



**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY NOVEMBER 9, 2021
1ST FLOOR 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 THE APPROVAL OF MINUTES
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES OF OCTOBER 12, 2021
- VI. CITIZEN COMMENTS
- VII. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF SE 21-09 A REQUEST FOR SPECIAL EXCEPTION TO DEVIATE FROM THE DEVELOPMENT REQUIREMENTS TO ALLOW FOR INTERNALLY LIT WALL SIGNS AT 301 EAST MAIN STREET IN A T-5D ZONING DISTRICT WITH THE PARCEL NUMBER 118P-00-210.00.
 - B. DISCUSSION ON PROPOSED UNIFIED DEVELOPMENT CODE UPDATE
- VIII. ADJOURN

**APPROVED MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI OCTOBER 12, 2021**

Be it remembered that the members of the Planning and Zoning Commission of the City of Starkville held their regularly scheduled meeting on October 12, 2021 at 5:30 p.m. in the Courtroom of City Hall, located at 110 West Main Street, Starkville, MS.

There being physically present were Chairman Jeremiah Dumas, Ward 6, Kim Moreland, Ward 1, Vicki West, Ward 2, Kelly Prather, Ward 3, Carl Smith, Ward 4, and Tommy Verdell Jr., Ward 7. Commissioner Alexis Gregory, Ward 5 was not present. Physically present attending the Commissioners were City Planner Daniel Havelin, Assistant City Planner Odie Avery, and Assistant City Attorney Jason Sharp.

Chairman Dumas opened the meeting with the Pledge of Allegiance followed by a moment of silence.

IV. CONSIDERATION OF THE OFFICIAL AGENDA

There came for consideration the matter of the approval of the Official Agenda of the Planning and Zoning Commission of October 12, 2021 as presented.

**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY OCTOBER 12, 2021
1ST FLOOR 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 THE APPROVAL OF MINUTES**
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES OF SEPTEMBER 14, 2021
- VI. **CITIZEN COMMENTS**
- VII. **NEW BUSINESS**
 - A. PUBLIC HEARING AND CONSIDERATION OF SE 21-07 A REQUEST FOR SPECIAL EXCEPTION TO ALLOW FOR AN EATING AND DRINKING ESTABLISHMENT AT 216 INDUSTRIAL PARK ROAD IN AN INDUSTRIAL ZONING DISTRICT WITH PARCEL NUMBER 120L-00-006.00
 - B. PUBLIC HEARING AND CONSIDERATION OF SE 21-08 A REQUEST FOR A SPECIAL EXCEPTION FROM DEVELOPMENT STANDARDS RELATED TO THE FAÇADE REQUIREMENTS AND PARKING LOT REQUIREMENTS AT STARKVILLE ACADEMY

LOCATED AT 505 ACADEMY ROAD IN A SE ZONING DISTRICT WITH PARCEL
NUMBER 102J-00-006.00

VIII. ADJOURN

After discussion and upon the motion of Commissioner Prather, duly seconded by Commissioner Smith, the motion to approve the official agenda of the Planning and Zoning Commission for October 12, 2021 received unanimous approval.

V. CONSIDERATION FOR THE APPROVAL OF MINUTES

A. CONSIDERATION OF THE UNAPPROVED MINUTES OF SEPTEMBER 14, 2021

After discussion and upon the motion of Commissioner Verdell, duly seconded by Commissioner West, the motion to approve the minutes of the Planning and Zoning Commission for September 14, 2021 received unanimous approval.

VI. CITIZEN COMMENTS

The Chair opened up the meeting for citizen comments. Calling for and receiving no comments, the Commission moved to New Business.

VII. NEW BUSINESS

1. PUBLIC HEARING AND CONSIDERATION OF SE 21-07 A REQUEST FOR A SPECIAL EXCEPTION TO ALLOW FOR AN EATING AND DRINKING ESTABLISHMENT LOCATED AT 216 INDUSTRIAL PARK ROAD IN AN I (INDUSTRIAL) ZONING DISTRICT WITH THE PROPERTY #120L-00-006.00.

City Planner Daniel Havelin presented the Special Exception request by Kenneth Thomas, on behalf of Umble Coffee Company to deviate from the development standards to allow for an Eating and Drinking establishment located at 216 Industrial Park Road in an I (Industrial) zoning district. The applicant is seeking a Special Exception to have a coffee shop/restaurant as part of a coffee roasting business. The primary use of the property will be for the roasting and distribution of coffee which is classified as "Manufacturing and Industrial Light". The proposed coffee shop/restaurant would be a secondary use and is classified as an "Eating & Drinking Establishments". While the roasting and distribution of coffee is a permitted use in an Industrial zoning district, a coffee shop/restaurant requires a special exception. The Use Chart in Section 13.3 of the Unified Development Code requires a Special Exception for an "Eating & Drinking Establishments" in an I (Industrial) zoning district. Section 13.3.4 of Unified Development Code also requires that the Special Exception meet the additional standards for that use.

The request was noticed in accordance with Section 3.4.3.E of the Unified Development Code. 5 property owners of record within 160 feet of the subject property were notified directly by mail of

the request. A legal ad was published in the Starkville Daily News on September 15, 2021. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has received no response from the notifications.

In the opinion of the Planning Department the proposed use associated with the Special Exception request could meet the criteria for special exception review and approval. An eating and drinking establishment as a secondary use to the primary use of manufacturing and industrial light, the intent of the I (Industrial) zoning district isn't compromised. Section 8.1.1 states "The intent of the Industrial district is to implement the industrial component of the Special district placetype of the Starkville Comprehensive Plan".

Chairman Dumas opened the public hearing to citizen comments

Kenneth Thomas representing Umble Coffee Company joined the meeting virtually via Google Meet to speak in favor of the request.

Calling for and receiving no additional comments, Chairman Dumas closed the public hearing and opened the item up for discussion amongst the Commissioners.

After discussion and upon the motion to approve by Commissioner Prather, duly seconded by Commissioner Verdell, the motion was unanimously approved.

2. PUBLIC HEARING AND CONSIDERATION OF SE 21-8 A REQUEST FOR A SPECIAL EXCEPTION FROM DEVELOPMENT STANDARDS RELATED TO THE FAÇADE REQUIREMENTS AND PARKING LOT REQUIREMENTS AT STARKVILLE ACADEMY LOCATED AT 505 ACADEMY ROAD IN A SE ZONING DISTRICT WITH THE PARCEL NUMBER 102J-00-006.00.

City Planner Daniel Havelin presented the Special Exception request by Jeremy Nicholas on behalf of Starkville Academy to deviate from the façade and parking lot requirements for a proposed expansion at 505 Academy Road. The applicant is seeking a Special Exception for a new building and parking expansion. For the building expansion, the request is to use metal exterior siding instead of the required façade materials listed in the Development Standards chart. For the parking lot, the request is to not be required to have a concrete curb for gravel parking lots, not be required to place interior landscape islands, or terminal landscape islands in the proposed parking expansion or the existing parking lot. Section 3.4.1 of the Unified Development Code requires a Special Exception to deviate from the development requirements. The request were as follows;

- Request #1: Facade Requirements. Section 14.6.2 - applicant request to use "prefinished metal wall panels" and "brick veneer".

- Request #2: Curb Requirements for Gravel Parking Lots. Section 14.6.2 - applicant request to use concrete bumpers and specific site grading techniques to reduce gravel movement.
- Request #3: Terminal Island Requirements. Section 14.6.2 - applicant request a Special Exception to not place terminal islands in existing parking lot as required.
- Request #4: Interior Island Requirements. Section 14.6.2 - applicant request a Special Exception to not place interior islands in the existing and proposed parking areas as required.

The request was noticed in accordance with Section 3.4.3.E of the Unified Development Code. 12 property owners of record within 160 feet of the subject property were notified directly by mail of the request. A legal ad was published in the Starkville Daily News on September 19, 2021. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has received no response from the notifications.

In the opinion of the Planning Department the proposed deviation associated with the Special Exception request could meet the criteria for special exception review and approval. The existing building and the proposed addition are currently visible from Louisville Street, but future development will most likely screen the majority of campus. The proposed and existing parking are not visible from any public road.

Kane Overstreet and Holland Cox representing Starkville Academy came before the commission to speak in favor of the request.

Calling for and receiving no additional comments, Chairman Dumas closed the public hearing and opened the item up for discussion amongst the Commissioners.

After discussion and upon the motion to approve by Commissioner Smith, duly seconded by Commissioner West, the motion was approved 5-0 with Commissioner Prather abstaining from the vote.

VIII. ADJOURN

There came for consideration, the matter of the approval of the motion to adjourn until 5:30 p.m. on November 9, 2021, in the Courtroom of City Hall located at 110 West Main Street, Starkville MS.

After discussion and upon the motion to adjourn until 5:30 p.m. on November 9, 2021 in the Courtroom located at 110 West Main Street, Starkville MS by Commissioner Smith, duly seconded by Commissioner Prather, the motion was unanimously approved.

Jeremiah Dumas, Commission Chair

Daniel Havelin, City Planner

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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)
Odie Avery, Assistant City Planner (662-323-2525 ext. 3138)
Subject: Public Hearing and consideration of SE 21-09 a request for Special Exception to deviate from the development requirements to allow for internally lit wall signs at 301 East Main Street in a T-5D zoning district with the parcel number 118P-00-210.00.
Date: November 9, 2021

The purpose of this report is to provide information regarding a Special Exception Request by Marc McGee of Mississippi State University Research and Technology Corporation on behalf of Innovation HUB to deviate from the development requirements to allow internally lit wall signs at 301 East Main Street in a T-5D zoning district with the parcel number 118P-00-210.00. Please see attachments 1- 4.

