

AMENDMENT #1

“2.4.3 Composition” of the City of Starkville Unified Development Code is hereby *amended* as follows:

2.4.3 Composition

- A. The Historic Preservation Commission shall consist of five (5) members appointed by the Board of Aldermen. Each member shall be a qualified elector and resident of the City at the time of appointment and during incumbency.
- B. All Commission members shall have a demonstrated knowledge of, or interest, competence, or expertise in historic preservation. To the extent available in the community, the City shall appoint professional members from the historic preservation discipline and related disciplines, such as architecture, landscape architecture, urban design, construction, urban planning, history, architectural history, cultural geography, archeology, anthropology, law, real estate, and related fields.

AMENDMENT #2

“3.16 Certificates Of Appropriateness And Historic Districts” of the City of Starkville Unified Development Code is hereby *amended* as follows:

3.16 Certificates Of Appropriateness And Historic Districts

The purpose and intent of this article is that no exterior feature of any historic resource within a locally designated historic district shall be altered, relocated, or demolished until after an application for a certificate of appropriateness of such work has been reviewed by the Historic Preservation Commission and approved by the Board of Aldermen. Likewise, no construction that affects a historic resource shall be undertaken without a certificate of appropriateness unless the project's scope consists only of routine maintenance (i.e.: repainting, replacing asphalt shingle roofs with like materials, repairing existing materials with like kind materials, etc.) executed in conformance with the Secretary of the Interiors Standards or the work consists solely of interior modifications or repairs. The City Planner shall determine if a proposed repair is classified as routine maintenance or will require a Certificate of Appropriateness. Sections 4 - 11 of the *Standards for Starkville's Historic Districts* (Preziosi 2012) may be used by the Historic Preservation Commission for guidance during a review for a Certificate of Appropriateness.

AMENDMENT #3

REPEALED

“3.19 Enforcement And Penalties For Violations” of the City of Starkville Unified Development Code is hereby *repealed* as follows

3.19.1 Enforcing Officer (*Repealed*)

The provisions of this Code shall be administered by the Chief of Police and enforced by the Code Enforcement Officer or other appropriate city employee(s). The Building Official, Code Enforcement Officer, or other appropriate City employee(s) shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary in carrying out their duties in the enforcement of this Code.

3.19.2 Code Enforcement Action (*Repealed*)

The following shall be the general process for issuance of a violation:

- A. Discovery by a code enforcement officer, city official, or receipt of a report of an alleged violation of the Code of Ordinances;
- B. Verification of violation;
- C. For a case of nuisance or noncompliance with an ordinance, issue a written warning or a courtesy notice to the owner of the property, allowing ten (10) calendar days to correct the violation. after ten (10) calendar days from the issuance of a written warning or courtesy notice, issue a Notice of Violation to the owner of the property and/or a responsible party or agent alleged violation occurred;
- D. After issuance of a written warning or courtesy notice, reinspect the code violation for compliance;
- E. If the violation continues, a summons will be issued and turned over to Municipal Court for a hearing;
- F. For a case of public health and safety that requires immediate attention, issue a written Violation Notice to the owner of the property and/or a responsible party or agent where the alleged violation occurred.
- G. For a case of public health and safety or for a case of nuisance or noncompliance with an ordinance, the Judge can issue a judgment against the violator which can result in fines, assessments, additional fees, and,
- H. Any entity violating any provision of this article shall be deemed guilty of a civil penalty and fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000) per day of violation
- I. Each day such violation continues shall constitute a separate offense.

3.19.3 Remedies (*Repealed*)

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure, land subdivision/platting, land re- subdivision or replatting, or land is used in violation of this ordinance, the city, in addition to other remedies, may institute any appropriate action or proceedings under city ordinance and state law to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Specific remedies may include the following as well as any other remedies permitted under Mississippi State Law.

3.19.4 Specific Remedies (*Repealed*)

Specific remedies for the violation of any provision of this ordinance may include the following:

A. Permit Revocation.

The Building Official may revoke any building permit and the City Planner may revoke any planning permit issued by staff after written notification to the permit holder when violations of this ordinance have occurred when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, or a permit has been mistakenly issued in violation of this ordinance.

B. Stop Work Orders.

Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this ordinance, the Building Official may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing posted on the property, stating the specific work to be stopped, and the specific reasons for the stop work order.

C. Penalties.

Any person, firm, or corporation who shall knowingly and willfully violate any terms, conditions, or provisions of the Unified Development Codes shall, upon being found guilty of such violation, shall pay a fine of not to exceed one thousand dollars (\$1,000.00)., In the case of continuing violations without reasonable effort on the part of the violating person, firm, or corporation to correct the same as determined by the municipal judge, each day the violation continues thereafter shall be a separate offense.

D. Injunction.

The city may, either before or after the institution of other authorized action, seek injunctive relief from any appropriate court, commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

E. Order of Abatement.

In addition to an injunction, the city may seek an order of abatement from any appropriate court, directing any or all of the following actions:

1. Buildings or other structures on the property be closed, demolished, or removed.
2. Fixtures, furniture, or other movable property be moved or removed entirely.
3. Improvements, alterations, modifications, or repairs be made or removed.
4. Any other action be taken that is necessary to bring the property into compliance with this ordinance.

F. Withholding Approvals. Any violation of this ordinance shall constitute grounds for withholding new building permits, sign permits, or certificate of occupancy for structures that are directly related to the violation until the violation has been corrected, including the payment of all fines and fees.

G. Subdivision Violations. The Developer of a subdivision shall not transfer title to any lot in such subdivision until such time as the final plat has been approved by the appropriate authority as outlined in this ordinance and duly recorded in the office of the Chancery Clerk of Oktibbeha County, Mississippi. Transfers prior to such approval and recording shall be deemed a violation of this ordinance and shall be subject to any and all remedies available to the city.

H. Recording Violations. The Chancery Clerk of Oktibbeha County, Mississippi shall not receive, file, or record a plat of a subdivision within the jurisdiction of this Unified Development Code without prior approval of the appropriate authority as outlined in this ordinance. Plats recorded prior to such approval shall be deemed unlawful and invalid.

I. Continuing Violations. If a violation is repeated within a two (2) year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies. A repeat violation is one which is identical to or reasonably similar to a previous violation for which a warning citation or civil citation has been

issued by the city.

3.19.5 Enforcement Of The Accessible And Usable Buildings And Facilities (*Repealed*)

- A. Violation by any person of the provisions of the technical code ICC 2017 Accessible and Usable Buildings and Facilities, shall, upon conviction thereof, be deemed guilty and shall be fined a civil penalty not less than not less than one hundred dollars (\$100).
- B. Each twenty-four (24) hour period after notice is given by the Code Enforcement Officer or other appropriate city employee(s) shall be considered a separate offense.

3.19.6 Enforcement Of Erosion Control Provisions (*Repealed*)

- A. Any entity violating any provision of this article shall be deemed guilty of a civil penalty and fined not less than five hundred dollars (\$500.00) nor more than one thousand (\$1,000) dollars per day of violation.
- B. Each twenty-four (24) hour period after notice is given by the City Engineer, Building Official, or other appropriate City employee(s) shall be considered a separate offense hereunder.
- C. An entity found guilty of such violation who fails to remove the sediment after notice is given, shall be required to pay to the city restitution equaling the costs and expenses of removal. In calculating the costs and expenses incurred by the City, a reasonable rate shall be charged for the use of all City equipment and employees, with such rate to be at least equal to the costs of contracting the removal of such sediment with a private entity.

3.19.7 Enforcement Of Historic District Provisions (*Repealed*)

The following penalties may be imposed upon those persons, firms, or corporations found to have violated requirements or prohibitions contained within this Code for historic districts:

- A. Any person who constructs, alters, relocates, or demolishes any resource in violation of this Code shall be required to restore the historic resource to its appearance or setting prior to the violation. Any action to enforce this provision shall be brought by the City of Starkville. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty.
- B. If construction, alteration, or relocation of any historic resource occurs without a certificate of appropriateness, then the license of the company, individual, principal owner, or its or his/her successor in interest performing such construction, alteration, or relocation shall be revoked for a period of three (3) years.
- C. If the demolition of a historic resource occurs without a certificate of appropriateness, then any permits on the subject property will be denied for a period of three (3) years. No permit will be issued for any structure or structures proposed for the same parcel that would require a footprint larger than the footprint of the demolished structure, or structures. In addition, the owner must rebuild on the site using as much of the original building material as possible, and in general following the same form. In addition, unauthorized demolition of a portion of a structure shall not serve as justification for a demolition permit whenever it can be shown that restoration or rehabilitation would still be feasible. The applicant shall not be entitled to have issued to him/her by any City office a permit allowing any curb cuts on the subject property for a period of three (3) years from and after the date of such demolition.
- D. If a historic landmark or landmark site of statewide or national significance is demolished without review and approval by the Historic Preservation Commission, no permit for any construction on the parcel from which the landmark or landmark site has been removed may be issued for a period of up to twenty-four (24) months.
- E. If the demolition of a historic resource occurs without a certificate of appropriateness, then the license of the company, individual, principal owner, or their successor in interest performing such

demolition shall be revoked for a period of five (5) years.

- F. The fine imposed upon the determination of a violation shall be not less than one hundred dollars (\$100) nor more than five hundred (\$500). Each day that a violation continues shall constitute a separate offense.

“3.19 Enforcement And Penalties For Violations 2” of the City of Starkville Unified Development Code is hereby *added* as follows:

ADDED

3.19.1 Purpose (Added)

Whenever a violation of the Unified Development Code is found, the Code Enforcement Officer(s), Building Official, City Engineer, City Planner, and/or their designee(s) shall follow the process and procedures for issuance of a code violation.

3.19.2 Code Enforcement (Added)

The provisions of this Code shall be enforced by the Code Enforcement Officer(s), Building Official, City Engineer, City Planner, and/or their designee(s).

3.19.3 Responsible Persons Or Parties (Added)

- A. Any person owning, leasing, using, managing, or occupying any building, sign, structure, or land where there is placed, removed, altered, expanded, or there now exists anything contrary to the Unified Development Code and any adopted Technical Codes; any regulation, rule, or order adopted according to the applicable sections; any certificate of appropriateness, use exception, special exception or variance issued according to the Unified Development Code; or a lawful plan approved under the Unified Development Code.
- B. Any architect, designer, engineer, agent, or any other person who acts in concert with, participates, directs, or assists in the creation or continuation of a violation of the Unified Development Code and any adopted Technical Codes; any regulation, rule, or order adopted according to the applicable sections; any certificate of appropriateness, use exception, special exception or variance issued according to the Unified Development Code; or a lawful plan approved under the Unified Development Code.
- C. Any builder, contractor, or any other person who shall erect, expand, relocate, reconstruct, alter, or use any land, structure, sign, tree, or building contrary to the Unified Development Code and any adopted Technical Codes; any regulation, rule, or order adopted according to the applicable sections; any certificate of appropriateness, use exception, special exception or variance issued according to the Unified Development Code; or a lawful plan approved under the Unified Development Code.
- D. Any person who shall fail, neglect, or refuse to do any act as required by the Unified Development Code and any adopted Technical Codes; any regulation, rule, or order adopted according to the applicable sections; any certificate of appropriateness, use exception, special exception, or variance issued according to the Unified Development Code; or a lawful plan approved under the Unified Development Code.

3.19.4 Actions (Added)

The following shall be the general process for issuance of a violation:

- A. **Discovery.** Discovery by a Code Enforcement Officer, Building Official, City Engineer, City Planner, and/or their designee, or by being made aware of an alleged Violation of the Unified Development Code
- B. **Verification.** Verification of alleged violation by a Code Enforcement Officer, Building Official, City Engineer, City Planner, and/or their designee. When necessary, Code Enforcement may obtain an Administrative Search warrant for the purpose of verification of an alleged violation.
- C. **Determination of Case Type and Enforcement Action.** The Code Enforcement Officer will select the appropriate case type from section 3.19.5 to determine the enforcement action to seek compliance from the responsible persons or parties. The Building Official, City Engineer, City Planner, and/or their designee may assist in determining case type as needed.

3.19.5 Case Types And Enforcement Action (*Added*)

A. Nuisance or Noncompliance with the Unified Development Code

- 1. A written Notice of Violation shall be issued to the responsible persons or parties, allowing a Correction Period of up to ten (10) calendar days to correct the violation. Additional time for the Correction Period may be allowed with a written explanation of the extension by Code Enforcement. At the end of the Correction Period, Code Enforcement shall reinspect the code violation for compliance.
- 2. If the violation has been corrected, no further action may be taken.
- 3. If the violation is not immediately corrected or corrected within the Correction Period, the city may seek injunctive relief, requiring immediate correction. In addition, a summons will be issued and turned over to the Municipal Court for a hearing.
- 4. For a case of nuisance or noncompliance with the Unified Development Code, the Judge can issue a judgment against the responsible persons or parties, which may result in but is not limited to Remedies and Penalties found in section 3.19.6.

B. Imminent Threat to the Public Health, Safety, and Welfare

- 1. If the violation requires immediate action due to an imminent threat to public health, safety, and welfare, a written Notice of Violation shall be issued to the responsible persons or parties where the alleged violation is occurring or has occurred.
- 2. If the violation is immediately corrected, no further action may be taken.
- 3. If the violation is not immediately corrected, the city may seek injunctive relief, requiring immediate correction. In addition, a summons will be issued and turned over to the Municipal Court for a hearing.
- 4. For a case of imminent threat to the public health, safety, and welfare, the Judge may issue a judgment against the responsible persons or parties, which may result in but is not limited to Remedies and Penalties found in section 3.19.6.

