Department within ten (10) days of the written denial of an application by the Building Department, City Planner, Development Review Committee, and/or City Engineer.

3.8.3. Administrative Examination. Upon receipt of an application for an administrative appeal, the City Planner shall examine, or cause to be examined, the application and shall make such investigation into the proposed administrative appeal as is necessary. If the application is determined to be complete, the City Planner shall place

the item on the agenda for either the Planning and Zoning Commission or the Board of Adjustment and Appeals. The appeal shall be placed on the next regularly scheduled meeting of either the Planning and Zoning Commission or the Board of Adjustments and Appeals in accordance with the submittal schedule for non-advertised agenda items.

3.8.4. Appearance and Presentation. At the meeting, the applicant seeking the administrative appeal and any other party desiring to be heard upon the application may appear in person, by agent or by attorney. The applicant shall be entitled to make a presentation and at the conclusion of presentations or statements by all other parties, shall be entitled to offer a statement in rebuttal if desired. The chairman of either the Planning and Zoning Commission or the Board of Adjustment and Appeals shall, at the commencement of the meeting upon each application or at any time during such meeting, require that parties desiring to make a presentation identify themselves and may specify the time to be allowed each such party within which to make such a presentation.

3.8.5. Action. The decision recommended by either the Planning and Zoning Commission or the Board of Adjustments and Appeals and any specific conditions for approval shall be forwarded to the Mayor and Board of Aldermen for their binding decision. A super majority vote by either the Planning and Zoning Commission or the Board of Adjustments and Appeals shall be necessary to modify or reverse any order, requirement, decision, or determination of the Building Official, City Planner, Development Review Committee, and/or City Engineer. The Mayor and Board of Aldermen shall proceed to review the recommendation by either the Planning and Zoning Commission or the Board of Adjustment and Appeals. At the meeting, the decision of either the Planning and Zoning Commission or the Board of Adjustment and Appeals shall either be affirmed, modified, or reversed by the Board of Aldermen by majority vote.

Section 3. Procedures & Processes

- 3-8.6.** **Appeal.** Parties aggrieved by the final decision of the Mayor and Board of Aldermen, may appeal to a court of competent jurisdiction pursuant to state statute.
- 3-8.7.** **Conditions of Approval.** The Mayor and Board of Aldermen may attach conditions in accordance with the approval. Conditions attached to the approval of an administrative appeal shall run with the land and shall be binding upon the applicants, their heirs, and/or successors.

Section 3. Procedures & Processes

3.10. Architecture Review

3.10.1. Intent of architecture review. The intent of architecture review is to ensure that development within the City of Starkville is consistent with all applicable development standards. The approval of such development will be based upon the provisions of this code, the contextual surroundings of the development, potential visual impacts, compatibility with existing developments, and compatibility with anticipated developments within the immediate area and the City as a whole.

3.10.2. Applicability and filing process

A. All land areas in the city which are zoned for commercial use, industrial use, mixed-use, or multi-unit residential greater than two (2) dwelling units per site shall be subject to Architecture Review.

B. All proposed buildings or proposed remodeled buildings that require site plan review shall require Architecture Review approval prior to receiving a building permit.

C. The architecture review process can begin before, during, or after the site plan review and approval process.

3.10.3. Review and action by the Independent Consultant. After reviewing the building design plan and finding that the proposed plan meets the minimum requirements, the Architecture Review Committee will approve the building design plan. If the building design plan includes any requests for waiver, variance, or exception, the Architecture Review Committee will approve the building design plan only after approval from the Board of Aldermen. Approval of a building design plan is required prior to building permit approval.

3.10.4. Building design plan application requirements

A. Pre-Application. A pre-application meeting may be scheduled at the request of the applicant to discuss requirements and review conceptual drawings. A pre-application meeting is not required, but recommended.

