

Section 2. ADMINISTRATIVE & GOVERNING BODIES

The City of Starkville has established Boards, Commissions, and Committees and empowered them to act with advisory authority over numerous aspects of the responsibilities created by the City's statutory and home rule existence in the State of Mississippi. The Boards, Commissions, and Committees that were created with such quasi-judicial authority by the Mayor and Board of Aldermen and that are not part of an existing interlocal agreement with any other governmental or authorized institution are advisory only, except as where specified herein.

2.1. Mayor & Board of Aldermen. The Board of Alderman have the final binding authority over development issues including but not limited to: administrative appeals, variances, rezonings, preliminary plats, final plats, landscape waivers, planned unit developments, optional use districts, use exceptions, and special exceptions.

2.2. Planning & Zoning Commission

2.2.1. Composition. The Planning and Zoning Commission shall consist of seven (7) members with one (1) member representing each political ward appointed by the Board of Aldermen. Each member of the Commission shall be a qualified elector and resident of the City and reside in the ward they represent at the time of appointment and during incumbency. Appointments to all vacancies occurring during a term shall be for the balance of that term.

2.2.2. Appointment. The members of the Planning and Zoning Commission shall be appointed by a simple majority of the Board of Aldermen.

2.2.3. Terms of office. The members of the Planning and Zoning Commission shall be appointed for a term of six (6) years, with re-appointment possible after a period of two (2) years absence. The two (2) year absence period shall be waived if no other qualified applicants for the seat are received during the advertising period. Members appointed to fill a vacated unexpired term shall be eligible to be re-appointed for one (1) full term without an absence.

2.2.4. Removal of members. The Mayor and Board of Aldermen, by a two-thirds ($\frac{2}{3}$) super majority vote, shall have the authority to remove any member of the Planning and Zoning Commission whenever, in the opinion of the Board of Aldermen, the best interest of the City shall be served thereby. Any member of the Commission who is absent

from four (4) of the regular meetings of the Commission in any fiscal year (October 1 through September 30) for any reason other than illness, shall automatically vacate his or her seat on the Commission. Additionally, any member of the Commission who moves away from the ward that he or she was appointed to represent, automatically vacates their seat and membership on the Commission.

2.2.5. Vacancies and compensation. Vacancies occurring in the membership of the Planning and Zoning Commission shall be filled as soon as possible. The City shall publish at least one (1) notice in a newspaper in its jurisdiction to solicit responses from citizens who are professionals and are interested in serving on the Commission. The City may contact known professionals and interested laypersons and invite submission of their qualifications in written resume form. The City shall establish a date for receipt that is a minimum of a two (2) week or fourteen (14) calendar day period for the receipt of applications and nominations, with said date for receipt included in the advertisement and authorization by the Mayor and Board of Aldermen. If applications or nominations are not received during the specified two (2) week period, then the position will remain open until filled. Respondents shall submit, in written resume form, information concerning their demonstrated interest, competence, knowledge, or expertise. Such information should include, but is not limited to, educational and professional background, membership in professional organizations, subscriptions to relevant professional publications, volunteer work,

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- attendance at workshops and seminars, and other relevant experience. The members of the Commission shall serve without compensation.
- 2.2.6. Officers.** In July of odd numbered years, members of the Planning and Zoning Commission shall meet in a regular session and organize by electing from their members a Chairman and a Vice-Chairman. The Chairman and Vice-Chairman shall be chosen by a simple majority of the Commission. The Chairman shall be non-voting member of the Commission unless need to break a tie vote or needed to create a quorum. All officers shall serve two (2)-year terms. If neither the Chairman nor the Vice-chairman is present, the City Planner shall act as Procedural Chair to initiate the meeting. Upon a motion from a present member, the remaining members shall select an Acting Chairman from the members in attendance at such meeting. The Commission shall have the authority to elect other officers or to organize in any other manner deemed necessary and appropriate to fulfill its duties.
- 2.2.7. Rules and procedures**
- A.** The Planning and Zoning Commission shall adopt a set of rules to expedite business at its meetings and shall establish a set of procedures for handling planning and zoning matters. The rules and procedures established may be amended from time to time. An absolute majority vote of the Commission shall be required for the approval of any amendment to the established rules and procedures. All rules and procedures shall be in compliance with the requirements of MCA 1972, title 17, chapter 1, as amended.
- B.** The Planning Department shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be a matter of public record.
- 2.2.8. Powers and duties.** The Planning and Zoning Commission shall have the following powers and duties:
- A.** To prepare and propose a master plan of physical development for the City or part thereof.
- B.** To prepare and present a proposed Unified Zoning and Development Code and Zoning Map and to hear requests for zoning amendments, preliminary plats, final plats, planned unit developments, use exceptions, and special exceptions.
- C.** To prepare and propose regulations governing the subdivision of land and the items required for review of a developer's proposed subdivision.
- D.** Such other powers and authority as may be conferred by statute or are implied to fulfill the duties of the Commission.
- E.** To hear appeals on administrative interpretations of all zoning regulations and subdivision regulations.
- 2.2.9. Advisory capacity.** The powers and duties of the Commission are generally of an advisory nature and the Commission shall not have any powers or duties that conflict with or supersede the powers and duties of the Mayor and Board of Aldermen.
- 2.2.10. Interdepartmental cooperation.** All officers and department heads of the City shall cooperate with the Planning and Zoning Commission and render all reasonable assistance. The Community Development Director and City Planner shall attend all meetings of the Commission for the purpose of advising and assisting the Commission. The City Attorney shall attend all meetings to provide legal counsel to the Commission.

