



**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, NOVEMBER 14, 2017
CITY HALL - COURT ROOM,
110 WEST MAIN STREET AT 5:30 PM**

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
- III. ROLL CALL
- IV. CONSIDERATION OF THE OFFICIAL AGENDA
- V. CONSIDERATION FOR APPROVAL OF MINUTES
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES SEPTEMBER 12, 2017
 - B. CONSIDERATION OF THE UNAPPROVED MINUTES NOVEMBER 1, 2017
- VI. CITIZEN COMMENTS
- VII. NEW BUSINESS
 - A. AA 17-02 REQUEST FOR AN ADMINISTRATIVE APPEAL FROM DENIAL OF THE USE OF EIFS FOR 550 RUSSELL STREET IN A T-5 DISTRICT WITH THE PARCEL NUMBER 101D-00-316.00
 - B. AA 17-03 REQUEST FOR AN ADMINISTRATIVE APPEAL FROM DENIAL OF THE PLACEMENT OF A SECONDARY BUILDING AT 35 JARNIGAN STREET IN A T-4 DISTRICT WITH THE PARCEL NUMBER 101D-00-094.00
 - C. CU 17-08 REQUEST FOR CONDITIONAL USE TO ALLOW FOR A PARKING LOT AT 609 GILLESPIE STREET IN AN C-2 ZONE WITH THE PARCEL NUMBER 101D-00-313.00
 - D. RZ 17-06 REQUEST TO REZONE 2 LOTS LOCATED AT 2003 AND 2005 HICKORY STREET FROM R-1 TO C-2 WITH THE PARCEL NUMBERS 102F-00-048.00 AND 102F-00-047.00
 - E. PROPOSED SIGN ORDINANCE AMENDMENT
- VIII. PLANNER'S REPORT
- IX. ADJOURN

**UNAPPROVED MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI SEPTEMBER 12, 2017**

Be it remembered, that, the members of the Planning and Zoning Commission of the City of Starkville, met at their regularly scheduled meeting on September 12, 2017 at 5:30 p.m. in the Courtroom of City Hall, located at 110 West Main Street, Starkville, MS.

There being present were Michael Brooks, Chairman, Ward 4, Jason Camp, Ward 1, Tom Walker, Ward 3, Alexis Gregory, Ward 5, Jeremiah Dumas, Ward 6, and Tommy Verdell Jr., Ward 7. Absent from the meeting was Jim McReynolds, Ward 2, who let Chairman Brooks know he was on his way. Attending the Commissioners were City Planner Daniel Havelin, Assistant City Planner Emily Corban, Community Development Director Buddy Sanders, and City Attorney Chris Latimer.

Commission Chairman Michael Brooks opened the meeting with the Pledge of Allegiance followed by a moment of silence.

CONSIDERATION OF THE OFFICIAL AGENDA

There came for consideration, the matter of the approval of the motion to approve the Official Agenda of the Planning and Zoning Commission of September 12, 2017 as presented.

**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, SEPTEMBER 12, 2017
CITY HALL - COURT ROOM,
110 West Main Street, 5:30 PM**

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
- III. ROLL CALL
- IV. CONSIDERATION OF THE OFFICIAL AGENDA
- V. CONSIDERATION FOR APPROVAL OF MINUTES
 - A. Reconsideration of the Unapproved minutes for August 08, 2017
- VI. CITIZEN COMMENTS
- VII. NEW BUSINESS
 - A. PP 17-08 FP 17-06 Request for Preliminary and Final Plat approval for subdividing a +-11.41-acre parcel into 6 lots located on 100 Mercantile Lane in a T-6 District with the parcel number 101D-00-342.00.

- B. RZ 17-10 Request to rezone three lots located on Mill Street from R-2 to T-5 with the parcel numbers 101d-00-318.00, 101d-00-319.00, and 101d-00-321.00
- C. PP 17-10 Request for Preliminary Plat approval for combining and subdividing several lots. The lots are located at 104 and 105 Camp Avenue and 703, 703½, 705 and 705½ University Drive in a T5 zoning district with the parcel numbers 101C-00-002.00, 101C-00-001.00, 101D-00-001.00, 101D-00-002.00, 101D-00-003.00, and 101D-00-004.00

VIII. PLANNER'S REPORT

IX. ADJOURN

After discussion and upon the motion of Commissioner Gregory duly seconded by Commissioner Camp, the motion to approve the official agenda of the Planning and Zoning Commission for September 12, 2017 received unanimous approval.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF
August 08, 2017**

After discussion and upon the motion of Commissioner Dumas duly seconded by Commissioner Verdell the motion to approve the Minutes as amended of the August 08, 2017 Planning and Zoning Commission received unanimous approval.

CITIZEN COMMENTS

The Chair opened up the meeting for Citizen Comments. Seeing there were none, the Commission moved to New Business.

Commissioner McReynolds entered the room at 5:37 pm.

NEW BUSINESS

A. CONSIDERATION OF PP 17-08 FP 17-06 REQUEST FOR PRELIMINARY AND FINAL PLAT APPROVAL FOR SUBDIVIDING A +-11.41-ACRE PARCEL INTO 6 LOTS LOCATED ON 100 MERCANTILE LANE IN A T-6 DISTRICT WITH THE PARCEL NUMBER 101D-00-342.00.

City Planner Daniel Havelin presented the request by Saunders Ramsey on behalf of Mark Castleberry for Preliminary and Final Plat approval for subdividing a +-11.41 parcel into 6 lots. The subdivision is named "The Mill at MSU". The subdivision is located at 100 Mercantile Lane in a T-6 district with the parcel number 101D-00-342.00. This is a modification of an existing plat. The reason for the replatting came from the need to modify lot sizes. In the previously approved final plat, lot 3 totaled 1.19 acres. In the replatting, Lot 3 has been divided into two lots: Lot 3A with .74 acres and lot 3 with .55 acres.

Saunders Ramsey came forward to speak in favor of the request.

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Gregory, the motion to approve PP 17-09 was unanimously approved.

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Gregory, the motion to approve FP 17-06 was unanimously approved with the following conditions:

1. The final plat shall meet the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code of 1972, as amended.
2. The final plat shall meet the minimum requirements for ZONE or DISTRICT dimensions.
3. All public utilities are currently in place as verified by the owner and engineer of record.
4. Erosion control vegetation shall be established on all disturbed areas.
5. Sidewalk construction shall conform to the City's Sidewalk Ordinance and ADA standards.
6. A bond or surety in the amount of 150% of the current cost of the proposed sidewalk and any other infrastructure improvements shall be provided prior to signing of the final plat.
7. The applicant shall provide two paper copies of the recorded plat to the City, along with a digital copy in "AutoCAD" format in standard state plane coordinates.
8. The final plat shall be recorded at the Office of the Oktibbeha County Chancery Clerk within thirty (30) days of the approval by the Mayor and Board of Aldermen.
9. Change the signature line of Mayor, City of Starkville, MS to reflect new mayor's name

B. CONSIDERATION OF RZ 17-10 REQUEST TO REZONE THREE LOTS LOCATED ON MILL STREET FROM R-2 TO T-5 WITH THE PARCEL NUMBERS 101D-00-318.00, 101D-00-319.00, AND 101D-00-321.00.

City Planner Daniel Havelin presented the request by William Reeves to rezone three lots located on Mill Street from R-2 to T-5 with the parcel numbers 101D-00-318.00, 101D-00-319.00, and 101D-00-321.00. The property to the North is zoned T-5 and is currently a mixed-use project under construction. The property to the West is zoned R-2 and is currently Single-family. The property to the East is zoned T-6 and is currently Conference Center/Parking Garage. The property to the South is zoned T-4 and is currently a single-family home. 58 property owners of record within 300 feet of the subject property were notified directly by mail of the request. A public hearing notice was published in the Starkville Daily News on August 17, 2017 and a placard was posted on the property concurrent with publication of the notice. As of this date, the

Planning Office has received two phone calls inquiring about the request and one email in favor of the request.

A rezoning can only take place if one of the following conditions prevail

Error: There is a Manifest Error in the ordinance and a Public Need to correct the

- There is No Error.

Change in Condition:

- On January 12, 2012, the Board of Aldermen adopted Form Based Code for MS Highway 182, Main Street, University Drive, Lampkin Street, and Russell Street. As a result, 84 parcels were rezoned to either T District or Civic District. The subject parcel is adjacent to a T6 District parcel to the east
- On March 15, 2016, one parcel on Hartness Street was rezoned from R-3 to T-5
- On August 8, 2016, one parcel at the corner of University and North Montgomery was rezoned from C-2 to T-5.
- On January 1, 2017, one parcel at Jarnigan Street was rezoned from R-5 to T-4.
- On April 4, 2017, one parcel at 114 Mill Street was rezoned from R-2 to T-4.

The Commission Chair then opened up the public hearing and called for comments regarding the above request. Comments were received from the following individuals:

William Reeves came forward to speak in favor of his request.

Calling for and receiving no other comments, the Commission Chair closed the public hearing.

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Walker, the motion to approve RZ 17-10 was unanimously approved.

C. CONSIDERATION OF PP 17-10 REQUEST FOR PRELIMINARY PLAT APPROVAL FOR COMBINING AND SUBDIVIDING SEVERAL LOTS. THE LOTS ARE LOCATED AT 104 AND 105 CAMP AVENUE AND 703, 703½, 705 AND 705½ UNIVERSITY DRIVE IN A T5 ZONING DISTRICT WITH THE PARCEL NUMBERS 101C-00-002.00, 101C-00-001.00, 101D-00-001.00, 101D-00-002.00, 101D-00-003.00, AND 101D-00-004.00.

City Planner Daniel Havelin presented the request by Walker Associates on behalf of Hal and Mary Ann Fuller, Betty Bell, and Harry Bell for Preliminary Plat approval for

combining and subdividing several lots into 4 lots. The proposed subdivision is named "Veranda at the Cotton District". The proposed subdivision is located in a T5 zoning district. The existing lots in the proposed subdivision are located at 104 and 105 Camp Avenue and 703, 703½, 705 and 705½ University Drive.

The subdivision has a gross acreage of +/- 7.34 acres with a total of 4 lots. The proposed development has a gross density of 0.54 lots per acre. Lots 2, 3 and 4 are proposed to be Apartments and will be maintained by the developer. Lot 1 is designed as Residential (Flats) and will also include Commercial/Office space. A total of 312 residential units are being proposed by the developer. 2.79 acres of the proposed preliminary plat are shown as right-of-way for proposed public streets.

Frank Summers came forward to speak in favor of the request.

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Walker, the motion to approve PP 17-10 was unanimously approved.

VIII. ADJOURN

ADJOURN

There came for consideration, the matter of the approval of the motion to adjourn until 5:30 p.m. on October 10, 2017, in the courtroom of City Hall located at 110 West Main Street, Starkville MS.

After discussion, and upon the motion of Commissioner Dumas duly seconded by Commissioner Verdell, the motion to adjourn until 5:30 p.m. on October 10, 2017, in the courtroom of City Hall located at 110 West Main Street, Starkville MS, was unanimously approved.

Mike Brooks, Commission Chair

Daniel Havelin, City Planner

**UNAPPROVED MINUTES OF THE SPECIAL CALL MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI NOVEMBER 01, 2017**

Be it remembered, that, the members of the Planning and Zoning Commission of the City of Starkville, met at Special Call meeting on November 1, 2017 at 5:30 p.m. in the Courtroom of City Hall, located at 110 West Main Street, Starkville, MS.

There being present were Michael Brooks, Chairman, Ward 4, Jim McReynolds, Ward 2, Tom Walker, Ward 3, Jeremiah Dumas, Ward 6, and Tommy Verdell Jr., Ward 7. Absent from the meeting was Jason Camp, Ward 1, and Alexis Gregory, Ward 5. Attending the Commissioners were City Planner Daniel Havelin, Assistant City Planner Emily Corban, Community Development Director Buddy Sanders, and City Attorney Chris Latimer, who joined the meeting by phone.

Commission Chairman Michael Brooks opened the meeting with the Pledge of Allegiance followed by a moment of silence.

CONSIDERATION OF THE OFFICIAL AGENDA

There came for consideration, the matter of the approval of the motion to approve the Official Agenda of the Planning and Zoning Commission of November 01, 2017 as presented.

**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, NOVEMBER 01, 2017
CITY HALL - COURT ROOM,
110 West Main Street, 5:30 PM**

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
- III. ROLL CALL
- IV. CONSIDERATION OF THE OFFICIAL AGENDA
- V. CITIZEN COMMENTS
- VI. **NEW BUSINESS**
 - A. FP 17-07 REQUEST FOR FINAL PLAT APPROVAL FOR SUBDIVIDING +/- 10.95 ACRE PARCEL INTO 16 LOTS. LOCATED AT THE EAST END OF TURNBERRY LANE AND CYPRESS POINT ROAD IN A R-4 ZONE WITH THE PARCEL NUMBER 106 -14-013.00
- VIII. PLANNER'S REPORT

IX. ADJOURN

After discussion and upon the motion of Commissioner Walker duly seconded by Commissioner McReynolds, the motion to approve the official agenda of the Planning and Zoning Commission for November 1, 2017 received unanimous approval.

CITIZEN COMMENTS

The Chair opened up the meeting for Citizen Comments. Seeing there were none, the Commission moved to New Business.

NEW BUSINESS

A. CONSIDERATION OF FP 17-07 REQUEST FOR FINAL PLAT APPROVAL FOR SUBDIVIDING +/- 10.95 ACRE PARCEL INTO 16 LOTS. LOCATED AT THE EAST END OF TURNBERRY LANE AND CYPRESS POINT ROAD IN A R-4 ZONE WITH THE PARCEL NUMBER 106 -14-013.00

City Planner Daniel Havelin presented the request by Frank Jones Development for Final Plat approval for subdividing a +/-10.95-acre parcel into 16 lots. The proposed subdivision is named "Country Club Estates Phase 3-B". The proposed subdivision is located in an R-4 Zone. The subdivision has a gross density of 1.46 units per acre. The stormwater drainage easement, repair, and/or replacement shall be the sole responsibility of the Owner's Association and not the City of Starkville. The City of Starkville disclaims any dedication, acceptance, interest, responsibility, and ownership of the stormwater drainage easement territory. The preliminary plat was approved by the Board of Alderman on September 17, 2013. A modified version of the preliminary plat was approved by the Board of Alderman on August 15, 2017.

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Walker, the motion to approve FP 17-07 was unanimously approved with the following conditions:

1. The final plat shall meet the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code of 1972, as amended.
2. The final plat shall meet the minimum requirements for R-4 Zone dimensions.
3. All public utilities are currently in place and meet requirements as verified by the owner and engineer of record.
4. Prior to the execution of the Final Plat, erosion control shall be installed to the City's and MDEQ standards.
5. Sidewalk construction shall conform to the City's Sidewalk Ordinance and ADA standards.
6. The applicant shall provide adequate and satisfactory test reports for roadways, curbs and all drainage structures and facilities.

7. The covenants shall include provisions for the maintenance of common areas/stormwater management and the City Attorney's standard hold-harmless indemnification clause.
8. A bond or surety in the amount as determined by the City Engineer for infrastructure improvements shall be provided prior to approval by the Mayor and Board of Aldermen.
9. Financial assurance for the cost of the final layer of asphalt shall be determined by and provided to the City Engineer prior to approval by the Mayor and Board of Aldermen.
10. The roadways shall not be accepted by the City until at least 85% of all lots located on have been developed and received Certificates of Occupancy. The performance agreement shall remain in effect until such time.
11. The applicant shall execute the standard performance agreement ("developer contract") for the financial guarantee of the completion of the final requirements for acceptance of the streets and infrastructure and the Board of Aldermen shall authorize the Mayor to execute same.
12. The applicant shall provide two paper copies of the recorded plat to the City, along with a digital copy in "AutoCAD" format in standard state plane coordinates.
13. The applicant shall provide "as-built" drawings of all infrastructure improvements (water, sewer, storm drainage, roadways, sidewalks, etc.) in "AutoCAD" format as well as a paper copy that is signed and sealed by a licensed design professional, guaranteeing accuracy.
14. The final plat shall be recorded at the Office of the Oktibbeha County Chancery Clerk within thirty (30) days of the approval by the Mayor and Board of Aldermen.
15. All required street signage shall be in place prior to the execution of the Final Plat.
16. Stormwater drainage easement maintenance, repair, and/or replacement shall be the sole responsibility of the Owners' Association and not the City of Starkville. The City of Starkville disclaims any dedication, acceptance, interest, responsibility, and ownership of the stormwater drainage easement territory.
17. Add the following additional text to dedication section of the Final Plat, "Stormwater drainage easement maintenance, repair, and/or replacement shall be the sole responsibility of the Owners' Association and not the City of Starkville. The City of Starkville disclaims any dedication, acceptance, interest, responsibility, and ownership of the stormwater drainage easement territory."

VIII. ADJOURN

ADJOURN

The Commission adjourned until 5:30 p.m. on November 14, 2017, in the courtroom of City Hall located at 110 West Main Street, Starkville MS.

Mike Brooks, Commission Chair

Daniel Havelin, City Planner



THE CITY OF STARKVILLE
PLANNING DEPARTMENT
PLANNING AND ZONING COMMISSION
CITY HALL, 110 WEST MAIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

To: Members of the Planning & Zoning Commission
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Emily Corban, Assistant City Planner (662-323-2525 ext. 3138)
Subject: AA 17-02 Request for an Administrative Appeal from denial of the use of EIFS for 550 Russell Street in a T-5 District with the parcel number 101D-00-316.00
Date: November 14, 2017

The purpose of this report is to provide information regarding the request by Mark Castleberry of Castle Properties for an Administrative Appeal for 550 Russell Street in a T-5 District with the property #101D-00-316.00. Please see attachments 1- 6.

