



**CITY OF STARKVILLE COVERSHEET
RECOMMENDATION FOR BOARD ACTION**

AGENDA ITEM DEPT.: Community Dev.- Planning
AGENDA DATE: July 5, 2023
PAGE: Page 1 of 69

SUBJECT:

Third Public Hearing and Consideration for amending the Unified Development Code.

SUMMARY:

The Unified Development Code was adopted on December 19, 2019, and last amended on April 4, 2023. The proposed amendments are as follows:

Proposed Revisions to the Unified Development Code July 2023		
Amendment Number	Section Number	Description of Revision
1	3.3.8	Added reapproval process for conceptual master plans
2	3.6.1	Added administrative adjustments for sidewalks for alternate locations and fee-in-lieu
3	3.7.5	Revised variance for sidewalks
4	3.19.2	Revised “Code Enforcement Action” section
5	3.19.4	Revised “Specific Remedies” section by removing criminal conviction language
5	5.2	Revised building width requirement to allow for a special exception
6	13.3.6	Adding convenience stores and gas stations as a permitted use with a special exception in TN-N, T5-C, and T5-U zoning districts
7	13.9.10	Added a new section for Portable Storage Containers and Construction Dumpsters
8	14.6.2.8.6	Moved open space requirements for landscape from Section 14.13 to Development Standards Chart
9	14.10.15	Removed references to utility trailers, construction dumpsters, and temporary storage containers from section
10	14.11.2	Revised map reference
11	14.11.4	Revised sidewalk requirements to specific streets as proposed in the City of Starkville Bicycle and Pedestrian Network Master Plan
12	14.13.3	Added statement to clarify healthy plants are required at the time of planting
13	14.13.5	Moved open space requirements to Development Standards Chart
14	15.1.13	Added requirement to show home pad grading on infrastructure plan
15	15.2.2	Added requirement for designating haul routes for construction
16	15.3.3	Revised sidewalk requirements for new subdivisions and removed fee-in-lieu statement (added to other sections)
17	15.4.1	Added additional requirements for a geotechnical report and additional asphalt for construction traffic
18	16.8.3	Added requirements for a control measure permit
19	16.9.1	Added language to clarify stormwater requirements in a developer’s agreement
20	16.9.2	Added language to clarify stormwater requirements in a developer’s agreement
21	16.10.3	Revised “jurisdiction” to “corporate limits”
22	16.10.5	Added requirements for remodeling existing buildings in a floodway

23	17.6.2	Revised 'Registration, Licensing, And Inspection' section of the Rental Housing Section
24	17.6.3	Revised 'Administration And Enforcement' section of the Rental Housing Section
25	17.6.7	Revised 'Appeal Procedure' section of the Rental Housing Section

There are a total of three public hearings with the Board of Aldermen. The first two public hearings were advertised on May 21, 2023, and May 30, 2023, in the Starkville Daily News. The third public hearing was advertised on June 16, 2023.

FOR MORE INFORMATION CONTACT:

Daniel Havelin @ 662-323-2525 ext. 3136 or d.havelin@cityofstarkville.org

Lyle McCaskey @ 662-323-2525 ext. 3130 or l.mecaskey@cityofstarkville.org

Cody Burnett @ 662-323-2525 ext. 3123 or c.burnett@cityofstarkville.org

Stein McMullen @ 662-323-2525 ext. 3121 or smcmullen@cityofstarkville.org

ORDINANCE NO. 2023-03

**ORDINANCE OF THE CITY OF STARKVILLE, MISSISSIPPI FOR AMENDING
THE UNIFIED DEVELOPMENT CODE**

WHEREAS, the Mayor and Board of Aldermen of the City of Starkville, Mississippi, held three public hearings as described in the proof of publication of the notices of hearings, which is appended to the Minutes in connection with the proposed amendments to the Unified Development Code; and

WHEREAS, the Mayor and Board of Aldermen find and determine that notice of said public hearings was duly and properly given and based upon the input from citizens and others, the City of Starkville finds the need to amend the Unified Development Code; and

WHEREAS, Miss. Code Ann. §21-17-5 authorizes the City to adopt and amend ordinances with respect to the care, management, and control of its municipal affairs, property, and finances; and

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

SECTION 1. That Sections 3, 5, 13, 14, 15, 16, and 17 of the Unified Development Code of the City of Starkville shall be amended as provided herein below.

SECTION 2. Said Ordinance having been previously reduced to writing, a motion was made by Alderman _____ and seconded by Alderman _____ 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:
Alderman Sandra C. Sistrunk	Ward 2	Voted:
Alderman Jeffrey Rupp	Ward 3	Voted:
Alderman Mike Brooks	Ward 4	Voted:
Alderman Hamp Beatty	Ward 5	Voted:
Vice Mayor Roy A'. Perkins	Ward 6	Voted:
Alderman Henry N. Vaughn, Sr.	Ward 7	Voted:

ORDAINED AND APPROVED, this the 5th day of July 2023, at the Regular 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

Proof of Publication of the Notices

AFFP
Unified Development Code

Affidavit of Publication

STATE OF MISSISSIPPI } SS
COUNTY OF OKTIBBEHA }

The City of Starkville Board of Aldermen will conduct two public hearings to consider updates to the Unified Development Code. The amendments to the Unified Development Code include but are not limited to the variance process, form-based requirements, use standards, development standards, subdivision standards, erosion control, stormwater management, flood damage prevention, and definitions. The sections affected by this update include but are not limited to Sections 3, 5, 13, 14, 15, 16, 17, and 18.

Mollie Moore, being duly sworn, says:

There will be a total of two public hearings held by the Board of Aldermen. The Board of Aldermen will hold the first public hearing on June 6, 2023, and the second public hearing and possible consideration on June 20, 2023. Both hearings will be held at 5:30 pm in the courtroom on the 1st floor of City Hall at 110 West Main Street in Starkville, Mississippi.

That she is Classified Clerk of the Starkville Daily News, a daily newspaper of general circulation, printed and published in Starkville, Oktibbeha County, Mississippi; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

At the public hearings, interested parties may appear and be heard. A digital version of the draft will be made available on the City's website www.cityofstarkville.org. A printed copy may be reviewed in the Community Development Department by the public at City Hall during normal business hours.

May 21, 2023, May 30, 2023

For more information, please contact Daniel Havelin, City Planner, or Lyle McCaskey, Assistant City Planner

Publish: May 21 and 30, 2023

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Mollie Moore
Classified Clerk

Subscribed to and sworn to me this 30th day of May 2023.

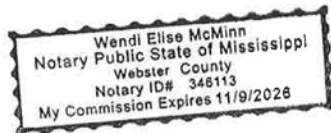
Wendi Elise McMinn

Wendi Elise McMinn, Notary Public, Oktibbeha County, Mississippi

My commission expires: November 09, 2026

00000131 00101405 662-323-4961

Lesa Hardin
City of Starkville (SDN)
110 West Main Street
Starkville, MS 39759



AFFP
Unified Development Code

Affidavit of Publication

STATE OF MISSISSIPPI } SS
COUNTY OF OKTIBBEHA }

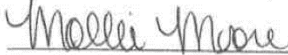
Mollie Moore, being duly sworn, says:

That she is Classified Clerk of the Starkville Daily News, a daily newspaper of general circulation, printed and published in Starkville, Oktibbeha County, Mississippi; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

June 16, 2023

That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Classified Clerk

Subscribed to and sworn to me this 16th day of June 2023.