2.2.11. Regular meetings and quorum. The Planning and Zoning Commission shall hold one (1) regular meeting the second (2nd) Tuesday of each month and shall hold other meetings as deemed necessary and appropriate. A Special Call meeting can be initiated by the Mayor, Board of Aldermen, or Chairman of the Planning and Zoning Commission with a minimum of a three (3) hour notice. All meetings shall be open to the public. A simple majority of the members of the Commission shall constitute a quorum for the transaction of business. However, no action shall be taken which is binding upon the Commission unless passed by a simple majority vote.

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2.3. Board of Adjustments and Appeals

- 2.3.1. Composition, qualifications, and membership.** The Board of Adjustments and Appeals shall consist of seven (7) members with one (1) member representing each political ward appointed by the Board of Aldermen. Each member of the Board shall be a qualified elector and resident of the City and reside in the ward they represent at the time of appointment and during incumbency. Appointments to all vacancies occurring during a term shall be for the balance of that term.
- 2.3.2. Appointments.** The members of the Board of Adjustments and Appeals shall be appointed by a simple majority vote of the Board of Aldermen.
- 2.3.3. Terms of office.** The members of the Board of Adjustments and Appeals shall be appointed for a term of four (4) years with a maximum of two (2) consecutive terms with re-appointment possible after a period of two (2) years absence. The two (2) year absence period shall be waived if no other qualified applicants for the seat are received during the advertising period. Members appointed to fill a vacated unexpired term shall be eligible to be re-appointed for one (1) full term without an absence.
- 2.3.4. Removal of members.** The Mayor and Board of Aldermen, by a two-thirds ($\frac{2}{3}$) super majority vote, shall have the authority to remove any member of the Board of Adjustments and Appeals whenever, in the opinion of the Board of Aldermen, the best interest of the City shall be served thereby. Any member of the Board who is absent from four (4) of the regular meetings of the Board in any fiscal year (October 1 through September 30) for any reason other than illness, shall automatically vacate his or her seat on the Board. Additionally, any member of the Board who moves away from the ward that he or she was appointed to represent, automatically vacates this seat and membership on the Board.
- 2.3.5. Vacancies and compensation.** Vacancies occurring in the membership of the Board of Adjustments and Appeals

shall be filled as soon as possible. The City shall publish at least one (1) notice in a newspaper in its jurisdiction to solicit responses from citizens who are professionals who are interested in serving on the Board. The City may contact known professionals and interested laypersons and invite submission of their qualifications in written resume form. The City shall establish a date for receipt that is a minimum of a two (2) week or fourteen (14) calendar day period for the receipt of applications and nominations, with said date for receipt included in the advertisement and authorization by the Mayor and Board of Aldermen. If applications or nominations are not received during the specified two (2) week period, then the position will remain open until filled. Respondents shall submit, in written resume form, information concerning their demonstrated interest, competence, knowledge, or expertise. Such information should include, but is not limited to, educational and professional background, membership in professional organizations, subscriptions to relevant professional publications, volunteer work, attendance at workshops and seminars, and other relevant experience. The members of the Board shall serve without compensation.

- 2.3.6. Officers.** In July of odd numbered years, members of the Board of Adjustments and Appeals shall meet in regular session and organize by electing from their members a Chairman and a Vice-Chairman. The Chairman and Vice-Chairman shall be chosen by a simple majority of the Board. The Chairman and Vice-Chairman shall be voting members of the Board. All officers shall serve two (2)-year terms. If neither the Chairman nor the Vice-chairman is present, the City Planner shall act as Procedural Chair to initiate the meeting. Upon a motion from a present member, the remaining members shall select an Acting Chairman from the members in attendance at such meeting. The Board shall have the authority to elect other officers or to organize in any manner that it deems necessary and appropriate to fulfill its duties.