BACKGROUND INFORMATION:

The applicant is appealing the decision by the Community Development Department to not allow the use of EIFS (exterior insulation and finish systems) on the 2nd and 3rd floor of a building currently under construction. The project is located in a T-5 District. The regulation of façade material can be found in the definition section of the T-District regulations under "Façade".

CODE SECTION DENIAL WAS BASED FROM:

APPENDIX A – ZONING, ARTICLE VII. – DISTRICT REGULATIONS, Sec. T. – Transect districts, § 7. - DEFINITIONS.

Façade the exterior wall of any building oriented toward or set along a Frontage Line. The following materials are allowed for use on a building façade: brick, wood, fiber cement siding, stucco and natural stone. (see Elevation)

ADMINISTRATIVE APPEAL REQUIREMENTS:

APPENDIX A – ZONING, ARTICLE VII. – DISTRICT REGULATIONS, Sec. T. – Transect districts

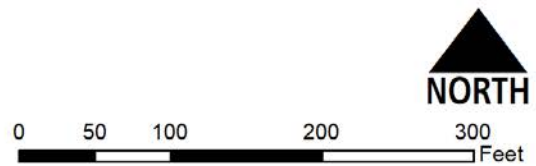
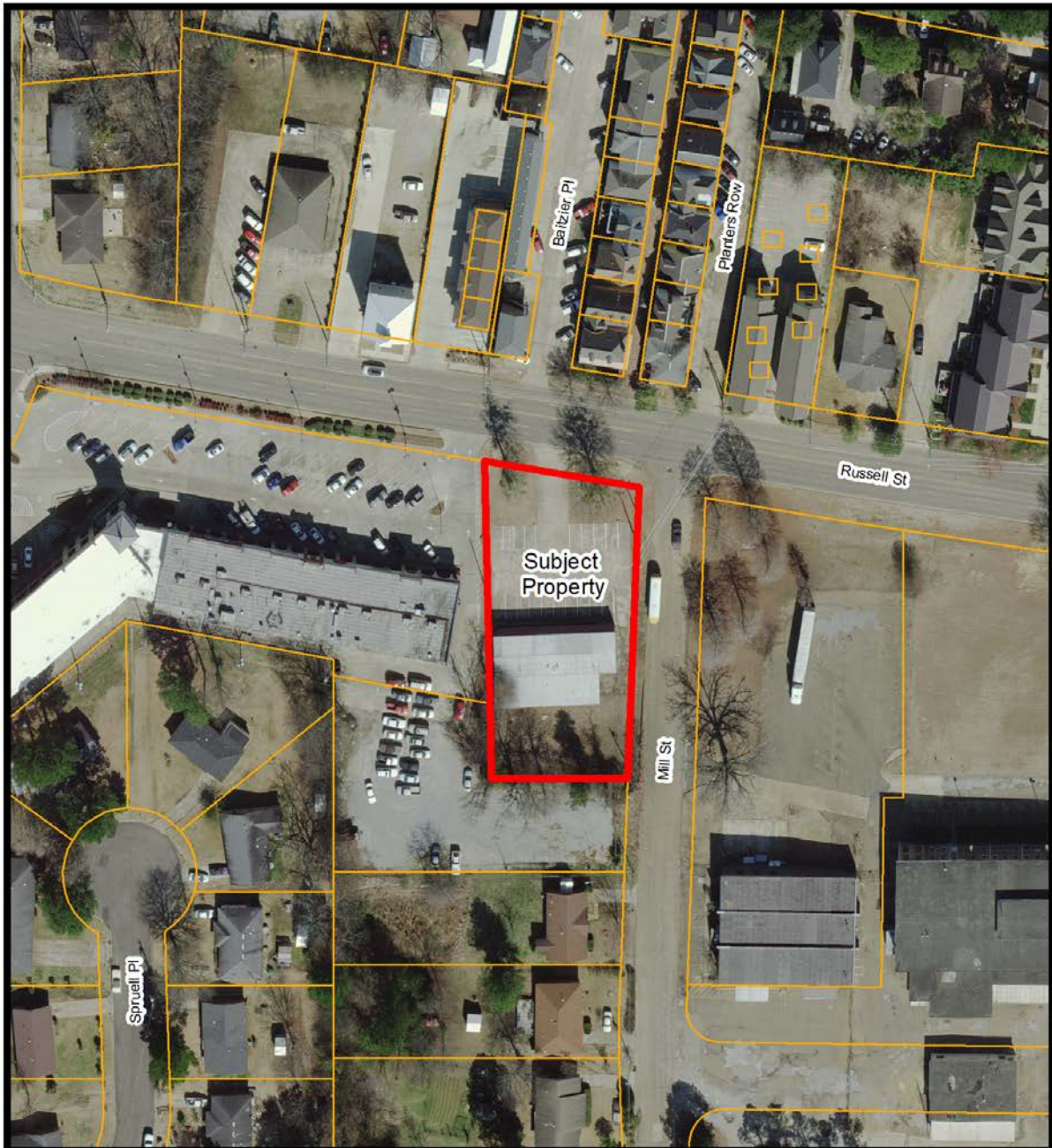
1.4 ADMINISTRATIVE REVIEW

- (a) *This Section specifically provides for the administrative approval or denial of site and/or building plans.*
- (b) *Administrative reviews of site and/or building plans shall be reviewed within 30 calendar days of receipt of a complete application submittal package to the Planning Office.*
- (c) *Any decision regarding an approval or denial of a site and/or building plan shall state, in writing, the reasons for the approval or denial, within 30 calendar days of receipt of the complete application submittal package to the Planning Office.*
- (d) *If the Planning Office denies any site and/or building plan, the applicant may appeal the decision to the Planning and Zoning Commission so long as the appeal is*

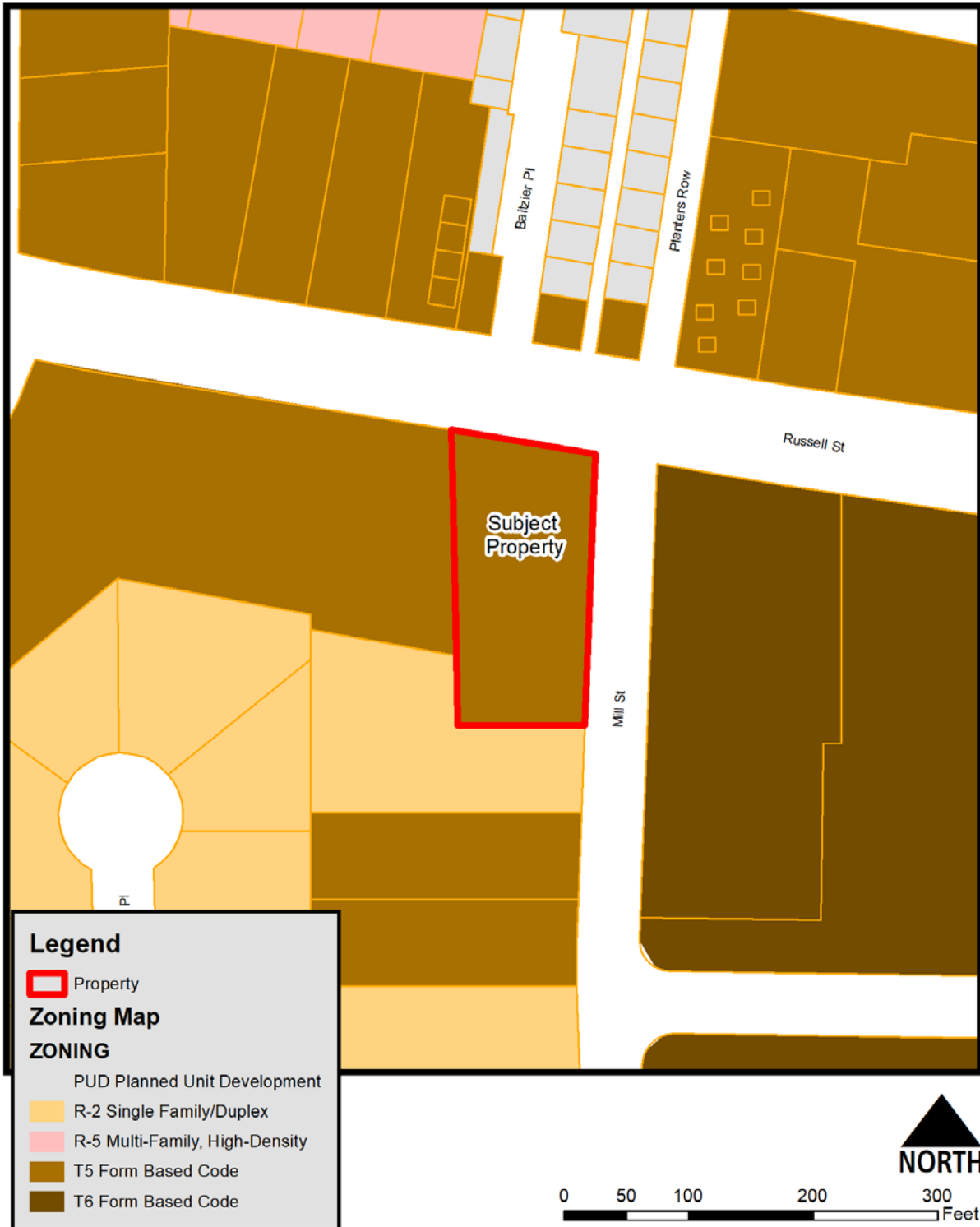
submitted within 30 days of the denial. The Planning and Zoning Commission shall review the application de novo.

- i. The appeal must be filed with the Planning Office for submittal to the Planning and Zoning Commission.*
- ii. The following procedures shall apply to all appeals:*
 - a. The appeal shall state specific relief sought and reasons for such relief.*
 - b. It shall be the applicant's responsibility to provide sufficient justification for approval of the appeal.*
 - c. The City Planner shall prepare a report evaluating the applicant's appeal for the Planning and Zoning Commission within 30 days of the filing of the appeal. If the Planning and Zoning Commission fails to act upon the appeal within 90 days of the filing of the appeal, the appeal will be deemed denied and subject to further appeal as set out in subsection (g).*
 - d. In reviewing the appeal, the Planning and Zoning Commission shall consider all technical evaluation and relevant factors presented by the applicant and City staff.*
 - e. The Planning and Zoning Commission may attach such conditions to the granting of the appeal as it deems necessary to further the purpose of this Form Based Code.*
 - f. If the appeal is approved, it shall be granted upon findings by the Planning and Zoning Commission that the following standards have been met:*
 - i. That failure to approve the appeal could result in exceptional hardship to the applicant; and*
 - ii. That approving the appeal will not result in any threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public; and*
 - iii. That the necessity for the appeal is not the result of conditions which have been self-imposed by the applicant; and*
 - iv. That the approval of the appeal is the minimum necessary for the applicant to continue with the project.*
 - g. If the appeal is not approved, the decision of the Planning and Zoning Commission may be appealed to the Mayor and Board of Aldermen. The appeal shall be filed in writing by the applicant within 10 working days of the denial by the Planning and Zoning Commission and shall be filed with the Planning Office. The appeal shall be heard at the next regularly scheduled meeting of the Mayor and Board of Aldermen following receipt of the notice of appeal.*

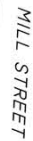
Attachment 1
AA 17-02 Aerial



Attachment 2
AA 17-02 Zoning



RUSSELL STREET



Attachment 4- Letter of Appeal

Daniel Havelin

From: Mark Castleberry <mark@casprop.net>
Sent: Wednesday, October 25, 2017 1:46 PM
To: Daniel Havelin
Subject: Administrative Appeal for use of EFIS on 550 Russell project

Daniel Havelin,

My request is to be placed on the agenda of the upcoming meeting of the Planning and Zoning committee. My purpose is to appeal the rejection for the use of a drainable EFIS system as the surface finish for floors 2 & 3 of our 550 Russell development.

Sincerely,

Mark Castleberry



Mark Castleberry

Castle Properties

412 Main St.

Columbus, MS 39701

office: (662) 244-7099

fax: (662) 244-7299

cell: (662) 524-0377

mark@casprop.net

themillconferencecenter.com

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Attachment 5- Applicant Statement

There is good information in the EIMA website (EIMA.com) under “about EIFS”, there is a tab “benefits of EIFS” under that. It seems that in most municipalities that are banning EIFS, it is either aesthetics, moisture intrusion (left over from the issues in NC in the 90’s) or durability. Let me address these one at a time.

1. Aesthetics – EIFS these days can look like so much more than “stucco”, with brick looks (NewBrick really is a good sample to bring) granite, Limestone, metal panel’s, and on and on. Some photos and many samples could help here.
2. Moisture Intrusion - Most EIFS system today incorporate a fluid applied air and weather barrier, either vapor permeable or as a vapor barrier depending on the location. This gives a single source warranty against moisture intrusion, with at least the Dryvit warranty giving a 10 year warranty. All other claddings require multiple warranty’s as they do not have a single source. There are also options to include the sealants with the warranty (as in the Dryvit Compound warranty where we team up with Tremco and include the sealant in our warranty).
3. Durability – no days we have systems that meet all the required NOA’s in hurricane zones such as Florida (required to pass a large scale missile test where a 2 x 4 is shot out of an air cannon at 38 mph and no fracture in the system or sheathing behind it can occur). Dryvit also has HDCl (20 year warranty against damage) and even “woodpecker Proof” basecoat that we have in Canada and soon will be introducing in the states. In addition there are mildewcides and silicones available in finishes (check out Dryvit’s HDP finishes in this video <https://www.youtube.com/watch?v=laUmzbquDK4>).

Some of the basic points are:

- Energy Efficiency - This is kind of a no brainer and most are aware of this as it is called EIFS, but having the insulation on the exterior of the framing is a much more efficient way to insulate a building, and although this particular building does not require CI, this is the reason the codes are changing to require it in most cases, eventually it will be everywhere. Putting CI behind other claddings is widely untested (EIFS has been in the US for almost 50 years now and has its own section in the IBC)
- Design Flexibility & Aesthetics – Many are under the impression that EIFS looks like beige stucco, and are not aware it can look like brick, or wood, or stone, etc. Taking in samples or photos has helped in other municipalities (NewBrick really turns heads). We have a situation now in Sandy Springs Utah where they Commissioners had no idea it could look like
- Moisture control – the air and weather barriers basically weathers in the building given a second barrier against moisture, and if a hole somehow gets in the building, it will drain out easily unlike most other claddings. There is nothing to rust behind the system (like lath in stucco or brick ties)
- Durability – we have many different types of impact resistant systems. We can meet any hurricane zone requirement in Florida, have systems where we will give a warranty against damage (HDCl) and continue to give options (woodpecker proof basecoat as an example) to address concerns as they come up
- Fire Testing – testing in general on EIFS is way beyond most claddings, mainly because EIFS was not specifically addressed in the building code (it is now in **Chapter 14** Exterior Walls section 1406.2 Combustible exterior wall coverings and **Chapter 26** Plastic) but EIFS has full Scale testing, flame spread testing, NFPA 285 assembly test, every test needed to be used in Non Combustible construction projects in every major city in the US. The fire recently in the UK referred to exterior insulation, it was NOT EIFS, but had a different kind of insulation board and

finish over it. I just mention that as this comes up now since it recently happened and is easily blamed on EIFS (we do sell a lot of EIFS in the UK and Europe, but again, that project was not EIFS at all).



Guide to EIFS

with Drainage Detailing



Exterior Insulation and Finish Systems (EIFS)



EIMA EIFS INDUSTRY
MEMBERS
ASSOCIATION

Guide to EIFS with Drainage Detailing

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EIFS INDUSTRY
MEMBERS
ASSOCIATION

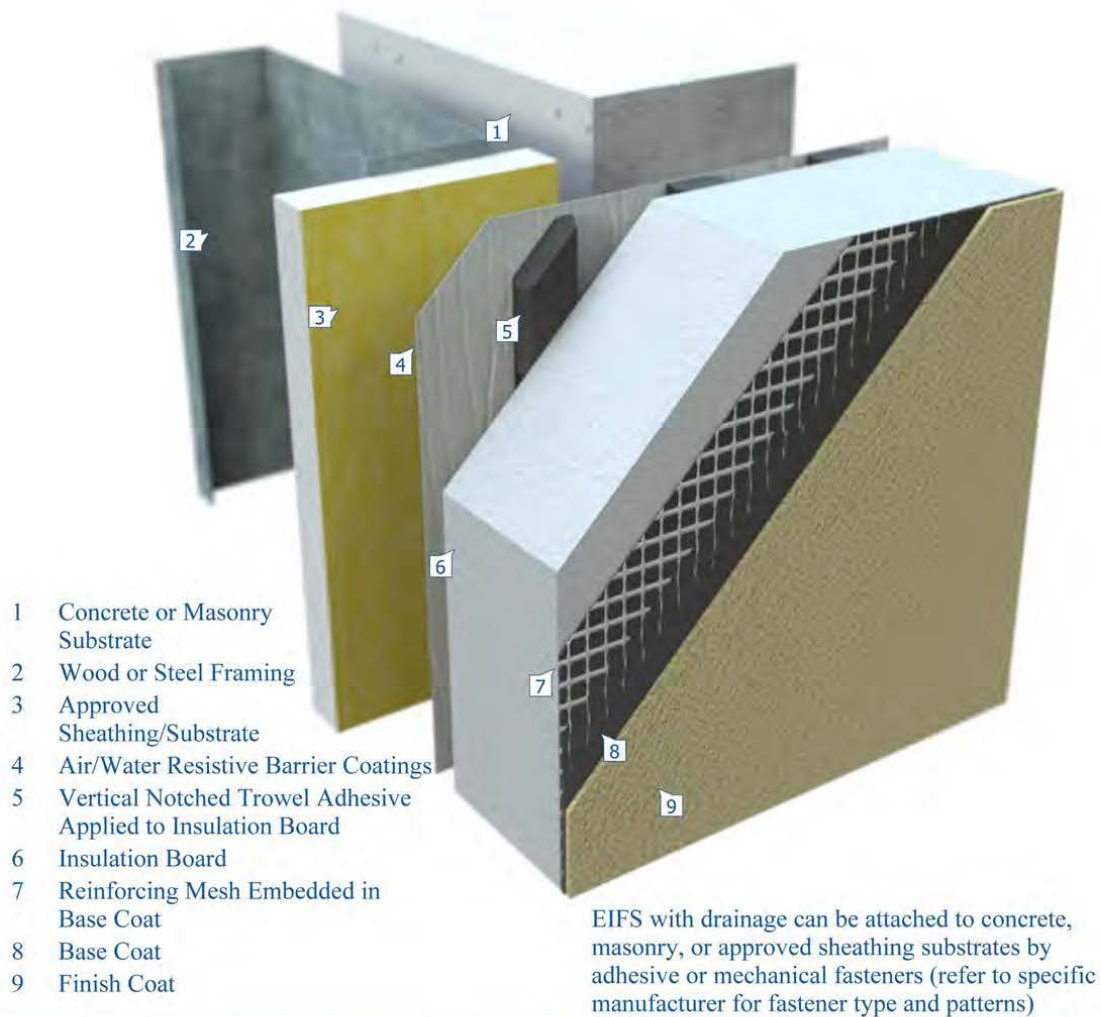
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These drawings and comments apply only to complete EIFS products as specifically defined in the current edition of EIMA Classification Paper.