BACKGROUND INFORMATION

The applicant is seeking a Special Exception to deviate from the development requirements to allow internal illumination for new wall signs at 301 East Main Street. The Use Chart in Section 14.7 of the Unified Development Code requires a Special Exception for wall signs utilizing internal illumination in a T-5D zoning district.

CRITERIA FOR SPECIAL EXCEPTION REVIEW AND APPROVAL (Section 3.4.1.)

1. **Site suitability.** The proposed location of the structure and use has adequate space for development, adequate access to the site, fits contextually with the surrounding area, and has been properly designed for any environmental constraints.
2. **Traffic.** There is no undue nuisance or serious hazard to pedestrian or vehicular traffic in the surrounding area by the proposed structure and use.
3. **Immediate neighborhood impact.** The proposed structure and use is not detrimental, injurious, obnoxious, or offensive to other properties in the neighborhood. Negative impacts can include excessive trip generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, and inappropriate hours of operation.
4. **Availability of public services.** The proposed structure and use is adequately served by sewer, water, electricity, fire protection, police protection, and provides for any stormwater requirements.
5. **Site Plan.** A site plan shall be reviewed by the Development Review Committee prior to review by the Planning and Zoning Commission. This review shall be to determine if elements have been adequately provided on the plan. These elements can include, but are not limited to: parking areas, loading areas, buffers, screening, landscaping, and signage. Additional approval by the Development Review Committee may be required for site plan approval after approval of a special exception.
6. **Impact on property values.** The proposed location of the structure and use will not cause or contribute to a decline in property values of surrounding properties.
7. **Consistency with Comprehensive Plan.** The proposed special exception is consistent with the goals, objectives, and policies of the Comprehensive Plan.

8. **Additional Standards.** All associated additional standards for the proposed building, sign, accessory structure, or site associated with the use have been adequately provided for on the site plan.

ABANDONMENT OR DISCONTINUANCE (Section 3.4.3.K)

Any built structure or site associated with an approved special exception may continue with the associated use unless the use is made a nonconformity by any subsequent zoning ordinance and/or action by the Board of Aldermen. All nonconformities shall be regulated in accordance with section 3.17. If a specific time is not set as part of the approval of a special exception, the special exception shall expire within 18 months if no building permit has been issued and/or construction activities have ceased on the site. A special exception for any sign type shall expire upon the abandonment or discontinuance of the use or business. Reapplication for a special exception for sign will be required.

NOTIFICATION

The request was noticed in accordance with Section 3.4.3.E of the Unified Development Code.

1. 14 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on October 8, 2021.
3. A sign was posted on the property in a conspicuous location.

RESPONSE TO NOTIFICATION

As of this date, the Planning Office has received no response to the notifications.

ANALYSIS

In the opinion of the Planning Department the proposed use associated with the Special Exception request could meet the criteria for special exception review and approval.

CONDITIONS OF APPROVAL

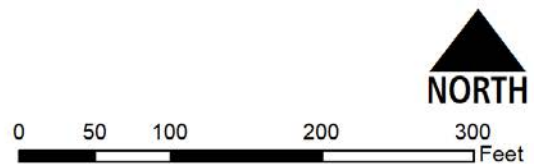
Any condition attached to the approval of a special exception by the Mayor and Board of Aldermen shall run with the land and shall be binding upon the applicants, their heirs, successors, and assigns for the duration of the use of the building, sign, accessory structure, or site (Section 3.4.3.J).