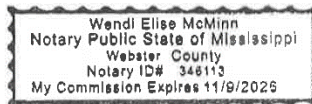


Wendi Elise McMinn, Notary Public, Oktibbeha County, Mississippi

My commission expires: November 09, 2026

00000131 00101635 662-323-4961

Lesia Hardin
City of Starkville (SDN)
110 West Main Street
Starkville, MS 39759



The City of Starkville Board of Aldermen will conduct a third public hearing to consider updates to the Unified Development Code. The amendments to the Unified Development Code include but are not limited to the variance process, form-based requirements, use standards, development standards, subdivision standards, erosion control, stormwater management, flood damage prevention, and rental housing. The sections affected by this update include but are not limited to Sections 3, 5, 13, 14 15, 16, and 17.

There will be a total of three public hearings held by the Board of Aldermen. The Board of Aldermen held the first public hearing on June 6, 2023. The second public hearing will be held on June 20, 2023, and the third public hearing with possible consideration on July 5, 2023. The second and third public hearings will be held at 5:30 pm in the courtroom on the 1st floor of City Hall at 110 West Main Street in Starkville, Mississippi.

At the public hearings, interested parties may appear and be heard. A digital version of the draft will be made available on the City's website www.cityofstarkville.org. A printed copy may be reviewed in the Community Development Department by the public at City Hall during normal business hours.

For more information, please contact Daniel Havelin, City Planner, or Lyle McCaskoy, Assistant City Planner

Publish: June 16, 2023

Amendment #1:

“3.3.8 Expiration” of the City of Starkville Unified Development Code is hereby *amended* as follows:

3.3.8 Expiration

The conceptual master plan approval shall be valid for two (2) years unless an approved and active site plan for the property has been issued or a final plat has been approved. An expired conceptual master plan may be reapproved at the discretion of the Board of Aldermen.

Amendment #2:

“3.6.1 Adjustments” of the City of Starkville Unified Development Code is hereby *amended* as follows:

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

- a. Increase of up to five (5) feet of a required maximum front or side setback adjacent to street.
- b. 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

- a. 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.
- b. 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-9 zoning district from the minimum lot width requirements for a residential or mixed-use development

E. Access Drives and Driveway Width

1. 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.
2. 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.
3. 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
4. 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:
 - a. **Alternate Location.** The applicant shall construct a sidewalk within the general vicinity of the project that is of equal or greater area than the required sidewalk. The location of the alternate sidewalk route shall be determined by the City Engineer. Alternate sidewalk routes of lesser area may be allowed as approved by the City Engineer and ADA Coordinator if said route provides a logical and needed sidewalk connection. If an alternate sidewalk route cannot be agreed upon, the fee in lieu option shall be used.
 - b. **Fee in Lieu.** A fee shall be paid before issuing a Certificate of Occupancy or Final Plat to cover the cost of construction of a required sidewalk. The fee shall be equal to the installed cost of the sidewalks based on unit prices. The fee in lieu cost shall be determined either by a signed and sealed engineering cost estimate for the materials and construction of the sidewalk or two hundred percent (200%) of the value of the concrete sidewalk only, as measured by the total area and multiplied by the Mississippi Department of Transportation (MDOT) quarterly posted construction bid average price for concrete sidewalk. The unit price used to determine the installation cost shall be reviewed and approved by the City Engineer. All fee in lieu payments shall be used for the 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.

Amendment #3:

“3.7.5 Variance Requests Related To Sidewalk Installation” of the City of Starkville Unified Development Code is hereby *amended* as follows:

3.7.5 Variance Requests Related To Sidewalk Installation

A. Criteria for sidewalk variance review and approval.

1. The review and approval of all sidewalk variances except in form-based zoning districts shall be based on criteria as listed in Section 3.7.1.
2. The review and approval of all sidewalk variances in form-based zoning districts shall be based on criteria as listed in Section 3.7.1 and Section 3.7.2.

B. Variance approval.

Where the Board of Aldermen determines that construction of sidewalks as required would not be feasible and grant a variance to the sidewalk requirements, one of the two (2)-options shall be required

1. **Fee in Lieu.** Either the stated or modified fee as calculated in Section 3.6.1.Q.4.b
2. **Alternate Sidewalk Route.** A reduction in the size of the required sidewalk per Section 3.6.1.Q.4.a for an alternate route or a different location for an alternate route as required by the City Engineer.

Amendment #4:

“3.19.2 Code Enforcement Action” of the City of Starkville Unified Development Code is hereby *amended* as follows:

3.19.2 Code Enforcement Action

The following shall be the general process for issuance of a violation:

- A. Discovery by a code enforcement officer, city official, or receipt of a report of an alleged violation of the Code of Ordinances;
- B. Verification of violation;
- C. For a case of nuisance or noncompliance with an ordinance, issue a written warning or a courtesy notice to the owner of the property, allowing ten (10) calendar days to correct the violation. after ten (10) calendar days from the issuance of a written warning or courtesy notice, issue a Notice of Violation to the owner of the property and/or a responsible party or agent where the alleged violation occurred;
- D. After issuance of a written warning or courtesy notice, reinspect the code violation for compliance;
- E. If the violation continues, a-summons will be issued and turned over to Municipal Court for a hearing;
- F. For a case of public health and safety that requires immediate attention, issue a written Violation Notice to the owner of the property and/or a responsible party or agent where the alleged violation occurred.
- G. For a case of public health and safety or for a case of nuisance or noncompliance with an ordinance, the Judge can issue a judgment against the violator which can result in fines, assessments, additional fees, and,
- H. Any entity violating any provision of this article shall be deemed guilty of a civil penalty and fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000) per day of violation
- I. Each day such violation continues shall constitute a separate offense.

Amendment #5:

“3.19.4 Specific Remedies” of the City of Starkville Unified Development Code is hereby *amended* as follows:

3.19.4 Specific Remedies

Specific remedies for the violation of any provision of this ordinance may include the following:

A. Permit Revocation.

The Building Official may revoke any building permit and the City Planner may revoke any planning permit issued by staff after written notification to the permit holder when violations of this ordinance have occurred when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, or a permit has been mistakenly issued in violation of this ordinance.

B. Stop Work Orders.

Whenever a building, structure, or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this ordinance, the Building Official may order the specific part of the work that is in violation or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing posted on the property, stating the specific work to be stopped, and the specific reasons for the stop work order.

C. Penalties.

Any person, firm, or corporation who shall knowingly and willfully violate any terms, conditions, or provisions of the Unified Development Codes shall, upon being found guilty of such violation, shall pay a fine of not to exceed one thousand dollars (\$1,000.00)., In the case of continuing violations without reasonable effort on the part of the violating person, firm, or corporation to correct the same as determined by the municipal judge, each day the violation continues thereafter shall be a separate offense.