2.3.7. Rules and procedures

- A. The Board of Adjustments and Appeals shall adopt rules to expedite business at its meetings and shall establish a set of procedures for handling appeal and adjustment matters. The rules and procedures may be amended from time to time. A two-thirds ($\frac{2}{3}$) super majority vote of the Board shall be required for the approval of any amendment to the established rules and procedures. All rules and procedures shall be in compliance with MCA 1972, §§ 17-1-1—17-1-39, as amended.
- B. The Planning Department shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be a matter of public record.

2.3.8. Powers and duties. The Board of Adjustments and Appeals shall have the following powers and duties:

- A. To hear all requests for adjustments and variances allowed by the Unified Zoning and Development Code and/or the Subdivision Regulations.
- B. To recommend to the Planning and Zoning Commission or Board of Alderman that adjustments be made to the Unified Development Code.
- C. To hear appeals and to pass judgment on administrative interpretations on all matters pertaining to the adopted building codes of the City.
- D. To hear all requests for variance from stormwater related matters.

2.3.9. Advisory capacity. The powers and duties of the Board are of an advisory nature and the Board shall not have any powers or duties which conflict with or supersede the powers and duties of the Mayor and Board of Aldermen.

2.3.10. Interdepartmental cooperation. All officers and department heads of the City shall cooperate with the Board of Adjustments and Appeals and render all reasonable assistance. The City Planner shall attend all meetings of the Board for the purpose of advising and assisting the Board of Adjustments and Appeals. The City Attorney shall attend meetings as needed to provide legal counsel to the Board.

2.3.11. Regular meetings and quorum. The Board of Adjustments and Appeals shall hold one (1) regular meeting the fourth (4th) Wednesday of each month as needed and shall hold other meetings as deemed necessary and appropriate. A Special Call meeting can be initiated by the Mayor, Board of Aldermen, or Chairman of the Board of Adjustment and Appeals with a minimum of a three (3) hour notice. A simple majority of the members of the Board shall constitute a quorum for the transaction of business. However, no action shall be taken which is binding upon the Board unless passed by a simple majority vote.

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2.4. Historic Preservation Commission

- a. By virtue of MCA 1972, §§ 39-13-5, 39-13-7, and 39-13-9 as amended, the City is authorized to establish a Historic Preservation Commission to preserve, promote, and develop the City's historical resources and to advise the City on the designation of historic districts, landmarks, and landmark sites, and perform such other functions as may be provided by law.

2.4.2. Statement of purpose and intent

- A. The City hereby recognizes that the City of Starkville is known for unique qualities that have proven increasingly attractive to residents, business interests, and tourists. As a matter of public policy, the City aims to preserve, enhance, and perpetuate those aspects of the City having historical, cultural, architectural, and archaeological merit. Such historic activities will promote and protect the health, safety, prosperity, education, and general welfare of the people living in, and visiting the City of Starkville.
- B. More specifically, the City's Historic Preservation Code provisions and the establishment of the Commission are designed to achieve the following goals:
 1. Protect, enhance, and perpetuate historic resources that represent distinctive and significant elements of the City's historical, cultural, social, economic, political, archaeological, and architectural identity.
 2. Insure the harmonious, orderly, and efficient growth and development of the City.
 3. Strengthen civic pride and cultural stability through neighborhood conservation.
 4. Stabilize the economy of the City through the continued use, preservation, and revitalization of its historic resources.
 5. Protect and enhance the City's attractions to tourists and visitors, and the support and stimulus to business and industry thereby provided.

6. Promote the use of historic resources for the education, pleasure, and welfare of the people of the City of Starkville.
7. Provide a review process for the preservation and appropriate development of the City's historic resources.

2.4.3. Composition

- A. The Historic Preservation Commission shall consist of seven (7) members appointed by the Board of Aldermen. Each member shall be a qualified elector and resident of the City at the time of appointment and during incumbency.
- B. All Commission members shall have a demonstrated knowledge of, or interest, competence, or expertise in historic preservation. To the extent available in the community, the City shall appoint professional members from the historic preservation discipline and related disciplines, such as architecture, landscape architecture, urban design, construction, urban planning, history, architectural history, cultural geography, archeology, anthropology, law, real estate, and related fields.

2.4.4. Appointments. The members of the Historic Preservation Commission shall be appointed by a simple majority vote of the Board of Alderman.

2.4.5. Terms of office. All appointments shall be for a period of three (3) years. All members are eligible for re-appointment.

2.4.6. Removal of members. The Mayor and Board of Aldermen, by a two-thirds ($\frac{2}{3}$) super majority vote, shall have the authority to remove any member of the Historic Preservation Commission whenever, in the opinion of the Board of Aldermen, the best interest of the City shall be served thereby. Any member of the Commission who is absent from any four (4) of the regular meetings of the Commission in any fiscal year (October 1 through September 30) for any reason other than illness, shall automatically vacate his/her seat on the Commission. Additionally, any member of the Commission who moves

outside of the city limits, automatically vacates this seat and membership on the Commission.