Attachment 1
VA 21-10 / SE 21-09 Aerial



Legend

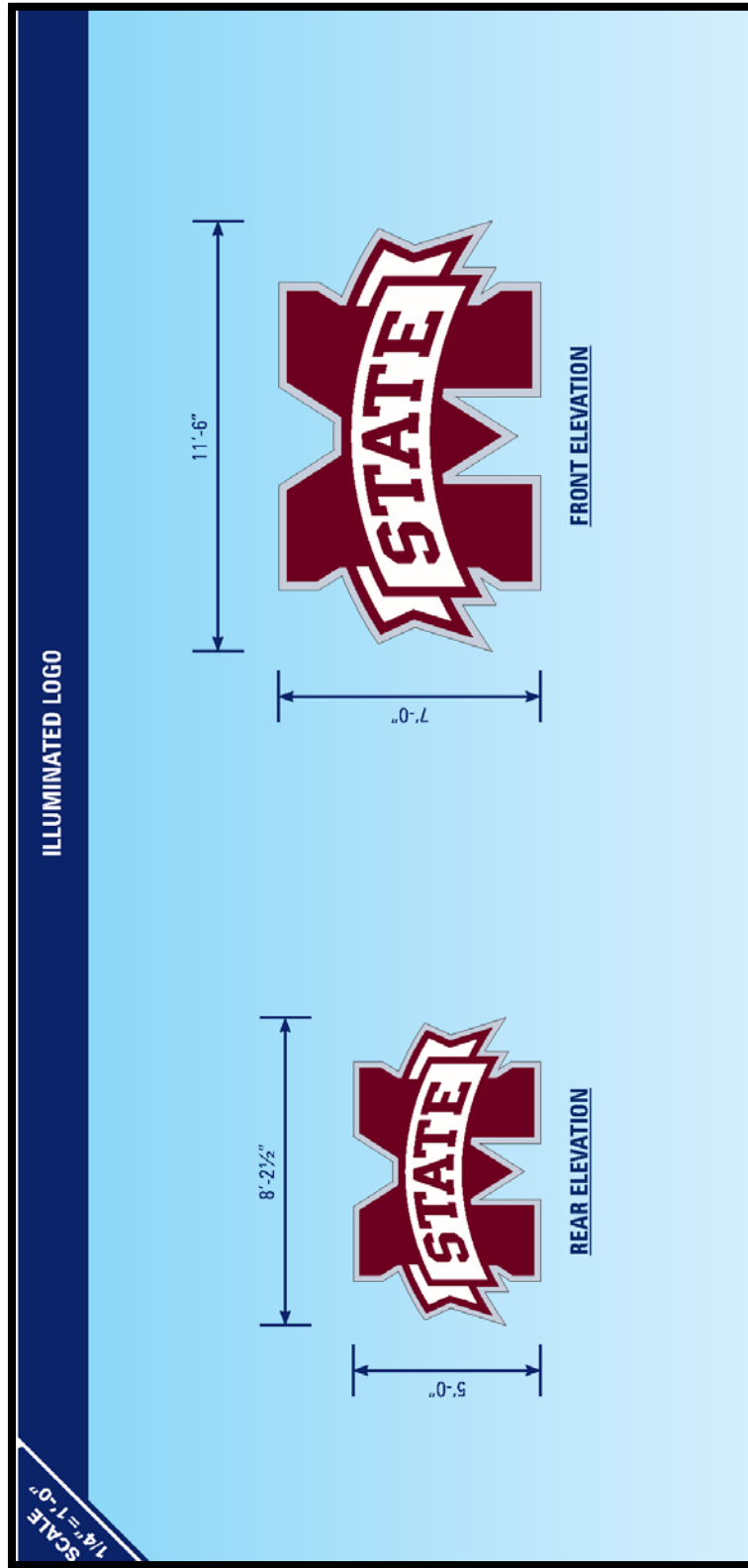
-  Subject Property
-  Parcels



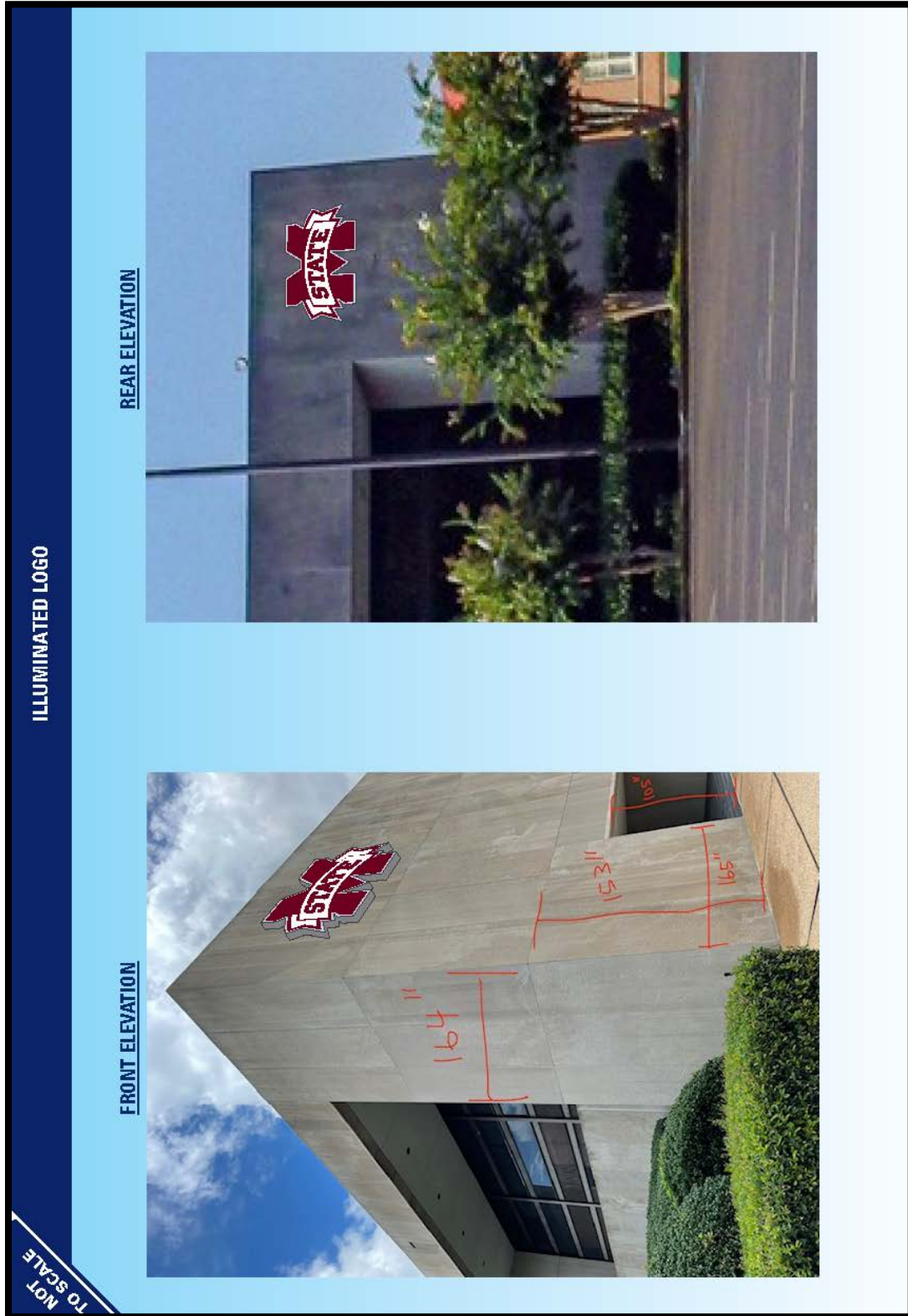
Attachment 2
VA 21-10 / SE 21-09 Zoning



Attachment 3 – Proposed Sign



Attachment 4 – Proposed Sign





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)
 Odie Avery, Assistant City Planner (662-323-2525 ext. 3138)
Subject: Discussion on proposed Unified Development Code update
Date: November 9, 2021

The Unified Development Code was adopted in December of 2019 and last amended on April 20, 2021. The proposed amendments include but are not limited to: updating the administrative appeal process, updating the Use Chart for Recreational Vehicle Parks, updating food truck requirements, updating Monument Sign type for use in form-based districts, updating Yard Sign type for commercial zoning districts, adding Rental Housing Code, and updating the definitions section. The sections affected by this update include but are not limited to: Sections 3, 13, 14, 17, and 18. See attachment 1-10

There are a total of two public hearings with the Board of Aldermen being proposed.

December 7, 2021- 1st Public Hearing- Board of Aldermen

December 21, 2021- 2nd Public Hearing and Consideration- Board of Aldermen

<i>UDC Section</i>	<i>Description of Revision</i>	<i>Attachment #</i>
3.4.1	Changed "Development Requirements" to "Development Standards" for Special Exceptions	1
3.8	Added Criteria for Administrative Appeal	2
3.10.4.D.4	Changed "Administrative Appeal" process for Architecture Review to be reviewed by Planning and Zoning Commission prior to Board of Aldermen	3
13.3.6.B	Added "Recreational Vehicle Parks" as Special Exception/Use Exception in C zoning districts	4
13.7.11	Added sound requirements to "Food Trucks"	5
14.6	Updated Development Standards chart to allow for "Monument Signs" in Form-Based Districts	6
14.6.2	Added "Monument Sign" type as Permitted with Additional Standards for T-5C, T-5D, and T-5U	7
14.7.10.D.3	Added Additional size options for "Yard Signs" in non-residential and mixed use zones.	8
17.6	Added Rental Housing Code	9
18	Adding and Updating Definitions	10

3.4. Special Exception

1. Special exceptions shall include any building, sign, accessory structure, or site feature associated with the use that is being altered or built and is not permitted by right in a zoning district. Special exceptions shall follow the additional design standards associated with a use that shall be adhered to as a part of the approval unless specifically removed as part of approval. A special exception shall also include any request to deviate from the Use Standards, Development requirements Standards, Subdivision Standards, or Base Dimensional Standards that are non-dimensional in nature.
2. The purpose and intent of this article is to ensure that special exceptions shall only be permitted on sites where the proposed building, sign, accessory structure, or site associated with the use may be adequately accommodated, without generating adverse impacts in the area of the proposed special exception. The determination of need for a special exception shall be made by the City Planner. A special exception shall be permitted only upon a finding by the Planning and Zoning Commission and the Board of Alderman in compliance with the procedures and criteria set forth below:

3.4.1.

Criteria for special exception review and approval in all zoning districts.

- A. **Site suitability.** The proposed location of the structure and use has adequate space for development, adequate access to the site, fits contextually with the surrounding area, and has been properly designed for any environmental constraints.
- B. **Traffic.** There is no undue nuisance or serious hazard to pedestrian or vehicular traffic in the surrounding area by the proposed structure and use.
- C. **Immediate neighborhood impact.** The proposed structure and use are not detrimental, injurious, obnoxious, or offensive to other properties in the neighborhood. Negative impacts can include excessive

trip generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, and inappropriate hours of operation.

- D. **Availability of public services.** The proposed structure and use are adequately served by sewer, water, electricity, fire protection, police protection, and provides for any stormwater requirements.

- E. **Site plan.** A site plan shall be reviewed by the Development Review Committee prior to review by the Planning and Zoning Commission only if the proposed development meets the requirements for site plan review. This review shall be to determine if elements have been adequately provided on the plan. These elements can include, but are not limited to: parking areas, loading areas, buffers, screening, landscaping, and signage. Additional approval by the Development Review Committee may be required for site plan approval after approval of a special exception.

- F. **Impact on property values.** The proposed location of the structure and use will not cause or contribute to a decline in property values of surrounding properties.

- G. **Consistency with Comprehensive Plan.** The proposed special exception is consistent with the goals, objectives, and policies of the Comprehensive Plan.

- H. **Additional standards.** All associated additional standards for the proposed building, sign, accessory structure, or site associated with the use have been adequately provided for on the site plan.

3.4.2.

Additional Criteria for special exception review and approval in form-based districts

- A. The special exception request shall be consistent with the intent of the form-based districts.

3.4.3.

Review procedures.

- A. **Application.** All applications for a special exception shall be in the form required and provided by the City Planner. Completed application packages are due by 5:00 p.m. on the deadline date as set forth by the approved Planning and Zoning Commission schedule. Such applications shall be submitted to the City Planner together with the fee

Section 3. Procedures & Processes

established by resolution of the Mayor and Board of Aldermen. A "completed application" shall include the application form, the applicable fee, a legal description of the subject property, letter of authorization if required and all required supplemental information necessary to render determinations related to the special exception request including:

1. **Interest and ownership.** The applicant's name, address, and interest in the application, and the concurrence of the owner or owners of the entire land area and structures to be included within the subject property.
2. **Applicant statement.** The applicant statement shall include an explanation with the reasoning for the special exception request and a citation of the specific code section from which the special exception is sought.
- B. **Review by the Development Review Committee.** The application shall be reviewed by the Development Review Committee before their public hearing date. Comments from this meeting, if not addressed prior to the hearing, may be added to the staff report for the public hearing as recommended condition(s) of approval.
- C. **Administrative examination.** Upon receipt of an application for a special exception, the City Planner shall examine, or cause to be examined, the application and shall make such investigation into the proposed special exception as is necessary. If the application is determined to be complete, the City Planner shall place the item on the agenda for the Commission. The date the item will be heard by the Commission shall be determined by the Planning and Zoning Commission schedule.
- D. **Public hearing.** Upon receipt of a completed application for a special exception by the City Planner, the Planning and Zoning Commission shall hold a public hearing in accordance with the procedures cited in this section. The Commission shall recommend approval with or without conditions or recommend denial of the request. If recommended for approval or denial, the request will then

be scheduled for a public hearing for the Mayor and Board of Aldermen.

- E. **Notice and public hearing procedure for special exception.** In considering and acting upon applications for special exception, the following procedures shall be observed:

1. **Mailing of notices.** The City Planner shall mail notices at least fifteen (15) calendar days prior to the scheduled public hearing, setting forth the time, place, and purpose of the public hearing to all owners of real property within a minimum of one hundred and sixty (160) feet of the boundaries of the land upon which the special exception is requested. For the purpose of notice requirements to nearby owners of real property, the names and addresses of the owners shall be deemed to be those on the current tax records of Oktibbeha County. The failure of any owner required by this section to be notified by mail sent to the address on the current tax records of Oktibbeha County shall not invalidate or otherwise have any effect on the recommendation or final decision of any application.
2. **Legal ad.** A legal ad shall be placed in the newspaper of record for Starkville at least fifteen (15) calendar days prior to the scheduled public hearing with the following information: governing body to hear the request, date of the hearing, time of the hearing, the location of the hearing, reason for the request, and a legal description of the property per Mississippi Code Title § 17-1-17.
3. **Posting.** A sign shall be placed on the subject property in a conspicuous location at least fifteen (15) calendar days prior to the public hearing, notifying the general public of the request.
- F. **Applicant to pay costs.** All costs of notification shall be paid by the applicant together with the application fee established by resolution of the Mayor and Board of Aldermen. Costs which exceed that paid at the time of application shall be billed and paid by the applicant prior to the public hearing by the Planning and Zoning Commission and/or Board of Aldermen. The application

Section 3: Procedures & Processes

fee for a special exception that did not receive approval prior to the commencement of construction and/or requires a modification of an approved site plan or building plan shall be charged an application fee three (3) times the established rate.