D. Injunction.

The city may, either before or after the institution of other authorized action, seek injunctive relief from any appropriate court, commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

E. Order of Abatement.

In addition to an injunction, the city may seek an order of abatement from any appropriate court, directing any or all of the following actions:

1. Buildings or other structures on the property be closed, demolished, or removed.
2. Fixtures, furniture, or other movable property be moved or removed entirely.
3. Improvements, alterations, modifications or repairs be made or removed.
4. Any other action be taken that is necessary to bring the property into compliance with this ordinance.

F. Withholding Approvals.

Any violation of this ordinance shall constitute grounds for withholding new building permits, sign permits, or certificate of occupancy for structures that are directly related to the violation until the violation has been corrected, including the payment of all fines and fees.

G. Subdivision Violations.

The Developer of a subdivision shall not transfer title to any lot in such subdivision until such time as the final plat has been approved by the appropriate authority as outlined in this ordinance and duly recorded in the office of the Chancery Clerk of Oktibbeha County, Mississippi. Transfers prior to such approval and recording

shall be deemed a violation of this ordinance and shall be subject to any and all remedies available to the city.

H. Recording Violations.

The Chancery Clerk of Oktibbeha County, Mississippi shall not receive, file, or record a plat of a subdivision within the jurisdiction of this Unified Development Code without prior approval of the appropriate authority as outlined in this ordinance. Plats recorded prior to such approval shall be deemed unlawful and invalid.

I. Continuing Violations.

If a violation is repeated within a two (2) year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies. A repeat violation is one which is identical to or reasonably similar to a previous violation for which a warning citation or civil citation has been issued by the city.

Amendment #6:

“5.2 Base Dimensional Standards” of the City of Starkville Unified Development Code is hereby *amended* as follows:

5.2 Base Dimensional Standards

Form-Based Districts				
Building Width- Special Exception required to vary from maximum	T-4	T-5D	T-5C	T-5U
Street facing building width (max)	60'	120'	90'	90'

Amendment #7:

“13.3.6 - Commercial” of the City of Starkville Unified Development Code is hereby *amended* as follows:

13.3.6 - Commercial

Commercial	Residential Use Districts						Commercial / Industrial Use Districts				Form-Based Districts				Special Districts			O-Use Categories						
	R N	S D -2	S D -6	T N - N	T N - E	M D U-9	M D U-20	C N	C	C R	I	T-4	T-5 D	T-5 C	T-5 U	S-M	S-I	S-E	O-T N D	O-C D	O-I	O-C	O-E	O-T N
Convenience Store and Gas Station sec 13.7.8	--	--	--	S E	--	--	A	A	A	A	--	--	--	S E	SE	--	--	--	--	A	A	--	--	--

P = Permitted Use A= Permitted Use with Additional Standards UE = Use Exception SE = Special Exception -- =Not Permitted

Amendment #8:

“13.9.10 Portable Storage Containers And Construction Dumpsters” of the City of Starkville Unified Development Code is hereby *amended* as follows:

13.9.10 Portable Storage Containers And Construction Dumpsters (*Amended*)

A. Definitions

1. **Portable Storage Container** -any container, including, but not limited to, a single storage unit, cargo container, shipping container, semi-trailer, truck box, rail car, shed like container, or other portable structure, (other than a permanent accessory building as defined in this code) that is used for the temporary storage of items and property of any kind, and which is located for such purposes outside an enclosed building.
2. **Construction Dumpster** - any container used for waste associated with any type of construction.

B. Permitting

1. A permit shall be required for the placement and use of any portable storage container on private property in any residential zoning district that is in place for more than ten (10) days.
2. A permit shall be required for the placement and use of any portable storage container on private property or within the right-of-way in any residential, commercial, or mixed-use zoning district that is associated with commercial activity.
3. A permit shall be required to place a construction dumpster on private property or within the right-of-way in any residential zoning district. An active permit issued by the building department for on-site activity is required to be eligible for a construction dumpster permit.
4. Permits for portable storage containers and construction dumpsters are only valid for the location for which the permit was issued.
5. Valid Permit shall be displayed on the portable storage container or dumpster, and be visible from the street side.

C. Portable Storage Containers on Private Property

1. No more than one portable storage container shall be on a property at any given time.
2. A portable storage container shall not remain on a property in excess of thirty (30) consecutive calendar days and shall not be placed at any one property in excess of sixty (60) days in a twelve (12) month period, except for construction purposes.
3. Portable storage containers for construction purposes are permitted during ongoing construction on a property for which a building permit has been issued and remains valid, and work is actively progressing. Such portable storage containers shall be removed from that property within seven calendar days of the final inspection or occupancy permit being issued pursuant to the building permit.
4. A portable storage container shall not be placed closer than five (5) feet to any property lines and within five (5) feet of the nearest wall of any building.
5. A portable storage container shall be placed on a hard surface such as asphalt, concrete, or compacted gravel. If no such location is available on the property, an alternate location shall be applied for and may be approved by the Building Official.

6. An extension to the time limit for placement of a portable storage container may be granted, provided that such extension shall not be for more than thirty (30) calendar days and that no more than two (2) extensions shall be granted in any given calendar year.
7. On application, the Community Development Department may waive or modify the provisions of this section and allow such placement of portable storage containers as it determines is reasonable and necessary to address unusual or exceptional circumstances including but not limited to casualty or natural disaster.
8. No portable storage containers will be allowed which are not maintained in good repair and free from deterioration, graffiti, or other damage.

D. Construction Dumpsters on Private Property

1. A construction dumpster shall not remain on a property in excess of thirty (30) consecutive calendar days and shall not be placed at any one property in excess of sixty (60) days in a twelve (12) month period, except for construction purposes.
2. A construction dumpster for construction purposes is permitted during ongoing construction on a property for which a building permit has been issued and remains valid, and work is actively progressing. Such construction dumpsters shall be removed from that property within seven calendar days of the final inspection or occupancy permit being issued pursuant to the building permit.
3. A construction dumpster shall not be placed closer than five (5) feet to any property lines and within five (5) feet of the nearest wall of any building.
4. A construction dumpster shall be placed on a hard surface such as asphalt, concrete, or compacted gravel. If no such location is available on the property, an alternate location shall be applied for and may be approved by the Building Official.
5. An extension to the time limit for placement of a construction dumpster may be granted, provided that such extension shall not be for more than thirty (30) calendar days and that no more than two (2) extensions shall be granted in any given calendar year.
6. On application, the Community Development Department may waive or modify the provisions of this section and allow such placement of construction dumpsters as it determines is reasonable and necessary to address unusual or exceptional circumstances including but not limited to casualty or natural disaster.