B. Application. An application for Architecture Review shall be submitted along with the building plans to the Planning Department. Such applications shall be submitted to the

City Planner together with the fee established by resolution of the Mayor and Board of Aldermen. The application shall include the following:

- 1. Applicant and/or owner information.** The application shall list the property owner or authorized agents contact information including mailing address, email address, and phone number.
- 2. Project information.** The following shall be listed on the application: project name, project address, parcel id number, and zoning district.
- 3. Project description.** All projects shall include a description of the project indicating the proposed uses (commercial, residential, mixed-use, etc.). If the development is being proposed to be built in phases, the applicant shall submit an application for the entire development showing all phases. Target dates for completion of each phase and the entire development shall be included.

C. Building design plan requirements. The following sheet with required information shall be submitted as part of a complete application for review by the Architecture Review Committee. The maximum sheet size shall not exceed thirty (30) inches by forty-two (42) inches. A sheet size of twenty-four (24) inches by thirty-six (36) inches is preferred. Plans shall also be provided digitally as a Portable Document Format (PDF). Multiple sheets may be used provided each sheet is numbered and the total number of sheets is indicated on each sheet. Cross referencing between sheets shall be required. All of the following information shall be required prior to being placed on the Architecture Review Committee's agenda:

Section 3. Procedures & Processes

1. **Coversheet.** The coversheet shall include:
 - i. Project name
 - ii. Vicinity map
 - iii. Sheet Index
 - iv. Contact information for the Owner and Design Professionals
 - v. Building data including the following: total proposed square footage for each use (commercial, residential, office, etc.), the total number of residential dwelling units, and the total number of bedrooms
 - vi. Submittal date and any revision dates
2. **Site plan.** Site plans shall be drawn at a scale of one (1) inch to fifty (50) feet or larger. Necessary notes and symbol legends shall be included. Abbreviations should be avoided but if used they shall be defined in the notes. Drawings shall illustrate the following:
 - i. Boundary, setback lines, and easements
 - ii. North arrow, legend, and graphic scale
 - iii. The location of parking areas, loading zones, dumpster enclosure, sidewalks, and walkways
 - iv. The locations of all buildings on the site
3. **Building plans.** Building drawings shall be drawn at a common scale so as to be legible. Necessary notes and symbol legends shall be included. Abbreviations should be avoided, but if used, shall be defined in the notes. Drawings shall illustrate the following:
 - i. Schematic floor plan for each floor for the purpose of locating exterior windows and doors
 - ii. Door and window schedule for all exterior doors and windows
 - iii. Color rendered elevations of all sides of the building with facade requirements (see Development Standards Chart Section 14)
 - iv. An elevation of the street face side of the building with dimensions showing the overall height of the building and each individual floor
 - v. All proposed building finishes shall be labeled. A finish schedule shall be included on the sheet for which they are referenced. The finish schedule shall include material type, color, and product reference information
- vi. For projects located within a T-4, T-5D, T-5C, and T-5U zoning districts, a percentage of fenestration per floor shall be required (see Development Standards Chart Section 14).
4. **Building Materials Board.** A material sample of all key materials and colors, properly labeled, and affixed to hard surface, may be required upon request from reviewer for review. Material samples shall be a minimum size of three inch by three inch (3"x3"). Major colors must be actual samples. Minor colors may be printed samples. Paint and stain samples from wood color fans are acceptable.
- D. **Comment procedure.** Comments from Architecture Review shall be issued in writing after each review. The applicant shall revise the proposed building plan per the comments or reply in writing as to why the revisions cannot be made. Only after revisions to the proposed building plan meets the requirements of the Architecture Review will the approval procedure begin.
2. **Approval procedure.** Upon approval of such building design proposal by Architecture Review and an approved site plan by the Development Review Committee, a building permit application may be submitted to the building department for subsequent review. The approved building design proposal shall be signed by the consultant of the Architecture Review.
3. **Disapproval procedure.** If Architecture Review denies a building design proposal plan, it shall specify the reasons said plan was denied.