C. Working Without a Permit

- 1. A written Notice of Violation shall be issued to the responsible persons or parties, requiring either immediate action or allowing a Correction Period to be determined by the Building Official or their designee to correct the violation. A stop work order may be issued for either part or all of the work at the site during the Correction Period by the Building Official or their designee, and posted at the subject property or parcel of land as described in 3.19.6.C. At the end of the Correction Period, the Building Official or their designee shall reinspect for compliance.
- 2. If the violation is immediately corrected or corrected within the Correction Period, no further action may be taken, and the stop work order may be removed.
- 3. If the violation is not immediately corrected or corrected within the Correction Period, the city may seek injunctive relief, requiring immediate correction. In addition, a summons will be issued and turned over to the Municipal Court for a hearing.
- 4. For a case of working without a permit, the Judge may issue a judgment against the responsible persons or parties, which may result in but is not limited to Remedies and Penalties found in section 3.19.6

D. Tree Protection, Landscape Requirements, Mowing Standards and Vegetative Standards

1. A written Notice of Violation shall be issued to the responsible persons or parties, requiring either immediate action or allowing a Correction Period to be determined by Code Enforcement, Building Official, and/or City Planner to correct the violation. A stop work order may be issued for all other work at the site during the Correction Period by Code Enforcement, Building Official, and/or City Planner and posted at the subject property or parcel of land as described in 3.19.6.C. At the end of the Correction Period, Code Enforcement, Building Official, and/or City Planner shall reinspect for compliance.
2. If the violation has been corrected, no further action may be taken.
3. If the violation is not immediately corrected or corrected within the Correction Period, the city may seek injunctive relief, requiring immediate correction. In addition, a summons will be issued and turned over to the Municipal Court for a hearing.
4. For a case of violation of any tree protection or landscape requirements of the Unified Development Code, the Judge may issue a judgment against the responsible persons or parties, which may result in but is not limited to Remedies and Penalties found in section 3.19.6.

E. Stormwater, Land Disturbance, and Erosion Control

1. A written Notice of Violation shall be issued to the responsible persons or parties, requiring either immediate action or allowing a Correction Period to be determined by Code Enforcement, Building Official, and/or City Engineer to correct the violation. A stop work order may be issued for all other work at the site during the Correction Period by Code Enforcement, Building Official, and/or City Engineer and posted at the subject property or parcel of land as described in 3.19.6.C. At the end of the Correction Period, Code Enforcement, Building Official, and/or City Engineer shall reinspect for compliance.
2. If the violation has been corrected, no further action may be taken.
3. If the violation is not immediately corrected or corrected within the Correction Period, the city may seek injunctive relief, requiring immediate correction. In addition, a summons will be issued and turned over to the Municipal Court for a hearing.
4. For a case of violation of the stormwater, land disturbance, and erosion control requirements of the Unified Development Code, the Judge may issue a judgment against the responsible persons or parties, which may result in but is not limited to Remedies and Penalties found in section 3.19.6.

F. Property or Parcel is a Menace to the Public Health, Safety, and Welfare

1. Upon verification of the alleged violation by the Building Official, the Code Enforcement Officer shall provide a notice to the property owner of a public hearing with the Board of Aldermen in compliance Miss. Code Ann. § 21-19- 11.
2. If the subject property or parcel of land is found by the Board of Aldermen to be in such condition as to be a menace to the public health, safety, and welfare of the community, the Board of Aldermen may issue a judgment against the responsible persons or parties, which may result in but is not limited to Remedies and Penalties found in section 3.19.6.

3.19.6 Remedies And Penalties (Added)

- A. **Civil Penalties.** Any responsible persons or parties found in violation of Unified Development Code upon being found guilty, shall be guilty of a civil penalty and fined not more than one thousand dollars (\$1,000) per day of violation unless specifically stated otherwise in Section 13. Each day such violation continues shall constitute a separate offense.
- B. **Permit Revocation.** The Building Official may revoke any building permit and the City Planner may revoke any planning approval issued by staff after written notice of violation to the responsible persons or parties when violations of the Unified Development Code and/or any provision of the adopted Technical Codes have occurred when false statements or misrepresentations were made in securing the permit, work is being or has been done in a substantial departure from the approved application or plan, or a permit has been mistakenly issued in violation of this ordinance.

- C. **Stop Work Orders.** Whenever a building, structure, site, or part thereof is being constructed, demolished, renovated, altered, or repaired in violation of any applicable provision of the Unified Development Code and/or any provision of the adopted Technical Codes, the Building Official or City Engineer may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be posted in writing on the property, stating the specific work to be stopped and the specific reasons for the stop work order.
- D. **Injunction.** The city may, before or after the institution of other enforcement action, seek injunctive relief from any appropriate court, commanding the Responsible Persons and Parties to correct the violation.
- E. **Order of Abatement.** In addition to an injunction, the city may seek an order of abatement from any appropriate court, directing any or all of the following actions:
1. Buildings, site, or other structures on the property be closed, demolished, or removed.
 2. Fixtures, furniture, or other movable property be moved or removed entirely.
 3. Improvements, alterations, modifications, or repairs be made or removed.
 4. That removed trees or required landscape be replaced.
 5. Any other action be taken that is necessary to bring the property into compliance with this ordinance.
- F. **Withholding Approvals.** Any Responsible Persons or Parties currently under enforcement action and/or having been found guilty of a violation of the Unified Development Codes and the adopted Technical Codes may have permits and approvals for any property, project, or site withheld at the discretion of the Building Official, City Engineer, and/or City Planner.
- G. **Additional Remedies for Demolition without Certificate of Appropriateness.** If any historic resource located within a designated local historic district, designated landmark, and/or designated landmark site is altered, relocated, damaged, or demolished without a required Certificate of Appropriateness, any appropriate court may impose any of the following additional remedies:
1. Require the responsible persons or parties to rebuild the demolished structure on the subject parcel, generally following the same form and using as much of the original building material as possible;
 2. Prohibit issuance of any development permit or approval for any structure proposed on the subject parcel that would have a footprint larger than that of the demolished structure;
 3. Prohibit issuance of any permit or approval for development on the subject parcel for up to the maximum time allowed by state law.
- H. **Continuing Violations.** If a violation is repeated within a two (2) year period from the date of the initial Notice of Violations, it may be considered to be a continuation of the initial violation and may be subject to additional penalties and remedies. A repeat violation is one which is identical to or reasonably similar to a previous violation for which an Enforcement Action has been started.

AMENDMENT #4

“5.2 Base Dimensional Standards” of the City of Starkville Unified Development Code is hereby *amended* as follows:

5.2.A Lot Width

Form-Based Districts				
A. Lot Width	T-4	T-5D	T-5C	T-5U
A1. Min	18’	25’	25’	25’

AMENDMENT #5

“Use Chart - Commercial” of the City of Starkville Unified Development Code is hereby *amended* as follows:

<u>Commercial</u>	Residential Use Districts
	R N
Recreational and Entertainment: Outdoors-Commercial sec.13.7.19	SE

P = Permitted Use , A= Permitted Use with Additional Standards, UE = Use Exception, SE = Special Exception, -- =Not Permitted

AMENDMENT #6

“13.5.1 Dwelling, Detached” of the City of Starkville Unified Development Code is hereby *amended* as follows:

13.5.1 Dwelling, Detached

- A. **Definition:** A residential structure containing one (1) dwelling unit that is not attached to any other dwelling by any means.
- B. **Parking:**
 - 1. One (1) parking space per bedroom for all new construction.
 - 2. See zoning district base dimensional standards for parking location and setback requirements.
- C. **Loading:** Loading/unloading areas accommodating delivery of materials to and from the premises are not permitted or required.
- D. **Additional Standards:**
 - 1. See zoning district general provisions for density requirements and other standards.
 - 2. See zoning district base dimensional standards for location, setbacks, and height requirements.
 - 3. If approved by Special Exception to be located within a C (Commercial) or CN (Commercial Neighborhood) zoning district, the dimensional standards and development standards shall be determined as part of the Special Exception approval.

AMENDMENT #7

“13.5.8 Dwelling, Manufactured And Modular Home” of the City of Starkville Unified Development Code is hereby *amended* as follows:

13.5.8 Dwelling, Manufactured And Modular Home

A. Definition:

1. Manufactured home- A factory-built single-unit structure that is manufactured under the authority of 42 U.S.C., Sec. 5401, the National Federal Manufactured Home Construction and Safety Standards Act, is transportable in two (2) or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent non-removable hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have non-removable wheels or hitch-axles, permanently attached to its body or frame. Manufactured homes shall not include travel trailers, camper trailers, campers, self-contained motor homes, or camper buses. A mobile home shall be defined as a residential dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, and built prior to enactment of the Federal Manufactured Home Construction and Safety Standards. Mobile homes shall not be placed or moved to another lot within the city limits of Starkville. Manufactured homes with more than one (1) unit within one (1) structure are not permitted in any zoning district.
2. Modular home- A dwelling built and delivered to a site in two (2) or more sections, meeting City’s current adopted building codes when connected to the required utilities.

B. Parking:

1. One (1) parking space per bedroom for all newly placed manufactured or modular home.
2. See zoning district base dimensional standards for parking location and setback requirements.

C. Loading: Loading/unloading areas accommodating delivery of materials to and from the premises are not permitted or required.

D. Additional Standards:

1. Homes shall be anchored according to International Building Code requirements.
2. Homes shall bear the FMHCCS Label or Seal of Compliance.
3. Homes shall have horizontal siding. At a minimum, the exterior siding shall consist predominantly of vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint, wood or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
4. Homes shall have a minimum of a 3/12 roof pitch with asphalt shingles.
5. All homes shall be placed on the lot in harmony with the existing site-built structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the street providing access to the site.
6. The towing tongue, wheels, and hitch-axle shall be removed upon final placement of the unit.
7. All manufactured homes shall be placed on permanent masonry foundations with appropriate screening of the foundations. The foundation shall not be visible from the street or adjacent properties.
8. All manufactured homes shall have either a deck or porch with steps at each entrance constructed and installed in accordance with the standards set forth by the International Building Code. The minimum square footage of the floor of such porch or deck shall measure at least thirty-six (36) square feet.
9. No manufactured and modular home more than ten (10) years old may be relocated or moved onto any lot within the city limits of Starkville.
10. See zoning district general provisions for density requirements and other standards.
11. See zoning district base dimensional standards for location, setback, and height requirements.

AMENDMENT #8

“13.5.11 Residential First Floor” of the City of Starkville Unified Development Code is hereby *amended* as follows:

13.5.11 Residential First Floor

A. **Definition:** Any residential use on the first (1st) floor of a building adjacent to the primary street.

B. Parking:

1. In form-based districts, one (1) parking space per bedroom is required. In all other zoning districts, one and a quarter (1.25) parking spaces per bedroom are required for all new construction.
2. See zoning district base dimensional standards for parking location and setback requirements.

C. **Loading:** Loading/unloading areas accommodating delivery of materials to and from the premises are not permitted or required.

D. Additional Standards:

1. In T-5C, T-5U, and TND residential uses shall not be placed on the first (1st) floor corner of any building adjacent to a street. Residential uses on the first floor of any secondary building adjacent to a secondary street on a corner lot may be permitted to have residential on the first (1st) floor if approved by either the City Planner or by Special Exception.
2. In T-5C, T-5U, and TND zoning districts, All residential units adjacent to the primary street, if permitted, shall face and be accessed from the primary street. Shared entrances can only be used for up to two (2) ground floor units on the first (1st) floor.

AMENDMENT #9

“13.6.1 Assisted Living Facility” of the City of Starkville Unified Development Code is hereby *amended* as follows:

13.6.1 Assisted Living Facility

A. **Definition:** A type of housing and limited care facility that is designed for senior citizens or those with physical or mental disabilities who need some assistance with daily activities but do not require full-time care.

B. Parking:

1. One (1) space is required for every two (2) employees plus one (1) visitor space for each four (4) beds.
2. See zoning district base dimensional standards for parking location and setback requirements.

C. Loading:

1. Loading docks, if provided, shall not be visible from the street.
2. Trucks delivering materials to and from the premises shall not be permitted to unload on the right-of-way.

D. Additional Standards:

1. The lot size for an assisted living facility shall be a minimum of three (3) acres.
2. If located within a residential zoning district, the Section 7 Commercial Use Districts dimensional standards CN (Commercial Neighborhood) and Section 14 Development Standards for CN (Commercial Neighborhood) shall be followed.

AMENDMENT #10

“13.6.5 Community And Civic Associations” of the City of Starkville Unified Development Code is hereby *amended* as follows:

13.6.5 Community And Civic Associations

- A. **Definition:** Community serving organizations, headquarters, and meeting facilities for organizations operating on a membership, non-profit, and for profit basis for the promotion of the interests of the members and/or the community, including but not limited to facilities for: business associations, civic, social organizations, public service organizations, political organizations, professional membership organizations, and other membership organizations, labor unions and educational facilities.
- B. **Parking:**
 - 1. In form-based districts no parking minimums are established. In all other zoning districts one (1) space per two hundred and fifty (250) square feet of floor area is required.
 - 2. See zoning district base dimensional standards for parking location and setback requirements.
- C. **Loading:**
 - 1. A loading space may be required by the City Planner.
 - 2. Loading docks shall not be visible from the street.
 - 3. Trucks delivering materials to and from the premises shall not be permitted to unload on the right-of-way except in T-5D, T-5C, and T-5U zoning districts. Deliveries in T-5D, T-5C, and T-5U zoning districts shall be scheduled to not interfere with peak traffic times.
- D. **Additional Standards:**
 - 1. For existing buildings at the time of the adoption of the code located in a TN- E, a community and civic association use shall be allowed if approved Board of Aldermen as a use exception or special exception within the existing building(s). Any expansion of the existing building shall be approved as part of a special exception request. Any additional parking shall not be located within the front yard.
 - 2. For new buildings in a T-4, TN-N, and TN-E zoning district, the maximum square footage shall be limited to fifteen hundred (1,500) square feet unless additional square footage is approved as part of a special exception request. Setbacks shall comply with the residential infill standards for the zoning district and parking shall not be located in the front yard.
 - 3. If located within a residential zoning district, the Section 7 Commercial Use Districts dimensional standards CN (Commercial Neighborhood) and Section 14 Development Standards for CN (Commercial Neighborhood) shall be followed.