E. Portable Storage Containers and Construction Dumpsters within the right-of-way or on City Property

1. The applicant for a Portable Storage Containers and/or Construction Dumpsters Permit shall be responsible for notifying all affected businesses and residences which adjoin the property or properties being served by the dumpster or container prior to initial placement.
2. A portable storage container shall not be larger than eight (8) feet wide, eight (8) feet high, and twenty (20) feet long.
3. Portable Storage Containers and Construction Dumpsters must be placed at least thirty (30) feet from stop signs, stop bars, crosswalks, and street intersections, and at least ten (10) feet from all driveway entrances. A variance may be granted by the City Engineer, upon written request from the applicant, when compliance with this requirement cannot be achieved.
4. Portable Storage Containers and Construction Dumpsters must be placed against the curb or edge of pavement and shall not extend into the travel lane of streets.

5. While the Portable Storage Containers and Construction Dumpsters are occupying the public street right-of-way, any adjacent public sidewalk must remain open and unobstructed.
6. Portable Storage Containers and Construction Dumpsters shall be maintained to ensure a neat and clean appearance. The name and contact information, including phone number, of the dumpster or container company shall be prominently displayed on at least two sides of the dumpster or container.
7. Access to fire hydrants and fire department connections shall not be blocked.
8. Use traffic cones and reflective tape to signal the presence of Portable Storage Containers and Construction Dumpsters on the street at all times.
9. Portable Storage Containers and Construction Dumpsters may be required to be removed from public streets or other public property during approved special events.
10. The immediate area around any Construction Dumpster shall be kept clean and sanitary at all times. All solid waste must be fully enclosed in the container, with all unit doors kept closed and drain plugs tightly secured.
11. Portable Storage Containers and Construction Dumpsters, once placed at an approved and permitted location, shall not be moved to a nearby location to circumvent any of the requirements of this section.
12. The placement of Portable Storage Containers and Construction Dumpsters within the rights-of-way or on city property is subject to all applicable provisions of the Unified Development Code. Failure, or refusal, by the Applicant or Permittee to abide by the terms and conditions of a Permit shall be grounds for revocation of the Permit.

Amendment #9:

“14.6.2.8.6 – Landscape Open Space” of the City of Starkville Unified Development Code is hereby *amended* as follows:

14.6.2.8.6 - Landscape Open Space (*Amended*)

	R N	S D -2	S D -6	T N - N	T N - E	M D U- 9	M D U- 20	C N	C	C R	I	T - 4	T- 5 D	T- 5 C	T- 5 U	S- M	S- I	S- E	O- T N D	O- C D	O- I	O- C	O- E	O- T N
Open space shall be planted with canopy trees to provide a percentage of canopy coverage of thirty percent (30%)						■	■	■	■													■		

■ = Required, □ = Required for Multi-Unit Residential, Commercial Use, Mixed Use, or Institutional Use, -- = Not Applicable or Not Required

Amendment #10:

“14.10.15 Recreational Vehicles And Equipment” of the City of Starkville Unified Development Code is hereby *amended* as follows:

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 any type of trailer used to haul material or vehicles

- 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 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.

Amendment #13:

“14.13.3 Plant Quality And Installation” of the City of Starkville Unified Development Code is hereby *amended* as follows:

14.13.3 Plant Quality And Installation

All plant materials shall be of a species adaptive to the Starkville, Mississippi area and shall conform to the standards of the current edition of the American Standard for Nursery Stock

A. Plant Quality.

1. Trees, shrubs, and groundcovers shall be nursery grown and meet ANSI Z60.1 Standards. Materials should be free of disease and insect adults, eggs, pupae, or larvae. Plants should have well developed root systems and be free from physical damage or other conditions that would prevent correct growth habits.
2. All grass sod shall be clean and reasonably free of stones or other debris, diseases, or noxious pests and also USDA- certified to be free of insect infestation, especially imported fire ants.
3. Mulch shall be free of stones, debris, disease, and insect adults, eggs, pupae, or larvae.

B. Installation.

1. Landscape installation shall follow the approved site plan or landscape plan, including plant species, locations, sizes, quantities, and other green space requirements. Any proposed modification to the landscape plan of an approved site plan shall be subject to approval by the City Planner.
2. All landscaping materials shall be installed in a professional manner, and according to accepted professional planting procedures. Any landscape material that fails to meet the minimum requirements at the time of installation shall be removed and replaced with acceptable materials.
3. Planting areas that may be compacted or poorly drained such as landscaped parking islands and planting beds around buildings and roadways, should be backfilled with quality soil and organic matter to promote better plant establishment and growth.
4. Irrigation systems are not required but are recommended to help maintain and promote the health and quality of the landscape.
5. All trees, shrubs, and groundcovers shall be in a live and healthy condition as determined by the City Planner prior to issuance of a certificate of occupancy

Amendment #14:

“14.13.5 Landscape Standards” of the City of Starkville Unified Development Code is hereby *amended* as follows:

14.13.5 Landscape Standards

The following standards shall apply to all lots in all zoning districts that are being developed, redeveloped, or remodeled that require site plan review by the development review committee.

A. Lot frontage along roadway

1. The frontage along the roadway of all lots that do not contain parking or buildings shall require a landscaped area containing canopy trees.
2. The spacing, height, and quantity of required canopy trees shall be as specified in the Development Standards Chart.
3. If existing overhead utilities located along the property lines are not being proposed to be relocated on an existing site, canopy trees may be replaced with small trees only with the approval of the City Planner.
4. Canopy trees planted within a sidewalk area must have a minimum open area around the base of the tree of four (4) feet by six (6) feet. The open area can be either planted or paved with pervious pavers.
5. A minimum soil volume available for root growth shall be established under each tree. The minimum required soil volume for a street canopy tree shall be seven-hundred fifty (750) cubic feet with a minimum depth of two (2) feet. The use of soil cells under the pavement is highly encouraged.
6. Within the sight triangle of access to a street, shrubs shall be replaced with approved ground covers. Canopy trees shall be planted as required.

B. Parking lot perimeter islands

1. The perimeter islands shall be planted with canopy trees, shrubs, groundcovers, and/or grass as required. Street screens, unless already required by the zoning district, may be used to reduce the number of required shrubs only with the approval of the City Planner. Perimeter islands with only mulch are not permitted.
2. The spacing and quantity of plant material within perimeter islands shall be as specified in the Development Standards Chart.
3. If existing overhead utilities located along the perimeter parking area(s) are not being proposed to be relocated on the site, canopy trees may be replaced with small trees only with the approval of the City Planner in coordination with the electric utility service provider.
4. Perimeter parking area landscape beds shall be protected from damage by a six (6) inch by six (6) inch concrete curb. Wheel stops cannot be used as the only means of protection unless the perimeter parking area is part of an approved stormwater management plan.
5. The amount of canopy trees and shrubs required may be reduced if it is determined by the City Planner that the proposed trees would adversely affect neighboring trees on adjacent property or right-of-way.

C. Parking lot terminal islands

1. The terminal islands shall be planted with canopy trees, shrubs, groundcovers, and/or grass as required. Terminal islands with only mulch are not permitted.
2. The spacing and quantity of plant material within terminal islands shall be as

specified in the Development Standards Chart.

