

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF STARKVILLE, MISSISSIPPI, AND PROVIDING FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF THE CITY; TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES AND LAND; TO PROVIDE FOR OFF-STREET LOADING AND UNLOADING OF TRUCKS AND OTHER MOTOR VEHICLES; TO PROVIDE FOR METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF; TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD OF ADJUSTMENT TO ASSIST IN CERTAIN PHASES OF THE ADMINISTRATION OF THIS ORDINANCE; AND TO REPEAL EXISTING ZONING ORDINANCES AND CONFLICTING LAWS.

NOW BE IT ORDAINED By the Board of Aldermen of the City of Starkville, the Mayor Concurring Therein, As Follows:

ARTICLE I. CLASSIFICATION AND ESTABLISHMENT OF DISTRICTS

Sec. A. Short title.

This ordinance shall be known as the "Zoning Ordinance;" and the map herein referred to identified by the title "Official Zoning District Map of Starkville, Mississippi," and shall be certified by the mayor and attested by the city clerk. The zoning district map and all explanatory matter thereon is hereby adopted and made a part of this ordinance. Said map shall be filed in the office of the building/codes official and shall show thereon the date of adoption of this ordinance.

Sec. B. Purpose.

The purpose of this ordinance is to preserve and promote public health, safety, morals and general welfare of the people of the City of Starkville and of the public generally through the regulation of: The location, height, size of buildings and other structures; the density and distribution of population, size of yards and other open spaces; the use of buildings, structures and land for commercial, industrial, residential and other purposes, and of off-street parking and off-street loading.

Sec. C. Zoning districts.

For the purpose of this ordinance, the City of Starkville is hereby divided *into base and overlay districts. A base district designation shall apply to each lot or site within the City. A site must be in one (1) base district. An overlay district designation may be applied to any site or any portion thereof. More than one overlay district may apply to the same portion of a site. The 20 districts are designated as follows:*

- A-1 Agricultural district
- R-E Residential estate district
- R-1 Residential district
- R-2 Residential district
- R-3 Residential district

R-4	Residential district
R-5	Residential district
R-6	Residential district (<i>mobile home parks only</i>)
R-M	Residential district (mobile homes, individual lots)
<i>PB</i>	<i>Planned office district(not mapped)</i>
<i>O</i>	<i>Office district</i>
B-1	Buffer District
C-1	Business district (<i>neighborhood</i>)
C-2	Business district (<i>general or highway oriented</i>)
C-3	Central business district (<i>CBD</i>)
<i>O</i>	<i>Office district</i>
M-1	Industrial district (light)
SU	Special use district (not mapped)
<i>PUD</i>	<i>Planned use district (overlay)</i>

Sec. D. Zoning district map.

The city is herein divided into zones, or districts, as shown on the “Official Zoning District Map.” The official zoning district map, together with all notations, references, or other information thereon, is made a part of this ordinance and has the same force and effect as if fully set forth and described herein. The official zoning district map covers the entire jurisdictional area of the City of Starkville. The original of the Official Zoning District Map shall be properly attested, bear the seal of the city, and be on file in the office of the Building/Codes Official. It shall be the duty of the building/codes official to maintain and keep the zoning district map up-to-date at all times. The Official Zoning District Map shall be available for public inspection as provided by law for all matters which are public record.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning District Map, the following rules shall apply:

- A. Where district boundaries are indicated as following streets, highways, or alleys, the centerlines of such streets, highways, or alleys shall be construed to be such boundaries.
- B. Where the land has been or may hereafter be divided into blocks and lots where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. In unsubdivided property the district boundary lines on the zoning district map shall be determined by use of the scale appearing on the map.
- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located on the abutting property line of said railroad line.
- E. Questions concerning the exact location of district boundary lines shall be decided by the *planning and zoning commission*.
- F. In the event that the Official Zoning District Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Aldermen may by resolution adopt a new Official Zoning District Map which shall supersede the prior Official Zoning District Map. The new Official Zoning District Map may correct drafting errors or other omissions of the prior official zoning district map, but no such correction shall have the effect of amending

the original official zoning district map or any subsequent amendment thereof. The new Official Zoning District Map shall be identified by the signature of the mayor, attested by the city clerk, and bear the seal of the city under the following words:

"This is to certify that this Official Zoning District Map supersedes and replaces the Official Zoning District Map adopted as part of Appendix A of the Code of Ordinances, City of Starkville, Mississippi, on November 15, 1977."

Sec. E. Uses.

In each district no use other than the type specified as "permitted" or "permitted as an exception" shall be allowed (See article VII). Uses specified as permitted shall be permitted upon application to the Building/Codes official and approved as meeting the terms of this Ordinance. Uses specified as "permitted as an exception" are conditional uses, and no permit shall be issued for such uses except with the written approval of the Planning and Zoning commission and subject to such conditions as said commission may require to preserve and protect the character of the district.