TYPICAL EIFS CONFIGURATION



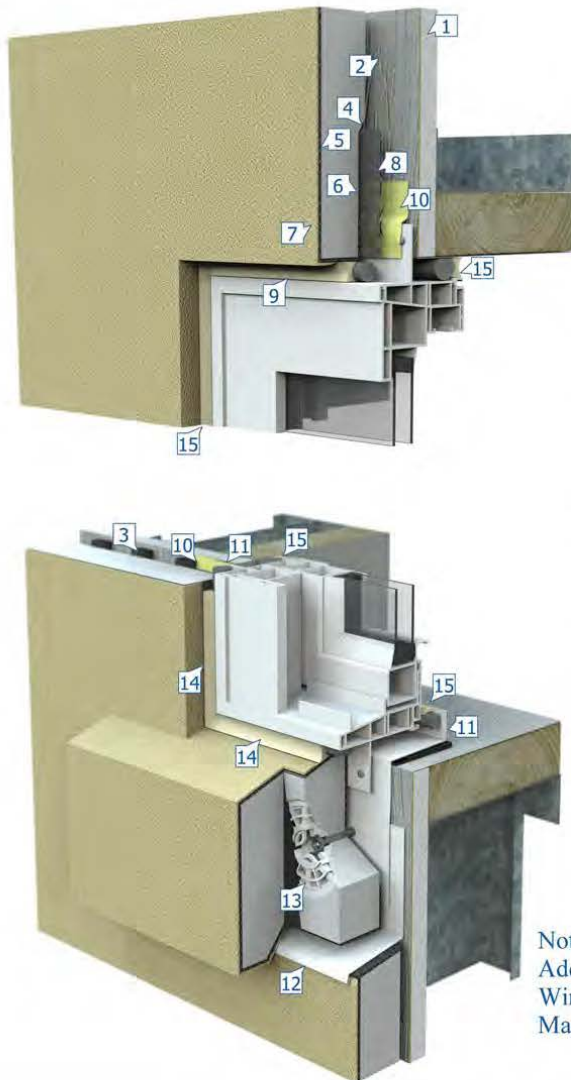
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These drawings and comments apply only to complete EIFS products as specifically defined in the current edition of EIMA Classification Paper.

HEAD/SILL SELF-FLASHING WINDOW



- 1 Approved Sheathing/Substrate
- 2 Air/Water Resistive Barrier Coatings
- 3 Adhesive in Vertical Notched Trowel Configuration
- 4 Insulation Board Notched to Accommodate Opening Preparation and Provision for Drainage
- 5 Reinforcing Mesh Embedded in Base Coat
- 6 Detail Mesh Wrapped to Back Side of Insulation Board 2" (51 mm) Min.
- 7 Finish Coat
- 8 Drainage Strip per Manufacturer if Applicable
- 9 Sealant with Closed Cell Backer Rod and Weeps Every 24" (610 mm)
- 10 EIFS Manufacturer Recommended Transition
- 11 Bed Sealed and Shimmed Concealed Sill Pan Flashing with End Dams
- 12 Transition Flashing
- 13 Mechanical Fastener
- 14 Sealant with Closed Cell Backer Rod
- 15 Air Seal

Note:

Additional Head Flashing May Be Necessary for Windows That Are Not Self Flashing, Refer to Window Manufacturer's Requirements.



THE CITY OF STARKVILLE
PLANNING DEPARTMENT
PLANNING AND ZONING COMMISSION
CITY HALL, 110 WEST MAIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

To: Members of the Planning & Zoning Commission
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Emily Corban, Assistant City Planner (662-323-2525 ext. 3138)
Subject: AA 17-03 Request for an Administrative Appeal from denial of the placement of a secondary building at 35 Jarnigan Street in a T-4 District with the parcel number 101D-00-316.00
Date: November 14, 2017

The purpose of this report is to provide information regarding the request by Dwight Harding for an Administrative Appeal for 35 Jarnigan Street in a T-4 District with the property #101D-00-316.00. Please see attachments 1- 4.

BACKGROUND INFORMATION:

The applicant is appealing the decision by the Community Development Department to not allow the placement of a secondary building on a lot that is less than 150' in depth. A lot less than 150' in depth can only have one primary and one outbuilding located on the lot. The Applicant is proposing to move an existing house from 104 Lummus and place it in the backyard of 35 Jarnigan Street which already has an existing house.

CODE SECTION DENIAL WAS BASED FROM:

APPENDIX A – ZONING, ARTICLE VII. – DISTRICT REGULATIONS, Sec. T. – Transect districts, § 7.

§ 3 - Specific to T4 Districts

6.2 Lot Occupation

- a) *For Lots less than one-hundred and fifty (150) feet deep, one (1) Primary Building and one (1) Outbuilding may be built on each Lot.*

§ 7. - Definitions.

Primary Building: the main building on a Lot.

Secondary Building: any ancillary building on a Lot.

Outbuilding: A building usually located toward the rear of the same Lot as a Primary Building such as a garage, carport, or workshop and may include an Accessory Unit.

§ 2 - General to all Transect Districts

2.4 Building Form

- e) *The footprint of any Outbuilding shall not exceed 576 square feet.*

ADMINISTRATIVE APPEAL REQUIREMENTS:

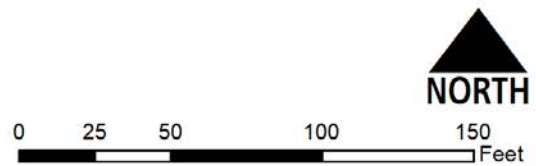
APPENDIX A – ZONING, ARTICLE VII. – DISTRICT REGULATIONS, Sec. T. – Transect districts

1.4 ADMINISTRATIVE REVIEW

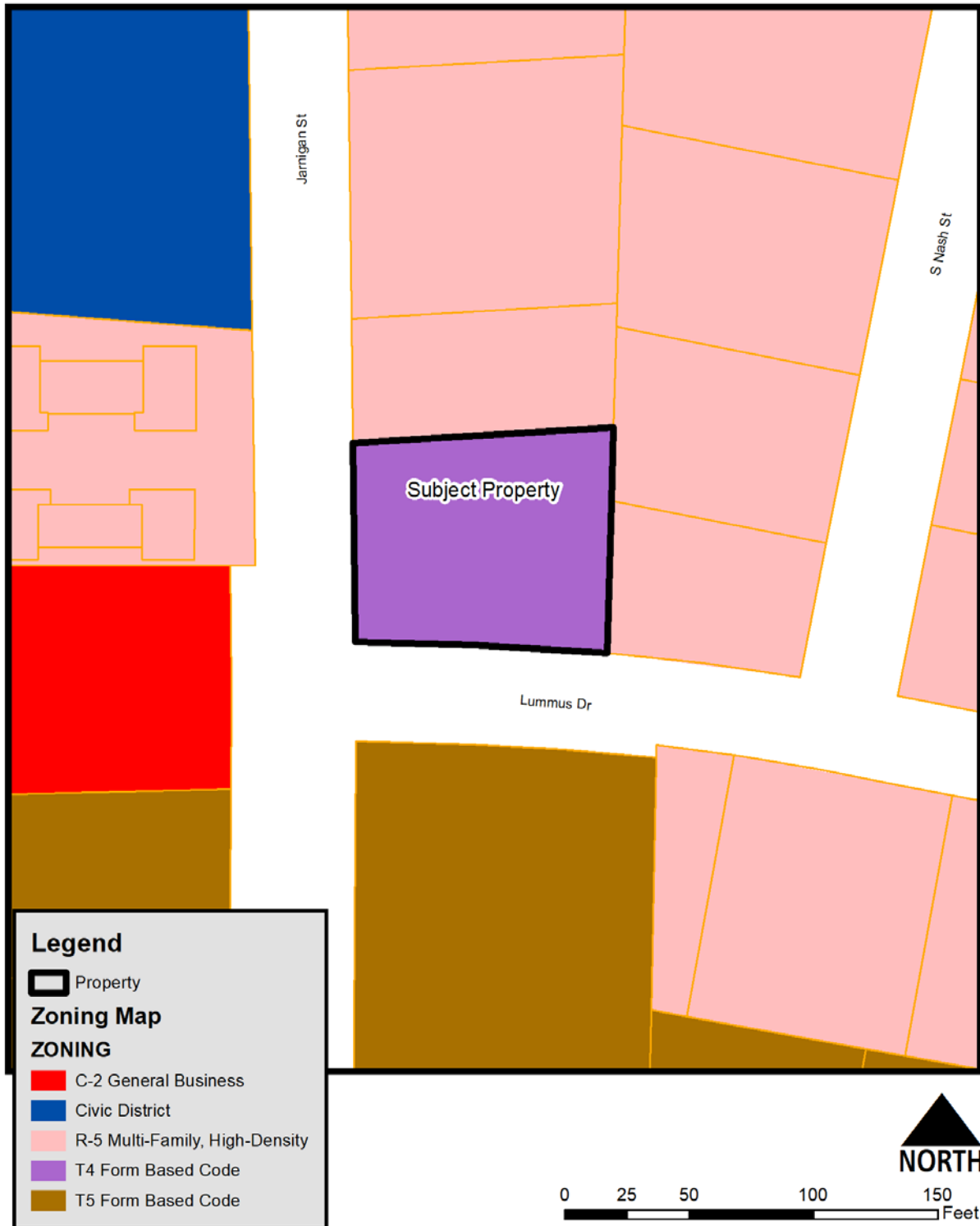
- (a) *This Section specifically provides for the administrative approval or denial of site and/or building plans.*
- (b) *Administrative reviews of site and/or building plans shall be reviewed within 30 calendar days of receipt of a complete application submittal package to the Planning Office.*
- (c) *Any decision regarding an approval or denial of a site and/or building plan shall state, in writing, the reasons for the approval or denial, within 30 calendar days of receipt of the complete application submittal package to the Planning Office.*
- (d) *If the Planning Office denies any site and/or building plan, the applicant may appeal the decision to the Planning and Zoning Commission so long as the appeal is submitted within 30 days of the denial. The Planning and Zoning Commission shall review the application de novo.*
 - i. *The appeal must be filed with the Planning Office for submittal to the Planning and Zoning Commission.*
 - ii. *The following procedures shall apply to all appeals:*
 - a. *The appeal shall state specific relief sought and reasons for such relief.*
 - b. *It shall be the applicant's responsibility to provide sufficient justification for approval of the appeal.*
 - c. *The City Planner shall prepare a report evaluating the applicant's appeal for the Planning and Zoning Commission within 30 days of the filing of the appeal. If the Planning and Zoning Commission fails to act upon the appeal within 90 days of the filing of the appeal, the appeal will be deemed denied and subject to further appeal as set out in subsection (g).*
 - d. *In reviewing the appeal, the Planning and Zoning Commission shall consider all technical evaluation and relevant factors presented by the applicant and City staff.*
 - e. *The Planning and Zoning Commission may attach such conditions to the granting of the appeal as it deems necessary to further the purpose of this Form Based Code.*
 - f. *If the appeal is approved, it shall be granted upon findings by the Planning and Zoning Commission that the following standards have been met:*
 - i. *That failure to approve the appeal could result in exceptional hardship to the applicant; and*
 - ii. *That approving the appeal will not result in any threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public; and*

- iii. That the necessity for the appeal is not the result of conditions which have been self-imposed by the applicant; and*
- iv. That the approval of the appeal is the minimum necessary for the applicant to continue with the project.*
- g. If the appeal is not approved, the decision of the Planning and Zoning Commission may be appealed to the Mayor and Board of Aldermen. The appeal shall be filed in writing by the applicant within 10 working days of the denial by the Planning and Zoning Commission and shall be filed with the Planning Office. The appeal shall be heard at the next regularly scheduled meeting of the Mayor and Board of Aldermen following receipt of the notice of appeal.*

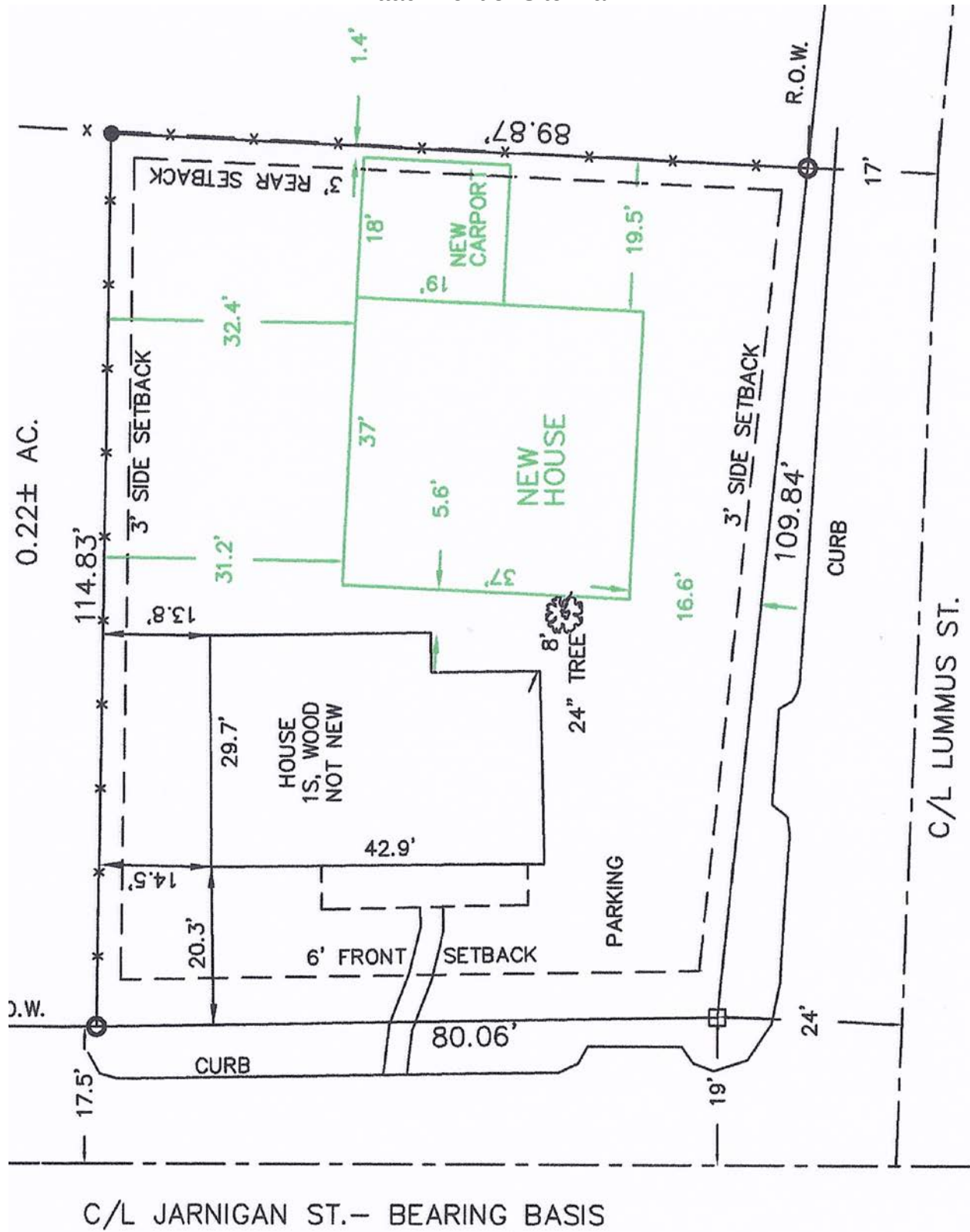
Attachment 1
AA 17-03 Aerial



Attachment 2
AA 17-03 Zoning



Attachment 3- Site Plan



Attachment 4- Letter of Appeal

November 6th 2017

Appeal for DRC denial for putting a second outbuilding at 35 Jarnigan St in the Cotton District.

I want to move the house currently at 104 Lummus Dr. to the back yard of 35 Jarnigan St.

When I first bid on the house and lot in Jan, 2015 it was zoned R5 which would allow for 2 houses on the lot.

Before I closed on the lot in Sept, 2017 a non-owner had outbid me and had the zone changed to T4, which allows for one building with an outbuilding of no larger than 576 square feet.

It is my understanding that the wording of the zone change said that the zone would revert back to R5 if the bidder did not close on the house. He did not close and the zone did not revert back to R5.

I ask for an appeal to put an outbuilding of larger than the stated 576 sq feet.

At the DRC meeting of Nov. 2, other restrictions of the T4 zone were discussed. I am willing and able to build within these T4 restrictions.