Section 3. Procedures & Processes

4. **Appeal procedure.** A decision to deny a building design proposal by the independent consultant for any reason that does not require a variance, waiver, or exception, can be appealed as an Administrative Appeal to the Board of Aldermen. The applicant shall have ten (10) business days from the decision to deny to appeal that decision. The appeal shall be placed on the next regularly scheduled meeting of the Planning and Zoning Commission in accordance with the submittal schedule for non-advertised agenda items. Parties aggrieved by the final decision of the Mayor and Board of Aldermen, may appeal to a court of competent jurisdiction pursuant to state statute.
5. **Expiration.** The building design proposal approval shall expire twelve (12) months after approval by Architecture Review if construction has not been started evidenced by steady and continuous progress as determined by the Building Official or the City Planner.
6. **Extension.** The approval of a building design proposal may be extended for six (6) months by the City Planner. If an extension is not granted, reapplication is required.
7. **Transfer of approval.** In the event property with an approved building design is sold, transferred, leased, or any other change in ownership, the approval shall be transferable and subject to the same terms of approval as the original approval.

4-5. Annexation. Any land annexed into the City of Starkville shall within six (6) months of the final approval of the annexation by a court of competent jurisdiction shall be represented in the placetype map in the Comprehensive Plan and the Official Zoning Map of the City of Starkville. The procedure and public notification requirements shall be in accordance with Miss. Code Ann. 17-1-1 et. seq. and approved by the Board of Aldermen.

Section 13. Use Standards

Use Chart	RZ	SD-2	SD-6	TN-N	TN-E	MU-9	MU-20	CN	C	CR	I	T-4	T-5D	T-5C	T-5U	S-M	S-I	S-E	O-Use Categories						
																			O-TND	O-CD	O-I	O-C	O-E	O-TN	
P = Permitted Use A= Permitted Use with Additional Standards UE = Use Exception SE = Special Exception -- =Not Permitted																									
COMMERCIAL (cont.)																									
Recreational Vehicle Parks <i>sec.13.7.21</i>	SE	--	--	--	--	--	SE	SE	SE	A	A	--	--	--	--	--	--	--	--	--	A	A	A	SE	--
Retail Sales and Services- Inside Only <i>sec.13.7.22</i>	--	--	--	UE SE	UE SE	--	--	A	A	A	A	--	A	A	A	A	--	--	--	A	--	A	--	--	UE SE
Retail Sales and Services- with Outside Displays <i>sec.13.7.23</i>	--	--	--	--	--	--	--	A	A	A	A	--	UE SE	UE SE	UE SE	--	--	--	--	--	--	A	A	--	--
Studios - Art, Craft, Music, Dance, and Fitness <i>sec.13.7.24</i>	--	--	--	UE SE	UE SE	--	--	A	A	A	P	--	A	A	A	--	--	--	--	A	--	P	--	--	UE SE
Theaters <i>sec.13.7.25</i>	--	--	--	--	--	--	--	P	P	P	--	--	A	A	A	--	--	--	--	A	--	P	--	--	--
Vehicle Repair and Maintenance <i>sec.13.7.26</i>	--	--	--	--	--	--	--	A	A	A	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--
INDUSTRIAL																									
Airport <i>sec.13.8.1</i>	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	P	--	--	--	--	--	--	--
Heliport <i>sec.13.8.2</i>	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	A	A	A	--	--	A	--	--	--	--
Borrow Pit, Soil Fill Site, and Soil Storage Site <i>sec.13.8.3</i>	SE	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--	--	--	SE	--	--
Landfill <i>sec.13.8.4</i>	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	--	--
Manufacturing and Industrial Heavy <i>sec.13.8.5</i>	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	--	--	--	--	A	--	--	--	--

13-7-11. Food Truck

A. Definition: A licensed, motorized vehicle or mobile food unit which is temporarily parked on private property and not on the right-of-way where food items are sold to the general public. If on the right-of-way, refer to the Mobile Food Vendor requirements.