AMENDMENT #11

“13.6.6 Convalescent, Rest, And Nursing Homes” of the City of Starkville Unified Development Code is hereby *amended* as follows:

13.6.6 Convalescent, Rest, And Nursing Homes

- A. **Definition:** A health facility where persons are housed and furnished with medical and/or nursing care for short or long stays.
- B. **Parking:**
 - 1. Parking shall be provided at a rate of one (1) space for each four (4) beds plus one (1) space for each employee on a shift.
 - 2. See zoning district base dimensional standards for parking location and setback requirements.
- C. **Loading:**

1. A loading space may be required by the City Planner
2. Loading docks shall not be visible from the street.
3. Trucks delivering materials to and from the premises shall not be permitted to unload on the right-of-way.

D. Additional Standards:

1. Facilities in the TN-N and O districts shall accommodate no more than fifty (50) residents.
2. Facilities in the TN-N and O districts shall be architecturally harmonious with the surrounding neighborhood in regards to massing, materials, fenestration, and scale.
3. The main entrance to buildings adjacent to a street shall be accessed directly from and face the street.
4. Facilities must provide a separate entry for patients being delivered by ambulance in addition to the main entry to the facility.
5. The facility shall have a minimum lot size of three (3) acres.
6. If located within a residential zoning district, the Section 7 Commercial Use Districts dimensional standards CN (Commercial Neighborhood) and Section 14 Development Standards for CN (Commercial Neighborhood) shall be followed.

AMENDMENT #12

“13.6.11 Life Care Communities” of the City of Starkville Unified Development Code is hereby *amended* as follows:

13.6.11 Life Care Communities

A. Definition: A type of Continuing Care Retirement Community that provides independent living, assisted living, and nursing home care. Such facilities require a long-term, upfront financial commitment that, in turn, guarantees housing, services, and nursing care all in one location through the end of life.

B. Parking:

1. One (1) space is required for each dwelling unit in an independent living facility, one (1) space for each four (4) bedrooms in the assisted living facility, one (1) space for each ten (10) beds in the nursing home care facility; plus, one (1) space for each employee on a shift, and a minimum of ten (10) spaces for visitors.
2. See zoning district base dimensional standards for parking location and setback requirements.

C. Loading:

1. No use-specific requirement except that a separate entrance for loading or unloading ambulances or other emergency vehicles must be provided.
2. A loading space may be required by the City Planner.
3. Loading docks shall not be visible from the street.
4. Trucks delivering materials to and from the premises shall not be permitted to unload on the right-of-way.

D. Additional Standards:

1. If located in or adjacent to an existing neighborhood of detached houses, all buildings shall be architecturally harmonious with the surrounding neighborhood in regards to massing, materials, fenestration, and scale.
2. The main entrance to each building and independent living units adjacent to a street shall be accessed directly from and face the street. Buildings and independent living units on corner lots shall be designed so that each side facing the public street is a front facade.
3. All land used for the community shall be contiguous and shall not be divided or transected by existing public roads, private roads granting an easement(s) to tracts of land not located in the

- community, or natural features which would visually or functionally divide the development.
4. All buildings shall be limited in occupancy to persons aged fifty-five (55) years or older, the physically handicapped, and their spouses except for rooms or units occupied by resident staff personnel performing duties directly related to the operation of the facility.
 5. Driveway access to accessory structures shall be through the main entrance to the community and not located on a public street.
 6. Sidewalks meeting city standards shall be provided between accessory dwellings, the principal building(s), and all common facilities such as dining halls and recreation centers.
 7. No single building shall be greater than forty thousand (40,000) square feet if located within five hundred (500) feet (as measured in any direction from the closest point) from an adjacent detached dwelling residential neighborhood.
 8. The facility shall have a minimum lot size of three (3) acres.
 9. If located within a residential zoning district, the Section 7 Commercial Use Districts dimensional standards CN (Commercial Neighborhood) and Section 14 Development Standards for CN (Commercial Neighborhood) shall be followed.

AMENDMENT #13

“13.6.14 Places Of Worship” of the City of Starkville Unified Development Code is hereby *amended* as follows:

13.6.14 Places Of Worship

- A. Definition: A facility principally used for people to gather together for public worship, religious training, or other religious activities.
- B. Parking:
 1. In form-based districts no parking minimums are established. In all other zoning districts, one (1) parking space is required for each four (4) seats in the main assembly room.
 2. See zoning district base dimensional standards for parking location and setback requirements.
- C. Loading:
 1. A loading space may be required by the City Planner.
 2. Loading docks shall not be visible from the street.
 3. Trucks delivering materials to and from the premises shall not be permitted to unload on the right-of-way unless in a T-5D, T-5C, and T-5U zoning districts. Deliveries shall be scheduled to not interfere with peak traffic times.
- D. Additional Standards:
 1. The structure height limitations of these regulations shall not apply to church spires, belfries, or cupolas.
 2. One (1) detached dwelling unit for the housing of the pastor or similar leader of the church and their family will be considered customary and incidental as a part of this use shall be permitted.
 3. Newly constructed places of assembly seating more than six hundred (600) people must have direct vehicular access to a major vehicular thoroughfare as determined by the City Engineer.
 4. A residential monastery or convent or similar communal residential religious facility may be allowed as an accessory use to places of worship by special exception.
 5. Accessory uses such as administrative offices, bookstores, community centers, multi-purpose facilities, outdoor recreational facilities, and care centers on the same site or sites contiguous to the principal use shall be permitted as follows:

- a. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and will be regulated as such.
 - b. No merchandise or merchandise display shall be visible from outside a building.
 - c. Business or identification signs pertaining to an accessory use shall be limited to one (1) sign and the total square footage must not exceed two (2) square feet.
 - d. Television stations, radio stations, printing presses, and sports complexes shall only be permitted as accessory uses if such uses are also permitted as principal uses in the zoning district in which they are located.
6. For any special exception and/or use exception to allow for a place of worship in a C, CR, O-C, O-TND, TN-N, TN-E, T-5D, T-5C, and T-5U zoning District with an allowed commercial use, a waiver from the minimum distance criterion shall be required upon request for any current or future business within the state mandated minimum distance for the duration of the use as a place of worship. A copy of the waiver shall also be submitted to the Planning Department upon approval of the use.
 7. If located within a residential zoning district, the Section 7 Commercial Use Districts dimensional standards CN (Commercial Neighborhood) and Section 14 Development Standards for CN (Commercial Neighborhood) shall be followed.

AMENDMENT #14

“13.7.3 Animal Hospital, Clinic, Or Grooming Facility” of the City of Starkville Unified Development Code is hereby *amended* as follows:

13.7.3 Animal Hospital, Clinic, Or Grooming Facility

- A. **Definition:** A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a boarding facility shall be limited to short-time stays and shall be only incidental to the veterinarian facility. Such use type shall also apply to facilities that provide grooming and general care services to animals.
- B. **Parking:**
 1. In form-based districts no parking minimums are established. In all other zoning districts, one (1) space is required for each four hundred (400) square feet of floor area and one (1) space per employee.
 2. Animal hospitals, clinics, or grooming facilities that share a parking lot with other businesses may not exceed their minimum parking by more than twenty- five (25) percent.
 3. See zoning district base dimensional standards for parking location and setback requirements.
- C. **Loading:**
 1. An Animal Hospital, Clinic, or Grooming Facility must provide adequate parking and on-site maneuvering space for trucks and tractors on sites with facilities servicing large animals.
 2. Trucks delivering materials to and from the premises shall not be permitted to unload on the right-of-way unless in a T-5D, T-5C, and T-5U zoning districts. Deliveries shall be scheduled to not interfere with peak traffic times.

D. Additional Standards:

1. All animals shall be confined within an enclosed area.
2. All kennel areas must be located indoors. If outdoor kennel areas are to be provided, it shall meet animal boarding facilities use standards.
3. If boarding facilities are provided on-site, animal hospitals, clinics, or grooming facilities shall comply with the additional standards under the animal boarding facilities use standards.
4. If located within a residential zoning district, the Section 7 Commercial Use Districts dimensional standards CN (Commercial Neighborhood) and Section 14 Development Standards for CN (Commercial Neighborhood) shall be followed.

AMENDMENT #15

“13.7.20 Private Recreational Clubs Or Facility” of the City of Starkville Unified Development Code is hereby *amended* as follows:

13.7.20 Private Recreational Clubs Or Facility

- A. **Definition:** A club or facility, private or public, offering a range of recreational and occasionally dining options for its members. Such clubs may include but are not limited to: swimming, golf, racquetball, and tennis. Accessory uses such as dining, event spaces, and supporting facilities may be permitted as part of this use.
- B. **Parking:**
 1. To be determined by the City Planner based on the anticipated use.
 2. See zoning district base dimensional standards for parking location and setback requirements.
- C. **Loading:**
 1. A loading space may be required by the City Planner
 2. Loading docks shall not be visible from the street.
 3. Trucks delivering materials to and from the premises shall not be permitted to unload on the right-of-way.
- D. **Additional Standards:**
 1. If proposed within an existing platted subdivision, a special exception will be required. If proposed as a part of a newly platted subdivision, no special exception required.
 2. If located within a residential zoning district, the Section 7 Commercial Use Districts dimensional standards CN (Commercial Neighborhood) and Section 14 Development Standards for CN (Commercial Neighborhood) shall be followed.

AMENDMENT #16

“13.9.8 Special Event Facility” of the City of Starkville Unified Development Code is hereby *amended* as follows:

13.9.8 Special Event Facility

- A. **Definition:** A facility or venue where both public and private special events such as a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a regular

basis, involving the gathering of individuals assembled for the common purpose of attending a special event. Facilities may operate entirely within a structure, outside of a structure, or both inside and outside a structure. The facility where special events are permitted to occur is subject to a use agreement between a private group or individual and the facility owner and the facility may or may not charge a fee for the use of the facility such as for a fundraiser or a charitable non-profit event.

- B. Uses that are accessory to a single detached dwelling residential use including private parties, gatherings, and similar activities that are not subject to a use agreement between a private individual or groups and the homeowner are not defined as a special event and are not regulated under this section.
- C. Special event facilities located in a common building or club house as part of a subdivision or a private recreational club or facility in an SD-2 or SD-6 zoning district shall be permitted as a commercial use and held to additional standards.
- D. **Parking:** One (1) space per four (4) seats or one (1) space for every four (4) persons based upon maximum facility occupancy, whichever is greater.

E. Loading:

- 1. Loading docks shall not be visible from the street.
- 2. Trucks delivering materials to and from the premises shall not be permitted to unload on the right-of-way

F. Additional Standards:

- 1. The request for a special exception for the use as a special event venue shall include a detailed site plan, description of all uses, an exhibit map showing the location and distance of the facility to the closest surrounding sensitive receptors such as single unit residences and other housing types
- 2. Facilities must include improvements to accommodate special events, including access and circulation improvements, parking areas, water supplies, sewer systems, gathering areas, and other physical improvements necessary to accommodate special events.

3. Traffic Management Plan:

- a. Adequate parking should be provided on-site. In the event that adequate parking cannot be provided on-site, a parking use agreement must be provided for any parking access off-site.
- b. Adequate ingress and egress shall be provided for all emergency vehicles.
- c. A traffic control plan to ensure an orderly and safe arrival, parking, and departure of all vehicles and to ensure that traffic will not back-up or block private easements, intersections, or driveways
- d. A parking attendant(s) shall direct traffic into the facility and towards available parking during the arrival of guests. Attendants shall direct traffic leaving the facility at the conclusion of the event.
- 4. No special event facility shall be allowed to exceed an attendance level of five hundred (500) people.
- 5. The hours of operation for a special event facility shall be from 8:00 am to 12:00 am. The hours of operation for a special event facility adjacent to single detached residential neighborhoods shall be from 9:00 am to 10:00 pm.
- 6. No event facilities shall be located closer than fifty (50) feet from a property line of a single detached residential neighborhood, unless a greater distance is required under the zoning requirement or a greater distance is identified as being necessary as a part of the special use request to ensure compatibility with surrounding sensitive areas.
- 7. A Type D landscape buffer shall be required if special event facility is adjacent to a single detached residential neighborhood.
- 8. All outdoor lighting associated with the special event shall be turned off no later than 10:00 pm for a special event facility adjacent to single detached residential neighborhood. Parking lot lighting may remain on for a longer

period if specified under the special exception request. Outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way.

9. A non-internally lit monument sign type is allowed for Special Event Facility in RN, SD-2, SD-6, TN-N, TN-E, and O zoning district, but shall be limited to thirty-two (32) square feet in sign area and 5 feet in height. Location and Additional Requirements standards for monument signs shall be adhered to.
10. Overnight stays are prohibited unless approved as a bed and breakfast.
11. A violation of any of these provisions is subject to nuisance abatement.
12. Special Event Facility shall not be permitted as a use on the first floor of any building located in a T-5D, T-5C, or T-5U zoning district.
13. If located within a residential zoning district, the Section 7 Commercial Use Districts dimensional standards CN (Commercial Neighborhood) and Section 14 Development Standards for CN (Commercial Neighborhood) shall be followed.