3. Landscape islands shall be protected from damage by a six (6) inch by six (6) inch concrete curb. Wheel stops cannot be used as the only means of protection unless the landscape island is a part of an approved stormwater management plan.
4. If the proposed placement of any utilities or site lighting interferes with the landscape requirements of the terminal island, the terminal island shall be expanded to adequately accommodate the requirements of both. Canopy tree requirements for a landscape island shall not be reduced or removed to accommodate utilities or site lighting.

D. Parking lot interior islands The spacing and quantity of plant material within interior islands shall be as specified in the Development Standards Chart.

1. The interior islands shall be planted with canopy trees, shrubs, groundcovers, and/or grass as required. Interior islands with mulch only are not permitted.
2. Landscape islands shall be protected from damage by a six (6) inch by six (6) inch concrete curb. Wheel stops cannot be used as the only means of protection unless the interior island is part of an approved stormwater management plan.
3. If the proposed placement of any utilities or site lighting interferes with the requirements of the landscape island, the landscape island shall be expanded to adequately accommodate the requirements of both. Canopy tree requirements of a landscape island shall not be reduced or removed to accommodate utilities or site lighting.

E. Parking lot median islands

1. The median islands shall be planted with canopy trees, shrubs, groundcovers, and/or grass as required. Median islands with only mulch are not permitted.
2. The spacing and quantity of plant material within median islands shall be as specified in the Development Standards Chart.
3. Median islands shall have a minimum inside bed area width of five (5) feet and be planted with a combination of canopy trees, shrubs, and groundcovers. Median islands with a minimum inside bed area width greater than twelve (12) feet can substitute shrubs and groundcover with grass for up to seventy-five percent (75%) of the bed area.
4. If the proposed placement of any utilities or site lighting interferes with the requirements of the median island, the median island shall be expanded to adequately accommodate the requirements of both. The canopy tree requirements of a median island shall not be reduced or removed to accommodate utilities or site lighting.
5. The maximum spacing requirements may be adjusted by the City Planner if existing trees are proposed to be saved with adequate protection from grading and pavement.

F. Open space

1. Open space shall include all areas that are outside of the undisturbed site areas, building(s) footprint, a parking area(s), hardscape areas, stormwater facilities, overhead utility easements, and are not part of the roadway frontage, perimeter parking, and interior parking areas requirements.
2. Any existing canopy tree with a minimum caliper of ten (10) inches measured at breast height that is proposed to remain and will be properly protected from damage by construction activities can be included in the percentage of canopy coverage for open space requirement. The City Planner has the discretion to determine if a tree is acceptable based on species, location, health, and possible detrimental effects on neighboring property or public property.

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3. An existing canopy tree used as part of the percentage of canopy coverage calculation that is lost during or after construction shall be replaced with three (3) canopy trees.

Amendment #15:

“15.1.13 General Grading” of the City of Starkville Unified Development Code is hereby *amended* as follows:

15.1.13 General Grading

- A.
 1. All unsightly topographic features will be rounded, leveled, filled or otherwise graded to a pleasant appearance in a configuration commensurate with the overall development.
 2. 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.
 3. 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.
 4. Grading and centerline gradients shall be in accordance with plans and profiles approved by the City Engineer.
 5. 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).
 6. The City Engineer may require lot grading for proposed lots including but not limited to house pads, driveways, etc., if it appears that said lot grading could have an impact on final mass site grading, tie-in slopes, drainage, or any other site features.
 7. 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.
 8. 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.
 9. 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.
 10. Damage to existing streets and structures, utilities, trees, or private property shall be repaired and restored to its original condition by the Contractor.

Amendment #16:

“15.2.2 Streets” of the City of Starkville Unified Development Code is hereby *amended* as follows:

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.
- E. The City Engineer may designate construction haul routes depending on the location and condition of existing roadways.

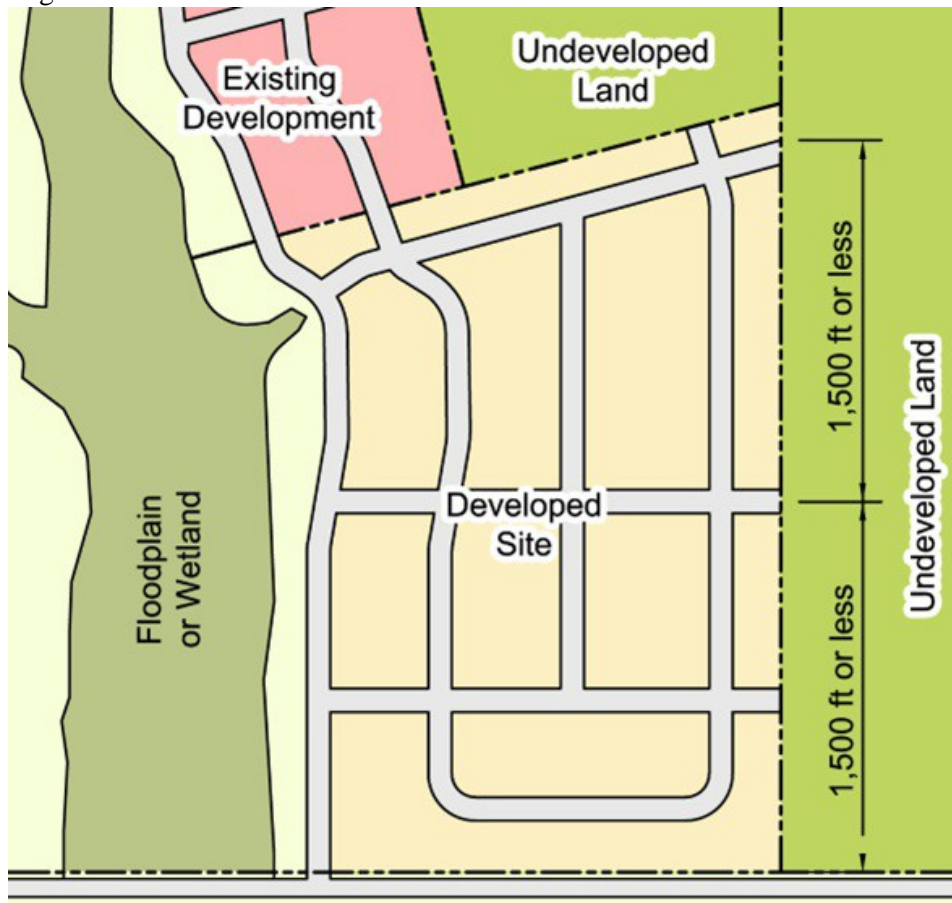
Amendment #17:

“15.3.3 Subdivision Access” of the City of Starkville Unified Development Code is hereby *amended* as follows:

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

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:
 - a. Topographical conditions in which pre-development slopes of eighteen percent (18%) or greater exist.
 - b. The crossing of a significant physical barrier or environmentally sensitive area (e.g. railroads, watercourses, floodplains, wetlands, etc.) exists.
 - c. Property shape makes such connection impractical.
 - d. Property accessibility where an existing platted subdivision with no stubs exists.
 - e. 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.
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.