2.4.7.

Disqualification of members by conflict of interest

A.

Because the City may possess limited residents with experience in the fields of historic preservation, architecture, landscape architecture, urban design, construction, urban planning, history, architectural history, cultural geography, archeology, anthropology, law, real estate and related fields, and to not impair such residents from practicing their trade for hire, members of the Commission are allowed to contract their services to an applicant for a Certificate of Appropriateness prior to an application being submitted for review. Any member of the Historic Preservation Commission, wishing to represent an applicant must recuse themselves from the commission during any meeting on the request. The solicitation and/or acceptance of contractual services by a Commissioner from an applicant based on the Commissioner's status as a member of the Historic Preservation Commission is prohibited and shall be grounds for removal of the commissioner.

B.

If any member of the Commission must be disqualified due to a conflict of interest on a regular and continuing basis, the Chairman or the Vice-Chairman, in his/her stead, shall encourage the member to resign their Commission seat. If the conflict remains ongoing and the subject of the conflict is unable to perform the tasks to which he/she was appointed, they will upon the fourth (4th) instance in any one (1) calendar year automatically be removed from the position and such vacancy will be brought to the attention of the Mayor and Board of Aldermen for action in advertising for interest in such position. The replacement of such a member shall be guided by this article and by the current policies of the Board of Aldermen in their appointment process.

C.

Likewise, any member of the Commission who has an interest in the property in question or in property within three hundred (300) feet of such a property, or who is employed with a firm that has been hired to aid the applicant in any matter whatsoever, or who has any proprietary, tenancy, or personal interest in a matter to be considered by the Commission, shall be disqualified from participating in the consideration of any request for a Certificate of Appropriateness involving such a property.

2.4.8.

Vacancies and compensation

A.

Vacancies occurring in the membership of the Historic Preservation Commission shall be filled as soon as possible. The City shall publish at least one (1) notice in a newspaper in its jurisdiction to solicit responses from citizens who are professionals in the field of historic preservation and related fields, and who are interested in serving on the Commission. The City may contact known professionals and interested laypersons and invite submission of their qualifications in written resume form.

B.

The City shall establish a date for receipt that is a minimum of a two (2) weeks or fourteen (14) calendar day period for the receipt of applications and nominations, with said date for receipt included in the advertisement and authorization by the Mayor and Board of Aldermen. If applications or nominations are not received during the specified two (2) week period, then the position will remain open until filled. Respondents shall submit, in written resume form, information concerning their demonstrated interest, competence, knowledge, or expertise. Such information should include but is not limited to: educational and professional background, membership in historic preservation organizations, subscriptions to relevant professional publications, volunteer work, attendance at workshops and seminars, and other relevant experience. The members of the Board shall serve without compensation.

C.

When the City has collected adequate information concerning the potential appointees to the Commission, it

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shall decide, with the assistance of the State Historic Preservation Office (Mississippi Department of Archives and History), if desired, which candidates are qualified for appointment to the Commission. The appointments shall be made by the Mayor and Board of Aldermen at a regular, recess, or special call Board meeting as determined by the Mayor and Board of Aldermen.

2.4.9. Officers. The Commission shall biennially elect from its membership a Chairman and Vice-Chairman. The Chairman and Vice-Chairman shall be voting members of the Board. All officers shall serve two (2)-year terms. A recording Secretary shall be appointed from City staff. If neither the Chairman nor the Vice-Chairman attends a particular meeting, the City Planner shall act as procedural Chair to initiate the meeting. Upon a motion from a present member, the remaining members shall select an Acting Chairman from the members in attendance at such meeting.

2.4.10. Rules and procedures

- A.** The Commission shall adopt a set of rules to expedite business at its meetings and shall establish a set of procedures for handling historic preservation matters. The rules and procedures established may be amended from time to time. A two-thirds ($\frac{2}{3}$) super majority vote of the Commission shall be required for the approval of any amendment to the established rules and procedures. All rules and procedures shall be in compliance with the requirements of MCA 1972, title 17, chapter 1, as amended.
- B.** The Commission shall develop design review guidelines for determining appropriateness as generally set forth in this article. Such criteria shall insofar as possible be consistent with local, state, and federal guidelines and regulations; including, but not limited to: building safety and fire codes and the Secretary of the Interior's Standards for Rehabilitation.
- C.** The Planning Department shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, and

decisions. All such material shall be a matter of public record.