AMENDMENT #17

“13.9.11 Portable Restroom Facilities” of the City of Starkville Unified Development Code is hereby *added* as follows:

13.9.11 Portable Restroom Facilities(Added)

- A. **Definition:** Portable Restroom Facility- Any type of structure or facility used as a restroom, toilet, washroom, or urinal that is temporary or mobile in nature.
- B. **Portable Restroom Facilities for Special Events.**
 1. Permitted only as part of an approved Special Event Permit in accordance with the Special Events Policy.
 2. The location of portable restroom facilities shall be illustrated on the event map.
 3. Portable restroom facilities shall be located as far away from residentially occupied property as possible.
 4. All portable restroom facilities shall be removed at the conclusion of the takedown for the event.
- C. **Portable Restroom Facilities for Construction Projects.**
 1. Permitted only when associated with an active building permit.
 2. Only permitted within the right-of-way for infrastructure projects.
 3. All portable restroom facilities shall be removed from the lot before a Certificate of Occupancy is issued.
 4. Portable restroom facilities shall be located as far away from residentially occupied property as possible.
- D. **Portable Restroom Facilities for Temporary Use.**
 1. Permitted only by permit from the Building Department.
 2. The location of portable restroom facilities shall be illustrated on a map or plan.
 3. Only permitted for a maximum period of three (3) days.
 4. Only permitted for a maximum of nine (9) periods within a calendar year.
 5. Portable restroom facilities shall be located as far away from residential occupied property and public view as possible.

AMENDMENT #18

“14.7.8.A Wall Sign” of the City of Starkville Unified Development Code is hereby *amended* as follows:

14.7.8.A Wall Sign



Fig 14.7-3

1. Description

- a. A wall sign is a sign attached flat to, painted on, or mounted away from but parallel to the building wall.
- b. A sign permit is required for a wall sign.

2. Size Requirements

- a. The copy area or sign area, whichever is greater, of a wall sign shall not exceed fifty percent (50%) of the square footage of the facade face of the building and not to exceed one hundred fifty (150) square feet in size.
- b. The sign area of a wall sign in Form-based districts shall not exceed three (3) feet in height and ninety percent (90%) of the width of the facade face.
- c. The sign area of a wall sign in TN-N, TN-E, MU-9, and MU-20 districts shall not exceed three (3) feet in height and fifty percent (50%) of the width of the facade face up to a maximum of fifty (50) square feet in size.
- d. Wall signs shall not extend out more than twelve (12) inches from the building wall.

3. Location

- a. No portion of a wall sign may extend above the roof line of a building without a parapet wall. No portion of a wall sign shall extend above the parapet without a use exception being granted.
- b. No wall sign may extend above the lower eave line of a building with a pitched roof.
- c. The minimum clearance above a walkway or public sidewalk from the bottom of a wall sign shall be eight (8) feet.

4. Additional Standards

- a. The font height of wall signs in the TN-N, TN-E, and Form-based Districts shall not exceed eighteen (18) inches.
- b. Wall signs in the TN-N, TN-E, and Form-based Districts shall not be internally illuminated. Halo-type or backlit illumination is not considered internally illuminated. Push thru letters with an opaque letter face are allowed.
- c. If the primary structure is located more than two hundred (200) feet from the nearest adjacent street, the square footage of a wall sign may be increased to two hundred and fifty (250) square feet in a Commercial, Industrial, Optional- Commercial use district, or Optional- Industrial use district if the sign is not visible from the nearest adjacent street.
- d. Painted wall signs shall meet all size and location requirements in addition to being painted in a

professional and contextually complementary manner. An artistic mural that is not related to the use of the building or site is not considered a wall sign and is not regulated by this section.

- e. This sign type is only allowed in RN and O-E zoning districts with an approved commercial or multi-dwelling unit residential use.
- f. This sign type is only allowed in TN-N and TN-E zoning districts with an approved commercial use or use exception for existing use.

AMENDMENT #19

“14.7.10.D Yard Sign” of the City of Starkville Unified Development Code is hereby *amended* as follows:

14.7.10.D Yard Sign

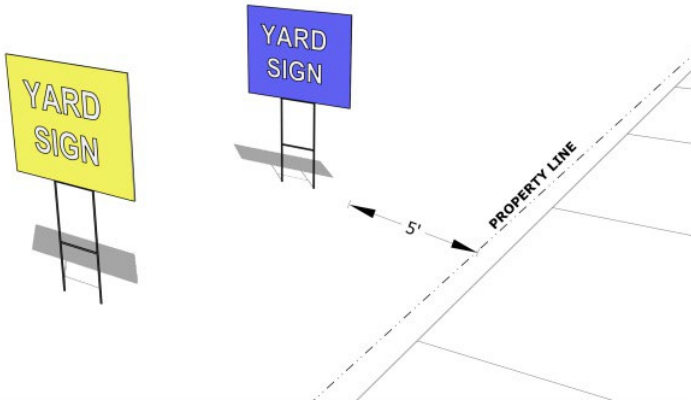


Fig 14.7-16

A. Description

1. 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.
2. 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.
3. A sign permit is not required for a yard sign, but requirements must be followed.

B. Residential districts

1. Size Requirements

- a. For lots less than two (2) acres, a maximum individual sign size of four (4) square feet is permitted. The total square footage of all individual signs shall not exceed sixteen (16) square feet.
- b. For lots greater than two (2) acres, a maximum individual sign size of sixteen (16) square feet is permitted. The total square footage of all individual signs shall not exceed sixteen (16) square feet.

2. 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.

3. Duration

- a. The maximum duration for any yard sign shall be ninety (90) days or until the conclusion of the event.

C. Non-Residential and Mixed-Use Districts

1. 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.

2. 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.

3. Duration

- a. The maximum duration for any yard sign shall be thirty (30) days or until the conclusion of the event.

AMENDMENT #20

“14.9.3 Piping Of Watercourses” of the City of Starkville Unified Development Code is hereby *amended* as follows:

14.9.3 Piping Of Watercourses

- A. This section applies to all storm drainage piping of watercourses except those crossing public or private streets.
- B. The City encourages retaining stormwater onsite through rainwater harvesting, infiltration, and/or evaporation and through preserving natural drainage features. All natural watercourses shall remain open and unaltered unless piping, enclosing or altering is requested and justified by the developer and approved as part of site plan or infrastructure plan approval, but then only when the following conditions are met:
 - 1. The developer must do all grading and provide all structures necessary to properly connect to the existing storm drainage system;
 - 2. All design and construction must be to City standards; and
 - 3. Pipes, drains, catch basins, and open channels must be designed in accordance with the City of Starkville Standards of Design & Specifications and Section 16.9 Stormwater Management.
- C. The area around a natural watercourse shall be designated a natural watercourse protection area. The extent of the protection area shall be made by the City Engineer and/or City Planner based on the physical characteristics of the drainage basin. Existing trees within the protection area shall be preserved in accordance with Section 16.7.8.

AMENDMENT #21

“14.11.2 Sidewalks Required By Site Plan” of the City of Starkville Unified Development Code is hereby *amended* as follows:

14.11.2 Sidewalks Required By Site Plan

- A. The developer or property owner of any development or redevelopment shall be required to bring existing sidewalks adjacent to the property into compliance with current sidewalk and/or ADA standards. Existing sidewalks that comply with ADA standards may vary in required width up to eighteen inches (18") if approved by the City Engineer and/or Building Official.

AMENDMENT #22

“14.11.4 General Requirements” of the City of Starkville Unified Development Code is hereby *amended* as follows:

14.11.4 General Requirements

- A. Sidewalks shall be designed and constructed to comply with the Americans with Disabilities Act and most current version of the Americans with Disabilities Act Accessibility Guidelines. Developments on a corner lot shall be responsible for providing handicapped access curb ramps on the corner.
- B. Required sidewalks shall be located within the right-of-way adjacent to the subject property in accordance with the Sidewalk Area Map (Fig 14.1-6). Sidewalks shall be provided along all public and private streets from lot line to lot line and align with existing sidewalks on adjacent properties. Sidewalks that cannot be located within the right-of-way shall be located as close to the right-of-way as possible in an easement allowing for public access and maintenance. Sidewalk easements width shall be six (6) feet plus the width of the sidewalk.
- C. Unless otherwise specified by the Development Review Committee, sidewalks shall be located closer to the right-of-way line than the back of curb of a street. Thus, creating an area for the planting of sod or other landscape materials.
- D. Sidewalk material shall be in accordance with the Development Standards Chart.
- E. The width of the sidewalk shall be as shown on the Sidewalk Area Map (Fig 14.1-6). In locations with higher current or anticipated pedestrian use, a wider sidewalk may be required as deemed necessary by the City Planner and/or the City Engineer.
- F. Sidewalk crossings at any driveway shall provide an ADA compliant connection between the sidewalk ends.
- G. Crosswalks shall be required and striped in conformance with the latest edition of the Manual on Uniform Traffic Control Devices or to the current City standard.
- H. If required, Internal pedestrian circulation shall be provided and meet the requirements of the Development Standards Chart.
- I. **Repair and Maintenance.** Upon issuance of a certificate of occupancy, the city shall be responsible for the repair and maintenance of sidewalks and multi-use paths within public right-of-way. The expense of repairing any sidewalk shall be incurred by the city. Sidewalks not located within a public right-of-way or an approved sidewalk easement, are the responsibility of the property owner. It shall be the responsibility of the property owner to have sidewalks evaluated by city staff prior to any action which may result in damage or removal by an owner, renter, or contractor during work done at a property. Sidewalks that are damaged or removed by direct action shall be repaired/replaced by property owner. The evaluation shall determine whether the sidewalk condition warrants repair or reconstruction.
- J. **Obstructions.** The owner and/or occupant of every lot or premises adjoining any street shall clear and keep all sidewalks or multi-use paths adjoining such lots or premises from any obstructions including, but not limited to, structures, vehicles, materials, debris, vegetation, or other items. The owner and/or occupant shall also keep clear the area which is located directly over the sidewalk, up to a height of eight (8) feet, in a manner which will allow reasonable travel without interference from obstructions as defined above.
- K. **Sidewalk Protection During Construction.** Construction activities adjacent to a public sidewalk shall adhere to the following:
 - 1. **Protection Area.** Sidewalk protection areas shall have a clear unobstructed width of not less than six (6) feet in all areas.
 - 2. **Open Sidewalk.** At the building official’s discretion, the open sidewalk should be separated from the adjacent work zone by a chain link fence or other similar barrier. Any gate in the fence must

swing inward toward the work zone. The fence must be properly anchored but cannot be bolted or attached in any similar manner into the sidewalk.

3. Barricades. During construction, sidewalks that are not protected by a physical barrier (curb and cutter, grass strip, etc.), the property owner may be required to provide water filled barricades as determined by the Development Review Committee during site plan review.

4. Sidewalk Overhead Protection (sidewalk bridge, a protective canopy or sidewalk shed). As part of site plan approval, the Development Review Committee may require overhead protection for public sidewalk.

a. A sidewalk shed must be erected whenever materials will be hoisted over the sidewalk, regardless of building height or horizontal distance between the building and sidewalk. Without a sidewalk shed, no construction operation is allowed over the sidewalk.

b. Specifications and drawings of the sidewalk shed must be submitted with the traffic control plan during site plan review and, if applicable, lane closure permit application.

c. The drawing must show the side view, front view, and cross section view of the sidewalk shed.

d. The sidewalk shed shall have a clear unobstructed ceiling height of not less than eight (8) feet.

e. Roof materials shall consist of planking no less than the industry standard nominal thickness of two (2) inches, closely laid, made watertight, and covered with exterior grade fire resistant plywood.

f. Sidewalks within a sidewalk shed shall be lit with approved temporary lighting.

g. All walking surfaces within a sidewalk shed shall be compliant with the American Disabilities Act Accessibility Guidelines.

L. Permit for obstruction of sidewalk. When and where it shall be necessary in the construction or repair of buildings, structures, or sites, the Building Official and/or City Engineer may approve obstructing the sidewalk during construction with an active permit, permitting the applicant to obstruct the free and unimpeded use of the sidewalk. A pedestrian traffic plan shall be required. If the provisions and conditions of permit are not strictly adhered to, a stop work order for the entire project shall be issued.

M. Review and Approval Procedure

1. Sidewalks shall be subject to review and approval as part of the site plan review process.

2. No certificate of occupancy shall be issued until all required sidewalks are completed in accordance with the approved site plan.

3. If required sidewalks are incomplete, a temporary certificate of occupancy may be issued in accordance with section 17.5.2.B.

N. Variance from sidewalk requirements. Any variance from sidewalk requirements in Section 14.11 shall follow the procedures and processes of Section 3.7.5

O. Administrative Adjustments from sidewalk requirements. Any administrative adjustments from sidewalk requirements in Section 14.11 shall follow the procedures and processes of Section 3.6.

P. Sidewalk Types Required.

1. If the sidewalk is required to be placed on the opposite side of the street from the subject property, the owner/developer is only responsible for providing fifty percent (50%) of the required length of the sidewalk. If an administrative adjustment is granted, the owner/developer is only responsible for providing either an alternate sidewalk equal to fifty percent (50%) of the area of the required sidewalk or a fee-in-lieu equal to fifty percent (50%) of the calculated amount of the required sidewalk.

2. The following types of sidewalks shall be placed adjacent to the subject property in a location determined by the City Engineer and/or City Planner.

a. Sidewalk Both Sides (5' min)- A five (5) foot sidewalk is required on both sides of the street.

b. Sidewalk One Side (5' min)- A five (5) foot sidewalk is required on one side of the street.

