

ORDINANCE NO. 2001-04

AN ORDINANCE TO AMEND THE CITY OF STARKVILLE
ZONING ORDINANCE ARTICLE 1, SECTIONS A, D & E;
ARTICLE II, SECTION A; ARTICLE III, SECTION A;
ARTICLE IV, SECTION B; ARTICLE VI, SECTIONS H, I,
M AND N; ARTICLE VII, SECTIONS N AND O
TO ASSIGN DUTIES AND RESPONSIBILITIES TO THE CITY
PLANNER OR PLANNING DEPARTMENT AND TO THE
BUILDING/CODES OFFICIAL OR BUILDING DEPARTMENT

WHEREAS, the City of Starkville desires to assign the administration and enforcement of the City of Starkville Zoning Ordinance to the City Planner or Planning Department; and

WHEREAS, the City of Starkville desires to assign the administration and enforcement of the provisions of the Southern Building Code and the National Electric Code to the Building/Codes Official or Building Department.

BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Starkville that the City of Starkville Zoning Ordinance be amended 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," 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 *Planning Department* and shall show thereon the date of adoption of this ordinance.

Sec. D. Zoning District Map (paragraph one)

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 *Planning Department*. It shall be the duty of the *City Planner* 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.

Sec. E. Uses (paragraph one)

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 *City Planner* and approved as meeting the terms of this ordinance. Uses specified as permitted as an exception are special exceptions, 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.

ARTICLE II. DEFINITIONS; RULES OF CONSTRUCTION

Sec. A Definitions and rules of construction.

Building Codes Official: The city official responsible for issuance of building permits.

City Planner: The City official responsible for administration of the "Official Zoning Map" and Zoning Ordinance.

Code Compliance Officer: Te city employee who works under the supervision of the City Planner to ensure compliance of various city codes and ordinances.

ARTICLE III. ENFORCEMENT

Sec. A. Enforcing Officer.

The provisions of *the Zoning Ordinance* shall be administered and enforced by the *City Planner*. *The Building/Codes Official shall administer and enforce the provisions of the Southern Building Code and National Electric Code. The Building/Codes Official* shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this ordinance.

ARTICLE IV. AMENDMENTS

Sec. B. Amendment procedure.

3. Administrative examination. Upon receipt of a completed application for amendment, the *City Planner* shall examine the application and shall make such investigation as is necessary. Within ten days of the receipt of an application the building/codes official shall transmit the application, together with a report of his investigation, to the Planning and Zoning Commission.

4. Public hearing by Planning and Zoning Commission. The Planning and Zoning Commission shall fix a reasonable time for a public hearing and shall give public notice thereof as required by law, as well as notice to the applicant and to the *City Planner*. The commission may also notify the owners of the surrounding property by mail as the names and addresses of such owners have been furnished by the applicant, and may post a notice of such hearing on the property included within the proposed district. The commission shall prepare a record of its proceedings for each case showing the grounds of its recommendation. The record of the proceeding shall he filed in the office of the commission, and shall be a public record. A certified copy of the record of proceedings shall be transmitted to the Mayor and Board of Aldermen.

ARTICLE VI. GENERAL PROVISIONS

Sec. H. Requirements for Meeting Manufactured Home Standards.

2. The manufactured home must be covered with an exterior material customarily used for conventional dwelling to the satisfaction of the *Building/Codes Official and the City*

Planner. The exterior covering material shall extend to the ground except that when a solid concrete or masonry foundation is used, the exterior covering material need not extend below the top of the foundation. Color and texture of the exterior materials shall be compatible with adjacent single-family structures.

Sec. I. Special Exception Use (conditional zoning).

1. Administrative examination. Upon receipt of a completed application for a conditional zoning exception use amendment, the **City Planner** shall examine the application and shall make such investigation as is necessary. Within ten (10) days of the receipt of an application the City Planner shall transmit the application, together with a report of his investigation, to the Planning and Zoning Commission.

2. Public Hearing by Planning and Zoning Commission. The Planning and Zoning Commission shall fix a reasonable time for a public hearing and shall give public notice thereof as required by law, as well as notice to the applicant and to the **City Planner**. The commission may also notify the owners of the surrounding property by mail as the names and addresses of such owners have been furnished by the applicant, and may post a notice of such hearing on the property for which special exception use is being requested. The commission shall prepare a record of its proceedings for each case showing the grounds of its recommendation. The record of the proceedings shall be filed in the office of the commission, and shall be a public record. A certified copy of the record of proceedings shall be transmitted to the Mayor and Board of Aldermen.

Sec. M. Home Occupations.

Any person who engages in a home occupation as defined and permitted under the provisions of this ordinance shall secure a home occupation permit from the **City Planner** that identifies the name and address of the home occupation, certifies compliance with the zoning ordinance provisions relating to home occupations, and further certifies that evidence that the home occupation is being carried out with all required local and state permits and licenses. This permit shall be renewed annually, at which time, if any conditions originally existing when the permit was issued have changed so as to cause the home occupation to be in nonconformance with any of the provisions of the zoning ordinance relating to home occupations, or if any conditions, whether changed or not, are causing an undue hardship upon the surrounding neighbors (i.e., excessive traffic), the permit renewal may be denied. This permit and renewal of the permit shall require payment of a fee as set by the Mayor and Board of Aldermen.