- 2.4.11. Powers and duties.** To preserve, promote, and develop the distinctive appearance of the historic resources of Starkville, MS and to accomplish the purposes set forth in MCA 1972, § 39-13-5 as amended, the Historic Preservation Commission shall have the following powers:
- A.** The Commission shall develop Design Review Guidelines for determining the appropriateness of applications for Certificates of Appropriateness as generally set forth in this Code. Such criteria shall, insofar as possible, be consistent with local, state, and federal guidelines and regulations, including, but not limited to, building safety and fire codes and the Secretary of the Interior's Standards for Rehabilitation.
 - B.** The Commission shall conduct, or cause to be conducted, a continuing study and survey of historic resources within the City of Starkville.
 - C.** With the concurrence of the Mayor and Board of Aldermen, the Commission shall hold public hearings and recommend to the City the adoption of ordinances designating historic districts, landmarks, and landmark sites. All properties presently listed in the National Register of Historic Places and located within the City of Starkville, whether publicly or privately owned, will be considered for designation as landmarks, landmark sites, and historic preservation districts, whichever category is appropriate, with appropriate public notice, hearings, and recommendations.
 - D.** The Commission may recommend that the City recognize sub-districts within any historic district, so that the Commission may adopt specific guidelines for the regulation of properties within such a sub-district.
 - E.** The Commission shall review applications proposing construction, alteration, demolition, or relocation of any historic resource as defined above. A COA shall not be required for work deemed by the Commission to be ordinary maintenance or repair of any historic resource.

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- F. The Commission shall recommend that the Mayor and Board of Aldermen grant or deny Certificates of Appropriateness (within the rules and regulations of the City zoning and building codes, and within the guidelines established by the Commission), and may recommend granting Certificates of Appropriateness contingent upon the acceptance by the applicant of specified conditions.
 - G. The Commission shall not consider interior arrangements of buildings and structures, except that it shall advise the Mississippi Department of Archives and History on questions relating to the interiors of publicly-owned historic resources.
 - H. The Commission, subject to the requirements and approval of the Mayor and Board of Aldermen, is authorized to apply for, receive, and spend funds from private and public sources, in addition to appropriations made by the City for the purpose of carrying out the provisions of this article.
 - I. The Commission is authorized to request City staff, or contract with technical experts or other persons as may be required for the performance of its duties and to obtain the equipment, supplies, and other materials necessary for its effective operation with the approval of the Mayor and Board of Aldermen.
 - J. The Commission is authorized, solely in the performance of its official duties and only at reasonable times, to enter upon private land for the examination or survey thereof. No member, employee, or agent of the Commission shall enter upon any private land or any private dwelling or structure without the consent of the owner of record or occupant thereof. Application for a Certificate of Appropriateness by property owners or authorized applicant shall serve as authorization for right of entry.
 - K. The City Planner shall be responsible for signing of the building department's "Building Permit Routing Form" for the issuance of a Building Permit for all applicable structures.
 - L. Paint color changes shall not be within the jurisdiction of the Commission.
- 2.4.12. Advisory capacity.** The powers and duties of the Commission are of an advisory nature and the Commission shall not have any powers or duties which conflict with or supersede the powers and duties of the Mayor and Board of Aldermen.
- 2.4.13. Interdepartmental cooperation.** All officers and department heads of the City shall cooperate with the Historic Preservation Commission and render all reasonable assistance. The City Planner shall attend all meetings of the Commission for the purpose of advising and assisting the Commission. The City Attorney shall attend meetings as needed to provide legal counsel to the Commission.
- 2.4.14. Regular meetings and quorum.** The Commission shall establish its own regular meeting time. However, a regular meeting shall be scheduled monthly unless no applications are brought before the Commission. A regular monthly meeting may be cancelled by the Chairman. The Commission must conduct a regular meeting at least once every three (3) months. A Special Call meeting can be initiated by the Mayor, Board of Aldermen, or Chairman of the Historic Preservation Commission with a minimum of a three (3) hour notice. A simple majority of the members of the Commission shall constitute a quorum for the transaction of business.

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2.4.15. Appropriations and title to property acquired

- A. Appropriations. The City is authorized to make appropriations to the Commission necessary for the expenses of the operation of the Commission and may make additional amounts available as necessary for the acquisition, restoration, preservation, operation, and management of historic properties.
- B. Title to Property Acquired. All property acquired by funds appropriated by the City shall be acquired in the name of the City unless otherwise provided by the City. So long as owned by the City, properties may be maintained by or under the supervision and control of the City. However, all property acquired by the Commission from funds other than those appropriated by the City may be acquired and held in the name of the Commission, the City, or both.