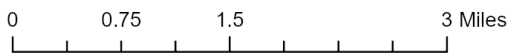
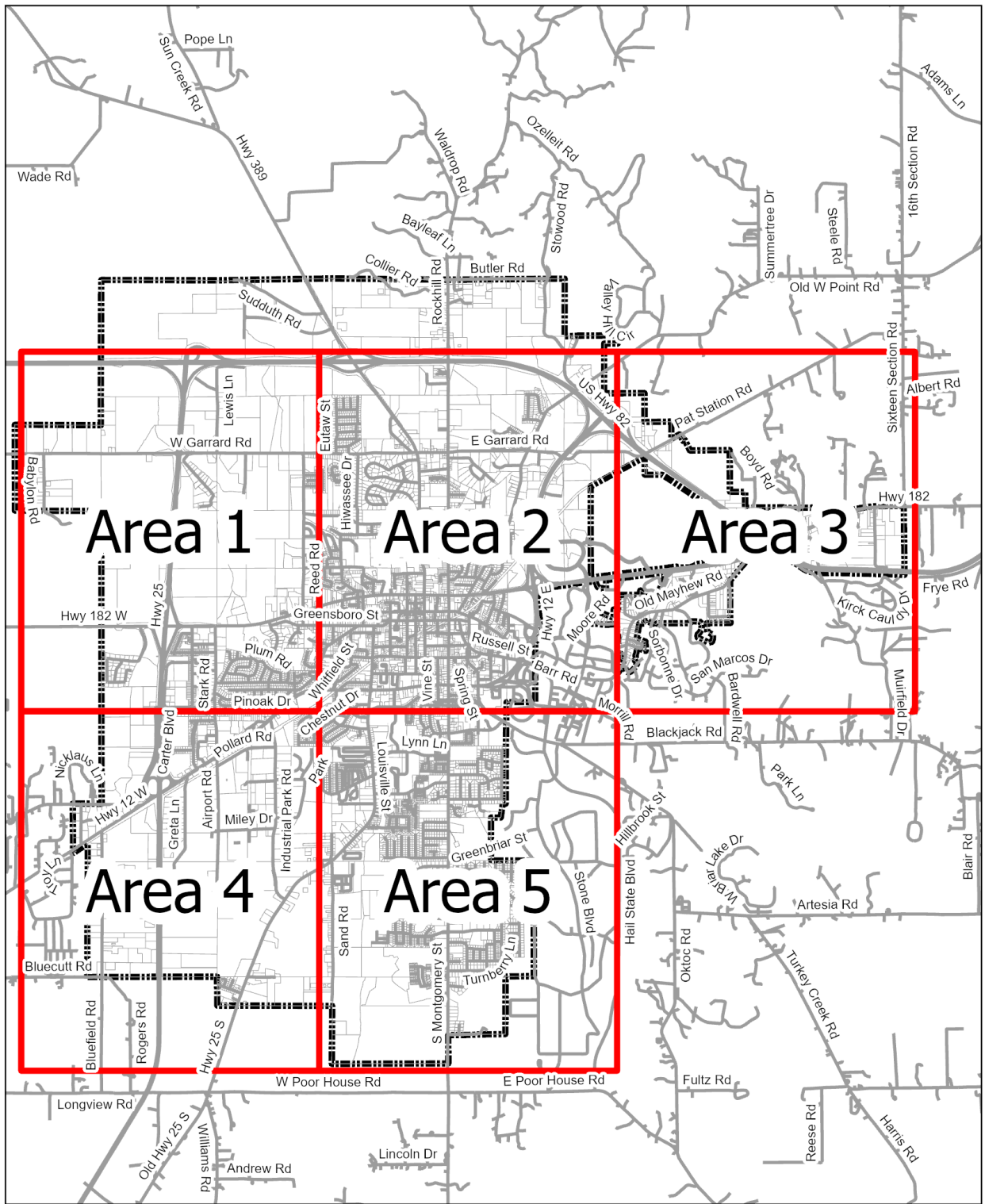
c. Shared Use Path (8' min)- An eight (8) foot wide shared use path is required on one side of the street.

d. Shared Use Path (8" min) with a Sidewalk (5' min)- An eight (8) foot wide shared use path and a five (5) foot wide sidewalk is required. The location of both the shared use path and sidewalk may

be on the same side of the street or opposite sides of the street from each other.

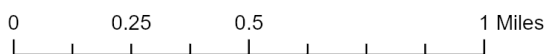
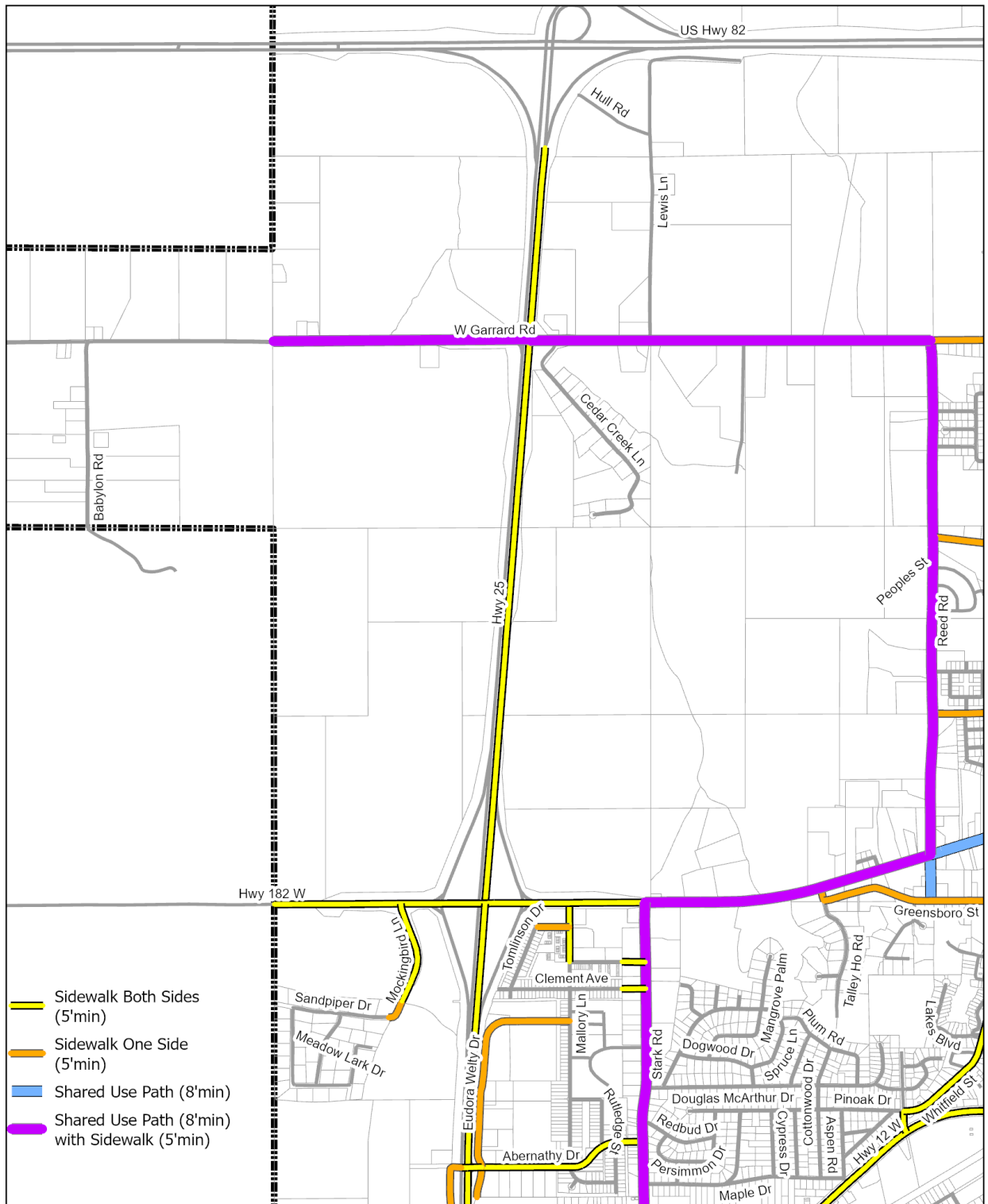
- e. **Sidewalk Both Sides (8' min) Type I-** An eight (8) foot sidewalk is required on both sides of the street as part of the additional setback requirement in Section 5.3
- f. **Sidewalk Both Sides (6' min) Type II-** A six (6) foot sidewalk is required on both sides of the street as part of the additional setback requirement in Section 5.3
- g. **Sidewalk One Side (5' min) Type III-** a five (5) foot sidewalk is required on one side of the street as part of the additional setback requirement in Section 5.3.

Fig 14.11-1



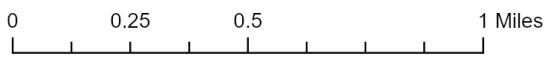
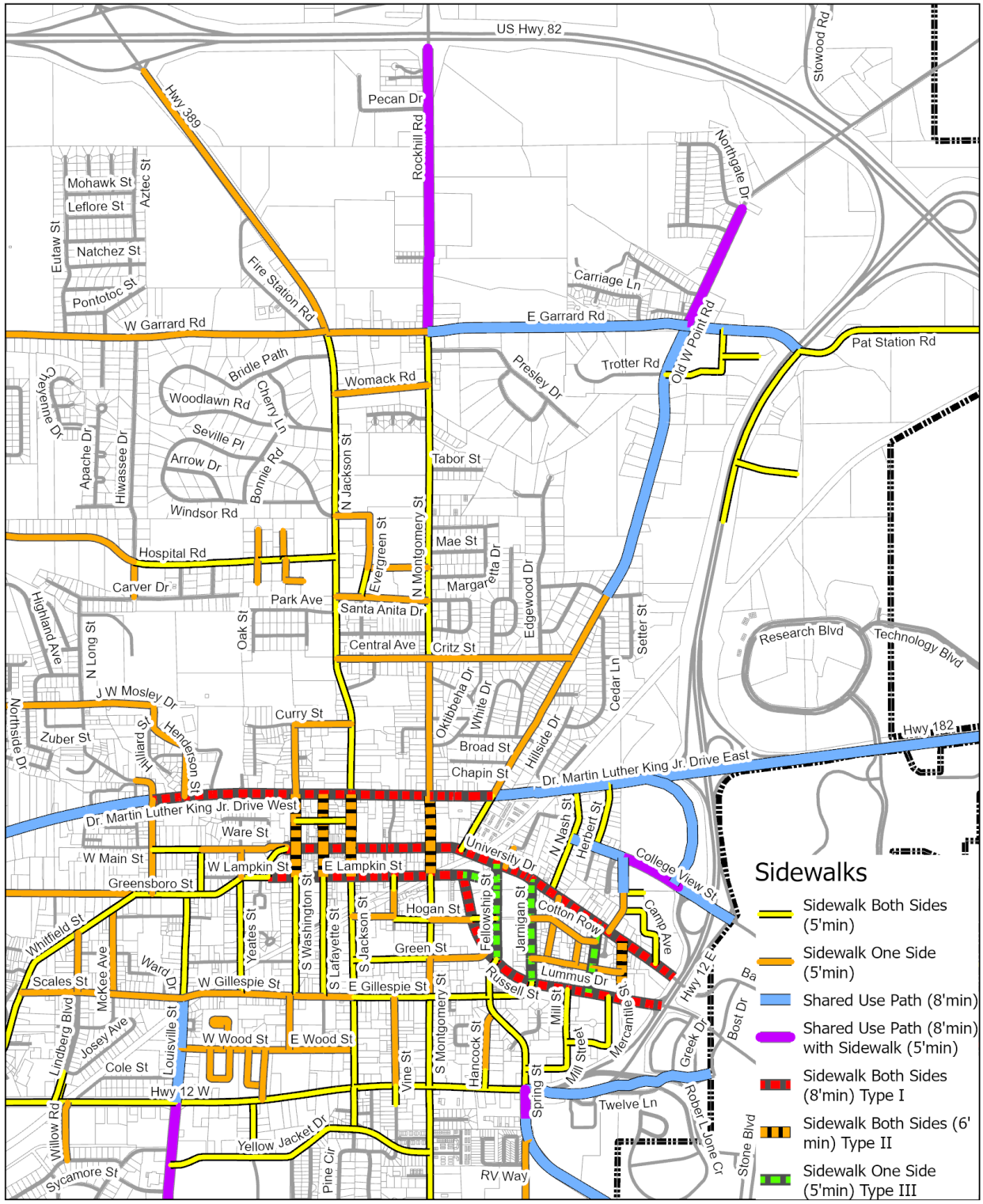
Sidewalk Area Map