I have long term plans for 104 Lummus which includes building new apartments in this T5 zone.

I have long term plans for building new apartments or condominiums on Jarnigan St.

Thank you for your consideration,


Dwight E. Harding



THE CITY OF STARKVILLE
PLANNING DEPARTMENT
PLANNING AND ZONING COMMISSION
CITY HALL, 110 WEST MAIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

To: Members of the Planning & Zoning Commission
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Emily Corban, Assistant City Planner (662-323-2525 ext. 3138)
Subject: CU 17-08 Request for Conditional Use to allow for a parking lot at 609 Gillespie Street in an C-2 zone with the parcel number 101D-00-313.00
Date: 11-14-2017

The purpose of this report is to provide information regarding the Conditional Use Request by First Church of Christ to allow for a parking lot to be located at 609 Gillespie Street in an C-2 zone with the property #101D-00-313.00. Please see attachments 1- 4.

BACKGROUND INFORMATION

The applicant is seeking a Conditional Use to construct a parking lot to be used for church parking. The property is zoned C-2 and in order to construct a "Parking Lots & Garages", a Conditional Use is required per the City of Starkville's Permitted and Conditional Use Chart.

Scale and intensity of use.

The applicant has provided a conceptual site plan which seems to meet the City's land development requirements and is proportionate to the area.

On- or off-site improvement needs.

Sidewalks will be required in the right of way. A complete site plan review will be conducted by the Development Review Committee to insure compliance with land development regulations prior to issuing of permits.

On-site amenities proposed to enhance the site.

There are no amenities being proposed

Site issues.

There are no known site issues regarding the intended use of the site

The table below provides the zoning and land uses adjacent to the subject property:

Direction	Zoning	Current Use
North	T-5/C-2	Apartments/church
East	C-2	Park Community Center
South	R-2	Single-Family Home
West	C-2	Single-Family Home

ALLOWED USES UNDER THE PERMITTED (PU) AND CONDITIONAL USE(CU) CHART

The following uses are permitted by right in the C-2 zoning district:

1. Accessory dwelling unit
2. Assisted Living Facility
3. Bed & Breakfast Inn
4. Boarding/Rooming House

5. Dormitory
6. Personal Care/Group Home
7. Child Care
8. Government Facilities
9. Institutional and Health Care Facilities
10. Parks & Recreation, Active
11. Parks & Recreation, Passive
12. Public Spaces
13. Transportation
14. Utilities
15. Business Offices
16. Conference/Convention Center
17. Eating & Drinking Establishments
18. Funeral Home
19. General Retail & Services
20. Personal Services
21. Recreation and Entertainment, Indoor
22. Vehicular Sales & Service
23. Visitor Accommodations & Services
24. Trades & Skilled Services
25. Warehousing & Distribution
26. Wholesale Services

The following uses are allowed by conditional use in the C-2 zoning district:

1. Dwelling, live/work
2. Dwelling, single family, detached
3. Dwelling, multi-family
4. Dwelling, 3 & 4-family
5. Dwelling, 2-family
6. Fraternity/Sorority House
7. Manufactured Home
8. Community Services
9. Education Facilities
10. Places of Worship
11. Wireless Communication Towers
12. Car Title Loan, Payday Advance or Loan Business
13. Parking Lots & Garages
14. Recreation and Entertainment, Outdoor
15. Manufacturing, light
16. Farm Support

NOTIFICATION

21 property owners of record within 300 feet of the subject property were notified directly by mail of the request. A public hearing notice was published in the Starkville Daily News on Monday October 30, 2017 and a placard was posted on the property. As of this date, the Planning Office has received one email in support of this request.

ANALYSIS

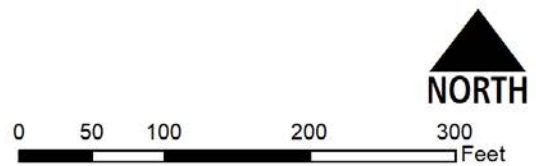
Appendix A, Article VI, Section I of the City's Code of Ordinances provides five specific criteria for conditional use review and approval:

1. **Land use compatibility.** The proposed use as a "Parking Lots & Garages" could be considered a compatible use with adjacent properties. The proposed parking lot is located across the street from the existing church. The property is currently zoned C-2. The 2016 Comprehensive plan has the areas placetype listed as urban corridor.
2. **Sufficient site size and adequate site specifications to accommodate the proposed use.** The site is adequately sized to accommodate the proposed use.
3. **Proper use of mitigative techniques.** None proposed
4. **Hazardous waste.** No hazardous waste or materials would be generated, used or stored at the site
5. **Compliance with applicable laws and ordinances.** The applicant is responsible for obtaining all the property permitting required by City.

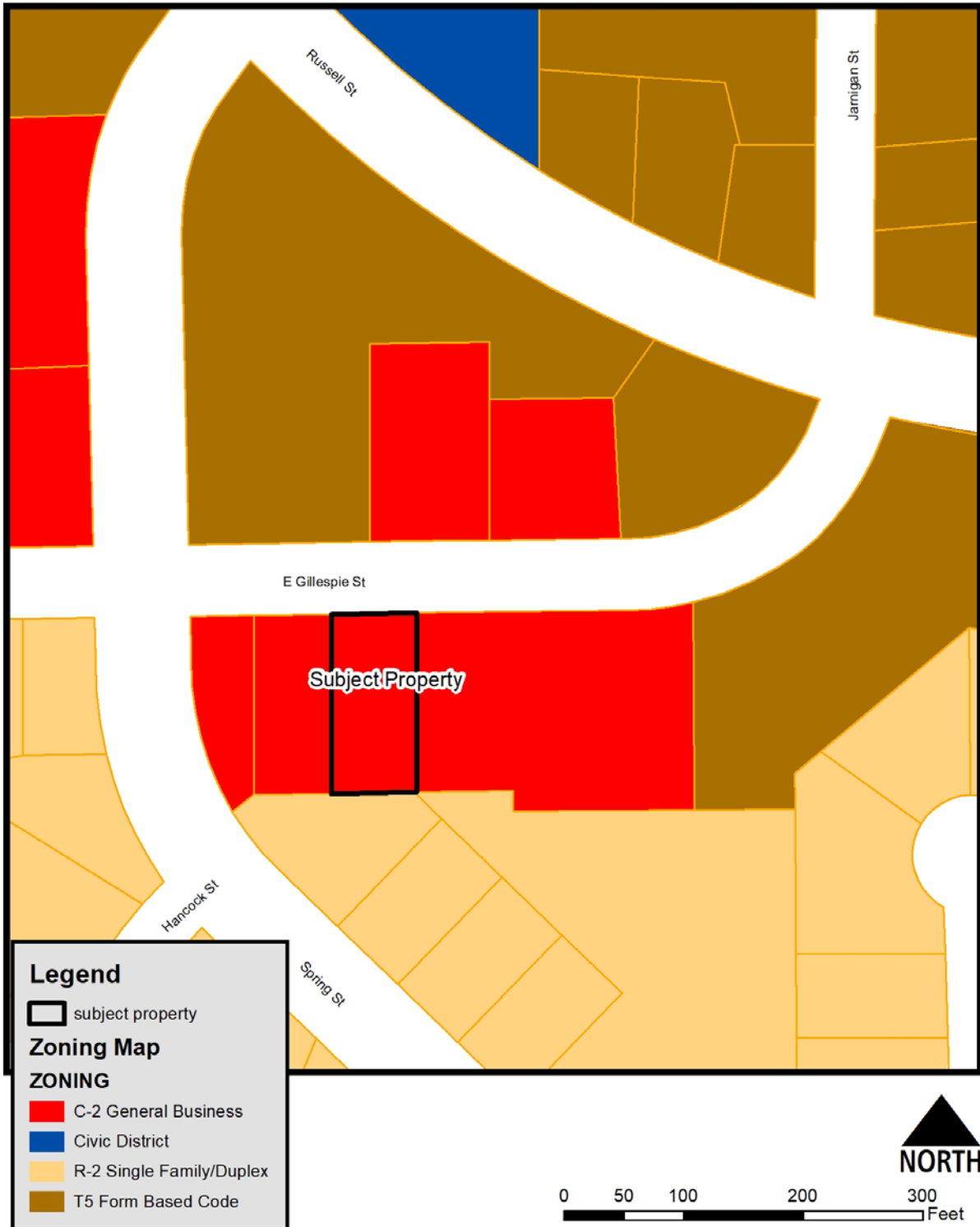
Requested Conditions:

1. The applicant shall have six months from time of Conditional Use approval to obtain site plan approval by the City's Development Review Committee.

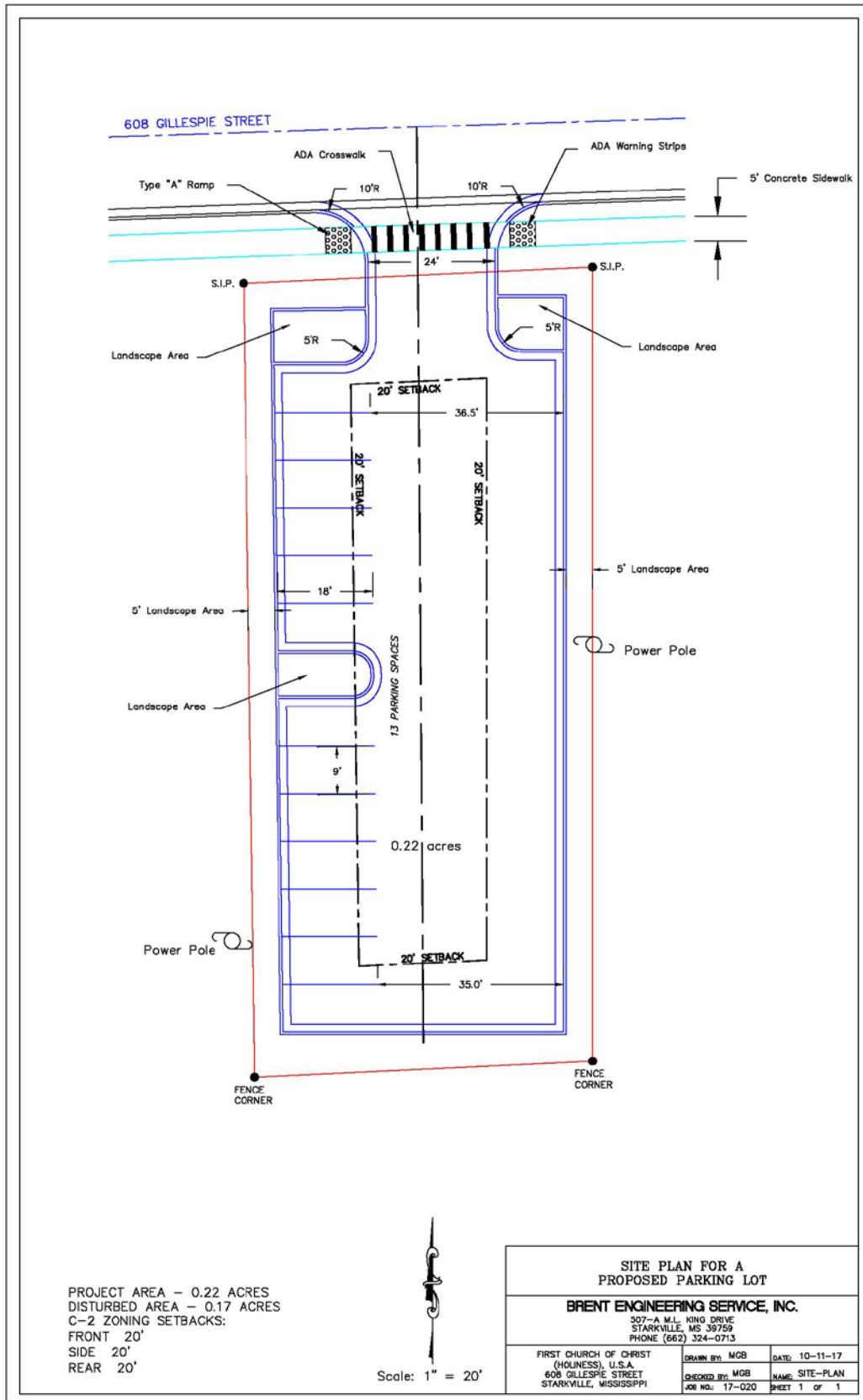
Attachment 1
CU 17-08 Aerial



Attachment 2
CU 17-08 Zoning



Attachment 3 Proposed Parking lot



Attachment 4- Email in support of the request

Daniel Havelin

From: 1lula1@netzero.net
Sent: Monday, November 6, 2017 8:48 PM
To: d.havelin@cityofstarkville.org
Cc: e.corban@cityofstarkville.org
Subject: CU 17-08 Notification of Public Hearing

In receipt of your letter to the Hairston Lexie Estate, Property #101D-00-305.00, 504 Spring Street, Starkville, MS 39759.

The Lexie Hairston Estate is aware of the quest of the First Church of Christ (Holiness) and they are hoping and praying the City of Starkville grants them Conditional Use Approval. This church has been a part of the Needmore community for a number of years and many Hairston family members and friends have been baptized and remain members of this church.

Thanking you in advance.

I Felt Like Someone Was Blowing Up A Balloon In My Stomach

Activated You

<http://thirdpartyoffers.netzero.net/TGL3232/5a011f14f1a941f1456bdst04duc>





THE CITY OF STARKVILLE
PLANNING DEPARTMENT
PLANNING AND ZONING COMMISSION
 CITY HALL, 110 WEST MAIN STREET
 STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

To: Members of the Planning & Zoning Commission
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
 Emily Corban, Assistant City Planner (662-323-2525 ext. 3138)
Subject: RZ 17-06 Request to Rezone 2 lots located at 2003 and 2005 Hickory Street from R-1 to C-2 with the parcel numbers 102F-00-048.00 and 102F-00-047.00
Date: November 14, 2017

The purpose of this report is to provide information regarding the request by Mitchener Rentals, LLC and Danielle V. Kelly to rezone 2 lots located at 2003 and 2005 Hickory Street from R-1 Single Family to C-2 General Business with the property #102F-00-048.00 and 102F-00-047.00. Please see attachments 1- 7.

BACKGROUND INFORMATION:

The applicant is seeking to rezone from R-1 Single Family to C-2 General Business based on changed or changing conditions in the existing area, or in the planning area generally, that make the change in the ordinance necessary & desirable, & in accord with the public need for orderly & harmonious growth. Development plans for the property are unknown to City Staff at this time. The applicant previously was set to appear before the Planning and Zoning Commission on August 8, 2017. The applicant requested that the item be removed from consideration at that scheduled public hearing.

Zoning Change Subject Property				
Properties	1960s- 1970s Map	1982-1991 Map	2000 Map	Current Map
102F-00-048.00	R-1	R-1	R-1	R-1
102F-00-047.00				
Zoning Change Adjacent Properties				
Properties	1960s- 1970s Map	1982-1991 Map	2000 Map	Current Map
North	R-1	R-1	R-1	R-1
East	M-1	C-2	C-2	C-2
South	M-1	M-1	M-1	M-1
West	R-1	R-1	R-1	R-1
Zoning and land uses adjacent to the subject property				
Direction	Zoning	Current Use		
North	R-1	Single Family Residence		
East	C-2	C Store and Vehicular Service		
South	M-1	501 Business Center		
West	R-1	Single Family Residence		

NOTIFICATION:

30 property owners of record within 300 feet of the subject property were notified directly by mail of the request. A public hearing notice was published in the Starkville Daily News October 5, 2017 and a placard was posted on the property 15 or more days prior to the hearing. As of this date, the Planning Office has received six phone calls, two in office visits, and five letters against the request. The Planning Office has also received 2 phone calls inquiring about the request. The Planning Office has received one letter in support of the request. This includes all correspondence from the previous submittal.

REZONING REQUEST:

The subject property rezoning request is from R-1 Single Family to C-2 General Business. The Differences between zones are:

Current Zoning District:***Sec. C. - R-1 residence zoning district regulations.***

These [R-1 residential] districts are intended to be composed mainly of single-family residential properties along with appropriate neighborhood facilities, with their character protected by requiring certain minimum yard and area standards to be met. [The following regulations apply to R-1 districts:]

1. See chart for permitted uses.
2. See chart for uses which may be permitted as a special exception.
3. Required lot area and width, yards, building areas and height for residences:
 - a) Minimum lot area: 10,000 square feet.
 - b) Minimum lot width at the building line: 75 feet.
 - c) Minimum depth of front yard: 30 feet.
 - d) Minimum depth of rear yard: 35 feet.
 - e) Minimum width of each side yard: Ten feet.
 - f) Maximum height of structure: 45 feet.
4. Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.

Proposed Zoning District:***Sec. L. - C-2 business (general business) zoning district regulations.***

These [C-2 general business] districts are intended to be composed of the wide range of commercial goods and services to support community needs. Under special conditions some light industrial and distribution uses are also permitted. Usually located along arterial streets or near the intersection of two or more arterials, these districts are usually large and within convenient driving distance of the entire community. The district regulations provide for certain minimum yard and area standards to be met to assure adequate open space and compatibility with surrounding districts. [The following regulations apply in the C-2 districts:]

1. See chart for uses permitted.
2. See chart for uses which may be permitted as an exception.
3. Minimum lot size: It is the intent of this ordinance that lots of sufficient size be used for any business or service use and to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.
4. Minimum yard size: Front, 20 feet; rear, 20 feet; side, a total of 20 feet, but one side shall be sufficient in width to provide vehicular access to the rear. On any lot [in] which the side lot line adjoins a residential district, the side yard on that side shall not be less than required by the residential district.
5. Maximum height of building or structures: 45 feet.
6. Off-street parking: One space for each 200 square feet of retail or office building area. See article VIII of this ordinance for requirements for other uses.
7. Off-street loading and unloading: The required rear or side yard may be used for loading and unloading.
8. All building facades that are visible from public right-of-way or adjacent property zoned residential shall meet these requirements.
 - a) The following materials are allowed for use on a building façade: brick, wood, fiber cement siding, stucco, natural stone, and split faced concrete masonry units that are tinted and textured. Architectural metal panels may be used as long as the panels make up less than 40 percent of an individual façade.
 - b) The following materials are not allowed for use on a building facade: smooth faced concrete masonry units, vinyl siding, tilt-up concrete panels, non-architectural steel panels (R Panels), and EIFS (exterior insulation and finish systems). EIFS is permitted to be used for trim and architectural accents.
 - c) The primary facade colors shall be low reflectance, subtle, neutral or earth tones. The use of high intensity, metallic flake, or fluorescent colors is prohibited.
 - d) All parking lots adjacent to public right-of-way shall be paved either entirely or with a combination of the following: asphalt, concrete, porous pavement, concrete pavers, or brick pavers. Gravel can be used temporarily as a parking surface for a period on no longer than 12 months upon the approval of the community development director. All temporary gravel lots must provide ADA accessible parking and access ways in accordance with the ADA guidelines.

