

**ORDINANCE NO. 2002-03**

**AN ORDINANCE TO AMEND THE CITY OF STARKVILLE  
ZONING ORDINANCE ARTICLE VI, SECTION N, PART 3B(1)  
TO REVISE CONDITIONS TO BE MET BY DEVELOPMENTS  
REQUIRING SITE PLAN REVIEW**

**WHEREAS**, the City of Starkville desires to revise the conditions to be met by developments requiring site plan review.

**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 VI. GENERAL PROVISIONS.**

**Sec. N. Special plans for planned building groups and/or site plan reviews.**

1. General provisions. Any special plan requiring review under any part(s) of this article shall meet the most stringent requirements imposed for the special plan review by this article, but shall have all requirements of this article reviewed concurrently by the planning and zoning commission and/or the board of aldermen. Separate submissions and reviews will not be required.

2. Planned building groups.

A. Policy for planned building groups.

Except as provided for in this article, these zoning regulations require a separate building lot for each structure other than an accessory structure. To allow and encourage greater design flexibility for location of buildings comprising a planned [building] group, the provisions of this article waive the separate building lot requirement and permit two or more buildings to be erected and maintained on the same building lot when certain special conditions are met. Examples of such building groups could include apartment projects, office parks, business centers, etc.

B. Conditions to be met by special plans for planned building groups.

(1) District regulations. Every building group erected and maintained under the provisions of this article shall comply with all the regulations of the zone district in which the building group would be located except the requirement of a separate building lot for each main structure; such building groups may be considered as one building for the purpose of complying with building lot area, height, open space, yard, and other similar district regulations.

(2) Site plan and improvements. A special plan for a planned building group shall show, and there shall be provided, the following:

(a) Drainage. Adequate facilities for the drainage of surface water, including storm sewers, gutters, paving, and proper design of finished grades.

(b) Circulation and parking. Adequate facilities for the safe and convenient circulation of pedestrian and vehicular traffic, including walks, driveways, off-street parking area(s), off-street loading areas (as required), and landscaped separation spaces between pedestrian and vehicular ways.

(c) Open spaces. In residential building groups, adequate, safely located and usable required open spaces.

(d) Building spacing and orientation. All buildings shall be designed and located on the lot in accord with fire safety and other codes requiring spacing between buildings for safety and emergency access.

#### C. Procedure for special plans for building groups.

(1) Application for approval. An application for approval of a special plan for a building group shall be filed with the building/codes official and shall contain the following:

(a) Interest and ownership. The applicant's name, address, and interest in the application along with the name, address, and interest of any others represented by the applicant; the concurrence of the owner(s) of the entire land area included in the special plan and all encumbrances of such land; evidence that the applicant and/or owners intend to develop the land along with a written statement expressing the character of the proposed development.

(b) Preliminary development plans. An application for a planned building group is to be accompanied by a preliminary plan which must include maps and a written statement. Adjacent properties impacted by the development are to be identified. The following data may be required with the submission:

- (i) Existing topography of the site.
- (ii) Drainage within the project and adjacent area if impacted.

- (iii) Existing and proposed land uses and existing zoning.
- (iv) Existing property lines.
- (v) Circulation system including walks, curb cuts, ingress and egress drives, driveway.
- (vi) Parking and loading area.
- (vii) Approximate location of all building structures, improvements and open areas.
- (viii) Preliminary elevations and/or perspective drawings representative of proposed development.
- (ix) A tentative development schedule including phasing plans if appropriate.
- (x) Any proposed covenants or other agreements governing maintenance and continued protection of the proposed development.

(2) Review process. Upon receipt of a complete application for a planned building group, the City Planner shall transmit copies to 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 scheduled meeting of the plan 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 City Planner and shall be binding upon the applicant, its heirs, successors and assigns and shall limit and control the issuance of permits for property development.

(4) Amendment or withdrawal of special plan. By the same procedure by which the special plan was originally approved, the special plan may be amended or withdrawn. AU special plan changes must be in accord with the term of this ordinance.

D. Appeal.

Any person with a proprietary interest in the application, or with a proprietary interest in real property which abuts the land described in the application, who is aggrieved by a decision of the Planning and Zoning commission in approving or disapproving an application for a special plan under this article may within five (5) days from the date of the approval or denial of the application file a written request with the mayor and board of aldermen and thereupon the mayor and board of aldermen shall proceed to review said decision. After appropriate review and in a public meeting, the decision of the planning and zoning commission shall either be affirmed, modified, or reversed, and the applicant, the planning and zoning commission, and the appellant (if it be not the applicant or the Planning and Zoning Commission) notified.