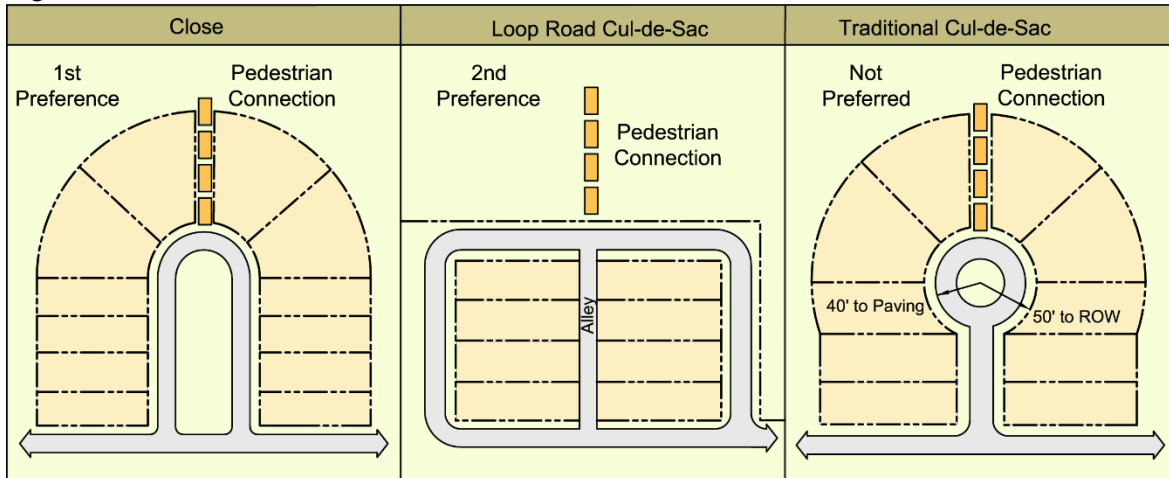
1. Any residential development with eighty (80) or more homes, more than two-hundred and fifty (250) bedrooms, or a development larger than twenty (20) acres shall have at least two (2) separate access roads. All phases of development should be considered.
2. Access road entrances shall be separated 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 road

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 for 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

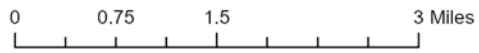
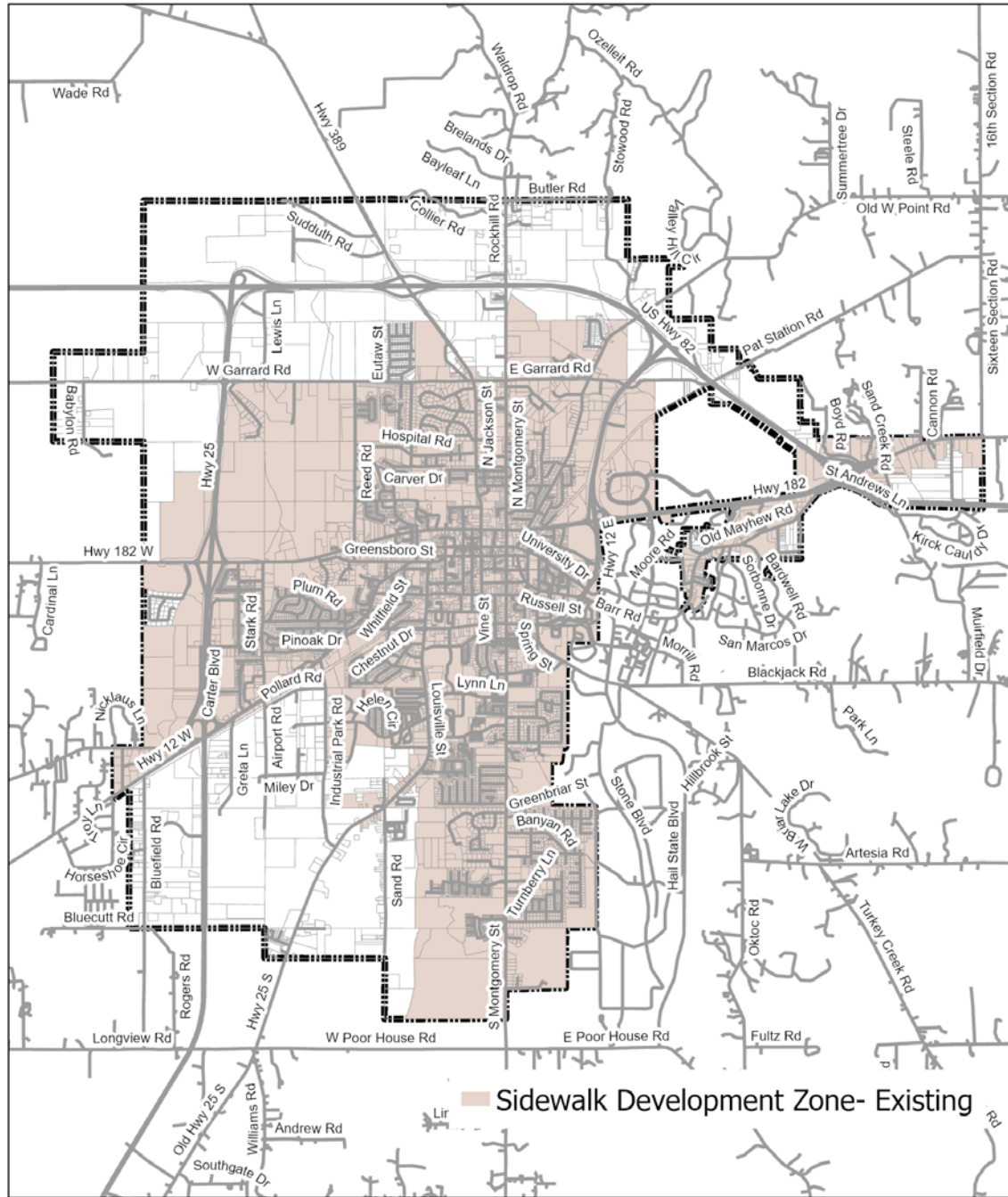


2. Permanent dead-end streets shall be no longer than three-hundred (300) feet.
3. Whenever cul-de-sac roads are created, at least one (1) pedestrian access easement shall be provided, to the extent practicable, between each cul-de-sac head or road turnaround and the sidewalk system of the closest adjacent 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 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 that have new public or private streets 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 within the Sidewalk Development Zone that have new public or private streets.