(Ord. No. 2014-4, 9-16-14)

Permitted and Conditional Uses:

The following uses are permitted by right in the C-2 zoning district:

1. Accessory dwelling unit
2. Assisted Living Facility
3. Bed & Breakfast Inn
4. Boarding/Rooming House
5. Dormitory
6. Personal Care/Group Home
7. Child Care
8. Government Facilities
9. Institutional and Health Care Facilities
10. Parks & Recreation, Active
11. Parks & Recreation, Passive
12. Public Spaces
13. Transportation
14. Utilities
15. Business Offices
16. Conference/Convention Center
17. Eating & Drinking Establishments
18. Funeral Home
19. General Retail & Services
20. Personal Services
21. Recreation and Entertainment, Indoor
22. Vehicular Sales & Service
23. Visitor Accommodations & Services
24. Trades & Skilled Services
25. Warehousing & Distribution
26. Wholesale Services

The following uses are allowed by conditional use in the C-2 zoning district:

1. Dwelling, live/work
2. Dwelling, single family, detached
3. Dwelling, multi-family
4. Dwelling, 3 & 4-family
5. Dwelling, 2-family
6. Fraternity/Sorority House
7. Manufactured Home
8. Community Services
9. Education Facilities
10. Places of Worship
11. Wireless Communication Towers
12. Car Title Loan, Payday Advance or Loan Business
13. Parking Lots & Garages
14. Recreation and Entertainment, Outdoor
15. Manufacturing, light
16. Farm Support

STATE REZONING CRITERIA

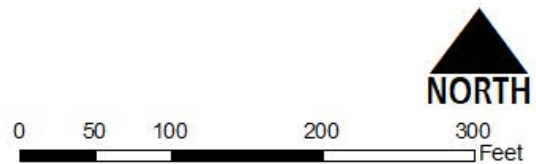
Per Title 17, Chapter 1, of the Mississippi Code of 1972, as amended, and Appendix A, Article IV, Section A, of the City of Starkville Code of Ordinances, the Official Zoning Map may be amended only when one or more of the following conditions prevail:

1. **Error:** There is a Manifest Error in the ordinance and a Public Need to correct the error:
 - No Error
2. **Change in conditions:** Changed or changing conditions in an existing area, or in the planning area generally, or the increased or increasing need for commercial or manufacturing sites or additional subdivision of open land into urban building sites make a change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth.
 - New or Expanded commercial developments west of Louisville Street along Highway 12 (unless noted dates shown are for site plan approval not opening date)
 - AT&T Retail Store- 2011
 - Cellular South- 2011
 - Tractor Supply- 2011
 - Barnes Crossing Auto Sales- 2014
 - Dollar Tree- 2014
 - Kroger- Expanded in 2014
 - Panda Express- 2014
 - Academy Sports- Opened in 2017

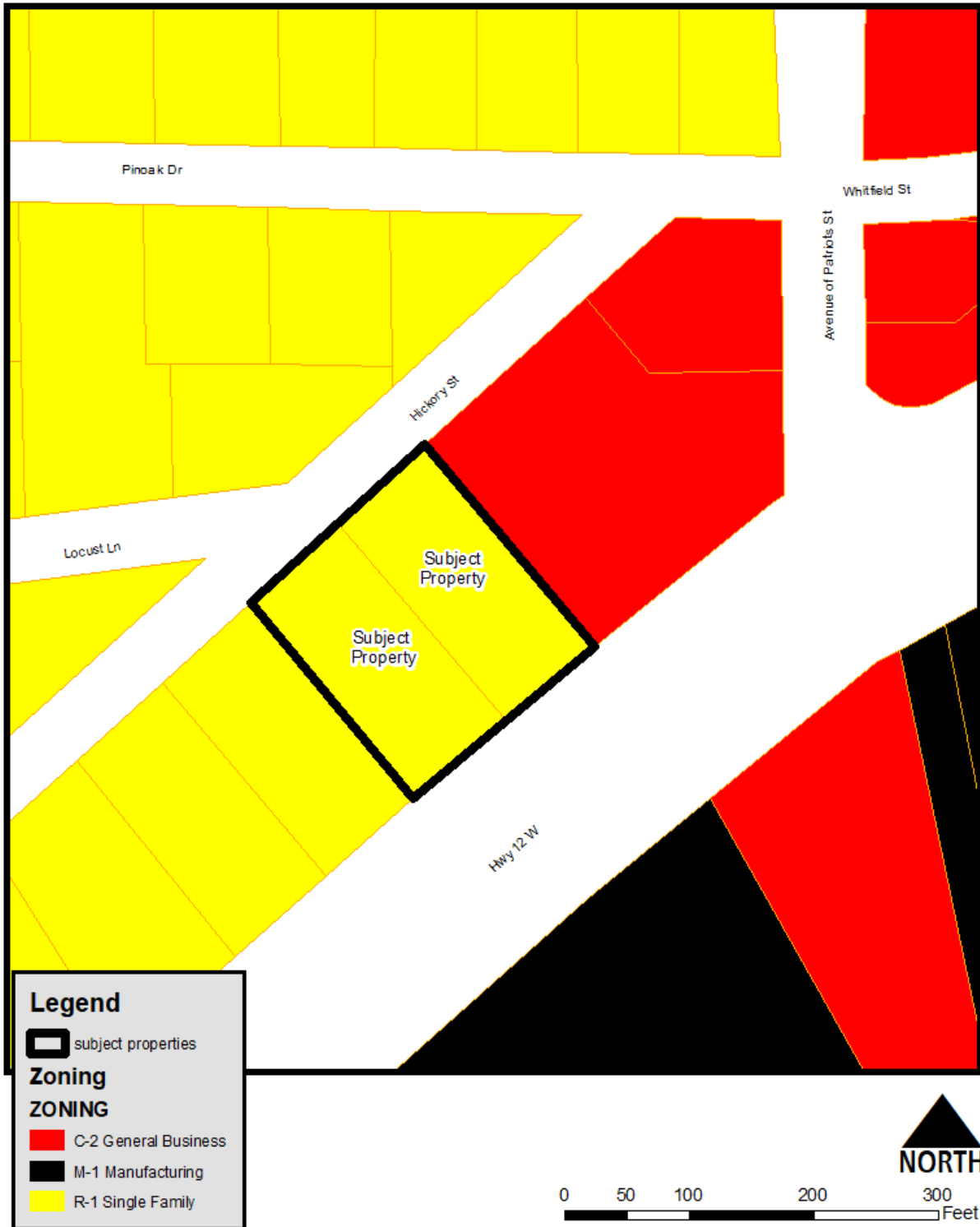
Consistency with Comprehensive Plan: The proposed rezoning would generally be not consistent with the goals, objectives and policies found in the City's Comprehensive Plan. The property's place type is shown as "Suburban Single Family".

Land Use Compatibility: The proposed rezoning would be compatible with property to the east, but not compatible with property to the west and north.

Attachment 1
RZ 17-06 Aerial



Attachment 2 RZ 17-06 Zoning



Attachment 3- Letters Against the Request

514 Chestnut Dr.
Starkville, MS 39759

Emily Corban
Assistant City Planner, City Hall
110 West Main St.
Starkville, MS 39759

July 26, 2017

Dear Emily,

I writing in regard to the application for rezoning of the two properties located at 2003 and 2005 Hickory Street, Green Oaks. It is my understanding that the request for rezoning is to go from an R-1 classification to a C-2 classification. I am totally against the city approving such a request. Green Oaks is a stable residential neighborhood that existed before I moved to Starkville 47 years ago. As I recall the service station on the corner existed at the time. I'm not sure of the other automotive business. There have been some changes at the entrance to the neighborhood. While there has always been a restaurant on the corner, a city park replaced an automotive junk yard. For the most part the residential area has been stable, and property use changes such as Highway 12 widening, should not support the zoning changes requested. While the application is for just two residential properties, to grant the rezoning request would open the other five residential properties on the south side of Hickory Street to a domino effect of rezoning requests leading to what can only be seen as a further deterioration of the neighborhood. Once started, how do you stop neighborhood destruction? If rezoning is granted and these properties are commercially developed it will necessitate more entry/exit cuts in the curbing along Highway 12, which I hope is something MDOT would not readily approve in light of the redevelopment currently under way. We should appreciate the green space provided by these residential properties along such a heavily travelled thoroughfare.

Sincerely,


Milo Burnham

2013 Hickory Street
Starkville, MS 39759

Emily Corban
Assistant City Planner, City Hall
110 West Main St.
Starkville, MS 39759

August 4, 2017

Dear Ms. Corban,

I am writing in regards to the application for rezoning of the two properties located at 2003 and 2005 Hickory Street, Green Oaks. It is my understanding that the request for rezoning is to go from an R-1 classification to a C-2 classification.

I am a homeowner/resident on Hickory Street and I am totally against the city approving such a request, as this would not be consistent or compatible with adjoining/surrounding property. Additionally, if the request to rezone these two properties is granted, it will open my property up to similar rezoning requests. I plan to stay right where I am, in a neighborhood known for being a stable residential area.

I appreciate your consideration of my opposition to the rezoning request.

Sincerely,

A handwritten signature in cursive script that reads "Peggy L. Carstens".

Peggy L. Carstens

Emily Corban

From: Buddy Sanders <b.sanders@cityofstarkville.org>
Sent: Friday, August 04, 2017 11:42 AM
To: 'THOS H LOFTIN'
Cc: d.havelin@cityofstarkville.org; 'Emily Corban'
Subject: RE: Rezoning Green Oaks

Mrs. Loftin:

Thank you for your communication regarding rezoning case number RZ 17-06.

Daniel and Emily:

Please print and place a copy of Mrs. Loftin's e-mail at the table for each on the Planning and Zoning Commission members chairs.

Regards,

Buddy Sanders, Community Development Director
City of Starkville
110 West Main Street
Starkville, MS 39759

Voice: (662) 323-2525, Ext. 3119
Cell: (662) 769-7577
Fax: (662) 323-4143

From: THOS H LOFTIN [mailto:jujupt@bellsouth.net]
Sent: Thursday, August 03, 2017 4:35 PM
To: b.sanders@cityofstarkville.org
Subject: Rezoning Green Oaks

It seems I have missed something in this zest for the city to Rezone parts of Green Oaks. Just because we are not one of the most "affluent" neighborhoods in Starkville we do have our priorities and having commercial business in our area is simply not one of them. We are a fairly quite neighborhood and do not seem to have any more problems than the other subdivisions. We have enough noise and traffic without having to tolerate more business. It seems you only want, possibly, two spots now but later you will begin to want or add more spots and will not need permission if you get what you want now. LEAVE US ALONE. We do not need the city intruding on our subdivision.

Mrs. Julia Loftin
2704 Redbud Drive

August 6, 2017

Planning and Zoning Commission,
Ladies and Gentlemen,

My name is Chuck Scarborough and I live at 2305 MacArthur Drive. I am also the president of The Green Oaks Homeowners Association. I hereby protest the rezoning of two adjacent lots in Green Oaks, namely 2003 and 2006 Hickory St.

There is absolutely no good reason to rezone lots from residential to commercial as there has been no recent change in the character of the neighborhood. If these lots are rezoned, then why not the other close by lots also, etc. This process could continue until the entire subdivision is rezoned which would destroy the subdivision as a residential area and impact the ambiance and quality of life in the subdivision bringing in more traffic, noise, air pollution, trash, etc. The increased traffic also creates a safety issue for our children. It does not take the gift of a prophet to see where this rezoning will lead. It is also clear that the property in Green Oaks would be more valuable if it were zoned commercial, but we would pay for it by having a lower quality of life as well as the expense of moving.

This presents the following problem for me: I will be putting on a new roof, and I also must have some foundation work done on my house. If my lot is going to be zoned commercial, then this expenditure would be wasted. Am I to live in a house needing these repairs until my lot is rezoned?

Rezoning the Hickory St. lots gives the present owners an unjust profit and/or gives them an unjust enrichment paid for by the other residents of Green Oaks in terms of quality of life. No useful artifact, no good or service, no entertainment, etc. will have been produced by this rezoning.

I have lived in Green Oaks since 1966. This is my home, I raised my children here. I want to preserve Green Oaks as a residential subdivision.

Thus, I request the Planning and Zoning Commission to deny the request for rezoning.

Sincerely,


C. T. Scarborough

662-323-7720, 662-418-1040

August 7, 2017

To Planning and Zoning Committee:

I Helen Tollison object to the rezoning of property (from Residential to Commercial) on Hickory Street, in Green Oaks Subdivision.

Helen Tollison

Helen Tollison
2001 Locust Lane
Starkville, MS 39759

Attachment 4- Letter for the request

November 10, 2017

Mr. Daniel Havelin
City Planner
110 W. Main Street
Starkville, MS 39759

Re: Support for Proposed Rezoning of
Property on Hickory Street, Green Oaks

Dear Mr. Havelin,

I am the member/manager of Aspen Road, LLC, which owns two adjacent parcels in Green Oaks subdivision that back to Highway 12, located at 2015 Hickory Street and 706 Aspen Road.

I understand that an application to rezone two lots on Hickory Street at the opposite end of the block has been submitted, and that a hearing to consider the proposal is scheduled for next week. I will be unable to attend the meeting, as I live in another state.

The purpose of this letter is to support the request for rezoning.

It is my understanding that this one-block strip of property on Hickory Street is the only property fronting Highway 12 between Walmart and the University that is not already zoned for commercial use. I have been expecting this strip to be rezoned to conform to the existing commercial zoning all along Highway 12 for some time now, and quite frankly, am surprised it has not happened before now.

I have been informed that there is opposition from some residents of Green Oaks to this change, citing potential detrimental effects on the neighborhood. However, there is already a six-block long strip of property on Maple Drive that has backed to commercial property for many years, likely from the time the subdivision was first laid out. I am not aware of any detrimental effects on the neighborhood caused thereby. I do not believe the proposed change in zoning on the one-block length of Hickory Street would result in detrimental effects on the neighborhood either.

Any perceived detrimental effect could be easily mitigated by two steps:

- 1) construction of a fence, or preferably a block wall, with attractive landscaping along Hickory Street, and
- 2) by preventing access to Hickory Street from any commercial establishment fronting on Highway 12, as is already the case for

the gas station located at the corner of Highway 12 and Avenue of Patriots, immediately adjacent to the two parcels that are proposed for rezoning.

As you probably know, that one-block length of Hickory Street is currently used as a public thoroughfare by people traveling from Whitfield Street to Highway 12, which has resulted in increased traffic in the neighborhood, traveling at increased speeds and endangering residents. Eliminating the residential traffic going to and from those eight lots along Hickory Street, and eliminating the residential use of those lots, would result in reduction of the potential for traffic accidents on Hickory, as there is only one lot on the north side of Hickory Street which depends on access from Hickory Street. It is located at the corner of Aspen and Hickory and the city could re-orient its driveway to the Aspen Road side.

In fact, if all eight of those lots along Hickory were eventually transitioned to commercial use, accessed from Highway 12, then Hickory Street could be closed from Locust Lane to Aspen Road (a space of ½ block), or even the full one-block length of Hickory from Pin Oak to Aspen, and thereby eliminate the use of Hickory as a public thoroughfare by speeding traffic which endangers residents. The City could transform the area currently occupied by Hickory Street itself into a small park as a buffer between the commercial and residential property.

I see that as a definite positive for the people who live on property adjacent to Hickory Street, as it increases their safety and especially that of children playing in their yards. And thereby a positive effect on the neighborhood as a whole could result from the rezoning of all eight lots on Hickory Street to commercial use, and the closing of Hickory Street.