2.4.16. Nonrestrictive clause

- A. Regulation and Acquisition of Property. Nothing in this article shall be construed to prevent the regulation or acquisition of property, improved or unimproved, by the State of Mississippi or any of its political subdivisions, agencies, or instrumentalities or by the United States of America or any of its political subdivisions, agencies, or instrumentalities.
- B. Mississippi State Antiquities Law. The City of Starkville hereby acknowledges that the Mississippi State Antiquities Law (MCA 1972 § 39-7-1 et. seq. as amended in 1983) provides for the sensitive treatment of publicly-owned property, improved or unimproved, shown to possess certain architectural, historical, or archaeological significance, which are designed by the Board of Trustees of the Mississippi Department of Archives and History as Mississippi Landmarks. Whenever the City proposes to rehabilitate, alter, or enlarge a Mississippi Landmark, or proposes similar actions which would affect a Mississippi Landmark, the City shall submit its plans to the Mississippi Department of Archives and History for review and compliance.

- C. Likewise, all Codes and parts of Codes in conflict with the Mississippi Antiquities Act (MCA 1972 § 39-7-1 et. seq., as amended in 1983) are hereby repealed.

2.5. Development Review Committee

2.5.1. Composition. The Development Review Committee shall be composed of representatives from City departments for reviewing land development proposals. The Committee shall be comprised of designated personnel from the following departments:

- A. Planning Department
- B. Engineering Department
- C. Fire Department
- D. Police Department
- E. Sanitation Department
- F. Utility Department- Water and Sewer
- G. Utility Department- Electrical
- H. Building Department

2.5.2. Officers and procedures. The Chairperson of the Development Review Committee shall be the City Planner. Meetings of the Committee shall be held once a week on a day and time as determined by the Development Review Committee on an as needed basis.

2.5.3. Powers and duties. The Development Review Committee shall have the power to approve site plan applications for developments, redevelopments, and infrastructure plans that do not vary from regulations and requirements found in the Unified Zoning and Development Codes. The Committee shall review and provide comments for applications for special exceptions, use exceptions, variances, subdivision plats, right-of-way vacations, planned unit developments, optional district developments, and other land development applications prior to meeting with the Planning and Zoning Commission and/or Board of Adjustment and Appeals. The Committee shall also review any unique applications at the request of a Department Head. An approved site plan is required prior to the issuance of any building permits. Once a representative from each City department has signed the site plan with or without conditions of approval, it shall be considered approved. The powers and duties of the Committee shall include other

responsibilities and authority as specifically set forth in this article. All appeals of the decision of the Development Review Committee shall be done in accordance with section 3.8.

2.5.4. General considerations by the committee. The Development Review Committee has the authority to consider the following:

- A. Whether an application and/or a plan is consistent with applicable goals, objectives, policies, standards, and proposals in the City's Comprehensive Plan.
- B. Whether all public facilities and services necessary to serve the proposed use shall be available concurrent with the actual impact of the use and/or development in question.
- C. Whether the proposed development satisfies the development review criteria and other applicable requirements of the City's land development regulations.

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2.6. Architecture Review

- 2.6.1. Composition.** Architecture Review shall be comprised of a minimum of one (1) and a maximum of three (3) independent consultants. Only one (1) consultant will review each building design proposal(s) associated with a site. If the Board of Aldermen selects more than one (1) consultant, the consultants will rotate each review in order of appointment. To be appointed, an independent consultant shall be a licensed architect or licensed landscape architect experienced in the urban design field. The planning department shall assist the independent consultants on an as needed basis in an administrative role.
- 2.6.2. Appointment.** The independent consultants for architecture review shall be appointed by a simple majority vote of the Board of Aldermen. After appointment the consultant shall enter into a service agreement with the City.
- 2.6.3. Terms of office.** The independent consultants shall be appointed for a term of two (2) years. Re-appointment is at the sole discretion of the Board of Aldermen.
- 2.6.4. Removal of independent consultant.** The Mayor and Board of Aldermen shall have the authority to terminate the service agreement with any independent consultant at any given time.
- 2.6.5. Vacancies and compensation.** Vacancies for the position of independent consultant shall be filled as soon as possible. The City shall publish at least one (1) notice in a newspaper in its jurisdiction to solicit responses from licensed architect or licensed landscape architect experienced in the urban design who are interested in serving as an Independent Consultant for the Architecture Review Committee. The City shall establish a date for receipt that is a minimum of a two (2) week or fourteen (14) calendar day period for the receipt of applications and nominations, with said date for receipt included in the advertisement and authorization by the Mayor and Board of Aldermen. If applications or nominations are not

received during the specified two (2) week period, then the position will remain open until filled. Respondents shall submit, in written resume form, information concerning their demonstrated interest, competence, knowledge, or expertise. Such information should include educational background, professional background, and other relevant experience. The independent consultant shall serve at a compensation rate established by the Board of Aldermen in the service agreement.