B. Parking: None.

C. Loading: None.

D. Additional Standards:

1. Food trucks and/or associated seating must not occupy on-site parking spaces required to fulfill the minimum requirements for the principal use, unless the principal use's hours of operation do not coincide with those of the food truck business.
2. Traffic circulation, public safety, siting of food trucks, and parking will be reviewed and may be subject to the conditions of approval by the City Planner.
3. No audio amplification or permanent signage may be installed as part of a food truck's vending operation. One (1) sidewalk sign shall be allowed within ten (10) feet of the food truck.
4. The food truck vendor is responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles are not to be used for this purpose. Vendors must provide their own trash receptacle on-site for patrons. Vendors must remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor must keep all areas associated with the food truck and any associated seating area clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains, onto the sidewalks, streets, or

other public space. Under no circumstances can grease be released or disposed of in the City's sanitary sewer or stormwater system. All waste must be disposed of in accordance to all applicable local, state, and federal laws. All food truck vendors shall obtain and maintain a City of Starkville Privilege License and a mobile food vending permit for each mobile pushcart or mobile food preparation vehicle in operation. All applications for permit renewal shall be filed annually with the City of Starkville City Clerk's Office.

5. If a business is subject to a Certificate of Health or sanitary examination, the person applying for permit must produce such certificate or permit from the County Health Department before a permit can be issued.
6. A written indemnity agreement that will hold harmless the city, its officers, and employees, for any loss or liability or damage, including costs, for bodily injury or property damage sustained by a person as a result of the negligent installation, use, or maintenance of a permitted space.
7. Food trucks shall provide written permission from the property owner.
8. The operators must be present at all times during the hours of operation.
9. A food truck operating in all districts shall operate only Thursday through Saturday between the hours of 6:00 a.m. and 2:00 a.m. and on Sunday through Wednesday between the hours of 6:00 a.m. and 10:00 p.m. Cleanup and removal of the food truck shall be completed within thirty (30) minutes of closing.
10. All generators associated with a food truck shall provide sound buffering for each generator. At no time shall any generator operate at 65 decibels or above measured at twenty-five (25) feet from the generator.

Section 14. Development Standards

Development Standards Chart	Residential Use Districts						Commercial / Industrial Use Districts				Form-Based Districts				Special Districts				Optional District						
	RN	SD-2	SD-6	TN-N	TN-E	MU-9	MU-20	CN	C	CR	I	T-4	T-5D	T-5C	T-5U	S-M	S-I	S-E	O-TND	O-CD	O-I	O-C	O-E	O-TN	
P = Permitted Use A= Permitted Use with Additional Standards UE = Use Exception SE = Special Exception Blank = Not Permitted																									
Section 14.7 SIGNS																									
BUILDING SIGNS																									
Wall Sign	A		A	A		UE	UE	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Projecting Sign	A		A	A				P	P	P		A	A	A	A	P			P						A
Suspended Sign	A		A	A				P	P	P		A	A	A	A	P			P						A
Awning Sign	A		A	A				A	A	A		A	A	A	A	A			A						A
Marquee Sign	A		A	A				A	A	A		A	A	A	A	A									A
Window Sign	A		A	A				A	A	A		A	A	A	A	A									A
Nameplate Sign	A		A	A				P	P	P	P	P	P	P	P	P									A
Address Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Outdoor Display Case			A	A				A	A	A		A	A	A	A	A									A
SITE SIGNS																									
Monument Sign	A					A	A	A	A	A		A	A	A	A	A	A	A							A
Multi-tenant Sign	A							A	A	A		A													A
TEMPORARY SIGNS																									
Sidewalk Sign				A				P	P	P		P	P	P	P										A
Banner Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Yard Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fence Screen Sign								P	P	P	P	P	P	P	P										
Construction Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
OTHER SIGNS																									
Development Entrance Sign	A	A	A	A	A	A	A	A	A	A						A	A	A	A	A	A	A	A	A	A
Electronic Message Center Sign								A	A	A			A	A	A										A
Flags	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