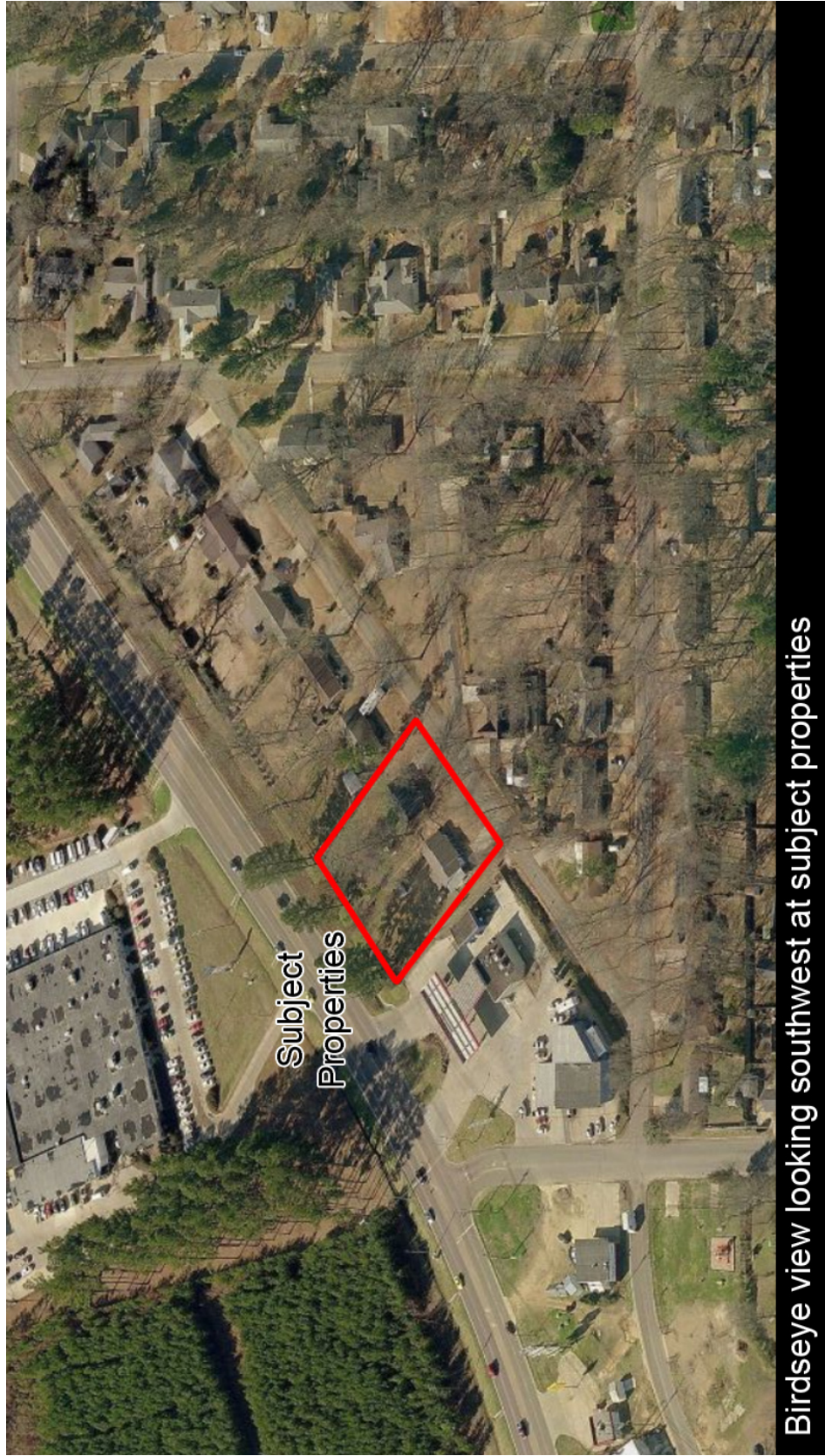
Revising the City Plan to reflect commercial zoning of the eight lots along the south side of Hickory Street, and the closure of Hickory Street and creation of a small park, or buffer zone, on the land currently occupied by the street itself, would render the objections of residents of other areas of Green Oaks far less compelling.

For these reasons, I support the proposal for rezoning on Hickory Street.

Thank you for your consideration.

Sincerely,

Janet Pearson
Member/Manager
Aspen Road, LLC



Birdseye view looking southwest at subject properties

Attachment 6



View looking south at front of subject properties

Attachment 7



View looking north at rear of subject properties



THE CITY OF STARKVILLE
PLANNING DEPARTMENT
PLANNING AND ZONING COMMISSION
CITY HALL, 110 WEST MAIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

To: Members of the Planning & Zoning Commission
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Emily Corban, Assistant City Planner (662-323-2525 ext. 3138)
Subject: Proposed Sign Ordinance Amendment
Date: November 14, 2017

The purpose of this report is to provide information for proposed amendments to Appendix A- Zoning, Article IX- Signage.

SUMMARY OF PROPOSED ORDINANCE AMENDMENTS:

1. Modifying the physical size of banners for approved special event advertising on Main Street. The current requirements limit the size of all banners to 24 square feet. The proposed change increases the size to a maximum of 90 square feet with specific requirements for managing wind load and the location of eyelets for mounting the banner.
2. Removal and Replacement of current Billboard requirements. All existing billboards will be declared legal non-conforming billboards. Existing billboards will be placed into two types (I and II) categories. Type I are billboards that are subject to the requirements of state law. Type II are billboards that are not subject to the requirements of state law.
3. Removal of billboards from the amortization clause that governs all other sign types within the City. The removal schedule of Type II billboards is located in the proposed Section J (E)
4. Removal and Replacement of references to the Administrative Adjudication Process and Administrative Hearing Officer.
5. Modifying the variance process for signs. Dimensional variances will be heard by the Board of Adjustment and Appeals. All other variances will be heard by the Planning and Zoning Commission. Final approval and appeals will be heard by the Board of Aldermen.

NOTIFICATION:

A public hearing notice was published in the Starkville Daily News October 3, 2017. As of this date, the Planning Office has received no phone calls against the request.

The Board of Aldermen will hold the first public hearing on the proposed amendments on November 21, 2017 and a second public hearing on the proposed amendments on December 5, 2017.

PROPOSED ORDINANCE AMENDMENT:

See Attachment 1

Attachment 1

ARTICLE IX. - SIGNAGE

Sec. A. - Purpose and intent.

The regulations and requirements herein set forth shall be the minimum requirements to promote the health, safety and general welfare of the public and to protect the character of the City of Starkville.

The purpose and intent of these regulations is to create the legal frame work for a comprehensive and balanced system of signage to improve and enhance the aesthetic environment of the city and to avoid the visual clutter that is potentially harmful to traffic and to the appearance of the community. The Mayor and Board of Aldermen of the City of Starkville find that the regulations set forth herein will improve the visual appearance of the city by limiting the number and size of signs within the corporate limits, consistent with constitutional guarantees, while continuing to provide an effective means of communication.

(Ord. No. 2011-2, § 1, 4-5-11)

Sec. B. - General.

For words, terms and phrases used in this article that are not defined in section C, below, or elsewhere in the City's Code of Ordinances, the city planner shall have the authority and power to interpret or define such words, terms and phrases.

In making such interpretations or definitions, the city planner may consult secondary sources related to the planning and legal professions, such as "Black's Law Dictionary" (West Publishing Company, St. Paul, Minn., most current edition), "The Latest Illustrated Book of Development Definitions" by Harvey S. Moskowitz and Carl G. Lindbloom (Center for Urban Policy Research, Rutgers University. N.J. 2007, or most current edition), for technical words, terms, phrases and graphics, or any "Webster's Dictionary" for other words, terms and phrases.

(Ord. No. 2011-2, § 2, 4-5-11)

Sec. C. - Definitions.

Amortization means a method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

Animated sign means any sign or part of a sign that changes physical position or flashes, moves, or otherwise changes at intervals of no less than once every ten seconds.

Awning sign means any sign attached to, in any manner, or otherwise made a part of any awning or awning-like structure which projects beyond a building or extends along and projects beyond the wall of the building, generally designed and constructed to provide protection from the weather; sometimes referred to as a "canopy sign".

Balloon means a bag inflated with a gas, such as helium, that causes it to rise and float in the atmosphere, intended to be used for advertising or as an attention-getting device.

Banner means a display, informational sign or other advertising device constructed of cloth, canvas, fabric, wood, foam-core or fiber-board, or other temporary material, with or without a structural frame, and intended for a limited period of display and used to advertise an event, product, business or service.

Bench sign means a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Bypass sign means a sign located along a federal or state highway where the posted speed limit is at least 55 mph, to assist the travelling public. These types of signs shall be ground signs supported totally by a solid base of masonry, brick, or other material, which base is not less than 80 percent of the total sign area width and which is of a finished or decorative type construction. Any metal or nonmasonry

structural components of the sign shall be painted a flat or matte color to blend aesthetically with other outdoor fixtures and furnishings. The area beneath and around the sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the monument sign with buildings, parking areas, surrounding vegetation and natural features of the landscape. Bypass signs are only allowed by right in C-2 zoning districts.

Construction site identification sign means a temporary sign erected on the site or premises where construction is taking place during the period of such construction, indicating the names of the design professionals, general contractor, subcontractors, suppliers, owners, sponsors, supporters, financiers, and similar individuals and groups having a role or interest with respect to the structure or project.

Copy area means the area of space on any face of the sign to be used for advertising purposes, including the spaces between open-type letter and figures, including the background structure, or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. The largest face of a multi-faced sign shall be used in calculating the area of a sign to determine compliance with this article. The area of a wall sign shall be measured within a single, continuous perimeter of any straight-line geometric figure which encloses the extreme limits of the advertising message. Curved, spherical, or any other shaped sign shall be computed on the basis of actual surface area. The copy area of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figures encompassing each said letter or devices. The calculation for a double-faced sign shall be so constructed that the perimeter of both faces coincides and are parallel and not more than 24 inches apart.

Discontinued sign means any sign which no longer identifies an activity conducted or present on the premises where the sign is located.

Directional sign means any sign of a noncommercial nature which directs the reader to the location of public institutions, historical areas, emergency shelters, public parks, public buildings, organizations identified by Section 26 U.S.C. 501(c)(3) of the United States Internal Revenue Code. Directional signs are permitted in all zoning districts and in no instance will a directional sign be allowed to be placed in the public right-of-way.

Electronic message board sign means any sign that uses changing light to form a sign message wherein the sequence of message and the rate of change is electronically programmed and can be modified by electronic processes. Electric message boards shall change no less than once every ten seconds.

Flag means any fabric or flexible material attached to or designed to be flown from a flagpole or other similar structure. No more than three flags of a national, state, religious, educational, fraternal or civic organization shall be displayed.

Flashing sign means any sign, which, by method or manner of illumination, flashes on or off or winks or blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off. Flashing signs shall not be confused with electronic message boards. Flashing signs are not permitted in any zoning district.

Illuminated sign means a sign illuminated in any manner by an artificial light source such as a spotlight or internally through a translucent background. Transparent backgrounds or surfaces are not allowed to be used in the construction of an illuminated sign. A neon tube shall be classified as an illuminated sign if it is nonchanging and nonflashing.

Inflatable display means any display used for advertising or attention-getting purposes, whether a specific advertising message is used or not, that is held in a rigid or semi-rigid state by a pressurized gas such as air or nitrogen, etc. Inflatable displays are prohibited by this article, except for holiday decorations in residentially-zoned areas.

Kiosk means a freestanding structure upon which temporary information and/or posters, notices and announcements are posted. A kiosk may incorporate a public pay phone, a trash receptacle and may include a small electronic message board sign. Its design should reflect the character of the surrounding area. Kiosks are allowed in all commercial and PUD zoning districts.

Marquee sign means any sign attached to, in any manner, or otherwise made a part of any permanent roof-like structure which projects beyond a building or extends along and projects beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Monument sign means any ground sign supported totally by a solid base of masonry, brick, or other material, which base is not less than 80 percent of the total sign area width and which is of a finished or decorative type construction. Any metal or nonmasonry structural components of the monument sign shall be painted a flat or matte color to blend aesthetically with other outdoor fixtures and furnishings. The area beneath and around the sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the monument sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.

Motor vehicle sign means any sign mounted, placed, written or painted on a vehicle or trailer whether motor-driven or not.

Multi-tenant business sign means a sign constructed and supported by a monument-type structure, displayed at the entrance or exit to a mall or shopping center facility that supports multiple businesses. Such mall or shopping center facility must be designed to support more than three separate businesses and include a minimum of 25,000 square feet before it qualifies as a site eligible for a multi-tenant business sign. Any metal or nonmasonry structural components of the multi-tenant business sign shall be painted a flat or matte color to blend aesthetically with other outdoor fixtures and furnishings. The area beneath and around the sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the multi-tenant business sign with buildings, parking areas, surrounding vegetation and natural features of the landscape. Multi-tenant business signs are only allowed in C-2 commercial and M-1 manufacturing zoning districts.

Nameplate means any sign less than one square foot in size which is not lighted and used primarily in residentially-zoned areas to convey a message or warning. Signage installed on a residence or mailbox with a name, street name, address number or other form of identification, shall not be considered a name plate for the purpose of these regulations.

Nonconforming sign means any sign existing at the effective date of the adoption of this article which could not be built under the terms of this article.

Nonconforming use means a lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Off-site sign means any sign which directs attention to a business, commodity, service, entertainment, attraction, sold, offered or existing elsewhere other than upon the same parcel or lot where such sign is displayed. The term "off-site" shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message. It shall also include "yard sale," "garage sale," and similar types of signage.

Outdoor advertising sign (billboard) means **any off-site sign commonly referred to as a billboard and supported by one or more poles and is** ~~a surface on which space is~~ leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message or product that is not available on the same parcel or lot that the billboard is situated.

Parapet means the edge of a roof or the tip of a wall, which forms the top line of a building silhouette. When a building has several roof levels, the roof or parapet shall be the one belonging to that portion of the building where the sign is located.

Pole sign means any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and/or reading matter when such sign is supported by one or more upright poles, posts, columns, or braces affixed in the ground or on the ground and not attached to any part of a building. By adoption of this article, pole signs shall be considered nonconforming signs and no new pole signs shall be permitted.

Political sign means any sign of temporary construction, which supports any political candidate or issue. These signs are permitted in all zoning districts.

Post sign means any on-site sign other than a monument sign, generally constructed of wood or metal posts with or without a frame or backing, which is primarily used to display banners or other signs of temporary construction.

Portable sign means a sign, usually of a temporary nature, which is by design not permanently affixed to the ground or to a building or structure. Portable signs are not permitted in any zoning district if the sign also meets the definition of a flashing sign. A portable sign must be placed a minimum of 20 feet from the edge of the paved road or the right-of-way line, whichever is greater, and a portable sign cannot be used in the construction of any other type of sign.

Real estate sign means a temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

Residential message sign means any sign of temporary construction, four square feet or less in size, which is used in residentially-zoned areas to convey a statement of support or affirmation for a civic or charity group, school or athletic team, personal statement, or other noncommercial message to the community. Residential message signs shall be placed a minimum of ten feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater, and shall not be placed within the sight-distance triangle of any intersection. Only one residential message sign shall be allowed per each residential unit.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or other special use.

Roof sign means any sign wholly erected, constructed or maintained on the roof structure or parapet wall of any building. By adoption of this article, roof signs shall be considered nonconforming signs and no new roof signs shall be permitted.

Projecting sign. Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure at a right angle. Projecting signs shall conform to the same requirements as a wall sign.

Searchlight means any light that produces an intense concentrated beam of light. These lights are not permitted as a permanent or temporary use in any zoning district. Airport rotating beacons shall be exempted from this definition.

Setback means to measure from the closest edge of the sign to the closest edge of the paved road or the right-of-way line, whichever is greater.

Sight-distance triangle means a triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving an intersection or driveway, the dimensions of which can be found in Appendix A, Article VI, Section A of the city's Code of Ordinances.

Sign means any identification, description, illustration, or device illuminated or nonilluminated which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, service, place, activity, person, institution, or business. A structure or device designed or intended to convey information to the public in written or pictorial form. Signs erected by an authorized public agency for the purpose of directing traffic or providing information, are not affected by these regulations. National and state flags, when properly displayed, are not considered a sign under these regulations.

Snipe sign means any sign of any material whatsoever that is attached in any way to a utility pole, tree, or any object located or situated on any public right-of-way, easement, alley or on private property. Political signs shall not be considered snipe signs.

Subdivision sign means any sign located at the entry to a residential subdivision or planned development. A pair of subdivision signs that are designed and constructed to form an entrance to a subdivision, whether such signs are located across the street or on opposite corners from one another at the entry to the named subdivision, shall considered a single subdivision sign.

Temporary sign means a sign not constructed or intended for a long-term use, and not designed to be permanently attached to the ground, a building or structure intended for a limited period of display, including decorative displayed for holidays or public demonstrations. Included under this term are portable signs.

Wall sign means any sign that shall be affixed parallel to the wall or printed/painted onto the wall of any building in such a manner as to read parallel to the wall on which it is mounted. For the purposes of this article, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awning or a building facade shall be considered a wall sign. Permanent and temporary signs affixed to or displayed in windows and doors shall be considered to be wall signs. Permanent signs affixed to walls may protrude above the roof line of a building by a maximum height of 20 percent of the height of the sign, or up to a total height of four feet above the roof line, whichever is less.

Window sign means any sign placed inside or upon the window panes of glass of any window or door.

Zoning overlay district means an area that encompasses one or more underlying zoning classifications that imposes additional requirements or restrictions beyond those required for the underlying zone.

(Ord. No. 2011-2, § 3, 4-5-11, ~~2017-X~~)

Sec. D. - Sign requirements for zoning districts.

This article shall supersede article VI, section C of the zoning ordinance.

A. Agricultural district (A-1) and residential districts (R-E, R-1, R-2, R-3, R-3A, R-4, R-4A):

1. In residential zoning districts, a sign is permitted to advertise a permitted home occupation when attached to the dwelling and shall not be over six square feet in area. There shall be no public display of goods and/or services and the sign shall not be illuminated.
2. A single name plate sign is permitted at each residence so long as it is not more than one square foot in size, unlighted and placed at least five feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater.
3. Banners are permitted in these zoning districts so long as they are used for aesthetic and/or festive purposes such as seasons, holidays, family occasions, athletic team events or similar events. Permits are not required for these noncommercial banners.
4. Subdivision signs are permitted and shall conform to the following:
 - a. One subdivision sign shall be permitted for each entrance into a subdivision.
 - b. Subdivision signs shall not exceed 32 square feet in size.
 - c. Subdivision signs shall not exceed a maximum height of eight feet above the crown of the adjacent roadway.
 - d. Subdivision signs shall not be placed within the sight-distance triangle of any intersection and/or shall be placed at least five feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater.
 - e. All subdivision signs existing at the time of adoption of this article shall be allowed to remain as nonconforming signs. If replacement were ever to become necessary, the new subdivision sign shall be required to comply with this section.
5. The following signs are prohibited: Electronic message board signs, canopy, marquee or awning signs, illuminated signs, wall signs, offsite outdoor advertising signs (billboard), roof signs, pole signs, multi-tenant business signs, and portable signs.