- 2.6.6. Powers and duties.** The independent consultant shall have the power to approve building design proposals as a part of the building permitting process. The independent consultant shall also review any unique applications at the request of a Department Head and/or Mayor and Board of Aldermen. Once the consultant has authorized approval of the building design proposal with or without conditions of approval, it shall be considered approved. The powers and duties of the consultant shall include other responsibilities and authority as specifically set forth in this article.
- 2.6.7. General considerations of Architecture Review.** The intention of the Mayor and Board of Aldermen is that no proposed structure or alteration shall be deemed to be in violation of this ordinance based upon personal preference, taste, choice, or architectural design of any person or persons involved in the administration and enforcement of this ordinance. Therefore, the independent consultant and the Board of Aldermen upon appeal, shall use the following standards and criteria while evaluating a building design proposal:
- A.** Whether or not the proposed architectural design meets the intent of the additional use standards and development standards for the proposed use, structure, and zoning district.
 - B.** Whether or not the proposed architectural design is suitable for a good collegiate community in terms of external architectural features, general design and arrangement, texture, color, line, mass, dimension, material, and lighting.

- C. Whether or not the proposed structure, building, or improvement is compatible with existing well-designed structures in the vicinity and in the City as a whole.
- D. Whether or not and to what extent, the proposed structure, building or improvement would promote the general welfare and protect the public health, safety, and morals by tending to maintain or augment the City's tax base as a whole, generating business activity, maintaining and creating employment opportunity, preserving historical sites and structures, and making the City a more attractive and desirable place in which to live.
- E. Whether or not the proposed free-standing buildings use the same or architecturally harmonious materials, color, texture, and treatment for all exterior walls and in the case of a partially free-standing building, whether or not the same or architecturally harmonious materials, color, texture, and treatment are used on all portions of all exterior walls.
- F. Whether or not the combination of architectural elements proposed for a structure, building, or improvement, in terms of design, line, mass, dimension, color, material, texture, lighting, and roof line and height conform to accepted architectural principles for permanent buildings as contrasted with engineering standards designed to satisfy safety requirements only; and exhibit external characteristics of demonstrated architecture and aesthetic durability.
- G. Whether or not in terms of design, material, texture, color, lighting, dimension, line, mass or roof line, and height, the proposed structure, building, or improvement is designed to serve primarily as an advertisement or commercial display, exhibits exterior aesthetic acceptability, would be plainly offensive to human sensibilities, or would otherwise constitute a reasonable foreseeable detriment to the community.
- H. If the proposed structure, building, or improvement is located within in any current or future adopted overlay district, the design criteria for that district shall be used as

the standards and criteria for review of a building design proposal.

2.6.8. Disqualification of Independent Consultant by Conflict of Interest

- A. Because the City may possess limited residents with experience in the fields of architecture and urban design, and not to impair such residents from practicing their trade for hire, the consultant is allowed to contract their services to an applicant for a building design proposal prior to an application being submitted for review. An independent consultant wishing to represent an applicant must recuse themselves from any official review on behalf of the City for the building design proposal they are representing. The solicitation and/or acceptance of contractual services by an independent consultant from an applicant based solely on the consultant's status as an independent consultant for the City is prohibited and shall be grounds for recommendation of removal of the independent consultant by the Mayor and Board of Aldermen.
- B. If the independent consultant has a financial interest in the property in question or in property within three hundred (300) feet of such a property, or who is employed with a firm that has been hired to aid the applicant in any matter whatsoever, or who has any proprietary, tenancy, or personal interest in a building design proposal, shall be disqualified from participating in the consideration of any request for an approved building design proposal involving such a property. In such cases, a qualified substitute shall be appointed as provided above.

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2.6.9. Removal of Independent Consultant

- A. If the independent consultant must be disqualified due to a conflict of interest on a regular and continuing basis, the Community Development Director may recommend their removal as an independent consultant to the Mayor and Board of Aldermen if it meets the following criteria:
- B. If the independent consultant is unable or unwilling to review a building design proposal, they will upon the fourth (4th) instance in a fiscal year (October 1 through September 30) automatically be removed from the position and such vacancy will be brought to the attention of the Mayor and Board of Aldermen for action in advertising for interest in such position. The replacement of such a member shall be guided by this article.