- G. Appearance and presentation.** At any public hearing upon any matter subject to the provisions of this article, the applicant seeking the special exception and any other party desiring to be heard upon the application may appear in person, by agent, or by attorney. The applicant shall be entitled to make a presentation and at the conclusion of presentations or statements by all other parties, shall be entitled to offer a statement in rebuttal if desired. The chairman of the Planning and Zoning Commission shall, at the commencement of the hearing upon each application or at any time during such hearing, require that parties desiring to make a presentation identify themselves and may specify the time to be allowed each such party within which to make such a presentation.

- H. Action.** If approval or denial is recommended by the Planning and Zoning Commission, that recommendation and any specific conditions shall be forwarded to the Mayor and Board of Aldermen for their binding decision.

- I. Appeal.** Parties aggrieved by the final decision of the Mayor and Board of Aldermen, may appeal to a court of competent jurisdiction pursuant to state statute.

- J. Conditions of approval.** The Mayor and Board of Aldermen may attach conditions in accordance with the approval. Conditions attached to the approval of a Special Exception shall run with the land and shall be binding upon the applicants, their heirs, and/or successors. The condition can be assigned for the duration of the use of the building, sign, accessory structure, or site.

- K. Abandonment or discontinuance.** Any built structure or site associated with an approved special exception may continue with the associated use unless the use is made a nonconformity by any subsequent zoning ordinance

and/or action by the Board of Aldermen. All nonconformities shall be regulated in accordance with section 3.17. If a specific time is not set as part of the approval of a special exception, the special exception shall expire within 18 months if no building permit has been issued and/or construction activities have ceased on the site. A special exception for any sign type shall expire upon the abandonment or discontinuance of the use or business. Reapplication for a special exception for sign will be required.

- L. Reapplication.** Reapplication for the same piece of property requesting the same special exception cannot be made within one (1) year from the date the application was originally denied by the Planning and Zoning Commission and/or the Board of Aldermen.

- 3.4.4. Other uses not specified.** Any proposed structure or use not specifically prohibited by this Code shall be reviewed as a special exception application.

Attachment 2-Section 3.8 Administrative Appeal

Section 3. Procedures & Processes

3.8. Administrative Appeal. An administrative appeal is any appeal from administrative interpretations on all matters pertaining to the adopted codes of the city that does not require a variance, waiver, use exception, or special exception. **Administrative Appeals of the interpretation of the adopted Technical Codes or any issue related to stormwater requirements shall be reviewed by the Board of Adjustments and Appeals. All other Administrative Appeals shall be reviewed by the Planning and Zoning Commission.**

3.8.1. Criteria for Administrative Appeal.

A. Interpretation. The appeal of the interpretation of the requirements by City Staff or the City's Consultant(s) is based on an alleged error in interpreting and/or the application of the requirements of the Unified Development Code.

B. Appropriateness of the request. The request for an Administrative Appeal is for interpretation only and does not trigger the requirements of a variance, waiver, use exception, or special exception.

C. Review. The Planning and Zoning Commission, Board of Adjustment and Appeals, and the Board of Aldermen shall have the power to review the decision of City Staff, de novo, but shall not consider new evidence that was not available to City Staff at the time of making an interpretation.

3.8.2. Application. An application for an appeal shall be submitted along with any supporting information to the Planning Department within ten (10) days of the written denial of an application by the Building Department, City Planner, Development Review Committee, and/or City Engineer.

3.8.3. Administrative Examination. Upon receipt of an application for an administrative appeal, the City Planner shall examine, or cause to be examined, the application and shall make such investigation into the proposed administrative appeal as is necessary. If the application is determined to be complete, the City Planner shall place

the item on the agenda for either the Planning and Zoning Commission or the Board of Adjustment and Appeals. The appeal shall be placed on the next regularly scheduled meeting of either the Planning and Zoning Commission or the Board of Adjustments and Appeals in accordance with the submittal schedule for non-advised agenda items.

3.8.4. Appearance and Presentation. At the meeting, the applicant seeking the administrative appeal and any other party desiring to be heard upon the application may appear in person, by agent or by attorney. The applicant shall be entitled to make a presentation and at the conclusion of presentations or statements by all other parties, shall be entitled to offer a statement in rebuttal if desired. The chairman of either the Planning and Zoning Commission or the Board of Adjustment and Appeals shall, at the commencement of the meeting upon each application or at any time during such meeting, require that parties desiring to make a presentation identify themselves and may specify the time to be allowed each such party within which to make such a presentation.

3.8.5. Action. The decision recommended by either the Planning and Zoning Commission or the Board of Adjustments and Appeals and any specific conditions for approval shall be forwarded to the Mayor and Board of Aldermen for their binding decision. A super majority vote by either the Planning and Zoning Commission or the Board of Adjustments and Appeals shall be necessary to modify or reverse any order, requirement, decision, or determination of the Building Department, City Planner, Development Review Committee, and/or City Engineer. The Mayor and Board of Aldermen shall proceed to review the recommendation by either the Planning and Zoning Commission or the Board of Adjustment and Appeals. At the meeting, the decision of either the Planning and Zoning Commission or the Board of Adjustment and Appeals shall either be affirmed, modified, or reversed by the Board of Aldermen by majority vote.

Section 3. Procedures & Processes

3.8.6. **Appeal.** Parties aggrieved by the final decision of the Mayor and Board of Aldermen, may appeal to a court of competent jurisdiction pursuant to state statute.

3.8.7. **Conditions of Approval.** The Mayor and Board of Aldermen may attach conditions in accordance with the approval. Conditions attached to the approval of an administrative appeal shall run with the land and shall be binding upon the applicants, their heirs, and/or successors.

Attachment 3-Section 3.10 Architecture Review

Section 3. Procedures & Processes

3-10. Architecture Review

3-10.1. Intent of architecture review. The intent of architecture review is to ensure that development within the City of Starkville is consistent with all applicable development standards. The approval of such development will be based upon the provisions of this code, the contextual surroundings of the development, potential visual impacts, compatibility with existing developments, and compatibility with anticipated developments within the immediate area and the City as a whole.

3-10.2. Applicability and filing process

A. All land areas in the city which are zoned for commercial use, industrial use, mixed-use, or multi-unit residential greater than two (2) dwelling units per site shall be subject to Architecture Review.

B. All proposed buildings or proposed remodeled buildings that require site plan review shall require Architecture Review approval prior to receiving a building permit.

C. The architecture review process can begin before, during, or after the site plan review and approval process.

3-10.3. Review and action by the Independent Consultant. After reviewing the building design plan and finding that the proposed plan meets the minimum requirements, the Architecture Review Committee will approve the building design plan. If the building design plan includes any requests for waiver, variance, or exception, the Architecture Review Committee will approve the building design plan only after approval from the Board of Aldermen. Approval of a building design plan is required prior to building permit approval.

3-10.4. Building design plan application requirements

A. Pre-Application. A pre-application meeting may be scheduled at the request of the applicant to discuss requirements and review conceptual drawings. A pre-application meeting is not required, but recommended.

B. Application. An application for Architecture Review shall be submitted along with the building plans to the Planning Department. Such applications shall be submitted to the

City Planner together with the fee established by resolution of the Mayor and Board of Aldermen. The application shall include the following:

1. Applicant and/or owner information. The application shall list the property owner or authorized agents contact information including mailing address, email address, and phone number.

2. Project information. The following shall be listed on the application: project name, project address, parcel id number, and zoning district.

3. Project description. All projects shall include a description of the project indicating the proposed uses (commercial, residential, mixed-use, etc.). If the development is being proposed to be built in phases, the applicant shall submit an application for the entire development showing all phases. Target dates for completion of each phase and the entire development shall be included.