B. Residential districts (R-5, R-6 and R-M):

1. In single-family residential districts, a sign is permitted to advertise a permitted home occupation when attached to the dwelling, not over six feet square in area. There shall be no public display of goods and/or services and the sign shall not be illuminated.
 2. Mobile home park signs shall be a minimum of five feet from the edge of the paved road, back of curb or the right-of-way line, whichever is greater.
 3. A single name plate sign is permitted at each residence so long as it is not more than one square foot in size, unlighted and placed at least five feet from the edge of the paved road or right-of-way line, whichever is greater.
 4. Banner signs are allowed by permit in R-5, R-6 and R-M zoning districts.
 5. Advertising signs, structures or devices of any character, placed or maintained on any land used as a mobile home park, shall be used only for the purpose of identifying and advertising the mobile home park and accommodations offered. Before being erected, the size, character, location and number of all such advertising, signs and structures, shall be approved by the development review committee as part of a site plan review.
 6. Small directional and traffic control signs, lighted and unlighted, shall be erected and maintained within the limits of the mobile home park or on adjoining property when specified by the city engineer as to location and character.
 7. The following signs are prohibited: Offsite outdoor advertising signs (billboards), multi-tenant business signs, roof signs, flashing signs, electronic message board signs, canopy, marquee, wall signs, pole signs and portable signs.
- C. Commercial district (C-2) and manufacturing district (M-1). The following signs are permitted in the C-2 and M-1 zoning districts of the City of Starkville under the following conditions:
1. Monument signs.
 - a. Monument signs advertising the name of a business and services provided by a business shall not exceed 80 square feet in area and shall be a minimum of five feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater, and shall not be placed within the sight-distance triangle of any intersection.
 - b. The area beneath and around the sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the monument sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.
 - c. Multiple on-site signs advertising the name and services provided by the same business must be separated by a minimum of 330 linear feet of frontage along a public roadway.
 - d. Monument signs shall not exceed eight feet in height above the finished grade.
 2. Wall signs.
 - a. Wall signs are permitted and the aggregate square footage of all wall signs displayed upon an individual wall shall not exceed 50 percent of the total square footage of the individual wall, not to exceed 150 square feet, where the square footage of the wall is measured in its entirety without regard to the placement or number of windows and doors. If the primary structure is located more than 200 feet from the nearest adjacent public roadway, the square footage may be increased to 250 square feet.
 - b. Those signs hanging or projecting over the right-of-way shall be placed a minimum of eight feet above the finished grade, shall not present a danger to and shall not alter the walking path of the public.
 3. Window signs.
 - a. Window signs are permitted and shall not exceed 25 percent of coverage for any individual window or door.

- b. This includes temporary signage of any type placed inside windows.
- 4. Multi-tenant signs.
 - a. Multi-tenant business signs must be freestanding, and constructed and supported by a monument-type structure.
 - b. The central part of the multi-tenant sign, normally reserved for advertising the name of the shopping facility or mall itself, shall be no more than a maximum of 100 square feet in area.
 - c. The area beneath and around the sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the monument sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.
 - d. The entire structure may not exceed 12 feet in height above the finished grade, and must meet all applicable setbacks.
 - e. Additional multi-tenant business signs may be allowed on the same property, providing that the signs are separated in distance by 330 linear feet of frontage along a public roadway.
 - f. Multi-tenant signs shall be a minimum of five feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater, and shall not be placed within the sight-distance triangle of any intersection.
- 5. Bypass signs.
 - a. Bypass signs must be freestanding, and constructed and supported by a monument-type structure.
 - b. The sign area shall not exceed 160 square feet in area and shall be a minimum of five feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater, and shall not be placed within the sight-distance triangle of any intersection. Monument signs shall not exceed 20 feet in height above the finished grade.
 - c. The area beneath and around the sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the monument sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.
 - d. Multiple on-site signs advertising the name and services provided by the same business must be separated by a minimum of 660 linear feet of frontage along a public roadway.
- 6. Other signs.
 - a. Awning signs, marquee signs and electronic message board signs are permitted in C-2 and M-1 zoning districts.
 - b. Banners are allowed only by permit in the C-2 and M-1 zoning districts.
 - c. Portable signs are temporarily permitted in C-2 and M-1 zoning districts; shall be displayed for a maximum of 15 days; are permitted for only four periods per location per calendar year and cannot be moved to a new location within 500 feet of the previous location if it is to be used by the same business.
 - d. Roof signs shall be considered nonconforming signs.
 - e. The following signs shall be prohibited: Flashing signs, pole signs, post signs, inflatable displays, snipe signs, motor vehicle signs (other than those for businesses located on the premises) and portable signs that also meet the definition of a flashing sign.
- D. Buffer district (B-1) and commercial districts (C-1 and C-3):
 - 1. Monument signs advertising the name of a business and services rendered by a business shall not exceed 80 square feet in area and shall be a minimum of five feet from the edge of the paved road, back of curb or the right-of-way line, whichever is greater, and shall not be placed within the sight-distance triangle of any intersection. Monument signs shall not exceed eight feet in height above

the finished grade. Multiple on-site signs advertising the name and services provided by the same business must be separated by a minimum of 330 linear feet of frontage along a public roadway.

2. Wall signs are permitted in this zone and the aggregate square footage of all wall signs displayed upon an individual wall shall not exceed 50 percent of the total square footage of the individual wall, not to exceed 150 square feet, where the square footage of the wall is measured in its entirety without regard to the placement or number of windows and doors. If the primary structure is located more than 200 feet from the nearest adjacent public roadway, the square footage may be increased to 250 square feet.
3. Those signs hanging or projecting over the right-of-way shall be placed a minimum of eight feet above the finished grade, shall not present a danger to the public and shall not alter the walking path of the public.
4. Banners are allowed only by permit in the B-1, C-1 and C-3 zoning districts.
5. Awning, marquee and monument signs are permitted in these zoning districts.
6. The following signs are prohibited: Off-site outdoor advertising signs (billboards), roof signs, inflatable displays, flashing signs, pole signs, post signs, multi-tenant business signs electronic message board signs, and portable signs.

E. Planned unit development (PUD):

1. The board of aldermen will assign freestanding and monument signage limitations at time of the adoption of a PUD rezoning.
2. Bypass signs are allowed along federal or state highways if authorized by the board of alderman at time of adoption of a PUD rezoning.
3. All PUD districts already designated as such at the time of the adoption of this article shall comply with R-5 zoning district guidelines.
4. Wall signs, awning signs, marquee signs, subdivision signs and kiosks, which reflect the general character of the area, are permitted.
5. Off-site outdoor advertising signs (billboards) are not permitted in PUD districts, unless approved by the board of aldermen at time of the adoption of a PUD rezoning.

(Ord. No. 2011-2, § 4, 4-5-11)

Sec. E. - Banners.

- A. All banners displaying commercial advertisements shall be displayed for a maximum of 15 calendar days per permit period.
- B. Banners are permitted for only six periods per location per calendar year.
- C. A banner permit shall be issued for a specific banner and shall be nontransferable.
- D. Banners shall not be affixed to poles, trees, wire utility lines or any publically-owned property.
- E. A banner shall not exceed 24 square feet in size **except for advertising a special event with approval of the Board of Aldermen.**
- F. Banners shall not be placed within ten feet of the edge of the paved road, back of curb or the right-of-way line, whichever is greater.
- G. A banner shall not be located within a sight-distance triangle so that it substantially interferes with the view necessary for motorists to proceed safely through an intersection or to enter onto or exit from public streets, private roads or driveways.
- H. Banners shall not advertise alcohol or tobacco products.

- I. "Grand opening" banners are allowed one time only for a change in use or a change in occupancy of the premises from 15 days prior to the change in use or occupancy until 15 days after the change in use, ownership or occupancy. The grand opening banner shall require a permit, but shall not count as one of the six periods allowed for banners per year.
- J. One banner sign is allowed per premises during any period of road construction projected to last for a period of six months or more and involving more than one continuous mile of roadway. Such banner signs are allowed only for the duration of the roadway construction. Such banner signs shall not exceed 12 square feet in size and shall not face residential areas. Banner signs must be substantially attached to a building, as opposed to being mounted on poles and a permit is required.
- K. Banners are not allowed across public or private streets within the municipal boundaries, except as approved by the City of Starkville's Mayor and Board of Aldermen in conjunction with a special event. These banners shall not contain any commercial advertising. **Banners shall not exceed three feet high by thirty feet long. The banner shall have perforations to reduce the wind load and have eyelets spaced a maximum of 24" along the top and bottom for mounting.**
- L. Banners are intended for commercial uses and shall not be permitted in residential zoning districts except as specifically allowed elsewhere in this article.

(Ord. No. 2011-2, § 5, 4-5-11, **2017-X**)

Sec. F. - Balloons.

- A. Balloons no larger than 24 inches in diameter and attached to a lead no greater than six feet in length, and not extending above the roofline of the nearest structure, shall be allowed for a period not to exceed three days for special holidays, such as Valentine's Day, Easter and the Fourth of July and for the "grand openings" of new businesses.
- B. Balloons shall be placed a minimum of ten feet from the edge of the paved road, back of curb or the right-of-way line, whichever is greater, and shall not be placed within the sight-distance triangle of any intersection.
- C. In a multi-tenant shopping center or office complex, the placement of balloons shall be limited to the front façade or primary entryway of the specific premises.

(Ord. No. 2011-2, § 6, 4-5-11)

Sec. G. - Bench signs.

- A. Bench signs are allowed only on benches authorized by an approved transit provider along established bus routes.
- B. Bench signs shall not advertise alcohol or tobacco products.
- C. No other bench signs are permitted.

(Ord. No. 2011-2, § 7, 4-5-11)

Sec. H. - Inflatable displays.

- A. Inflatable displays are allowed in residentially-zoned districts for holiday use.
- B. The maximum allowed height shall be 20 feet.
- C. The minimum setback shall be 20 feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater.
- D. These displays shall not be placed on a roof structure.

(Ord. No. 2011-2, § 8, 4-5-11)

Sec. I. - Political signs.

Political sign means any sign of temporary construction, which supports any political candidate or issue. These signs are permitted in all zoning districts and shall conform to the following:

- A. Political signs shall not be placed within any public right-of-way.
- B. Political signs shall not be placed upon governmental buildings or adjacent lawns, or upon public utility poles or traffic control signage posts.
- C. Political signs may be placed on private property with the permission of the property owner.
- D. Political signs shall not be placed within the sight-distance triangle of any intersection.
- E. Political signs placed on tracts of land less than three acres in size shall not exceed six square feet in size.
- F. Smaller political signs (six square feet or less in size) placed on private property along roadways shall be placed at least ten feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater.
- G. Political signs placed on tracts of land larger than three acres in size and/or along state or federally-designated roadways shall not exceed 16 square feet in size.
- H. Larger political signs (up to 16 square feet in size) placed on private property along roadways shall be placed at least 20 feet from the edge of the paved road or right-of-way line, whichever is greater.
- I. All political signs for the same candidate or issue shall maintain at least a 100-foot separation between political signs per parcel of land on which they are placed.
- J. Political signs erected or installed as permanent or semi-permanent signage, shall submit an application for a sign permit and be approved by the city's building department; standard signage regulations shall apply.
- K. Political signs shall not be erected or placed more than 90 days in advance of the election to which they pertain.
- L. All political signs shall be removed within three days following the election to which they pertain.
- M. If a political sign is not removed or is placed improperly, the city is authorized to remove the sign, even if it is placed on private property.
- N. If any political sign fails to comply with this article, the candidate or issue sponsor being advertised shall be responsible for any enforcement penalties and costs.

(Ord. No. 2011-2, § 9, 4-5-11)

Sec. J. - ~~Off-site outdoor advertising signs~~ **Outdoor advertising sign** (billboards).

~~Outdoor Advertising Signs (Billboards) are permitted in the C-2 and M-1 zoning districts of the City of Starkville under the following conditions:~~

- ~~A. Outdoor advertising signs may not be placed closer than 2,640 feet from any other outdoor advertising sign.~~
- ~~B. Outdoor advertising signs (billboards) shall be a maximum of two single-sided panels or one double-sided panel.~~
- ~~C. The size of the billboard is determined by the amount of linear frontage on a public street.~~

- ~~D. Two (2) square feet of signage is allowed for each foot of linear frontage on a public street to a maximum sign face of 288 square feet.~~
- ~~E. The total surface area of an outdoor advertising sign shall not exceed twelve (12) feet in height and twenty four (24) feet in width or a total area of 288 square feet and shall be a minimum of fifty (50) feet from the right-of-way.~~
- ~~F. The total height from the road grade shall not exceed forty five (45) feet.~~
- ~~G. Outdoor advertising signs may not be positioned less than sixty (60) degrees from the parallel to the right-of-way line toward which it is oriented.~~
- ~~H. The owner of an outdoor advertising sign shall promptly remove same upon expiration of the ground lease upon which it is located or when for structural reasons if it presents a safety hazard to the public.~~
- ~~I. Outdoor advertising signs shall not contain moving parts, flashing lights or beacons. They shall not emit sound and shall not be embellished with flags, banners, twirlers, balloons, streamers, pennants or any similar features.~~
- ~~J. Outdoor advertising signs may be either internally lighted or externally lighted provided that all external lighting is directed at the face of the sign and is shielded so as to prevent diffusion onto any adjoining properties, public roadways or airways.~~
- ~~K. Outdoor advertising signs utilizing electronic, digital and/or LED technology are allowed so long as the message changes at intervals no less than once every eight (8) seconds.~~
- ~~L. Furthermore, it shall be prohibited for any outdoor advertising sign to emulate any control message as may be ordinarily used to direct traffic.~~
- A. Classes of Outdoor Advertising Signs (Outdoor Advertising Signs- Billboards): All existing outdoor advertising signs within the City of Starkville shall be divided into two classes as follows:
 - 1. Class 1: Class 1 Outdoor Advertising Signs (Billboards) shall be those subject to the provisions of Sections 49-23-1 through 49-23-29 of the Mississippi Code of 1972 as the same exists on the effective date of this ordinance.
 - 2. Class 2: Class 2 Outdoor Advertising Signs (Billboards) shall include all such signs within the City of Starkville which are not regulated by the provisions of 49-23-1 through 49-23-29 of the Mississippi Code of 1972
- B. Prohibited Signs (Billboards): Billboards are hereby declared prohibited signs within the City of Starkville, subject to the right to remain within the City as Non-conforming Billboards.
- C. Non-conforming Billboards: Outdoor Advertising Signs (Billboards) which were legally in existence prior to the adoption of this Ordinance are declared Non-conforming Billboards. It is the intent of this section to recognize that the eventual elimination, as expeditiously and fairly as possible, of Non-conforming Billboards is as much a subject of health, safety, and welfare as it is the prohibition of new signs that would violate the provisions of this Ordinance. All Outdoor Advertising Signs (Billboards) heretofore lawfully constructed within the City of Starkville are hereby declared legal Nonconforming Billboards. All such Class 1 Non-conforming Outdoor Advertising Signs shall be classified as Class 1 Non-conforming Billboards. All such Class 2 Outdoor Advertising Signs are classified as Class 2 Non-conforming Billboards.
- D. Continuance of Class 1 Non-conforming Billboards: Class 1 Non-conforming Billboards may continue provided that the non-conforming billboard shall not be:
 - 1. Changed to or replaced with another non-conforming sign except to periodically change the sign face.
 - 2. Structurally altered so as to extend their useful life
 - 3. Expanded.
 - 4. Relocated except as hereinafter provided.

5. Re-established after damage of more than fifty percent (50%) of the value at the time of such damage or destruction.
 6. Modified in any way that would increase the degree of non-conformity of such sign.
- E. Continuance of Class 2 Non-Conforming Billboards:
1. Any non-conforming sign or sign structure which is partially destroyed by fire, accident, or natural cause beyond fifty percent (50%) of its current physical replacement costs shall thereafter be removed or reconstructed in conformance to the provisions of this Ordinance.
 2. Class 2 Non-conforming Billboards shall be removed according to the following schedule:
 - a. Signs with an original construction cost of less than \$250,000.00 – Ten Years
 - b. Signs with an original construction cost of \$250,000.00 or more –Twelve Years.
 3. It is the intent that all Class 2 Signs shall be removed not later than 12 years from the effective date of this ordinance. No improvements, relocations, repairs or modifications shall extend beyond the specified amortization period as defined above.
 4. The amortization of Class 2 Billboards shall begin as of the effective date of the adoption of this Ordinance.
- F. Strengthening or Restoring to a Safe Condition: Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the Building Inspector. Such signs may be improved only to the extent that such improvement does not exceed fifty percent (50%) of the current physical replacement costs of the existing sign structure.
- G. Permits: All existing billboards and any relocated billboards shall be permitted by the Community Development Department. The owner of each billboard shall complete within 30 days of the effective date of this ordinance an application in the form to be determined by the Director of Community Development. A fee as established by the Board of Aldermen shall be paid for each permit issued. Any permit granted hereunder shall in no way create any rights not heretofore available to the owner of any billboard.
1. All Outdoor Advertising signs shall be permitted as required by the Starkville Sign Ordinance. The owner or operator of the sign must furnish acceptable proof of the sign's original cost in the form of:
 - a. Original construction costs from sign permit, if available.
 - b. An original bill of sale, including installation costs, fees, etc.
 - c. Depreciation schedules from federal or state tax returns showing original cost.
 2. Upon the determination of the City of Starkville that a sign remains non-conforming after termination of the allowable time periods provided for hereinabove, the City shall notify the sign owner and/or the owner of the land on which the non-conforming sign is located and such owner shall have thirty (30) days after such written notice within which to remove said sign. At the end of the thirty (30) day period, if the sign has not been removed or brought into compliance, the City shall issue a summons in Municipal Court.
 3. Abandonment or obsolescence of a non-conforming sign shall terminate immediately the right to maintain such a sign. The Sign Owner shall have thirty (30) days to remove said sign after written notice from the City of Starkville.
 4. Any non-conforming sign shall be removed or brought into compliance with this Ordinance immediately upon a change in the principal use or ownership of the site.
 5. In the event a sign becomes subject to this ordinance as a result of annexation the amortization period set out in above shall apply from and after the effective date of such annexation.
- H. Petition: The owner of any existing billboard may voluntarily petition the Mayor and Board of Aldermen to allow the relocation or modification of an existing billboard. Approval of any such Petition shall be

conditioned on an overall net reduction in the number of billboards within the city by voluntary removal. The approval of the Mayor and Board of Aldermen is discretionary. At a minimum, the Petition shall set out the following:

1. A description of any modification to an existing sign.
 2. The existing and proposed locations of a relocated sign.
 3. The location of any signs proposed to be removed from within the City of Starkville
 4. An acknowledgement that the request is voluntary and that to the extent that compensation may have otherwise been required any such compensation is waived.
 5. The time required to remove any existing signs.
 6. Other such information as may be requested by the Community Development department.
- I. Net Reduction Required for Modification or Removal: No billboard may be substantially modified or moved unless the modification or relocation results in the removal of one or more existing billboards. The result must be a net reduction in the number of billboards in the City of Starkville.
- J. Modification: Modification(s) to existing billboards shall only be made upon approval by the Mayor and Board of Aldermen upon the Petition of the owner of the billboard. Any such modification(s) must be reviewed by Community Development Department who may provide a recommendation to the Mayor and Board of Aldermen. The approval of the Mayor and Board of Aldermen is discretionary. Approval shall only be granted if the Mayor and Board of Aldermen make an affirmative finding that the grant of the Petition will further the purposes of this Ordinance.