3. Site plan reviews.

A. Policy for site plan reviews.

(1) Purpose. Site plan reviews are required for special plans for certain large scale projects to ensure quality design and safety standards are met; compatibility of plans with nearby existing and/or proposed uses; and to assure a central point of review comparable with the provisions of planned building groups is established.

(2) Review not required. Applicants filing special plans to der the planned building group and/or planned unit development provisions are excluded from special site plan review requirements.

If rezoning is being requested, the applicant may provide information required to meet the requirements of this article in the application submission and site plan reviews will be conducted concurrently with the rezoning hearings.

B. Conditions to be met by special plans for site plan review.

(1) Developments requiring site plan review **by the Planning and Zoning Commission are:**

(a) Any freestanding residential development **consisting of eight (8) units or more.**

(b) Any freestanding commercial, industrial, institutional, semipublic, and/or public development **totaling 5,000 square feet of total building area or more.**

(c) Any development, (excluding conventional single-family residential subdivisions), encompassing **two (2) acres gross or more.**

(d) **Any amendments to a previously approved site plan that increases the square footage or acreage by more than 10% or increases the number of units, requires approval of the Planning and Zoning Commission at a Public hearing.**

(2) Site plan and improvements. A special plan for site plan review shall show and there shall be provided the following:

(a) Drainage. Adequate facilities for the drainage of surface water, including storm sewers, gutters, paving, and proper design of finished grades.

(b) Circulation and parking. Adequate facilities for the safe and convenient circulation of pedestrian and vehicular traffic, including walks, driveways, off-street parking area(s), off-street loading areas (as required), and landscaped separation spaces between pedestrian and vehicular ways.

C. Procedure for special plans for site plan review.

(1) Application for approval. An application for approval of a special plan requiring site plan review shall be filed with the City Planner and shall contain the following:

(a) Interest and ownership. The applicant's name, address, and interest in the application along with the name, address, and interest of any others represented by the applicant; the concurrence of the owner(s) of the entire land area included in the special plan and all encumbrances of such land; evidence that the applicant and/or owners intend to develop the land along with a written statement expressing the character of the proposed development.

(b) Preliminary development plans. An application for special plans requiring site plan reviews is to be accompanied by a preliminary development plan. Adjacent properties impacted by the development are to be identified on the plans. The following data may be required with the submission:

- (i) Existing topography of the site.
- (ii) Drainage within the project and adjacent area if impacted.
- (iii) Existing and proposed land uses and existing zoning.
- (iv) Existing property lines.
- (v) Circulation system including walks, curb cuts, ingress and egress drives, driveways
- (vi) Parking and loading area.

- (vii) Approximate location of all building structures, improvements and open areas.
- (viii) Preliminary elevations and/or perspective drawings representative of proposed development.

(2) Review Process. Upon receipt of a complete application requiring site plan review, the City Planner shall transmit copies to 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 City Planner 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.

(4) Amendment or withdrawal of special plan. By the same procedure by which the special plan was originally approved, the special plan may be amended or withdrawn. All special plan changes must be in accord with the terms of the ordinance.

- D. Appeal. Any person aggrieved by a decision of the Planning and Zoning Commission in approving or disapproving an application for a special plan under this article may within five (5) days from the date of such decision file a written request to the mayor and board of aldermen and thereupon the mayor and board of aldermen shall proceed to review said decision. After appropriate review and in a public meeting, the decision of the planning and zoning commission shall either be affirmed, modified, or reversed, and the applicant and the planning and zoning commission notified.

**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 Vic Zitta, duly seconded by Alderman Frank M. Davis, the aforesaid Ordinance was put to a roll call vote with the Aldermen voting as follows:

Alderman Sumner D. Davis, III	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 4<sup>th</sup> day of June, A.D., 2002 at the Regular Meeting of the Mayor and Board of Aldermen of the City of Starkville, Mississippi.

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**MACK RUTLEDGE, Mayor**  
City of Starkville, Mississippi

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**VIVIAN E. COLLIER, Clerk**  
City of Starkville, Mississippi

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