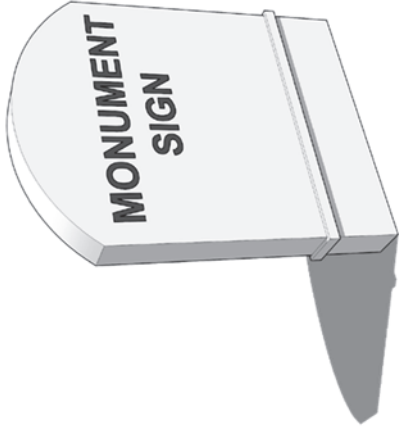
Any sign type not listed on the chart will be reviewed as a Use Exception

Section 14. Development Standards

14.7.9. Site Sign Types

A. Monument Signs

Fig. 14.7-12



- 1. Description**
 - i. A monument sign is a freestanding on-premise sign with one (1) or two (2) sides attached to a permanent foundation or decorative base and not attached or dependent on support from any building, pole, posts or similar uprights on a site with one (1) or multiple tenants.
 - ii. A sign permit is required for a monument sign.
- 2. Size Requirements**
 - i. Monument signs shall not exceed eighty (80) square feet in sign area.
 - ii. The maximum height is eight (8) feet above the finished grade.
 - iii. The maximum width is twelve (12) feet.
 - iv. The maximum depth is twenty-four (24) inches.
- 3. Location**
 - i. No sign shall be placed closer than five (5) feet to the right-of-way of a street.
 - ii. No sign shall be placed within a sight triangle of a street or driveway.
 - iii. Only one (1) sign is allowed for every three-hundred and thirty (330) linear feet of street frontage and a minimum separation of two-hundred (200) feet between multiple signs is required

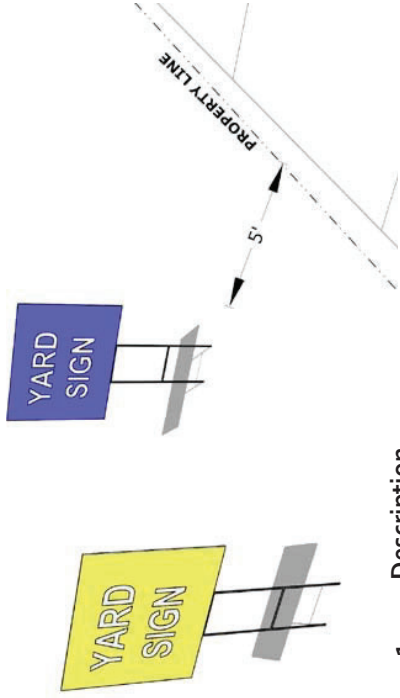
on a site.

4. Additional Standards

- i. A planted and maintained landscape area of thirty-six (36) inches wide shall be provided around the base of every monument sign.
- ii. Electronic message centers can be attached to monument signs per zoning district requirements.
- iii. Monument signs shall have exterior finishes matching or complementing the finishes on the facade of the primary building and shall comply with minimum facade standards for that district.
- iv. Hand painted lettering or logos shall not be permitted to be attached to or apart of monument signs unless otherwise approved by the City Planner.
- v. Monument signs can be internally or externally illuminated. The use of exposed neon tubing is not permitted.
- vi. In zoning districts where monument signs are permitted, the maximum square footage may be increased to one hundred and sixty (160) square feet and the overall height increased to sixteen (16) feet if located adjacent to US Highway 82 and/or US Highway 25 where the posted speed limit is sixty (60) miles per hour or more.
- vii. In MU-9 zoning districts sign area shall be less than forty (40) square feet with a maximum of height of six (6) feet.
- viii. This sign type is only allowed in RN and O-E zoning district with approved commercial or multi-dwelling unit residential use.
- ix. In T-5D, T-5U, and T-5C, zoning districts sign area shall be less than sixty (60) square feet with a maximum of height of six (6) feet. Monument signs shall only be allowed on lots where the existing building exceeds the maximum setback for that zoning district. Corner lots are not eligible for monument sign types unless approved as a Use Exception.