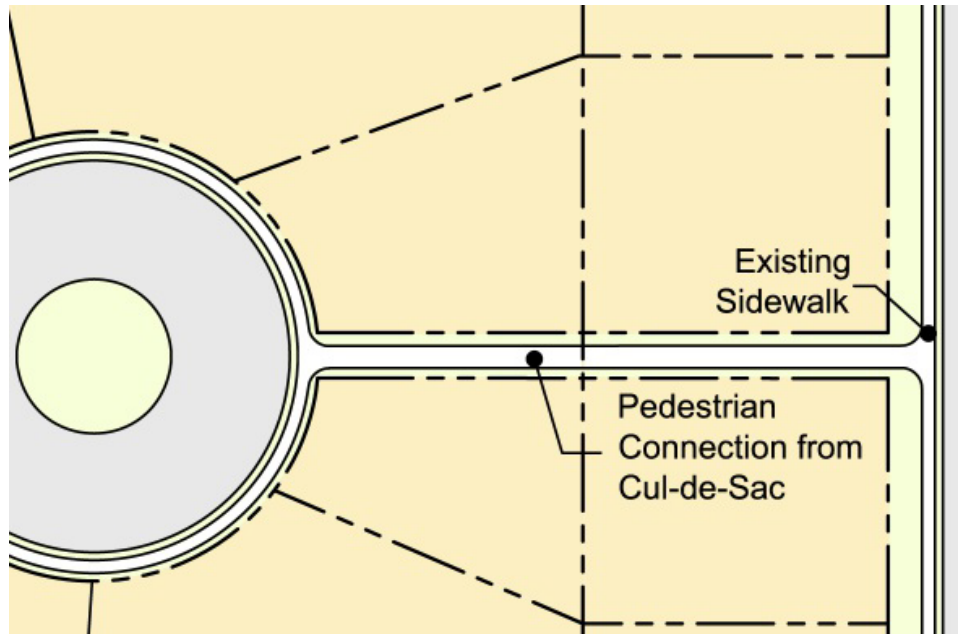
Fig 15.3-3



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 with a written request from the Developer and approval by the Board of Alderman 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.
5. Subdivided lots that are undeveloped shall be required to complete all required sidewalks prior to the 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 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
 2. In detached residential dwelling unit subdivisions with a density of less than one (1) dwelling unit per acre with or without new public or private roads.
 - 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 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:
 - a. The subdivision is along a current transit route, and the proposed subdivision presents an opportunity and need for alternative transportation options.; or
 - b. 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:
 - a. Limited sight visibility due to roadway geometry or right-of-way conditions;
 - b. Traffic volume of roadways serving the development; or
 - c. 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. Sidewalks and Pedestrian Circulation.
 - i. 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.

- i. The location of access points shall not conflict with vehicle turning movements.
- ii. 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.
- iv. Roadway design, materials, and construction shall conform the City of Starkville Standards of Design and Specifications for subdivisions.

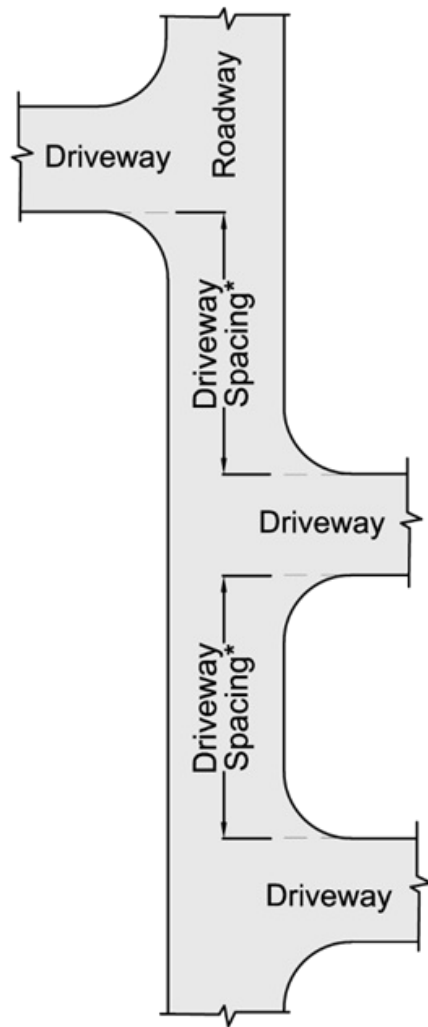
Table 15.3-2: Minimum Intersection Spacing Along Collector & Arterial Streets

Posted Speed Limit (miles per hour)	Minimum Spacing (feet)
< 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.



*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.

Amendment #18:

“15.4.1 General Provisions” of the City of Starkville Unified Development Code is hereby *amended* as follows:

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.
11. The City Engineer may require additional roadway requirements if recommended by a geotechnical report including but not limited to enhanced requirements related to pavement surface, base, subbase, and/or subgrade.
12. The City Engineer may require a minimum of three (3) inches of asphalt to be installed for long-term construction traffic.

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 & Specifications, 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:
 - 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. Alignment. Lanes on one side of the intersection must align with the correct lanes on the opposite side of the intersection.
 - e. 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.
 - f. 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 lien 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.

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

Amendment #19:

“16.8.3 Submission Of Land Disturbance Permits” of the City of Starkville Unified Development Code is hereby *amended* as follows:

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 stormwater 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. The City Engineer may require that a heavy-duty apron be installed as part of the CMP if there is an existing sidewalk across the construction access location. All sidewalk and pedestrian facilities shall be remain open and

functional during construction. Pedestrian detours may be allowed at the discretion of the City Engineer and ADA Coordinator if said detour meets all City, ADA, MUTCD, and other safety requirements.

4. 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.

Amendment #20:

“16.9.1 Purpose” of the City of Starkville Unified Development Code is hereby *amended* as follows:

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, 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 number 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.** This provisions of this article may also further regulate, guide and control any development located outside the city limits which seeks water and/or sewer service(s) to be provided by the City of Starkville as a part of a Developer's Agreement.

Amendment #21:

“16.9.2 General Criteria And Standards” of the City of Starkville Unified Development Code is hereby *amended* as follows:

16.9.2 General Criteria And Standards

A. Applicability. This article shall be applicable within the City of Starkville's jurisdictional area and may be applicable to any development located outside the city limits which seeks water and/or sewer service(s) to be provided by the City as a part of a Developer's Agreement, 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 as calculated based on a weighted average;
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 16.9.2.A.1-16.9.2 A—2ii. 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.

C. Mitigation of Excess Stormwater Runoff. The increased stormwater runoff resulting from the proposed development or redevelopment meeting the minimum applicability criteria of in 16.9.2.A 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 25-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. Stormwater storage shall be sufficient to store all excess flows and volumes for the design storms of this ordinance. 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 design storms of this ordinance.

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, at the discharge location downstream flooding can still occur due to increased duration of peak flow rates. These longer flow durations can combine with existing downstream flows to create flooding that may not have previously existed. A downstream analysis of the design events may 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 increased runoff durations do 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 twenty (20) acres or greater will be required to perform a "10% Rule" analysis, as described in the Georgia Stormwater Management Manual (current edition).
3. In the event the downstream runoff analysis concludes a potential for increased peak flows downstream, the City Engineer may require further mitigation through additional or reduced stormwater management facilities or other methods to protect downstream properties.

F. Stormwater Management Facilities in Floodplains. If stormwater storage is provided within a FEMA recognized Special Flood Hazard Area of any zone, 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 shall be submitted to determine the base flood elevation. A copy of this study shall be submitted to the City Engineer for review and approval. 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 or surcharge from 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 for the 100-year, 24-hour storm event.