C. Building design plan requirements. The following sheet with required information shall be submitted as part of a complete application for review by the Architecture Review Committee. The maximum sheet size shall not exceed thirty (30) inches by forty-two (42) inches. A sheet size of twenty-four (24) inches by thirty-six (36) inches is preferred. Plans shall also be provided digitally as a Portable Document Format (PDF). Multiple sheets may be used provided each sheet is numbered and the total number of sheets is indicated on each sheet. Cross referencing between sheets shall be required. All of the following information shall be required prior to being placed on the Architecture Review Committee's agenda:

Section 3. Procedures & Processes

1. **Coversheet.** The coversheet shall include:
 - i. Project name
 - ii. Vicinity map
 - iii. Sheet Index
 - iv. Contact information for the Owner and Design Professionals
 - v. Building data including the following: total proposed square footage for each use (commercial, residential, office, etc.), the total number of residential dwelling units, and the total number of bedrooms
 - vi. Submittal date and any revision dates
 2. **Site plan.** Site plans shall be drawn at a scale of one (1) inch to fifty (50) feet or larger. Necessary notes and symbol legends shall be included. Abbreviations should be avoided but if used they shall be defined in the notes. Drawings shall illustrate the following:
 - i. Boundary, setback lines, and easements
 - ii. North arrow, legend, and graphic scale
 - iii. The location of parking areas, loading zones, dumpster enclosure, sidewalks, and walkways
 - iv. The locations of all buildings on the site
 3. **Building plans.** Building drawings shall be drawn at a common scale so as to be legible. Necessary notes and symbol legends shall be included. Abbreviations should be avoided, but if used, shall be defined in the notes. Drawings shall illustrate the following:
 - i. Schematic floor plan for each floor for the purpose of locating exterior windows and doors
 - ii. Door and window schedule for all exterior doors and windows
 - iii. Color rendered elevations of all sides of the building with facade requirements (see Development Standards Chart Section 14)
 - iv. An elevation of the street face side of the building with dimensions showing the overall height of the building and each individual floor
 - v. All proposed building finishes shall be labeled. A finish schedule shall be included on the sheet for which they are
-
- vi. referenced. The finish schedule shall include material type, color, and product reference information
 - For projects located within a T-4, T-5D, T-5C, and T-5U zoning districts, a percentage of fenestration per floor shall be required (see Development Standards Chart Section 14).
 4. **Building Materials Board.** A material sample of all key materials and colors, properly labeled, and affixed to hard surface, may be required upon request from reviewer for review. Material samples shall be a minimum size of three inch by three inch (3"x3"). Major colors must be actual samples. Minor colors may be printed samples. Paint and stain samples from wood color fans are acceptable.
 - D. **Comment procedure.** Comments from Architecture Review shall be issued in writing after each review. The applicant shall revise the proposed building plan per the comments or reply in writing as to why the revisions cannot be made. Only after revisions to the proposed building plan meets the requirements of the Architecture Review will the approval procedure begin.
 1. **Approval procedure.** Upon approval of such building design proposal by Architecture Review and an approved site plan by the Development Review Committee, a building permit application may be submitted to the building department for subsequent review. The approved building design proposal shall be signed by the consultant of the Architecture Review.
 2. **Disapproval procedure.** If Architecture Review denies a building design proposal plan, it shall specify the reasons said plan was denied.
 - 3.

Section 3: Procedures & Processes

4. **Appeal procedure.** A decision to deny a building design proposal by the independent consultant for any reason that does not require a variance, waiver, or exception, can be appealed **as an Administrative Appeal** to the Board of Aldermen. The applicant shall have ten (10) business days **from the decision to deny** to appeal that decision ~~to the Board of Aldermen. The appeal will be placed on the Board of Aldermen agenda. The appeal shall be placed on the next regularly scheduled meeting of the Planning and Zoning Commission in accordance with the submittal schedule for non-advertised agenda items~~ Parties aggrieved by the final decision of the Mayor and Board of Aldermen, may appeal to a court of competent jurisdiction pursuant to state statute.
5. **Expiration.** The building design proposal approval shall expire twelve (12) months after approval by Architecture Review if construction has not been started evidenced by steady and continuous progress as determined by the Building Official or the City Planner.
6. **Extension.** The approval of a building design proposal may be extended for six (6) months by the City Planner. If an extension is not granted, reapplication is required.
7. **Transfer of approval.** In the event property with an approved building design is sold, transferred, leased, or any other change in ownership, the approval shall be transferable and subject to the same terms of approval as the original approval.

Attachment 4-Section 13.3.6.B Use Chart

Section 13. Use Regulations

Use Chart	P = Permitted Use A= Permitted Use with Additional Standards UE = Use Exception SE = Special Exception -- =Not Permitted																							
	RN	SD-2	SD-6	TN-N	TN-E	MU-9	MU-20	CN	C	CR	I	T-4	T-5D	T-5C	T-5U	S-M	S-I	S-E	O-Use Categories					
																			O-TND	O-CD	O-I	O-C	O-E	
COMMERCIAL (cont.)																								
Recreational and Entertainment: Indoors- Commercial sec.13.7.18	--	--	--	--	--	--	--	P	P	P	P	--	A	A	A	--	--	--	A	--	--	P	--	
	--	--	--	--	--	--	--	--	UE SE	A	A	--	--	--	--	--	--	--	--	--	--	A	--	
	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--	--	--	--	A	A	--	--	A	
Private Recreational Clubs or Facility sec.13.7.20	A	A	A	A	--	--	--	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	A	
Recreational Vehicle Parks sec.13.7.21	SE	--	--	--	--	--	SE	--	A	A	A	--	--	--	--	--	--	--	--	--	A	A	SE	
Retail Sales and Services- Inside Only sec.13.7.22	--	--	--	UE SE	UE SE	--	--	A	A	A	A	--	A	A	A	A	--	--	A	--	--	A	--	
Retail Sales and Services- with Outside Displays sec.13.7.23	--	--	--	--	--	--	--	A	A	A	A	--	UE SE	UE SE	UE SE	--	--	--	--	--	--	A	--	
Studios - Art, Craft, Music, Dance, and Fitness sec.13.7.24	--	--	--	UE SE	UE SE	--	--	A	A	A	P	--	A	A	A	--	--	--	A	--	--	P	--	
Theaters sec.13.7.25	--	--	--	--	--	--	--	P	P	P	--	--	A	A	A	--	--	--	A	--	--	P	--	
Vehicle Repair and Maintenance sec.13.7.26	--	--	--	--	--	--	--	A	A	A	P	--	--	--	--	--	--	--	--	--	--	--	--	
INDUSTRIAL																								
Airport sec.13.8.1	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	P	--	--	--	--	--	

Attachment 5- Section 13.7.11 Food Trucks

Section 13. Use Standards

13.7.11. Food Truck

A. Definition: A licensed, motorized vehicle or mobile food unit which is temporarily parked on private property and not on the right-of-way where food items are sold to the general public. If on the right-of-way, refer to the transient vendor requirements.

B. Parking: None.

C. Loading: None.

D. Additional Standards:

1. Food trucks and/or associated seating must not occupy on-site parking spaces required to fulfill the minimum requirements for the principal use, unless the principal use's hours of operation do not coincide with those of the food truck business.

2. Traffic circulation, public safety, siting of food trucks, and parking will be reviewed and may be subject to the conditions of approval by the City Planner.

3. No audio amplification or permanent signage may be installed as part of a food truck's vending operation. One (1) sidewalk sign shall be allowed within ten (10) feet of the food truck.

4. The food truck vendor is responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles are not to be used for this purpose. Vendors must provide their own trash receptacle on-site for patrons. Vendors must remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor must keep all areas associated with the food truck and any associated seating area clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains, onto the sidewalks, streets, or

other public space. Under no circumstances can grease be released or disposed of in the City's sanitary sewer or stormwater system. All waste must be disposed of in accordance to all applicable local, state, and federal laws.

5. All food truck vendors shall obtain and maintain a City of Starkville Privilege License and a mobile food vending permit for each mobile pushcart or mobile food preparation vehicle in operation. All applications for permit renewal shall be filed annually with the City of Starkville City Clerk's Office.

6. If a business is subject to a Certificate of Health or sanitary examination, the person applying for permit must produce such certificate or permit from the County Health Department before a permit can be issued.

7. A written indemnity agreement that will hold harmless the city, its officers, and employees, for any loss or liability or damage, including costs, for bodily injury or property damage sustained by a person as a result of the negligent installation, use, or maintenance of a permitted space.

8. Food trucks shall provide written permission from the property owner.

9. The operators must be present at all times during the hours of operation.

10. A food truck operating in all districts shall operate only Thursday through Saturday between the hours of 6:00 a.m. and 2:00 a.m. and on Sunday through Wednesday between the hours of 6:00 a.m. and 10:00 p.m. Cleanup and removal of the food truck shall be completed within thirty (30) minutes of closing.

11. All generators associated with a food truck shall provide sound buffering for each generator. At no time shall any generator operate at 65 decibels or above measured at twenty-five (25) feet from the generator.

Attachment 6-Section 14.6 Development Standards Chart

Section 14. Development Standards

Development Standards Chart		Residential Use Districts							Commercial / Industrial Use Districts				Form-Based Districts				Special Districts				Optional District					
																					O-Use Categories					
P = Permitted Use	A= Permitted Use with Additional Standards	UE = Use Exception	SE = Special Exception	Blank =Not Permitted																						
Section 14.7 SIGNS																										
BUILDING SIGNS																										
Wall Sign	A				A		UE	UE	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Projecting Sign	A				A				P	P	P		A	A	A	P			P		P	A	A			
Suspended Sign	A				A				P	P	P		A	A	A	P			P		P	A	A			
Awning Sign	A				A				A	A	A		A	A	A	A			A			A	A			
Marquee Sign	A				A				A	A	A		A	A	A	A						A	A			
Window Sign	A				A				A	A	A	A	A	A	A	A						A	A			
Nameplate Sign	A				A				P	P	P	P	P	P	P	P						A	A			
Address Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Outdoor Display Case					A				A	A	A		A	A	A	A							A			
SITE SIGNS																										
Monument Sign	A						A	A	A	A	A		A	A	A	A	A				A	A	A			
Multi-tenant Sign	A								A	A	A										A	A	A			
TEMPORARY SIGNS																										
Sidewalk Sign					A				P	P	P		P	P	P								A			
Banner Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Yard Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Fence Screen Sign									P	P		P	P	P	P				P		P	P				
Construction Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
OTHER SIGNS																										
Development Entrance Sign	A	A	A	A	A	A	A	A	A	A	A					A	A	A	A	A	A		A			
Electronic Message Center Sign									A	A	A	A			A				A							
Flags and Pendants	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Any sign type not listed on the chart will be reviewed as a Use Exception																										

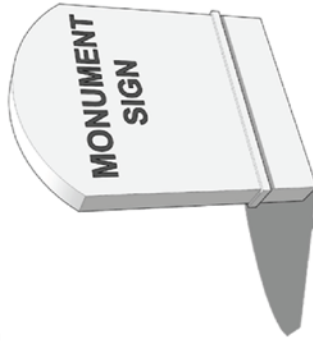
Attachment 7-Section 14.6.2 Monument Signs

Section 14. Development Standards

14.7.9. Site Sign Types

A. Monument Signs

Fig. 14.7-12



1. Description

- i. A monument sign is a freestanding on-premise sign with one (1) or two (2) sides attached to a permanent foundation or decorative base and not attached or dependent on support from any building, pole, posts or similar uprights on a site with one (1) or multiple tenants. A sign permit is required for a monument sign.