Fig 14.11-2



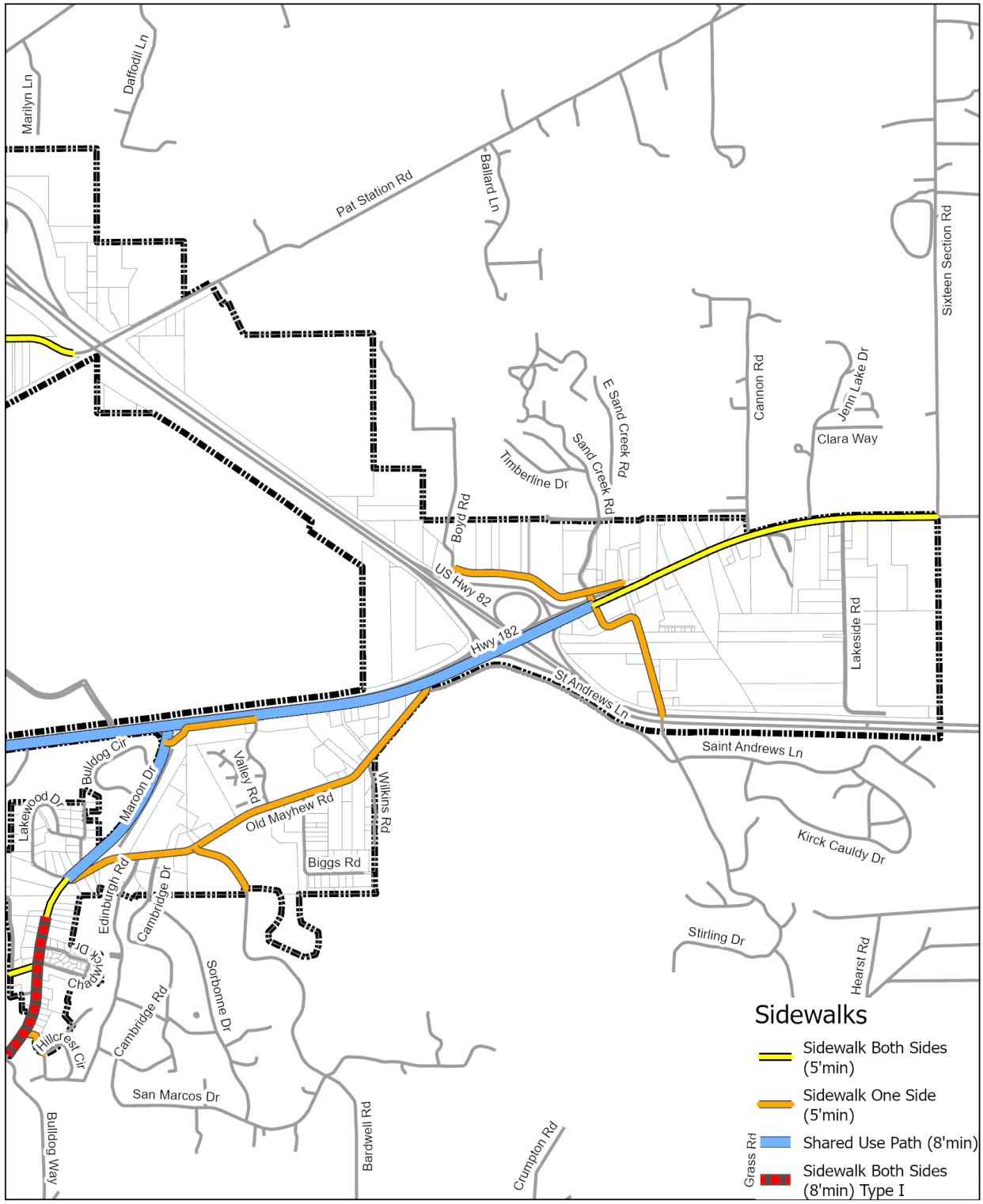
Sidewalk Area 1

Fig 14.11-3



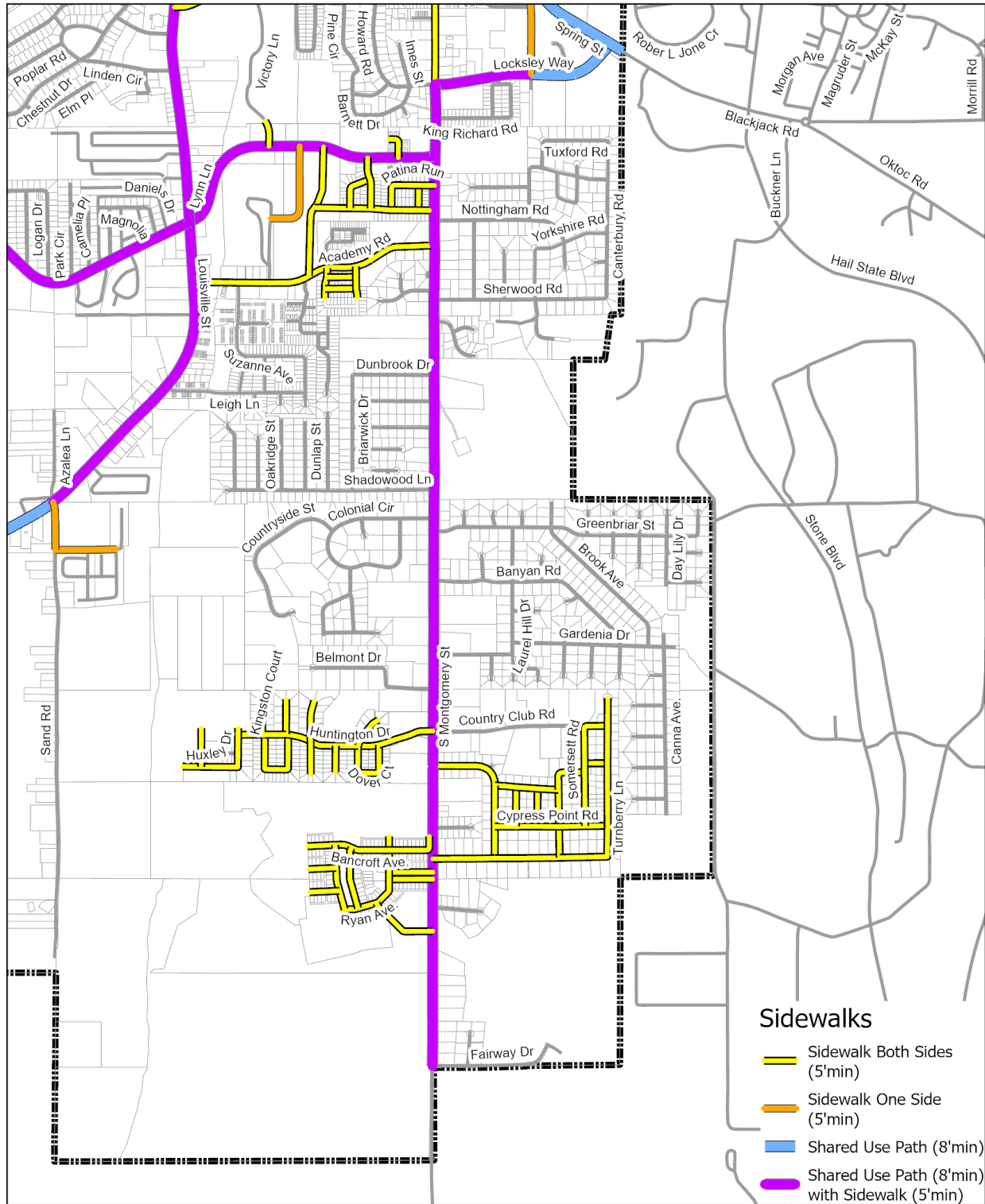
Sidewalk Area 2

Fig 14.11-4



Sidewalk Area 3

Fig 14.11-6



0 0.25 0.5 1 Miles

Sidewalk Area 5

AMENDMENT #23

“14.13.4 Maintenance” of the City of Starkville Unified Development Code is hereby *amended* as follows:

14.13.4 Maintenance

Trees, shrubs, and other landscaping materials approved as part of the site development plan, shall be considered binding elements of the project in the same manner as parking, building, materials, and other details. The applicant, owner, subsequent owners and their agents shall be responsible for the continued maintenance of all landscaping materials.

AMENDMENT #24

“15.7.3 Piping Of Watercourses” of the City of Starkville Unified Development Code is hereby *amended* as follows:

15.7.3 Piping Of Watercourses

- A. This section applies to all storm drainage piping of watercourses except crossing public or private streets.
- B. The City encourages retaining stormwater onsite through rainwater harvesting, infiltration, and/or evaporation and through preserving natural drainage features. All natural watercourses shall remain open and unaltered unless piping, enclosing, or altering is requested and justified by the developer and approved as part of site plan or infrastructure plan approval, but then only when the following conditions are met:
 - 1. The developer must do all grading and provide all structures necessary to properly connect to the existing storm drainage system;
 - 2. All design and construction must be to City standards; and
 - 3. Pipes, drains, catch basins, and open channels must be designed in accordance with the City of Starkville Standards of Design & Specifications.
- C. The area around a natural watercourse shall be designated a natural watercourse protection area. The extent of the protection area shall be made by the City Engineer and/or City Planner based on the physical characteristics of the drainage basin. Existing trees within the protection area shall be preserved in accordance with Section 16.7.8.

AMENDMENT #25

“16.1.4 Penalty For Nuisance Violation” of the City of Starkville Unified Development Code is hereby *repealed* as follows:

REPEALED

16.1.4 Penalty For Nuisance Violation (*Repealed*)

Any person violating any provision of this ordinance shall upon a guilty plea or conviction be guilty of a ~~misdemeanor and shall be fined in accordance with the penalty fee section or an amount as otherwise determined by the court, for each offense.~~

AMENDMENT #26

“16.1.5 Abatement By The City” of the City of Starkville Unified Development Code is hereby *repealed* as follows:

REPEALED

16.1.5 Abatement By The City (*Repealed*)

Upon the failure of the person upon whom an order of abatement has been issued by the court to abate the nuisance, the Code Enforcement Officer shall proceed to abate such nuisance and shall keep records of costs incurred to the City to correct the nuisance. Any and all costs incurred by the City in the abatement of a nuisance under the provisions of this article shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven, and collected as provided for by law. Such lien shall be noticed to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied.

AMENDMENT #27

“16.3.2 Notice Of Violation” of the City of Starkville Unified Development Code is hereby *repealed* as follows:

REPEALED

16.3.2 Notice Of Violation (*Repealed*)

In addition to the following processes and procedures for issuance of a code violation as stated in Section 3.19, an orange sticker shall be placed on the vehicle if accessible to the Code Enforcement Officer. The orange sticker shall serve as the written violation notice to the property owner. The time frame for removal vehicle or any other corrective action shall be from ten (10) days of the placement of the orange sticker.

AMENDMENT #28

“16.3.3 Abatement Of Junk Vehicles” of the City of Starkville Unified Development Code is hereby *repealed* as follows:

REPEALED

16.3.3 Abatement Of Junk Vehicles (*Repealed*)

The requirements for a junk vehicle declared a nuisance shall be as follows:

- A. If such public nuisance is not abated by said owner or occupant after notice is given in accordance with this article, official action shall be taken by the City of Starkville to abate such nuisance. Junked vehicles or parts thereof shall be impounded until lawfully claimed or disposed of in

accordance with MCA 1972, §§ 63-23-1—63-23- 11.

- B. Vehicles so impounded shall be held for ninety (90) days and thereafter shall be disposed of with all rights of ownership being forfeited. Any time prior to the expiration of said 90 days, the record title holder shall be allowed to redeem said vehicle upon the payment of all costs including towing, storage, and other such administrative costs as may be determined.

AMENDMENT #29

“16.5 Mowing Standards” of the City of Starkville Unified Development Code is hereby *repealed* as follows:

REPEALED

16.5.1 - Prohibited Conditions (*Repealed*)

The following shall apply to any person owning, leasing, or having actual control of any lot, tract, or parcel of land located within the city:

- A. **Improved Property.** Grass or weeds shall be less than twelve (12) inches in height measured above the surface of the ground.
- B. **Unimproved Property.** Grass or weeds shall be less than twenty-four (24) inches in height measured above the surface of the ground. Unimproved properties of five (5) acres or more shall be mowed a minimum of four times during the annual growing season, beginning April 1st and ending October 31st.

16.5.2 – Exceptions (*Repealed*)

The requirements of this section shall not apply to the following:

- A. Properties utilized for agriculture or forestry as defined by the Unified Development Code. Residentially-zoned property, two (2) acres or less in size, which have been previously developed or improved, but are actively maintained in a semi-natural vegetative state to provide food and habitat for birds and other non-dangerous wildlife, shall be exempt from the requirements of this section upon certification from a recognized organization such as a federal or state agency, special interest group, extension service, garden club, or horticultural society. Areas adjacent to sidewalks and streets shall be kept mowed to a maximum height of twelve (12) inches above the surface of the ground within ten (10) feet of sidewalks and streets.

Violations of the regulations of this section relating to prohibiting the existence of excessive accumulation or untended growth of grass, weeds, brush, undergrowth, or other living or dead plant life upon any lot, tract, tract, or parcel of land within the City are hereby declared to be and constitute a nuisance.

“16.5 Mowing And Vegetative Standards” of the City of Starkville Unified Development Code is hereby *added* as follows:

ADDED

16.5 Mowing And Vegetative Standards(*Added*)

Violations of the regulations of this section relating to mowing and vegetative standards upon any lot, tract, tract, or parcel of land within the City are hereby declared to be and constitute a nuisance.

16.5.1 Mowing Standards(Added)

- A. **Improved Property.** Grass or weeds shall be less than twelve (12) inches in height measured above the ground.
- B. **Unimproved Property.** Grass or weeds shall be less than twenty-four (24) inches in height measured above the ground. Unimproved properties of five (5) acres or more shall be mowed a minimum of four times during the annual growing season, beginning April 1st and ending October 31st.
- C. **Right-of-Way.** Mowing of the right-of-way shall be the responsibility of the responsible party of the property immediately adjacent to the right-of-way.
- D. **Exceptions.** The requirements of this section shall not apply to the following:
 - 1. Properties utilized for agriculture or forestry as defined by the Unified Development Code.
 - 2. Residentially-zoned properties, two (2) acres or less in size, which have been previously developed or improved but are actively maintained in a semi- natural vegetative state to provide food and habitat for birds and other non- dangerous wildlife, shall be exempt from the requirements of this section upon certification from a recognized organization such as a federal or state agency, special interest group, extension service, garden club, or horticultural society. Areas within the right-of-way shall be mowed to a height of less than twelve (12) inches measured above the ground.
- E. **Disposal of Yard Debris.** It shall be a violation of this code for any person to place or cause or allow to be placed or dropped brush cuttings, grass clippings, and/or rubbish within any street in the corporate limits of the city in such a manner that the same may be washed by the flow of water into any city maintained stormwater drainage system.

16.5.2 Vegetative Standards(Added)

- A. **Sites with Approved Site Plans.** Trees, shrubs, and other landscaping materials approved as part of the site development plan shall be maintained in good condition with at least the same quality and quantity of the landscaping originally approved. Landscape beds shall be maintained in a weed free condition. Plant materials that exhibit evidence of insects, disease, and/or damage shall be appropriately treated. Dead plants shall be removed and replaced following notification by the City. Failure to maintain landscaping shall be considered a violation of this code.
- B. **Dangerous Trees.** Any tree or part of any tree on private property that is dead, diseased, and/or damaged that constitutes a hazard to life and/or poses a risk of damaging adjacent public or private property shall be immediately remedied or removed. Failure to remedy or remove the risk shall be considered a violation of this code.
- C. **Visibility at Intersection.** Any vegetation on private property that violates the visibility requirements of Section 4.6.12 shall be immediately remedied or removed. Failure to remedy or remove the risk shall be considered a violation of this code.