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 and extenuating 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 Stormwater Facilities. 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. and shall be appropriately surveyed and modeled to accurately determine the impacts of the downstream system on the proposed system In the event the downstream infrastructure cannot convey the required runoff, the City Engineer may require further mitigation or improvement.

K. Redevelopments. For redevelopments that require site plan approval such that post-developed conditions may:

1. 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 the 2-year, 24-hour storm event.
2. 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:
 - a. Pre-development condition for the 2-year, 10-year, and 25- year, 24-hour storm events; or
 - b. An amount of less than or equal to ninety-five (95) percent of the post-development condition for the 2-year, 10-year, and 25-year, 24-hour storm event

L. 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

M. 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.

N. 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.

O. 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-year and 10-year storm events. Stormwater management facilities, permanent or temporary, must be properly maintained during all stages of site development.

Amendment #22:

“16.10.3 General Provisions” of the City of Starkville Unified Development Code is hereby *amended* as follows:

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 corporate limits 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;
 - 1. Liberally construed in favor of the governing body, and;
 - 1. 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.

Amendment #23:

“16.10.5 Provisions For Flood Hazard Reduction” of the City of Starkville Unified Development Code is hereby *amended* as follows:

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.
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.
 - (1) 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);

(2) 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;

a. 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,

b. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.

(3) 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.

(1) 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

(2) 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.

- (3) **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.
- d. On a case-by-case basis, existing structures located in a floodway or that become incorporated into a floodway may be allowed to provide routine maintenance and remodeling of the structure. Those maintenance and remodeling measures shall not include any enlargement of the building, additional impervious areas, or any other modifications that would have any impact of any kind on the existing floodway. Regardless, no property in the floodway shall be substantially improved.

- 8. **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 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 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.

9. **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) 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. All preliminary plans for platted subdivisions shall identify the flood hazard areas and elevations of the base flood.
- (6) All final subdivisions plats shall provide the boundary of the special flood hazard area, the floodway boundary, and the base flood elevation.

10. **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.

Amendment #24:

“17.6.2 Registration, Licensing, And Inspection” of the City of Starkville Unified Development Code is hereby *amended* as follows

17.6.2 Registration, Licensing, And Inspection

It shall be unlawful for any person and/or entity to maintain or operate any rental housing unit(s) within the City of Starkville unless such person or entity has registered the property and has obtained a rental housing license and privilege license.

A. Registration Fee

1. All persons or entities who have rental property within the City are required to register their property(ies) within 60 days after the effective date, March 17, 2022, of the ordinance and before the property is rented for the first time after a certificate of occupancy is granted.
2. A registration fee, to be established by action of the Mayor and Board of Aldermen, per rental unit shall be due upon registration. A registration fee shall also be required upon any change in ownership.
3. Failure to pay the registration fee within sixty (60) days after the effective date, March 17, 2022, of the passage of this ordinance shall be considered a violation and enforced in accordance with Section 3.19. In addition to penalties, as outlined in Section 3.19.2, revocation of the certificate of occupancy for each unregistered unit may occur.
4. A Notice of Violation will be issued to the owner of the property and/or a responsible party or agent where the alleged violation occurred, a failure to Register Rental Housing Property may result in a per unit per day fine in accordance with the Fee and Fine Schedule in addition to reimbursement for any administrative fees incurred. Allowing ten (10) calendar days to correct the violation.

B. License application. Application for an initial rental housing license shall be filed with, and issued by, the Community Development Department. The applicant shall be the property owner, agent, or manager and shall have the authority to provide consent for inspections. The application shall include the following:

1. The name and address of the property owner.
2. The name and address of the agent or manager if applicable. In the case of a domestic or foreign entity the street address of the in-state register agent.
3. Signature of the property owner, agent, and/or manager.
4. Phone number and email address of the property owner, agent and/or manager.
5. The address and unit/suite number of each individual rental unit.
6. Proof of identity
7. A statement as to whether utility services will be provided by the owner or be the tenant's responsibility.
8. Proof of Starkville privilege license with owner's name and/or agent's name listed.
9. Such other information may be requested by the Community Development Department to enable it to determine if the proposed rental housing unit or complex will comply with legal requirements.

C. License transfer. Any change of ownership of a residential dwelling unit shall require a license transfer.

- D. **License revocation.** The Community Development Department may revoke any license to maintain and operate a rental housing unit or complex when the licensee has been found guilty by the court of violating any provisions of this section, not being in good standing with the Mississippi Secretary of State, and/or of knowingly providing false or incomplete information in the process of application for a license or certificate of occupancy. After such conviction, the license may be reissued if the circumstances leading to the conviction have been remedied and the rental housing unit or complex is being maintained and operated in full compliance with the law.
- E. **Inspections.** The Building Official or designee may request to inspect any rental housing unit(s) or complex(es).
1. **Personnel.** The Building Official or designee is authorized to make reasonable and necessary inspections of rental housing units and premises to determine compliance with this section.
 2. **Access.** Building Official or designee may request to inspect the rental housing unit and upon reasonable notice be allowed access to any part of such rental housing unit for the purpose of making such inspections. If the owner, agent, manager, or tenant of any rental dwelling unit refuses entry upon request of the Building Official or designee to carry out an inspection in accordance with this section, the City may make an application to the appropriate judicial officer for a warrant based upon constitutional standards in effect at the time of the application, and shall not make an entry in the absence of consent, a lawful warrant, or other legal authority.
 3. **Failure of Inspection.** If upon inspection, violations of interior or exterior standards exist, the owner, agent, or manager will be required to correct all violations within a reasonable period of time as determined by the Building Official or designee not to exceed ninety (90) days. In the event the rental housing unit becomes unoccupied, future occupancy will be prohibited until all violations have been corrected and the unit has been reinspected by the City and deemed to comply.

Amendment #25: _

“17.6.3 Administration And Enforcement” of the City of Starkville Unified Development Code is hereby *amended* as follows:

17.6.3 Administration And Enforcement

- A. **Administration.** The Building Official has the primary responsibility of overseeing and, with code enforcement, enforcing this chapter, and is granted the authority expressly and impliedly needed and necessary for enforcement.
- B. **Failure to Comply & Enforcement.** Nothing in this section shall preclude employees of the Community Development Department or Code Enforcement from seeking voluntary compliance with the provisions of this section or from enforcing this section, proactively or reactively, through warnings, citations, or other such devices designed to achieve compliance in the most efficient and effective manner under the circumstances. After final notice has been received by the licensee and the licensee remains non-compliant, The Judge may issue a summons against the violator which can result in fines, assessments, and additional fees.

Amendment #26:

“17.6.7 Appeal Procedure” of the City of Starkville Unified Development Code is hereby *amended* as follows:

17.6.7 Appeal Procedure

Any interpretation by the Building Official of the Rental Housing Standards resulting in the issuance of a citation can be appealed as an Administrative Appeal to the Board of Aldermen. The applicant shall have ten (10) business days from the issuance of the citation to appeal that decision to the Board of Aldermen. The appeal will be placed on the Board of Aldermen agenda. Parties aggrieved by the final decision of the Mayor and Board of Aldermen may appeal to a court of competent jurisdiction.