2. Size Requirements

- i. Monument signs shall not exceed eighty (80) square feet in sign area.
- ii. The maximum height is eight (8) feet above the finished grade.
- iii. The maximum width is twelve (12) feet.
- iv. The maximum depth is twenty-four (24) inches.

3. Location

- i. No sign shall be placed closer than five (5) feet to the right-of-way of a street.
- ii. No sign shall be placed within a sight triangle of a street or driveway.
- iii. Only one (1) sign is allowed for every three-hundred and thirty (330) linear feet of street frontage and a minimum separation of two-hundred (200) feet between multiple signs is required

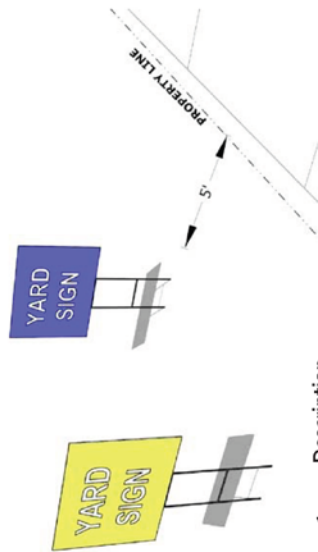
on a site.

4. Additional Standards

- i. A planted and maintained landscape area of thirty-six (36) inches wide shall be provided around the base of every monument sign.
- ii. Electronic message centers can be attached to monument signs per zoning district requirements.
- iii. Monument signs shall have exterior finishes matching or complementing the finishes on the facade of the primary building and shall comply with minimum facade standards for that district.
- iv. Hand painted lettering or logos shall not be permitted to be attached to or apart of monument signs unless otherwise approved by the City Planner.
- v. Monument signs can be internally or externally illuminated. The use of exposed neon tubing is not permitted.
- vi. In zoning districts where monument signs are permitted, the maximum square footage may be increased to one hundred and sixty (160) square feet and the overall height increased to sixteen (16) feet if located adjacent to US Highway 82 and/or US Highway 25 where the posted speed limit is sixty (60) miles per hour or more.
- vii. In MU-9 zoning districts sign area shall be less than forty (40) square feet with a maximum of height of six (6) feet.
- viii. This sign type is only allowed in RN and O-E zoning district with approved commercial or multi-dwelling unit residential use.
- ix. In T-5D, T-5U, and T-5C, zoning districts sign area shall be less than sixty (60) square feet with a maximum of height of six (6) feet. Monument signs shall only be allowed on lots where the existing building exceeds the maximum setback for that zoning district. Corner lots are not eligible for monument sign types unless approved as a Use Exception.

Section 14. Development Standards

D. Yard sign
Fig. 14.7-16



1. **Description**
 - i. A yard sign is any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, and that is not attached to any building or permanently attached to the ground.
 - ii. There shall be a maximum of two (2) faces to the sign, mounted back-to-back. Double-sided or back-to-back signs shall be measured by the surface area of one (1) face.
 - iii. A sign permit is not required for a yard sign, but requirements must be followed.
2. **Residential districts**
 - i. **Size Requirements**
 - a. A maximum sign size of four (4) square feet is permitted for lots less than two (2) acres.
 - b. A maximum sign size of sixteen (16) square feet is permitted for lots greater than two (2) acres.
 - c. The maximum total square footage of all temporary signs on a lot in residential districts is sixteen (16) square feet.
- ii. **Location**
 - a. No sign shall be placed within a sight triangle of a street or driveway.
 - b. No sign shall obstruct any walkway or public sidewalk.
- iii. **Duration**
 - a. The maximum duration for any yard sign shall be thirty (30) days or until the conclusion of the event.
- ii. **Location**
 - a. No sign shall be placed closer than five (5) feet to the right-of-way of a street.
 - b. No sign shall be placed within a sight triangle of a street or driveway.
- iii. **Duration**
 - a. The maximum duration for any yard sign shall be ninety (90) days or until the conclusion of the event.
3. **Non-residential and mixed-use districts**
 - i. **Size Requirements**
 - a. The maximum total square footage of all temporary signs on any non-residential or mixed-use district zoned property with an existing building is four (4) square feet.
 - b. The maximum total square footage of all temporary signs on any vacant non-residential or mixed-use district zoned property is sixteen (16) square feet.
 - c. The maximum total square footage of all temporary signs on any vacant non-residential or mixed-use district zoned property is thirty-two (32) square feet if located adjacent to US Highway 82 and/or US Highway 25 where the posted speed limit is sixty (60) miles per hour or more.
- ii. **Location**
 - a. No sign shall be placed within a sight triangle of a street or driveway.
 - b. No sign shall obstruct any walkway or public sidewalk.
- iii. **Duration**
 - a. The maximum duration for any yard sign shall be thirty (30) days or until the conclusion of the event.

Attachment 9- Section 17.6 Rental Housing Code

Section 17. Building and Housing Code

17.6. Rental Housing Code

17.6.1. Intent. This code shall apply to all rental housing units located within the City of Starkville, Mississippi, including all residential dwelling unit types. The intent of this code is to establish base standards for rental housing units in Starkville so as to prevent or correct slum and/or blighted conditions and protect the health, safety and welfare of the community.

17.6.2. Licensing and Registration. It shall be unlawful for any person and/or entity to maintain or operate any rental housing unit(s) within the City of Starkville unless such person or entity has registered the property and has obtained a rental housing license.

A. Registration Fee

1. All persons or entities who have rental property within the City are required to register their property(ies) within 30 days upon enactment of this ordinance and subsequently after the effective date of the ordinance before the property is rented for the first time after a certificate of occupancy is granted.
2. A registration fee per rental unit shall be due upon registration. A registration fee shall also be required upon any change in ownership.
3. Failure to pay the registration fee within ninety (90) days after the effective date of the passage of this ordinance shall be considered a violation and enforced in accordance with Section 3.19. In additions to penalties of outlined in Section 3.19.2, revocation of the certificate of occupancy for each unregistered unit may be imposed.
4. If the Community Development Department and/or a Code Enforcement Officer has determined that the property has been rent without registration after the effective date of the passage of this ordinance shall be

considered a violation and enforced in accordance with Section 3.19. In additions to penalties of outlined in Section 3.19.2, revocation of the certificate of occupancy for each unregistered unit may be imposed.

B. License application. Application for an initial rental housing license shall be filed with and issued by the Community Development Department. The applicant shall be the property owner or an authorized representative of the property owner. The application shall include the following:

1. The name and address of the property owner.
2. The name and address of the authorized representative of the property owner if applicable.
3. Signature of the property owner and/or authorized representative.
4. Phone number and email address of the property owner and authorized representative.
5. The address, unit/suite number, and parcel number of the property on which the rental housing units are located
6. For new construction that meets the requirements of Section 3.9.2, an approved site plan and building design plan shall be required prior to issuance of building permit.
7. A statement as to whether utility services will be provided by the owner or be the tenant's responsibility.
8. Such other information as may be requested by the Starkville Community Development Department to enable it to determine if the proposed rental housing unit or complex will comply with legal requirements and with the applicable Mississippi Code.
- i. **Inspection required.** Before any license is issued by the Community Development Department, the applicant must authorize the Building Official or designee to inspect the rental housing unit or complex for which an application

Section 17. Building and Housing Code

for license has been made. The Building Official or designee may inspect each unit annually or as needed at the discretion of the Building Official or designee but no less than every three (3) years. The Building Official or designee may inspect only a percentage of the rental units within a rental housing complex if the Building Official or designee determines an inspection of the entire complex is not needed. In no instance shall the inspection be less than five percent (5%) of the rental units.

- ii. **License transfer.** Upon application in writing for transfer of a license accompanied by an application with the transferee's information and payment of the license fee, the Community Development Department shall issue a transfer if the application is found to be in compliance with this chapter. Any change of ownership of residential dwelling unit shall require a license transfer and reinspection.

C. **License revocation.** The Community Development Department may revoke any license to maintain and operate a rental housing unit or complex when the licensee has been found guilty by the court of violating any provisions of this section, or of knowingly providing false or incomplete information in the process of application for a license or certificate of occupancy. After such conviction, the license may be reissued if the circumstances leading to conviction have been remedied and the rental housing unit or complex is being maintained and operated in full compliance with law.

D. **Authority to inspect**

1. **Personnel.** The Building Official or designee is authorized to make reasonable and necessary inspections of rental housing units and premises to determine compliance with this section.