2.7. Landscape Advisory Board

- 2.7.1. Composition, qualifications, and membership.** The Landscape Advisory Board shall consist of seven (7) members from any political ward appointed by the Board of Aldermen. Each member of the Board shall be a qualified elector of the City at the time of appointment and during incumbency. Preference to applicants for appointment shall be given to experts in the following fields: ISA Certified Arborist, GIS Specialist, Landscape Architect, Master Gardener, Mississippi Urban Forestry Council Representative, Plant Ecology Expert, Tree and Landscape Ordinance Specialist, Horticulture Expert, and Wildlife Ecology Expert. Appointments to all vacancies occurring during a term shall be for the balance of that term.
- 2.7.2. Appointments.** The members of the Landscape Advisory Board shall be appointed by a simple majority vote of the Board of Aldermen.
- 2.7.3. Terms of office.** The members of the Landscape Advisory Board shall be appointed for a four (4) year term with a maximum of two (2) consecutive terms with re-appointment possible after a period of two (2) years absence. The two (2) year absence period shall be waived if no other qualified applicants for the seat are received during the advertising period. Members appointed to fill a vacated unexpired term shall be eligible to be re-appointed for a one (1) full term without an absence.
- 2.7.4. Removal of members.** The Mayor and Board of Aldermen, by a two-thirds ($\frac{2}{3}$) super majority vote, shall have the authority to remove any member of the Landscape Advisory Board whenever, in the opinion of the Board of Aldermen, the best interest of the City shall be served thereby. Any member of the Board who is absent from four (4) of the regular meetings of the Board in any fiscal year (October 1 through September 30) for any reason other than illness, shall automatically vacate his/her seat on the Board. Additionally, any member of the Board who moves outside the corporate boundaries of the City of

Starkville, automatically vacates their seat and membership on the Board.

- 2.7.5. Vacancies and compensation.** Vacancies occurring in the membership of the Landscape Advisory Board shall be filled as soon as possible. The City shall publish at least one (1) notice in a newspaper in its jurisdiction to solicit responses from citizens who are professionals who are interested in serving on the Board. The City may contact known professionals and interested laypersons and invite submission of their qualifications in written resume form. The City shall establish a date for receipt that is a minimum of a two (2) week or fourteen (14) calendar day period for the receipt of applications and nominations, with said date for receipt included in the advertisement and authorization by the Mayor and Board of Aldermen. If applications or nominations are not received during the specified two (2) week period, then the position will remain open until filled. Respondents shall submit, in written resume form, information concerning their demonstrated interest, competence, knowledge, or expertise. Such information should include, but is not limited to, educational and professional background, membership in professional organizations, subscriptions to relevant professional publications, volunteer work, attendance at workshops and seminars, and other relevant experience. The members of the Board shall serve without compensation.
- 2.7.6. Officers.** In July of odd numbered years, the members of the Landscape Advisory Board shall meet in regular session and organize by electing from their members a Chairman and a Vice-Chairman. The Chairman and Vice-Chairman shall be chosen by a simple majority of the Board. The Chairman and Vice-Chairman shall be voting members of the Board. All officers shall serve two (2)-year terms. If neither the Chairman or Vice-chairman is present, the City Planner shall act as Procedural Chair to initiate the meeting. Upon a motion from a present member, the remaining members shall select an Acting Chairman from

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the members in attendance at such meeting. The Board shall have the authority to elect other officers or to organize in any manner that it deems necessary and appropriate to fulfill its duties.

2.7.7. **Rules and procedures**

- A. The Landscape Advisory Board shall adopt rules to expedite business at its meeting and shall establish a set of procedures for handling landscape waivers. The rules and procedures may be amended from time to time. An absolute majority vote of the Board shall be required for the approval of any amendment to the established rules and procedures.
- B. The Planning Department shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be a matter of public record.

2.7.8. **Powers and duties.** The Landscape Advisory Board shall have the following powers and duties:

- A. To hear all requests for a landscape waiver from landscape requirements in the Unified Zoning and Development Code and/or the Code's Subdivision Regulations.
- B. To assist city employees on landscape and horticulture practices and developing recommended plant list.
- C. To coordinate with other Advisory Committees and Community Groups to facilitate City related tree and horticulture activities.
- D. To coordinate events and opportunities with the Mississippi Urban Forest Council.
- E. To recommend action that will promote the overall tree health and urban forestry for the City.
- F. To provide guidance as needed to City staff during the development and site plan review process for proposed projects within the City.

2.7.9. **Advisory capacity.** The powers and duties of the Board are of an advisory nature and the Board shall not have any powers or duties which conflict with or supersede the powers and duties of the Mayor and Board of Aldermen.

2.7.10. **Interdepartmental cooperation.** All officers and department heads of the City shall cooperate with the Landscape Advisory Board and render all reasonable assistance. The City Planner shall attend all meetings of the Board for the purpose of advising and assisting the Board.

2.7.11. **Regular meetings and quorum.** The Landscape Advisory Board shall hold one (1) regular meeting the first (1st) Wednesday of each month as needed and shall hold other meetings as deemed necessary and appropriate. A Special Call meeting can be initiated by the Mayor, Board of Aldermen, or Chairman of the Landscape Advisory Board with a minimum of a three (3) hour notice. A simple majority of the members of the Landscape Advisory Board shall constitute a quorum for the transaction of business. However, no action shall be taken which is binding upon the Landscape Advisory Board unless passed by a simple majority vote.