Any use or structure existing at the time of enactment of or subsequent amendment to this ordinance, but not in conformity with its provisions, may be continued or rebuilt after fire or other damage with the following limitations:

- A. *Construction approved prior to ordinance:* Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been diligently prosecuted within three (3) months of the date of such permit, and the ground story framework of which, including the second tier beams, shall have been completed within six (6) months of the date of the permit, and which entire building shall be completed according to such plans as filed within one (1) year from date of this ordinance.
- B. *Extension:* A non-conforming use shall not be extended or enlarged except when required to do so by law or by ordinance. The attachment of signs to the building, or the attachment of racks, balconies, or other projections from the building shall be considered as an extension of the use of the building.
- C. *Displacement:* No non-conforming use shall be extended to displace a conforming use.
- D. *Alterations and/or replacement:* A non-conforming building may not be reconstructed or structurally altered during its life to an extent exceeding an aggregate cost of 50 percent (50%) of the market value of the building unless said building is changed to a conforming use. If a non-conforming use and/or structure is removed from any building site, the reuse of that site must be for a conforming use and/or structure.
- E. *Restoration:* No building damaged by fire or other causes to the extent of more than 50 percent (50%) of its market value shall be repaired or rebuilt except in conformity with the regulations of this ordinance.
- F. *Unsafe structures:* Any non-conforming structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
- G. *Changes:* If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. Once changed to a

conforming use, no building or land shall be permitted to revert to a nonconforming use. A use changed to a more restricted non-conforming use shall not be permitted to revert to a less restricted non-conforming use.

- H. *Discontinuance*: No building or portion thereof or land used in whole or in part for non-conforming purposes according to the provisions of this article, which thereafter becomes and remains vacant for a period of one (1) year, or for a period of six (6) months if the vacancy is caused by a voluntary act of the owner of such a building or land, or has a cessation of use for like period, shall again be used except in conformity with the regulations of the district in which such building or land is situated. Neither the intention of the owner, nor that of anyone else, to use a building or any part thereof for any non-conforming use, nor the fact that said building or lot or any part of either may have been used by a makeshift or pretended non-conforming use shall be taken into consideration in interpreting and construing the words "vacant" or "cessation of such use" as used in this article.
- I. *District changes*: Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions of this section shall also apply to any non-conforming uses existing therein.

Any lawful use of a structure or land existing at the time of the enactment of this ordinance may be continued although such use does not conform with the provisions of this ordinance.

Sec. F. Building lots, yards, and open space.

In each district, each structure hereafter erected or altered shall be on a lot of the area and width specified in article VIII. No open space or lot required for a building or structure shall during its life be occupied by or counted as open space for another building or structure.

Exceptions to the district requirements for building lots and yards follow:

- A. Where the owner of a lot of official record at the time of adoption of this ordinance does not own sufficient adjacent land to enable him to conform to the yard and other requirements of this ordinance, the building and its accessory structures may be built provided the yard space and other requirements conform as closely as possible, in the opinion of the Planning and Zoning Commission, to the requirements of the district in which it is located; and further provided that neither side yard shall be reduced to less than five (5) feet.
- B. No building need be set back more than the average of the setbacks of the existing residences within *either* one hundred (100) feet or two (2) lots on either side of the building, whichever is greater.
- C. Under further provisions of this ordinance, PUD(s) have special requirements meeting lot and yard provisions.

Sec. G. Heights.

In each district, each structure hereafter erected or altered shall not exceed the height specified in the district requirements, Article VII.

Height limitations shall not apply to church steeples, hospitals, sanatoriums, barns, silos, farm structures, chimneys, flagpoles, public utility poles, radio and television towers and aerials, cooling towers, or water tanks.

Sec. H. Off-street automobile storage.

In each district each structure hereafter erected or altered shall be provided with off-street automobile storage as specified in district schedule, article VII and VIII. No off-street automobile storage space required for a building or structure shall during its life be occupied by or counted as off-street automobile space for another building or structure, but may be included in the required yard space.

Sec. I. Off-street loading and unloading.

In each business and industrial district each structure hereafter erected or altered shall be provided with off-street loading and unloading facilities as specified in the district schedule, Article VII.

Sec. J. Structures.

It is the intent of this ordinance that there shall be but one main structure plus any permitted accessory structures on any lot used for residential purposes except as otherwise specifically permitted; also that accessory structures shall not include living quarters.

Sec. K. Classifications of annexed territory.

All territory which may hereafter be annexed to the City of Starkville, Mississippi, shall be classified as Agricultural until otherwise changed by ordinance after public hearing.