AMENDMENT #30

“16.7.8 Watercourse Tree Protection” of the City of Starkville Unified Development Code is hereby added as follows:

16.7.8 Watercourse Tree Protection

- A. The designation of a natural watercourse protection area and its extent shall be made by the City Engineer and/or City Planner based on the physical characteristics of the drainage basin.
- B. All trees, regardless of species and/or size, located within a natural watercourse protection area shall be protected.
- C. Any action to grade, cut down, remove, deface, burn, poison, injure, mutilate, disfigure, substantially trim, or remove any tree located within the natural watercourse protection area shall be prohibited except for the following:
 - 1. An action taken by a City department as part of maintenance, repair, and/or installation of existing or new public infrastructure.
 - 2. As part of an approved site plan or infrastructure plan for a development.
 - 3. Any tree that is located within a watercourse protection area and is damaged to the extent that it creates a threat to the general health, safety, and welfare of the general public and/or an immediate threat to public or private property may be removed by the City at any time.

AMENDMENT #31

“16.7.8 Violations” of the City of Starkville Unified Development Code is hereby *amended* as follows:

16.7.9 Violations

AMENDMENT #32

“16.7.9 Waiver” of the City of Starkville Unified Development Code is hereby *amended* as follows:

16.7.10 Waiver

AMENDMENT #33

“16.7.10 Maintenance And Replacement Of Protected Trees” of the City of Starkville Unified Development Code is hereby *amended* as follows:

16.7.11 Maintenance And Replacement Of Protected Trees

AMENDMENT #34

“16.8.4 Design And Implementation Of Erosion Control Plan” of the City of Starkville Unified Development Code is hereby *amended* as follows:

16.8.4 Design And Implementation Of Erosion Control Plan

All erosion and sediment control practices as well as water crossings for both design and implementation shall meet the design criteria set forth in the most recent versions of the MDEQ Handbook for EC and the Field Manual. The erosion control plan shall be designed and certified by a QCP, as defined in the definitions portion of this ordinance, for all non-single dwelling unit residential lot construction projects.

A. **General Design.** The erosion control plan shall require, and the entity shall install, specific erosion

control plans which shall be maintained in proper working condition for so long as work is being conducted on the property or for so long as an active permit of any nature is issued for the project. Erosion control devices required by the LDP may include, but are not limited to, silt fences, hay bales, retention ponds, sedimentation ponds, mulch, sod, rip-rap, vegetation barriers, washing stations and any other measures outlined in the Design Guide for EC or Field Manual that will adequately prevent sediment from being eroded onto adjoining property or into manufactured or natural stormwater conveyances systems.

B. Clearing and grading.

1. Clearing and grading of natural resources, such as wetlands, waterways, and watercourses, shall not be permitted, except when in compliance with all other chapters of this Code and any and all federal, state and local regulations.
2. Clearing techniques that retain natural vegetation and natural drainage patterns are strongly encouraged.
3. For natural or manmade streams and/or watercourses, a buffer area within the front, side, and rear setbacks is required. The buffer area can either be the existing vegetation that is left undisturbed or re-establishment by planting new vegetation if clearing or grubbing is required within setbacks. If setbacks are not required, perimeter control measures are expected to act as buffer. The buffer shall be fifteen (15) feet in width as measured perpendicular to the top-of-bank.
4. Multi-stage phasing may be required on sites, with the size of each phase to be established by the QCP and approved by the city. The erosion control plan and/or stormwater pollution prevention plan should clearly delineate each phase of clearing and the estimated duration of exposed soils.
5. Any clearing or land disturbance, except as is necessary to install the initial BMPs, shall not begin until the city's BMP minimum requirements are met.
6. Cut and fill slopes shall be no steeper than 3:1, except as approved by the city.
7. Developers requesting city sewer and/or water services must obtain site plan approval prior to clearing regardless of property location.

C. Erosion control.

1. Permanent erosion control measures shall be applied to denuded areas which have been either partially or wholly cleared or removed by development activities within seven (7) days after final grade is reached on any portion of the site. Soil stabilization shall also be applied within seven (7) days to any denuded area which may not be at final grade, but will remain dormant (undisturbed by construction activity) for longer than fourteen (14) days. Any temporary soil stockpiles shall be stabilized or protected with sediment trapping measures to prevent erosion. Applicable erosion control measures shall include establishment of vegetation, mulching, and the early application of gravel base on areas to be paved. Selected permanent or temporary erosion control measures should be appropriate for the time of year, site conditions, and estimated duration of use.
2. If vegetative erosion control methods, such as seeding, have not germinated to a coverage of at least 90 percent within fourteen (14) days, the city may require that the site be reseeded, sodded, or stabilized with alternative cover. All land disturbance projects shall be stabilized prior to the issuance of a final plat, certificate of occupancy or temporary certificate of occupancy unless otherwise approved by the Engineering and Community Development Departments.
3. On slopes that are tributary to any waterways, watercourses, or any other conveyance system, special techniques that meet or exceed design criteria outlined in the Field Manual shall be used to ensure stabilization.
4. Soil stockpiles must be stabilized at the end of each work week or if a rain event is predicted.
5. Techniques, as referenced the Field Manual shall be employed to prevent the blowing of dust or sediment from the site onto adjacent properties. The use of chemical agents in or near critical areas is discouraged.

6. Right-of-way disturbances shall be stabilized with sod or a combination of sod and seed/mulch unless otherwise directed by the City Engineer. Seed and mulch alone shall not be acceptable.
7. Techniques shall be employed to divert upland runoff past or around disturbed slopes.

D. Sediment controls.

1. All silt fencing shall be installed with wire backing and steel posts on all developments.
2. Sediment controls shall be provided in the form of perimeter controls, such as silt fences, sediment basins and/or sediment traps.
3. Where possible, sediment basins shall be designed in a manner that allows adaptation to provide long term stormwater management.
4. Adjacent properties shall be protected from any and all types of pollutants.
5. For project sites greater than or equal to five (5) acres, a sedimentation pond is required. The installation of the pond shall occur prior to the mass grading of the site.

E. Waterways and watercourses.

1. When a watercourse must be crossed regularly during construction, a temporary stream crossing shall be provided. When applicable, approval must be obtained from the United States Army Corps of Engineers, state and federal agencies, and the city.
2. When in-channel work is conducted, the channel shall be stabilized after the work is completed.
3. Any construction of a crossing of a waterway or watercourse in a floodway must be engineered with a no-rise certificate and shall have minimal temporary or permanent disturbance of the floodways bottom condition.
4. All on-site stormwater conveyance channels shall be designed according to the criteria outlined in the Field Manual.
5. Outlets of all pipes and paved channels shall have adequate stabilization to prevent erosion. Riprap or Flexamat may be required for stabilization if vegetative measures prove to be ineffective at controlling erosion in waterways or watercourses.

F. Construction site access.

1. A stabilized construction access (e.g. construction entrance) shall be required on all development and construction sites, including single-family lot construction, at any point where construction traffic will be entering and leaving the construction site in order to ensure sediment is not tracked on to public streets from the construction site. All construction entrances shall conform to MDEQ Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas Chapter on Construction-Exit Pad (CEP) or the city's erosion control requirements, whichever is more stringent. Stone pads shall be a coarse aggregate meeting the requirements for MDOT's Size I aggregate (ranging from 3/8 to 1 inch), be six inches thick and shall be placed a minimum width equal to the existing drive or as defined below, whichever is greater. The length of stone pad will be sufficient to prevent sedimentation from entering public streets from the construction site and adhere to the requirements below.
 - a. For single lot residential dwelling unit construction, the construction entrance shall be at a minimum sixteen (16) feet in width by fifty (50) feet in length;
 - b. All other sites shall provide construction entrances, at a minimum, are twenty (20) feet in width by one-hundred (100) feet in length.
 - c. The City Engineer and/or Building Official may increase or decrease the dimensional requirements of construction entrances.
2. Sediment accumulation and tracking on public rights-of-way, such as streets, alleys, storm drains or sanitary sewers, ditches and sidewalks, is not allowed and shall be removed daily.

- G. **Maintenance.** The responsibility of the property owner and its agents shall be jointly and severally with the entity performing the work for the maintenance of all erosion control devices, which shall be maintained in a condition so as to prevent erosion of sediment on the property.

H. **Completion of construction activities.** All open channels and ditches shall be permanently vegetated upon final building inspection. Seed and mulch shall not be accepted. If sod is used on slopes, corners will need to be pinned per the Field Manual.

1. Common areas, such as detention basins, shall be permanently stabilized upon final inspection. Seed and mulch shall not be accepted.
2. Prior to final inspection, all construction waste and debris, silt fences, hay bales, inlet protection, and other BMPs shall be removed, except those required for the next phase of construction, or those deemed necessary for continued stabilization by the building official or City Engineer.
3. The responsible party shall submit a letter to building official requesting termination of the LDP upon completion of all construction activities and stabilization of property. No certificate of occupancy or final plat approval will be issued or executed until the site is fully stabilized unless otherwise approved by the Engineering and Community Development Departments.

AMENDMENT #35

“16.8.7 Penalties” of the City of Starkville Unified Development Code is hereby *repealed* as follows:

REPEALED

16.8.7 Penalties (*Repealed*)

Any entity violating any provision of this article shall be deemed guilty of a misdemeanor and fined not less than five hundred (\$500.00) dollars nor more than one thousand (\$1,000.00) dollars and/or sixty (60) days in jail or both. Each twenty-four-hour (24) period after notice is given by the city official shall be considered a separate offense hereunder. Furthermore, an entity found guilty of such violation who fails to remove the sediment after notice is given, shall be required to pay to the city restitution equaling the costs and expenses of removal. In calculating the costs and expenses incurred by the city, a reasonable rate shall be charged for use of all city equipment and employees, with such rate to be at least equal to the costs of contracting the removal of such sediment with a private entity.

AMENDMENT #36

“16.9.4 Miscellaneous” of the City of Starkville Unified Development Code is hereby *amended* as follows:

16.9.4 Maintenance Access Easement

- A. The owner or responsible party must ensure access from a public right-of-way to the stormwater management facilities. A permanent access easement shall be secured to ensure access to the stormwater management facilities to perform regular inspections, maintenance, and repairs. Such access shall be sufficient for all necessary equipment for maintenance activities and repairs. All such easements shall be noted on any plat, survey, site plan, or other application or map provided to the City of Starkville for any purpose.

AMENDMENT #37

“16.11.2 Penalties For Violation” of the City of Starkville Unified Development Code is hereby *repealed* as follows:

REPEALED

16.11.2 Penalties For Violation (*Repealed*)

If in the opinion of the City Staff infrastructure in the public right-of-way has been negligently or intentionally damaged, he or she may act to identify the entity responsible for such damage. City Staff may then issue a written notice requiring the responsible entity to repair and restore the public right-of-way to the satisfaction of City Staff. Once the responsible entity has been notified to repair the public right-of-way, the responsible entity shall undertake to make and complete the repairs within thirty (30) days. Said notice shall further advise that, should the violator fail to make all repairs to the satisfaction of the City Staff within the established deadline, the work shall be done by a designated governmental agency or a contractor and the expense thereof and a civil penalty as determined by the Municipal Judge shall be charged to the violator. In addition, the City may issue stop work orders on any contractor or owner that fails to remediate said violations and reserves the right to pursue any and all additional remedies allowed by law.

AMENDMENT #38

“17.2.2 Deletions, Additions, And Modifications To Adopted Technical Codes” of the City of Starkville Unified Development Code is hereby *amended* as follows:

17.2.2 Deletions, Additions, And Modifications To Adopted Technical Codes

A. All adopted Technical Codes

1. **Administration.** The provisions of this section shall be administered and enforced by the Building Official, Fire Chief, Fire Marshal, Code Enforcement, or their designated representatives.
2. **Appeals.** The provisions of this section dealing with appeals shall be administered and enforced by the Board of Adjustments and Appeals as set forth in the International Building Code.
3. **Appointment.** The method of appointment and the term of office of the board of adjustments and appeals shall be in accordance with Section 2.3.
4. **Enforcement.** Any violation of any provision of this section shall be enforced in accordance with Section 3.19

B. 2021 edition of the International Residential Code

1. **Fire Suppression.** Section R313.2 shall be modified to require automatic residential fire sprinkler system in all two-family dwellings and in all one family dwellings with greater than 5,000 square feet of heated and cooled space.
2. **Foundation Design.** If the proposed habitable building area, whether stand- alone or an addition, exceeds four hundred (400) square feet in size, the foundation shall be designed by a professional engineer licensed in the State of Mississippi. An exception shall be allowed if the foundation is an addition to an existing structure and is to be designed and constructed the same as that existing structure. IBC section 1808.2-1808.9 and IRC section R506.1- R506.2.2.
3. **Foundation Requirements.** Foundations, footings, piles, and piers shall be built on undisturbed soil or properly compacted fillmaterial.
4. **Soils investigation.** Footings shall be designed so that the allowable bearing capacity of the soil is not exceeded. If structural concrete, masonry or timber footings are used, they shall rest on undisturbed or compacted soil of uniform density and thickness. Compacted soils shall be tested to a minimum of ninety- five percent (95%) of Modified Proctor in accordance with ASTM D 1557

and compacted and tested in lifts not to exceed twelve (12) inches.