Sec. N. Special Plan for Planned Building Groups and/or Site Plan Reviews

2. Planned Building Groups

C. Procedure for Special Plans for Building Groups.

2. Review Process. Upon receipt of a complete application for a planned building group, the **City Planner** shall transmit copies to the Planning and Zoning Commission members and appropriate city departments for review and recommendations. The Planning and Zoning Commission shall promptly, within 30 days, schedule a review of the planned building group application and the applicant shall be notified of the date and time of the review. Following a public meeting, the Planning and Zoning Commission shall transmit review

findings, approval, disapproval, and/or any conditions of approval to the applicant, which may include requirements for submission of a final development plan.

3. Final Development Plan. When required by the Planning and Zoning Commission, the applicant shall prepare and file with the *City Planner* a final development plan, which shall be promptly transmitted to the Planning and Zoning Commission and appropriate city departments for review. At the following regularly scheduled meeting of the Planning and Zoning Commission, the final plans shall be reviewed for approval. Upon approval of the special plan for a planned building group, a copy of such plan shall be registered upon the records of the *Planning Department* and shall be binding upon the applicant, its heirs, successors and assigns and shall limit and control the issuance of permits for property development.

3. Site Plan Reviews.

C. Procedure for Special Plans for Site Plan Review.

2. Review Process. Upon receipt of a complete application requiring site plan review, the *City Planner* shall transmit copies to the Planning and Zoning Commission members and appropriate city departments for review and recommendations. The Planning and Zoning Commission shall promptly, within 30 days, schedule a review of the site plan application and the applicant shall be notified of the date and time of the review. Following the review, the Planning and Zoning Commission shall transmit its review findings, approval, disapproval, and/or any conditions of approval to the applicant, which may include requirements for submission of a final development plan.

3. Final Development Plan. When required by the Planning and Zoning Commission, the applicant shall prepare and file with the *City Planner* a final development plan, which shall be promptly transmitted to the Planning and Zoning Commission and appropriate city departments for review. At the following regularly scheduled meeting of the Planning and Zoning Commission, the final plans shall be reviewed for approval. Upon approval of the special plan requiring site plan review, a copy of such plan shall be registered upon the records of the *Planning Department* and shall thereafter be binding upon the applicants, their heirs, successors and assigns and shall limit and control the issuance of permits for property development.

ARTICLE VII. DISTRICT REGULATIONS

Sec. N. PUD Planned Unit Development Districts.

D. Review Process. Upon receipt of an application for approval of a special plan for a planned unit development, properly and completely made out, the *City Planner* shall promptly transmit copies to Planning and Zoning Commission members and appropriate city departments for review and recommendations. Responses from department heads shall be forwarded to the Planning and Zoning Commission. The Planning and Zoning Commission shall schedule in a timely manner, within 30 days, a preliminary review of the planned unit development application and the applicant shall be notified of the date and time of the review. For planned unit developments, the Planning and Zoning Commission shall hold a public hearing and interested parties notified in the same manner as for other rezoning hearings. Following the public hearing, the Planning and Zoning Commission shall transmit its preliminary plan approval or disapproval report to the applicant, including any conditions of approval, which may include a performance bond.

E. Final Development Plan. In accord with the Planning and Zoning Commission findings and approvals, a final development plan shall be prepared and filed in the ***Planning Department***, including all or any increment of the approved preliminary plan. The final development plan shall be fully in accord with the approved preliminary plan and shall be binding and shall control the issuance of permits and/or certificates.

Sec. 0. SU Special Use Districts.

4. Regulations for Special Use Districts.

(g) Site plan submittal: When submitting an application for a Special Use District to the ***City Planner***, such application shall include a detailed site plan. ***This site plan shall be certified by the City Planner to meet the requirements of the ordinance. The Planning and Zoning Commission shall consider and approve the site plan with necessary conditions.*** The ***City Planner*** shall then require such changes as will bring the site plan into conformance before submitting the application to the Board of Aldermen. After this procedure has been followed and the Special Use District zoning has been granted, it will not be necessary to resubmit the final site plan in order to secure building permits.

Effective Date. This ordinance shall take effect thirty (30) days after passage and publication.

Publication. The Clerk is directed to cause this ordinance to be published one (1) time in the **Starkville Daily News**.

UPON MOTION of Alderman Marie Lee, duly seconded by Alderman P.C. McLaurin, Jr., the aforesaid Ordinance was put to a roll call vote with the Aldermen voting as follows:

Alderman Marie Lee	Voted: Yea
Alderman Frank M. Davis, Sr.	Voted: Yea
Alderman P.C. McLaurin Jr.	Voted: Yea
Alderman Lee Beck	Voted: Yea
Alderman Virgil Bolin	Voted: Yea
Alderman Roy A'. Perkins	Voted: Yea
Alderman Vic Zitta	Voted: Yea

ORDAINED AND ADOPTED, this the 6th day of November, A.D., 2001 at the Regular Meeting of the Mayor and Board of Aldermen of the City of Starkville, Mississippi.

MACK RUTLEDGE, Mayor
City of Starkville, Mississippi

VIVIAN E. COLLIER, Clerk
City of Starkville, Mississippi

(S E A L)