2. **Access.** Every owner, agent, manager, or tenant of a rental housing unit shall, upon reasonable notice, allow access to any part of such rental housing unit at all reasonable times for the purpose of making such inspections. If complaint is made to the City of conditions in any rental unit which are in violation of any applicable city code, the City is authorized to investigate such complaint without notice. If the owner, agent, manager or tenant refuses access to make an inspection, the City is authorized to obtain an Administrative Inspection Warrant through the Municipal Court Judge.

3. **Scope.** The Building Official or designee may expand the scope of an inspection to include other city code violations noted during the inspection.

4. **Compliance.** If upon inspection, violations of interior or exterior standards exist, the owner, agent, or manager will be required to correct all violations within a reasonable period of time as determined by the Building Official or designee. In the event the rental housing unit becomes unoccupied, future occupancy will be prohibited until all violations have been corrected and the unit has been reinspected by the City and deemed to be in compliance.

17.6.3. Rental Housing Standards

- A. **Sanitary facilities.** The owner, agent, or manager of a rental housing unit shall provide for the removal of garbage and refuse by the agreement with the City of Starkville Sanitation and Environmental Services Department. The owner, agent, or manager of the rental housing unit shall provide for the removal of any furniture, appliances, or other items removed from the rental housing unit or abandoned on the property, which do not meet the guidelines for removal by the City of Starkville. Placing such materials or allowing such materials to be

placed on the right-of-way shall be a violation of this section.

B. Food preparation facilities Every rental housing unit shall have a kitchen or kitchen area with suitable space and equipment to store, prepare, and serve food in a sanitary manner. Adequate facilities for the disposal of food waste and refuse shall also be provided.

1. Kitchen sink. Every kitchen or kitchen area shall contain a fixed kitchen sink in sound condition, functioning properly, and properly connected to an approved hot and cold water system and a sewage system.

2. Liquid-seal traps. Kitchen plumbing fixtures shall be separately trapped by a liquid-seal trap that will eliminate the passage of sewage gases into the kitchen. The liquid-seal traps shall be located as near the outlet as possible.

3. Flow of water. Kitchen plumbing facilities shall have a reasonable flow of water and the minimum flow of hot or cold water issuing from a faucet or fixture shall be not less than one gallon per minute.

4. Oven and range or stove. Every kitchen or kitchen area shall be equipped with a cooking oven and range or a stove properly connected and in sound condition. If the oven, range, and/or stove is provided by the tenant per the rental agreement, the owner, agent, or manager is exempt from this provision.

5. Refrigerator. Every kitchen or kitchen area shall be equipped with a refrigerator properly connected and in sound condition. Refrigerators shall be capable of maintaining a temperature between forty degrees (40°) and forty-five degrees (45°) Fahrenheit. Refrigerators shall have some capacity for storing frozen food. If the refrigerator is provided by the tenant per the rental

agreement, the owner, agent, or manager is exempt from the provisions of this section.

6. Sanitary surfaces: preparation and storage areas. Countertops, food preparation surfaces, food storage pantries and cupboards shall be easily cleanable and free from holes, breaks or cracks that can leak, or may injure a person or may permit the harborage of insects and dampness that may promote the growth of bacteria.

7. Storage of garbage. No owner, agent or manager of any rental housing unit shall permit upon his premises the exterior accumulation of any garbage or refuse, except in covered portable containers of rust-resistant metal, rubber, plastic or similar material. Garbage or refuse shall only be placed curbside in accordance with The Code of Ordinances. The owner, agent, or manager of any rental housing unit(s) shall be responsible for the correct placement of curb side garbage or refuse and the removal of any garbage container.

C. Electrical service and lighting. Every rental housing unit shall have electrical service and lighting properly installed and maintained in sound condition adequate to support the health and safety of occupants, permit the safe use of electrical appliances and permit normal indoor activities.

1. Outlets, switches, and light fixtures. All indoor and outdoor outlets, switches, and light fixtures shall be operable and free from any visible damage or defect. All outlet covers and switch plates shall be fully intact with no cracks or damage.

2. Ground-fault circuit-interrupters (GFCI). All electrical convenience outlets installed in bathrooms and within six (6) feet of a water source, which includes a lavatory or kitchen sink shall have ground-fault circuit-interrupter protection, provided it can be installed without additional

Section 17. Building and Housing Code

- wiring to the main electrical service panel. As used in this section, a bathroom is an area with a tub or shower, with or without a lavatory.
3. **Stairway and hall lights.** Every public or common stairway, hallway, corridor, or breezeway in or leading into multifamily dwellings shall be lighted, by natural or artificial means, at all times.
 4. **Exterior entrances.** Every building serving four (4) or more rental housing units shall have the main building entrances lighted with specific lighting during nighttime hours. The entrances into individual rental housing units shall also be provided with specific lighting which shall be controlled either automatically or manually by a switch controlled by the tenant.
 5. **Mailboxes; multifamily.** Newly installed postal service "gang boxes" in buildings serving four (4) or more rental housing units shall be lighted with specific lighting during nighttime hours.
 6. **Installation and maintenance.** Every outlet, switch, and fixture shall be properly installed and maintained in sound condition. No owner, agent or manager shall provide, install or allow to be installed or used any frayed and exposed wiring; wiring unprotected by proper covering; fixtures in disrepair; tacked extension cording; or makeshift wiring, outlets or fixture repairs or which may injure a person.
- D. **Thermal environment.** Every rental housing unit shall contain safe heating equipment and system which are properly installed and maintained in sound condition and capable of providing adequate heating and cooling, appropriate for the climate, to assure a comfortable and healthy living environment.
1. **Heating and air conditioning requirements.** Every rental housing unit shall have heating and air conditioning, under the tenant's control, capable of safely heating and cooling all habitable rooms. Required heating shall be provided by permanently installed heating facilities in accordance with the Property Maintenance Code.
 2. **Unvented combustion heaters are prohibited.** No owner, agent or manager shall provide, install, or allow to be installed or used any unvented portable space heaters burning solid, liquid or gaseous fuels.
 3. **The use of a cooking appliances as a heater is prohibited.** No owner, agent or manager shall allow the use of any ovens, stoves or ranges, or other cooking appliances for the purpose of heating any portion of a dwelling.
- E. **Doors, windows, and ventilation.** Every rental housing unit shall have doors and windows which provide adequate natural light and ventilation to permit normal indoor activities and support the health and safety of the occupants while providing protection from the elements and privacy for the occupants.
1. **Sleeping rooms; natural light.** Every sleeping room within a rental housing unit shall have at least one exterior glazed opening, facing directly to the outside, to provide natural light.
 2. **Sleeping rooms; ventilation.** Every sleeping room within a rental housing unit shall have at least one openable exterior opening, vented directly to the outside air, to provide natural ventilation. Habitable rooms, except for sleeping rooms, shall not be required to meet the openable exterior opening requirement if mechanical ventilation is provided.

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3. **Glazing.** Glazed areas shall be soundly glazed and free from missing, loose, cracked or broken glass that may injure a person, allows the elements or vermin to enter the structure, allows air escape or infiltration, or otherwise diminishes the thermal efficiency of the structure.
 4. **Windows.** Windows shall be maintained in sound condition. Exterior windows shall fit the window openings and shall be properly sealed or weather-stripped in a manner that prevents the entrance of the elements or vermin or excessive air escape or infiltration. The fit of exterior windows shall not otherwise diminish the thermal efficiency of the structure.
 5. **Exterior doors.** Exterior doors leading into rental housing units shall fit the door openings and shall also be weather-stripped in a manner that prevents the entrance of the elements or vermin or excessive air escape or infiltration. The fit of exterior doors shall not otherwise diminish the thermal efficiency of the structure. Exterior doors, door hardware and door frames shall be maintained in sound condition and capable of the use intended by their design.
 6. **Interior doors.** Interior doors, door hardware and door frames shall be maintained in sound condition free from holes, breaks or cracks and capable of the use intended by their design. They shall also be capable of affording privacy to the occupants.
 - F. **Space and occupancy.** Every rental housing unit shall have sufficient access and space to allow for adequate living and sleeping conditions while providing for the occupant's health, safety, privacy and general welfare.
 1. **Rental Housing Unit Occupancy Load.** Every single dwelling unit (single-family) rental housing unit shall provide at least two hundred twenty (220) square feet of floor area for the first two (2) occupants and one hundred
- (100) square feet of floor area for each additional occupant. The floor area is to be calculated on the basis of total dwelling unit area.
 2. **Bedroom access.** In any rental housing unit that has more than one bedroom, access to any bedroom shall not be through another bedroom or a bathroom, unless approved by the Building Official.
 3. **Interior access.** In any rental housing unit, access to bedrooms and bathrooms shall be from within the unit.
 - G. **Safety and security.** Every rental housing unit shall have security devices which restrict unlawful entry, smoke detectors to provide fire safety and shall be maintained free from hazards to the health, safety or welfare of the occupants.
 1. **Tripping hazard on stairways.** Every inside and outside stairway shall be maintained in sound condition and free from any broken, rotted, or missing steps or tripping hazards.
 2. **Guardrail and enclosures on stairways.** Every stairway which exceeds thirty (30) inches in height shall be protected by a guardrail and enclosure material in sound condition.
 3. **Guardrail and enclosures on balconies and porches.** Every balcony or porch higher than thirty (30) inches above the ground shall be protected by a guardrail and enclosure material in sound condition.
 4. **Exterior doors.** Exterior doors leading into rental housing units or tenant storage rooms, which are reasonably accessible, shall have a locking device properly installed and in sound condition capable of the use intended by its design.
 5. **Windows.** Every operable window reasonably accessible from the outside shall have a locking device or devices

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properly installed and in sound condition capable of the use intended by its design. Such devices shall prevent opening, lifting or sliding of the locked window from the exterior of the unit.