D. Yard sign

Fig. 14-7-16



1. **Description**
 - i. A yard sign is any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, and that is not attached to any building or permanently attached to the ground.
 - ii. There shall be a maximum of two (2) faces to the sign, mounted back-to-back. Double-sided or back-to-back signs shall be measured by the surface area of one (1) face.
 - iii. A sign permit is not required for a yard sign, but requirements must be followed.
2. **Residential districts**
 - i. **Size Requirements**
 - a. A maximum sign size of four (4) square feet is permitted for lots less than two (2) acres.
 - b. A maximum sign size of sixteen (16) square feet is permitted for lots greater than two (2) acres.
 - c. The maximum total square footage of all temporary signs on a lot in residential districts is sixteen (16) square feet.

- ii. **Location**
 - a. No sign shall be placed closer than five (5) feet to the right-of-way of a street.
 - b. No sign shall be placed within a sight triangle of a street or driveway.
- iii. **Duration**
 - a. The maximum duration for any yard sign shall be ninety (90) days or until the conclusion of the event.
3. **Non-residential and mixed-use districts**
 - i. **Size Requirements**
 - a. The maximum total square footage of all temporary signs on any non-residential or mixed-use district zoned property with an existing building is four (4) square feet.
 - b. The maximum total square footage of all temporary signs on any vacant non-residential or mixed-use district zoned property is sixteen (16) square feet.
 - c. The maximum total square footage of all temporary signs on any vacant non-residential or mixed-use district zoned property is thirty-two (32) square feet if located adjacent to US Highway 82 and/or US Highway 25 where the posted speed limit is sixty (60) miles per hour or more.
 - ii. **Location**
 - a. No sign shall be placed within a sight triangle of a street or driveway.
 - b. No sign shall obstruct any walkway or public sidewalk.
 - iii. **Duration**
 - a. The maximum duration for any yard sign shall be thirty (30) days or until the conclusion of the event.

Section 18. DEFINITIONS

UPDATED DEFINITION: (changes are underlined)

Dwelling or dwelling unit- A house or other building used for residential purposes including accessory use areas, except that the word “dwelling” shall not include boardinghouses or rooming houses, bed and breakfast inns, Airbnb, weekend rentals, gameday rentals, tents, tourist camps, hotels, trailers, trailer camps, or other structures designed or used primarily for transient residents.

NEW DEFINITIONS:

Administrative Inspection Warrant - a warrant issued by a Judge or any other person of similar authority enabling an inspector with enforcement powers granted by the City of Starkville to check and verify compliance and/or enforce compliance of the Unified Development Code.

Long-term rental- Any rental housing unit that is rented out to a long-term tenant paying a fee or other compensation for a period of time longer than thirty consecutive days.

Rental Housing Unit- Any portion of a dwelling for which payment or other consideration is being made to an owner, agent, or manager for the use or occupancy of that portion as an independent living facility for a period of time longer than thirty consecutive days, excluding transient occupancy such as hotels, motels, short-term rental and/or any bed and breakfast. It also means each apartment or each rental unit within a complex.

Short-term rental- Any dwelling unit or portion of a dwelling unit that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of time less than thirty consecutive days excluding transient occupancy such as hotels, motels, and/or any bed and breakfast

CONFLICTING DEFINITIONS TO BE REMOVED:

Short-Term Residential Rental- The short-term occupancy of a residential dwelling unit for a fee. Bed and breakfast shall not be considered short term residential rentals. Examples of short-term residential rental shall include but not limited to: Airbnb, weekend rentals, and gameday rentals.

Vacation rental home- A single-family dwelling where the entire dwelling is provided to guests for short-term stays of less than thirty (30) days for compensation. See “Bed and breakfast inn” and “Short-term rental property.”