5. **Compaction reports.** Compaction reports prepared by a certified soils lab shall be provided to the building official prior to the pouring of concrete

C. The 2021 edition of the International Building Code

1. **Foundation Design.** If the proposed habitable building area, whether stand- alone or an addition, exceeds four hundred (400) square feet in size, the foundation shall be designed by a professional engineer licensed in the State of Mississippi. An exception shall be allowed if the foundation is an addition to an existing structure and is to be designed and constructed the same as that existing structure. IBC section 1808.2-1808.9 and IRC section R506.1- R506.2.2.
2. **Foundation Requirements.** Foundations, footings, piles, and piers shall be built on undisturbed soil or properly compacted fillmaterial.
3. **Soils investigation.** Footings shall be designed so that the allowable bearing capacity of the soil is not exceeded. If structural concrete, masonry or timber footings are used, they shall rest on undisturbed or compacted soil of uniform density and thickness. Compacted soils shall be tested to a minimum of ninety- five percent (95%) of Modified Proctor in accordance with ASTM D 1557 and compacted and tested in lifts not to exceed twelve (12) inches.
4. **Compaction reports.** Compaction reports prepared by a certified soils lab shall be provided to the building official prior to the pouring of concrete
5. **Storm Shelters.** Delete section 423.5 and replace with the following: Where storm shelters are provided, they shall be provided in compliance with ICC 500 except as required by Sections 423.5.1 through 423.5.2
6. **Fire Suppression.** Section 903.2.1.1 Group A-1 (2) shall be modified to require an automatic fire sprinkler system in all Assembly Occupancy with an occupant load of 100 or more.
7. **Fire Suppression.** Section 903.2.1.3 Group A-3 (2) shall be modified to require an automatic fire sprinkler system in all Assembly Occupancy with an occupant load of 100 or more.
8. **Fire Suppression.** Section 903.2.1.1 Group A-4 (2) shall be modified to require an automatic fire sprinkler system in all Assembly Occupancy with an occupant load of 100 or more.
9. **Fire Suppression.** Section 903.2.1.6 shall be modified to require where an occupied roof has an assembly occupancy with an occupant load exceeding 100 for any Group A occupancies, all floors between the occupied roof and the level of exit discharge shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
10. **Fire Suppression.** Section 903.2.1.7 shall be modified to require An automatic sprinkler system shall be provided where multiple fire areas of Group A-1, A- 2, A-3, or A-4 occupancies share exit or exit access components and the combined occupant load of these fire areas is 100 or more.
11. **Fire Suppression.** Section 903.2.3 Group E shall be modified to require an automatic fire sprinkler system in all Education Occupancies.
12. **Fire Suppression.** Section 903.2.4 Group F-1 shall be modified to require an automatic fire sprinkler system in all Group F-1 with fire areas that exceed 10,000 square feet.
13. **Fire Suppression.** Section 903.2.1.1 Group M (2) shall be modified to require an automatic fire sprinkler system in all Mercantile Occupancy with fire areas that exceed 10,000 square feet.
14. **Fire Suppression.** Section 903.2.9 Group S-1 (1) shall be modified to require all Group S-1 buildings exceeding 10,000 square feet of gross floor area with the exception of aircraft “T” hangers and open parking garages.
15. **Fire Suppression.** 903.2.9.1 Repair Garages shall be modified to require an automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406 that exceed 2,500 square feet gross floor area.
16. **Fire Suppression.** Section 903.2.10 Group S-2 (2) shall be modified to require all Group S-2 buildings exceeding 10,000 square feet of gross floor area.

D. The 2021 Edition of the International Fire Code

1. Hose Threads. All hose threads shall be 3.093×6 .
2. Fire Suppression. Section 903.2.1.1 Group A-1 (2) shall be modified to require an automatic fire sprinkler system in all Assembly Occupancy with an occupant load of 100 or more.
3. Fire Suppression. Section 903.2.1.3 Group A-3 (2) shall be modified to require an automatic fire sprinkler system in all Assembly Occupancy with an occupant load of 100 or more.
4. Fire Suppression. Section 903.2.1.1 Group A-4 (2) shall be modified to require an automatic fire sprinkler system in all Assembly Occupancy with an occupant load of 100 or more.
5. Fire Suppression. Section 903.2.1.6 shall be modified to require where an occupied roof has an assembly occupancy with an occupant load exceeding 100 for any Group A occupancies, all floors between the occupied roof and the level of exit discharge shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
6. Fire Suppression. Section 903.2.1.7 shall be modified to require An automatic sprinkler system shall be provided where multiple fire areas of Group A-1, A- 2, A-3, or A-4 occupancies share exit or exit access components and the combined occupant load of these fire areas is 100 or more.
7. Fire Suppression. Section 903.2.3 Group E shall be modified to require an automatic fire sprinkler system in all Education Occupancies.
8. Fire Suppression. Section 903.2.4 Group F-1 shall be modified to require an automatic fire sprinkler system in all Group F-1 with fire areas that exceed 10,000 square feet.
9. Fire Suppression. Section 903.2.1.1 Group M (2) shall be modified to require an automatic fire sprinkler system in all Mercantile Occupancy with fire areas that exceed 10,000 square feet.
10. Fire Suppression. Section 903.2.9 Group S-1 (1) shall be modified to require all Group S-1 buildings exceeding 10,000 square feet of gross floor area with the exception of aircraft "T" hangers and open parking garages.
11. Fire Suppression. 903.2.9.1 Repair Garages shall be modified to require an automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406 that exceed 2,500 square feet gross floor area.
12. Fire Suppression. Section 903.2.10 Group S-2 (2) shall be modified to require all Group S-2 buildings exceeding 10,000 square feet of gross floor area.

E. The 2021 Edition of the International Existing Building Code-

1. Fire Protection. 803.2.1.1 Supplemental Automatic Sprinkler System Requirements shall be modified to require where the work area on any floor exceeds 25 percent of that floor area, Section 803.2.1 shall apply to the entire floor on which the work area is located.
2. Fire Protection. 803.2.2 Groups A, B, E, F-1, H, I-1, I-3, I-4, M, R-1, R-2, R- 4, S-1 and S-2. Shall be modified to require in buildings with occupancies in Groups A, B, E, F-1, H, I-1, I-3, I-4, M, R-1, R-2, R-4, S-1 and S-2, work areas that have exits or corridors shared by more than one tenant or that have exits or corridors serving an occupant load greater than 30 shall be provided with automatic sprinkler protection where both of the following conditions occur:
 - a. The work area exceeds 25 percent of the floor area.
3. Fire Protection. 803.2.3 Group I-2. Shall be modified to require in Group I-2 occupancies, an automatic sprinkler system installed in accordance with Section 903.3.1.1 of the International Fire Code shall be provided in the following
 - a. In Group I-2, Condition 2, throughout the smoke compartment in which the work occurs where the work area exceeds 25 percent of the smoke compartment.

AMENDMENT #39

“17.3.7 Expiration Of Building Permits” of the City of Starkville Unified Development Code is hereby *amended* as follows:

17.3.7 Expiration Of Building Permits

- A. Any building permit issued in accordance with the Unified Development Code and the Technical Codes shall become invalid unless the work authorized by it has not commenced within ninety (90) days after the issuance of the permit and/or if continuous work has ceased for ninety (90) days or more. The determination of continuous work shall be based on observations by and the opinion of the Building Official. All building permits shall expire after one (1) year except for that residential permits shall expire after two (2) years of the date issued.
- B. Any demolition permit shall expire ninety (90) days after issuance of the demolition permit.

AMENDMENT #40

“17.4.2 Bond, Insurance And Certificate Of Responsibility Required” of the City of Starkville Unified Development Code is hereby *repealed* as follows:

REPEALED

17.4.2 Bond, Insurance And Certificate Of Responsibility Required (*Repealed*)

- A. Post a \$5,000.00 performance bond with the City Clerk, such bond being payable to the city and being conditioned on such contractor complying with all ordinances and regulations of the city and the state.
- B. Provide proof of commercial liability insurance issued by an insurance company admitted to write such insurance in the State of Mississippi and having minimum limits as follows: general liability \$500,000.00 per occurrence and \$1,000,000.00 general aggregate.
- C. Provide proof of worker's compensation insurance to the extent the contractor is required to have such by state law.
- D. Hold a certificate of responsibility from the state.

“17.4.2 Contractor Credential Requirements” of the City of Starkville Unified Development Code is hereby *added* as follows:

ADDED

17.4.2 Contractor Credential Requirements (*Added*)

To register with the Building Department, all commercial and residential construction contractors and subcontractors including but not limited to: general contractors, air- conditioning contractors, electrical contractors, and plumbing contractors, shall:

- A. Provide a copy of the appropriate and up to date Certificate of Responsibility for the scope of work being performed issued by the Mississippi State Board of Contractors.
- B. Provide proof of commercial liability insurance issued by an insurance company admitted to write

such insurance in the State of Mississippi and having minimum limits as follows: general liability \$500,000.00 per occurrence and \$1,000,000.00 general aggregate; and provide proof of worker's compensation insurance to the extent the contractor is required to have such by state law.

- C. Provide a copy of a current Mississippi Business or Privilege License.

If the permitted scope of work falls outside of the Mississippi State Board of Contractors licensing requirements, a Certificate of Liability insurance issued to the City of Starkville and a valid Mississippi Business or Privilege License is still required.

AMENDMENT #41

“17.4.3 Statutory Compliance And Related Requirements” of the City of Starkville Unified Development Code is hereby *repealed* as follows:

REPEALED

17.4.3 Statutory Compliance And Related Requirements (*Repealed*)

In order to qualify for registration, all commercial and residential construction contractors and subcontractors including but not limited to: general contractors, air-conditioning contractors, electrical contractors, and plumbing contractors, shall:

- A. Comply and meet the provisions of MCA 1972, § 27-17-457(1) and post a \$5,000.00 performance bond payable to the city, conditioned upon such contractor complying with all ordinances and regulations of the city, and the statutes of the state; or
- B. Comply and meet the provisions of MCA 1972, § 27-17-457(2), or hold a certificate of responsibility from the state; and
- C. Provide proof of commercial liability insurance issued by an insurance company admitted to write such insurance in the State of Mississippi and having minimum limits as follows: general liability \$500,000.00 per occurrence and \$1,000,000.00 general aggregate; and provide proof of worker's compensation insurance to the extent the contractor is required to have such by state law.

AMENDMENT #42

“17.4.3 Grounds For Removal From Register” of the City of Starkville Unified Development Code is hereby *added* as follows:

17.4.3 Grounds For Removal From Register

Once qualified, all contractors and subcontractors will remain on the approved list until removed. If a contractor or subcontractor is removed from the register list, they are eligible to be reinstated after providing proof to the Building Official that they have corrected the issue causing removal from the register list. Reasons for removal from the register list shall include any of the following:

- A. Working without a permit.
- B. Revocation of the license or state certificate of responsibility.
- C. The liability insurance and worker's compensation insurance (where required by state law) expires or is revoked or canceled.

AMENDMENT #43

“17.4.4 Grounds For Removal From Register” of the City of Starkville Unified Development Code is hereby *repealed* as follows:

REPEALED

17.4.4 Grounds For Removal From Register (*Repealed*)

Once qualified, all contractors and subcontractors will remain on the approved list until removed. If a contractor or subcontractor is removed from the register list, they are eligible to be reinstated after providing proof to the Building Official that they have corrected the issue causing removal from the register list. Reasons from removal from the register list shall include any of the following:

- A. Nonpayment of registration fee
- B. Revocation of the license or state certificate of responsibility
- C. The performance bond expires or is revoked due to violations of this Code or applicable state law
- D. The liability insurance and worker's compensation insurance (where required by state law) expires or is revoked or cancelled.

ADDED

17.4.4 Permitting By Owner

Nothing contained in this section shall prohibit any individual from building their principal dwelling or from remodeling or expanding their existing dwelling. A Homeowner Certificate of Compliance application supplied by the Building Department is required to be completed and signed before any permits are issued.

AMENDMENT #44

“17.4.5 Fire Suppression” of the City of Starkville Unified Development Code is hereby *added* as follows:

17.4.5 Fire Suppression (*Added*)

- A. **Fire Suppression Contractors.** Only approved sprinkler contractors registered with the State of Mississippi shall be allowed to install fire suppression (sprinkler) systems within the City of Starkville.
- B. **Fire Suppression.** Only sprinkler heads and devices approved for use in fire suppression systems shall be installed. Plans for all fire suppression (sprinkler) systems shall be submitted to the fire department for review. Automatic fire suppression (sprinkler) systems shall be installed as outlined in National Fire Protection Association (NFPA) Standard 13, which is applicable and referenced in the International Fire Code (IFC).
- C. **Fire Suppression.** Shop drawings shall be submitted to the fire department for review. A reminder noted on the submitted drawings and specifications shall state: "Contact the Starkville Fire Department not less than twenty-four (24) hours in advance to witness any required test".

AMENDMENT #45

“18 Definitions” of the City of Starkville Unified Development Code is hereby *amended* as follows:

C.

Correction Period - Amount of time given to responsible persons or parties to make all corrective actions in response to a written notice of violation. This time shall be measured in calendar days.

O

Obligee - For any section of the Unified Development Code that requires surety, the City of Starkville shall be listed as the obligee on the surety.

S

Surety - A financial guarantee that names the City of Starkville as the obligee. It enables the City to pay for debts associated with the completion of a project in accordance with a performance guarantee agreement. Sureties can be performance bonds, irrevocable letters of credit, cashier’s checks, or any other means of securing debts associated with the completion of a project that is considered acceptable by the City Attorney.

V

Violation of Unified Development Code- The act of doing something that is not permitted under the Unified Development Code and any adopted Technical Codes; any regulation, rule, or order adopted according to the applicable sections; any certificate of appropriateness, use exception, special exception, or variance issued according to the Unified Development Code; or a lawful plan approved under the Unified Development Code

W

Written Notice of Violation - A Notice of Violation shall be provided to the responsible persons or parties with the following: (1) The type of the violation. (2) An order directing corrective action. (3) The date when corrective measures must be completed. This notice may be hand-delivered, mailed, or sent by email to the responsible persons or parties.