6. **Smoke detectors.** Smoke detectors shall be installed in all existing rental housing units. The installation of smoke detectors shall at least meet the requirements specified in the International Code Council Property Maintenance Code (IPMC). The owner, agent, and/or manager shall be responsible for the installation, replacement of batteries, and maintaining appropriate records of required smoke detectors. Smoke detectors shall always be operable and batteries replaced annually, or on an as needed basis. Upon termination of a tenancy in any rental housing unit, the owner, owner's agent or manager shall insure that any required smoke detectors are operational prior to re-occupancy of the unit.

H. **Maintenance.** Every rental housing unit interior and exterior shall be maintained in a condition which provides the occupants with protection from the elements, a safe and healthy living environment and housing free from deterioration or slum-like conditions.

1. **Interior holes, cracks, or breaks.** Every floor, interior wall and ceiling, and all appurtenances thereto shall be kept in sound condition and free of holes, cracks or breaks that may injure a person, admit or harbor insects or rodents, admit dampness or restrict privacy. Every hole cut in floors, walls or ceilings for the passage of plumbing fixtures or pipes shall be sealed to prevent the passage of insects, rodents or vermin.

2. **Interior paint and plaster.** Every floor, interior wall and ceiling, cabinet and all appurtenances thereto shall be kept free of any loose, cracked, scaling, chipping or peeling

paint or plaster. All interior painted surfaces shall be painted with paint which is lead free.

3. **Floor coverings tripping hazards.** Floor coverings that are torn or loose and located on a stairway or within three (3) feet of a stairway shall be removed or repaired to prevent tripping. Tears in excess of six (6) inches and tears or projections rising one-quarter (¼) inch or more above the floor surface in any location present a tripping hazard and shall be repaired.

4. **Floor coverings deteriorated, unsafe, and/or unsanitary.** Floor coverings such as carpeting, tile, linoleum and similar materials shall be repaired or replaced when the floor covering is severely deteriorated or when the condition of the floor covering creates an unsafe or unsanitary environment.

5. **Exterior weather tight, watertight, and vermin proof.** Every foundation, roof and exterior wall shall be reasonably weather tight, watertight and vermin proof and shall be kept in sound condition.

6. **Exterior deteriorated or slum-like.** All exposed exterior surfaces shall be maintained so as to be impervious to moisture and weather elements and every rental housing unit shall be free of broken, rotted, split or buckled exterior wall coverings or roof coverings. All exposed exterior surfaces shall not otherwise present a deteriorated or slum-like appearance and will meet the specific requirements which follow:

- i. All exterior wood surfaces shall be protected from the elements and from deterioration by paint or other protective treatment; except such wood surfaces composed of wood that is naturally resistant to decay;
- ii. All exterior painted surfaces shall be painted with paint that is lead free and shall be free of loose, cracked, scaling,

- iii. chipping or peeling paint in such amounts as to present a deteriorated or slum-like appearance;
Roof coverings shall be watertight and weather tight and shall be free of broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated or slum-like appearance. All roofing materials shall meet the requirements of all adopted codes and ordinances.
7. **Maintenance of swimming pools, water features, and spas.** All swimming pools, water features, and spas shall be properly maintained so as not to create a safety hazard, harbor insect infestation, or create a deteriorated or slum-like appearance.
8. **Stagnant water.** All premises shall be maintained so as to prevent the accumulation of stagnant water when such water causes a hazardous or unhealthy condition, becomes a breeding area for insects or causes damage to foundation walls.
9. **Infestation.** Every rental housing unit and premises shall be kept free from insect, rodent or vermin infestation. Every rental housing unit and premises shall be free from the presence or apparent evidence of insect or rodent infestation, other noxious pests, nesting places and any other unsightly or unsanitary accumulation which may harbor insects, rodents or other vermin.
10. **Maintenance of facility and equipment.** Every supplied facility, piece of equipment or utility shall be so constructed, installed and maintained so that it will function safely and effectively and remain in sound condition.
11. **Discontinuation of services.** No owner, agent or manager shall cause any services, facilities, equipment or utilities which are required under this code to be removed from,

12. shut off or discontinued in any occupied rental housing unit except for such temporary interruption as may be necessary while actual repairs or alterations are in process.
Responsibility for maintenance. It shall be the responsibility of the owner, agent, and manager to provide for the interior and exterior maintenance of the rental housing unit and premises.
- 17.6.4. **Administration and Enforcement.**
 - A. **Commencement of action.**
 1. The Community Development Department is assigned the primary responsibility of overseeing and with code enforcement, enforcing this chapter and is granted the authority expressly and impliedly needed and necessary for enforcement.
 2. Nothing in this section shall preclude employees of the Community Development Department from seeking voluntary compliance with the provisions of this section or from enforcing this section, proactively or reactively, through warnings, citations, or other such devices designed to achieve compliance in the most efficient and effective manner under the circumstances.
 3. Fees and re-inspection fees shall be established by resolution of the Mayor and Board of Aldermen.
 - B. **Transfer of property after notice.**
 1. **Written assumption of responsibility.** The transfer of any or all property interest in any manner, including but not limited to, the sale, trade, lease, gift, or assignment of any real property against which a citation has been issued or allegations of violations have been filed with the court shall not relieve the parties unless the legal entity assuming interest in such property, in writing, assumes responsibility for compliance with the notice to comply or

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alleged violations and a copy of such writing is presented to the city.

2. **Criminal violation.** Any legal entity, real or statutory, who transfers the ownership interest in real property, against which a citation has been issued or allegations of violations have been filed with the court, shall be guilty of a class 1 misdemeanor unless they have obtained a written acceptance of responsibility for compliance with the citation or court action from the new owner.

C. **Vacation of tenants; re-occupancy.**

1. **Comply even if vacated.** An owner, agent or manager served with a citation or enforcement proceeding for violations of Section 17.6 shall not be relieved from responsibility to comply because the tenant(s) have vacated the rental housing unit.

2. **Compliance before re-occupancy.** The owner, agent or manager of a rental housing unit shall not lease, rent or otherwise make available for occupancy by tenants any unit against which a citation has been issued or an enforcement action has been instituted until the violations contained in the citation or enforcement proceeding have been corrected.

3. **Utility services.** The community development department may ask that a hold be placed on transfer of utility service to a new tenant until any outstanding enforcement actions on the unit are resolved.

- D. **Conflict of ordinances.** In any case where a provision of this section is found to be in conflict with a provision of Unified Development Code, Technical Codes, or Code of Ordinances, existing on the effective date of this code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the community shall prevail.

Attachment 10- Section 18 Definitions

Section 18. DEFINITIONS (proposed updates and additions)

Agent- A person with express written consent to act upon another person's behalf (See "Applicant") and/or a person authorized by the owner of a rental housing unit to make or order repairs or service to the unit and authorized to receive notices on behalf of the owner.

Administrative Inspection Warrant - a warrant issued by a Judge or any other person of similar authority enabling an inspector with enforcement powers granted by the City of Starkville to check and verify compliance and/or enforce compliance of the Unified Development Code.

Building official- The City official responsible for issuance of building permits and the administration and enforcement of the Rental Housing Code.

Deterioration- A lowering in quality of the condition or appearance of a building, structure or premises characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, damage or lack of maintenance.

Dwelling or dwelling unit- A house or other building used for residential purposes including accessory use areas, except that the word "dwelling" shall not include boardinghouses or rooming houses, bed and breakfast inns, Airbnb, weekend rentals, gameday rentals, tents, tourist camps, hotels, trailers, trailer camps, or other structures designed or used primarily for transient residents.

Exterior opening- An open or closed window, door or passage between interior and exterior spaces.

IPMC- The International Property Maintenance Code adopted by the City of Starkville.

Legal entity- An association, cooperation, partnership, or individual that has legal standing in the eyes of the law.

Makeshift- Not in accordance with the requirements of this code, any ordinance of the city or rules or regulations adopted thereunder, accepted practices, prevailing standards, design of a licensed contractor or manufacturer's recommendation.

Manager- Any person who has charge, care or control of a rental housing unit.

Rental Housing Unit- Any portion of a dwelling for which payment or other consideration is being made to an owner, agent, or manager for the use or occupancy of that portion as an independent living facility, excluding transient occupancy such as hotels and motels. It also means each apartment or each rental unit within an apartment complex.

Slum-like- The unsightly condition of a building, structure or premises characterized by deterioration or other similar conditions and the visible outdoor storage of junk, garbage or rubbish, regardless of the condition of other properties in the neighborhood.

Sound condition- Free from decay or defects and in good working condition.

Specific lighting- Any artificial illumination which was designed and installed to provide adequate lighting for a specific area.

Rental Housing Unit Storage- Placing or leaving personal property in a location for the purpose of preservation, seasonal or future use or disposal. No upholstered furniture may be stored on porches.

Vehicle- A self-propelled device used for transportation of people goods over land surfaces and licensed as a motor vehicle.