(Ord. No. 2011-2, § 10, 4-5-11, 2017-X)

Sec. K. - Real estate signs.

Real estate signs advertising property for sale or lease shall conform to the following:

A. C-2, M-1 and A-1 zoning districts.

1. Signs of up to 32 square feet in size are allowed for properties with linear roadway frontages of 100 feet or more.
2. For larger tracts of land for sale or lease, additional signs may be utilized so long as there is at least a 660-linear foot separation between the signs.
3. Signs of up to 16 square feet in size are allowed for properties with less than 100 linear feet of frontage.
4. On a corner lot, two sign faces may be placed together to form a "V-shaped" sign for visibility in both directions.
5. All real estate signs shall be placed at least 20 feet from the edge of the paved road or the right-of-way line, whichever is greater.
6. Signs advertising the rental, sale or lease of property shall be removed within 15 days after such action has been completed.

B. C-1, C-3, B-1 and PUD zoning districts.

1. Signs of up to 16 square feet in size are allowed for properties with linear roadway frontages of 100 feet or more.
2. For larger tracts of land for sale or lease, additional signs may be utilized so long as there is at least a 330-linear foot separation between the signs.
3. Signs of up to 12 square feet in size are allowed for properties with less than 100 linear feet of frontage.

4. On a corner lot, two sign faces may be placed together to form a "V-shaped" sign for visibility in both directions.
5. All real estate signs shall be placed at least 20 feet from the edge of the paved road or the right-of-way line, whichever is greater.
6. Signs advertising the rental, sale or lease of property shall be removed within 15 days after such action has been completed.

C. Residential zoning districts.

1. Signs shall not exceed six square feet in size and shall be located at least ten feet from the edge of the paved road or right-of-way line, whichever is greater.
2. Off-site directional signage advertising an "open house" event shall be allowed subject to the following:
 - a. The sign shall be no greater than six square feet in size.
 - b. No more than two signs shall be utilized for each "open house" event.
 - c. The sign may be utilized from Friday afternoon until Monday morning; exceptions will be granted for extended holiday weekends.
 - d. The signs shall be placed so as not to interfere with driver's vision at an intersection.

(Ord. No. 2011-2, § 11, 4-5-11)

Sec. L. - Construction site identification signs.

- A. Construction site identification signs shall not exceed 32 square feet in size for nonresidential construction sites.
- B. Construction site identification signs shall not exceed 16 square feet in size for residential construction sites.
- C. Construction site identification signs shall be placed at least ten feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater.
- D. Construction site identification signs shall not be placed within the sight-distance triangle of any intersection.
- E. Off-site signage providing directions to construction entrances shall be allowed upon the approval of the city planner and/or city engineer.
- F. Construction site identification signs shall be removed within 15 days after the issuance of a certificate of occupancy. This does not include banners and other signs that are permitted on a temporary basis by this article.

(Ord. No. 2011-2, § 12, 4-5-11)

Sec. M. - Directional signs.

- A. Directional signs shall be allowed to direct the reader to the location of public institutions, historical areas, emergency shelters, public parks, public buildings, or organizations identified by 26 U.S.C. § 501(c)(3) of the United States Internal Revenue Code to include, religious, educational, charitable, scientific, literary, testing for public safety, fostering national or international amateur sports competition, or preventing cruelty to children or animals.
- B. Each organization may have two off-premises directional signs. The signs shall be no larger than six square feet, and no higher than six feet, measured from the finished grade to the bottom of the sign. The sign shall be a minimum of five feet from the edge of the paved road, back of curb, or right-of-way

line, whichever is greater, and shall not be placed within the sight-distance triangle of any intersection. There shall be at least a 25-foot spacing between such signs, measured from the outermost edge of one sign to the outermost edge of the next sign. The copy area of the sign may contain only the name of the organization, its logo and a directional arrow. In no instance shall a directional sign be allowed to be placed in the public right-of-way.

- C. Any sign which is not approved by the board of aldermen, government-sponsored, or placed by a government institution, such as local governments or state agencies, shall submit an application for a sign permit and be approved by the City of Starkville City Engineer and Building Department after a determination by the city that said sign conforms with all traffic and sight-distance triangle requirements.
- D. Applications for placement of all directional signs shall only be submitted by entities which are located within the corporate boundary of the City of Starkville. Entities located outside the corporate boundary are prohibited from submitting applications for placement of directional signs on the public rights-of-way.
- E. If the applicant is denied a sign permit by the city, the applicant may submit a written grievance to the building department within ten calendar days after notification of the denial. Such grievance shall be submitted to the board of aldermen for final determination at the next regularly scheduled meeting.
- F. All signs that are permitted by this article shall be kept in good repair and shall be legible. All signs whose message is not determinable by reason of normal wear and tear, graffiti, destruction, whether by the elements or by man, and that are not representative of good condition must be replaced within 30 days after the owners of such signs are notified by the city, that such signage does not conform to this article.

(Ord. No. 2011-2, § 13, 4-5-11)

Sec. N. - Inspection, removal and safety.

- A. All signs shall be kept in good repair and in safe, neat, clean and attractive condition.
- B. All signs shall comply with the pertinent requirements of the current adopted International Building Code and the National Electric Code.
- C. No sign shall be placed within the sight-distance triangle of any intersection.
- D. Upon failure to comply with this notice, the code enforcement inspector ~~shall initiate the administrative adjudication process to enforce compliance with this article.~~ **shall issue a summons to municipal court**
- E. The code enforcement inspector may remove or have a sign removed at the expense of the person, organization, business or entity responsible for the sign, immediately and without notice if the sign presents an immediate threat to the safety of the public. Any sign removed shall be done so at the expense of the person, organization, business or entity responsible for the sign.
- F. The code enforcement inspector shall be authorized to physically remove a sign or banner if this can be accomplished without possible harm to the inspector, violator or the general public. The sign or banner will be stored at city hall for a period of not more than ten days for collection by the person, organization, business or entity responsible for the sign.

(Ord. No. 2011-2, § 14, 4-5-11, **2017-X**)

Sec. O. - Permits required.

- A. This permit can be obtained from the building department or the code enforcement office.
- B. The size and type of sign will determine the cost. The costs of these permits shall be determined by resolution of the mayor and board of aldermen.

- C. All permanent signs, whether new or replacement, shall obtain a building permit from the building department.
- D. If any sign or banner is erected or installed prior to the issuance of a permit for such signage and banners, the permit fee shall be triple the regular permit fee amount.
- E. Three or more violations in a calendar year by individuals, businesses or sign installation companies, shall result in the loss of signage erection/installation privileges for one year from the date of the action.

(Ord. No. 2011-2, § 15, 4-5-11)

Sec. P. - Signs exempted from permitting.

The following signs and banners are subject to all provisions of this article, but are exempted from all permitting requirements.

- A. Political signs as defined by this article.
- B. Nondirectional and noncommercial signs that do not exceed four square feet in area do not have to maintain a permit, but shall comply with the ordinance guidelines for placement.
- C. Signs and banners placed upon the property of any public or private school, college or university supported entirely or partly by taxation, or by individual payments of tuition from attending students, or upon the property of any fraternal or social institution recognized as a student organization by such school, college or university, provided that the advertising contained on such sign or banner is directly related to an on-site activity conducted by such school, college, university or fraternal or social organization.
- D. Signs and banners placed upon the property of churches, provided that the advertising contained on such sign or banner is directly related to an on-site activity conducted by such church.
- E. Signs and banners placed upon the property of not-for-profit organizations that have valid 501(c)3 status, provided that the message contained on such sign or banner is directly related to an on-site activity conducted by such not-for-profit organization.
- F. The following regulations shall apply to all such signs and banners referenced in this section:
 - 1. Signs and banners shall be removed within 15 days of erection or installation.
 - 2. Signs and banners shall not be affixed to poles, trees, wire utility lines or any publically-owned property.
 - 3. Signs and banners shall not exceed 24 square feet in size.
 - 4. Signs and banners shall not be placed within ten feet of the edge of the paved road, back of curb or the right-of-way line, whichever is greater.
 - 5. Signs and banners shall not be placed within any sight-distance triangle.
- G. Schools, parks and athletic fields.
 - 1. Signage for public schools, private schools, parks and athletic fields, which is located internally on the site and not generally intended to be viewed from the adjacent roadways, or are at least 150 feet from the nearest adjacent roadway, shall be exempt from the general requirements of this article. Signage located adjacent to roadways, or intended to be viewed from roadways, shall comply with the appropriate sections of this article.
 - 2. The intent of this section is to allow flexibility for signage on a large site or campus setting which is generally not visible from adjacent roadways and unique or specific to the site or use of the property.
 - 3. Examples of these signs include, but are not expressly limited to, directional and/or "wayfinding" signs, informational signs for nature trails and/or exercise circuits, informational kiosks, sponsorship

signs placed internally on athletic fields, electronic and manual message boards or centers, and scoreboards.

4. Such signage shall require a permit and approval shall be at the discretion of the city planner. Appeals of the denial of such a permit shall be submitted to the chief administrative officer for review by the mayor and board of aldermen at their next regularly scheduled meeting.

(Ord. No. 2011-2, § 2, 4-5-11)

Sec. Q. - Nonconforming signs.

- A. In instances where a sign is nonconforming to any of the requirements of this article, such sign and any supporting structure may be allowed, although such a sign does not conform to the provisions hereof.
- B. No such nonconforming sign or sign structure may be enlarged or altered in any way which increases its nonconformity.
- C. Any nonconforming sign or sign structure which is partially destroyed by fire, accident, or other natural or man-made cause beyond 50 percent of its fair market value, shall thereafter be removed or reconstructed to comply with the provisions of this article.
- D. Any nonconforming sign or sign structure which is improved, altered or reconstructed to comply with the provisions of this article shall thereafter be considered as conforming.
- E. For purposes of determining fair market value of the sign or sign structure, the property owner or the owner of the sign or sign structure, must furnish acceptable proof of the sign's original cost in the form of:
 1. Original value from sign permit, if available.
 2. An original bill of sale, including installation costs, fees, etc.
 3. Depreciation schedules from federal or state tax returns showing original cost.
- F. Any alteration or maintenance of a nonconforming sign such as painting of panels or frame, changing outface panels, or repairs to frame or panel requires a permit from the building department.
- G. Movement of a portable sign to conform to setback regulations does not invalidate the nonconforming status of the sign.
- H. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such a sign.
- I. The addition of a manual or electronic message board up to 16 square feet in size, to the existing supporting structure of a nonconforming sign does not invalidate the nonconforming status of the sign.

(Ord. No. 2011-2, § 17, 4-5-11)

Sec. R. - Amortization of nonconforming signs.

- A. The following nonconforming signs shall be removed, changed, altered, or otherwise made to comply with the provisions of this article within a ten-year amortization period:
 1. Monument signs.
 2. Multi-tenant business signs.
 3. Pole signs.
 4. Roof signs.
- B. The ten-year amortization period shall begin from the effective date of the adoption of this article, or May 5, 2011.

- C. All nonconforming wall signs shall be removed or brought into compliance within one year from the effective date of this article.
- D. All nonconforming window signs shall be removed or brought into compliance within 180 days from the effective date of this article.
- E. Upon determination of the City of Starkville that a sign remains nonconforming after termination of the amortization period provided above, the city shall notify the sign owner and/or the owner of the land on which the nonconforming sign is located, and such owner shall have 30 days after written notice is received within which to remove said sign or bring it into compliance. At the end of the 30-day period, if the sign has not been removed or brought into compliance, ~~the city shall issue a summons to appear before the city's administrative hearing officer.~~ **the code enforcement inspector shall issue a summons to municipal court.**
- F. In the event that a sign becomes subject to this article as a result of annexation into the City of Starkville, the amortization period set forth in this section shall apply from and after the effective date of such annexation.
- G. This amortization schedule shall not affect signage which was erected and/or installed in accordance with Sign Ordinance Number 2008-10.
- K. **This amortization schedule shall not apply to Class I type Outdoor Advertising (Billboard) Signs as defined in Appendix A- Zoning, Article IX.- Signage, Section J, A, 1.**

(Ord. No. 2011-2, § 18, 4-5-11, **2017-X**)

Sec. S. - Sign restrictions and prohibitions.

- A. Any sign not permitted by this article shall be prohibited.
- B. No sign shall be placed on the public right-of-way with the exception of traffic control and directional signage.
- C. Post signs shall be removed within a period of 90 days from the effective date of this article.
- D. Discontinued signs not in use for a period of 90 days or more shall have the sign face, not the sign structure, removed, by painting over the sign face or replacing the sign face with a blank insert.
- E. Snipe signs are prohibited in all zoning districts.
- F. Inflatable displays are allowed in residentially-zoned districts only for holiday use.
- G. Any use of searchlights is prohibited, except for airport operations.
- H. Motor vehicle signs are prohibited except when the motor vehicle is actively engaged in making deliveries, pick-ups or otherwise actively in use and has as its primary purpose some use other than a sign.
- I. Banners, pennants, balloons and streamers are prohibited, except as specifically permitted by this article.
- J. No sign shall be located within a sight-distance triangle so that it substantially interferes with the view necessary for motorists to proceed safely through an intersection or to enter onto or exit from public streets, private roads or driveways.
- K. No sign may be erected so that by its location, color, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
- L. All signs must be designed to withstand sustained wind speeds of 90 miles per hour with three-second gusts.

- M. No sign may be constructed, erected, moved, enlarged, illuminated or altered except in accordance with the provisions of this article.
- N. No person, organization, business or entity, may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located within the right-of-way of any public street or road, unless the work is done pursuant to the expressed written authorization of the city planner or city engineer.
- O. If, in the future, the mayor and board of aldermen adopt zoning overlay districts which include specific design standards and criteria for signage, then those shall take precedence over this article.

(Ord. No. 2011-2, § 19, 4-5-11)

Sec. T. - Enforcement.

- A. The City of Starkville City Planner and Code Enforcement Inspector shall be directed to enforce all of the provisions of this article.
- B. Any signs not complying with this article may be collected by the code enforcement inspector and stored at city hall for a period not to exceed ten days, at which time the signs shall be disposed of.
- C. Any person, organization, business or entity, violating any provision of this article shall, upon conviction, be fined and also pay any administrative costs for each offense, and each day such violation continues, shall constitute a separate offense. These fines and costs shall be determined by resolution of the mayor and board of aldermen.
- D. Noncompliance and/or nonpayment of fines and/or costs by business owners may result in suspension or revocation of city privilege license.
- E. Ultimately, the property owner shall be responsible for payment of any and all fines and/or costs not collected from the violator after 90 days.
- F. The ~~administrative adjudication process~~ **municipal court** shall be the ~~preferred~~ method of prosecuting violations of this article for the City of Starkville.

(Ord. No. 2011-2, § 20, 4-5-11, **2017-X**)

Sec. U. - Variances ~~and exceptions~~.

- A. The City of Starkville's Board of Adjustments and Appeals shall review any variance requests regarding the dimensional requirements of this article. ~~The application fee for such reviews shall be determined by resolution of the mayor and board of aldermen.~~ **at a public hearing during a regularly scheduled meeting of the Board of Adjustment and Appeals upon application to the Planning Department.**
- B. The City of Starkville's ~~Mayor and Board of Aldermen~~ **Planning and Zoning Commission** shall review any ~~exceptions~~ **requested non-dimensional variance** from the requirements of this article **at a public hearing during a regularly scheduled meeting of the Planning and Zoning Commission upon advance notice to the city planner or chief administrative officer.** ~~application to the Planning Department.~~
- C. **Upon recommendation of approval for a variance, the Board of Aldermen shall make final approval at the next regularly scheduled meeting. Any person aggrieved by the recommendations of approval or denial by the Board of Adjustment and Appeals or the Planning and Zoning Commission in regards to a sign variance, may within five business days file a written request to the Planning Department for a public hearing with the Board of Aldermen for affirming, modifying or reversing the recommendations of the Board of Adjustment and Appeals or the Planning and Zoning Commission.**

(Ord. No. 2011-2, § 21, 4-5-11, **2017-X**)