

STATEMENT OF INTENT, PURPOSE AND BODY OF TEXT

Section 1. Intent.

The purpose of this landscape ordinance is to protect and promote the general welfare of the Starkville citizens and visitors by establishing minimum standards to enhance the City's appearance, to provide for the proper selection and installation of landscape materials.

Section 2. Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

Accessway: A paved or unpaved area intended to provide ingress and egress from a public or private right-of-way (ROW) to a public or private premise, including an off-street parking area.

ANSI A300: American National Standards Institute (ANSI) A300 Standards for Tree Care Operations: Tree, Shrub, and Other Woody Plant Management – Standard Practices. ANSI A300 standards are the generally accepted industry standards for tree care practices. More information can be found at the Tree Care Industry Association website: <http://www.tcia.org/standards/A300.htm>

Barrier: A solid and unbroken visual screen which presents a 100% opaque screen. An open chain-link fence shall not constitute a barrier.

Berm: Mounding of soil that is planted with living plant material designed as a landscape buffer yard to screen incompatible land uses or to absorb, or otherwise reduce, nuisance impacts such as smoke, glare, or other similar nuisances.

Buffer Yard: Open spaces, landscape areas, fences, walls, berms, or any combination thereof used to physically separate or screen one land use or property from another so as to visually shield or block noise, lights, or other nuisances.

Clearing: The removal of vegetation or any manipulation of the soil that results in the material damage of vegetation.

Canopy Tree: A tree which typically grows to a mature height of at least 35 feet, primarily installed for shade provision.

Courtyard: A private or semi-private open space, unobstructed from the ground to the sky, which is bounded on three or more sides by walls of a building or by fencing and landscaping.

Development Review Committee (DRC): Review authority established by the City of Starkville's Mayor and Board of Aldermen per Ordinance 2008-3, composed of representatives from City departments and area utility providers responsible for reviewing land development proposals within the City.

Diameter-at-Breast-Height (DBH): A measure of the tree trunk diameter in inches at a height of 4½ feet (54 inches) above the finished grade of the ground or, in the case of a tree that is divided into multiple trunks below 4½ feet (54 inches), as measured from the most narrow point beneath the point of division.

Grass: Any vegetation of a large family (*Gramineae* or *Poaceae*) of monocotyledonous plants having narrow leaves, hollow stems, and clusters of very small, usually wind-pollinated flowers.

Ground Cover: Low-growing ornamental living plant material.

Hedge: A solid and unbroken visual screen of self-supporting living plant material.

Impact: The potential direct or indirect effects of a proposed development on the activities, utilities, drainage, circulation, land uses, facilities, environment, and other factors, on an existing and/or adjacent property or use. For purposes of this ordinance, the following examples are provided for guidance in determining the need for a buffer yard.

No Impact: Types of land uses which include agricultural, park, golf course and similar uses which have a maximum gross density of up to 1 dwelling unit per acre.

Low Impact: Types of land uses which include residential uses which have a gross density of 1-4 dwelling units per acre.

Medium Impact: Types of land uses which include neighborhood commercial activities and residential land uses which have a gross density of 4-8 dwelling units per acre.

High Impact: Types of land uses which include general commercial activities and residential land uses which have a gross density of 8-15 dwelling units per acre.

Very High Impact: Types of land uses which include intensive commercial, manufacturing and industrial activities and residential land uses which have a gross density greater than 16 dwelling units per acre.

Landscape Strip: A portion of land containing trees, barriers, ground cover, and/or other plant material as required by this Ordinance.

Lawn Grass: Grass species normally grown as permanent lawns in the vicinity of the City of Starkville, Mississippi.

Living Plant Material: Grass, ground cover, shrubs, vines, and trees.

Mulch: A protective covering, of organic matter such as pine straw, pine bark, or shredded hardwood, placed around plants to reduce the evaporation of moisture and the growth of weeds. Nonorganic material such as rock is not considered mulch and shall not be permitted.

Non-Vehicular Open Space: All open areas that are not part of the buildings, roadway landscape strip, vehicular use area, interior landscape areas, perimeter landscape areas, and internal walkways.

On Center: A method of measuring that uses the center (or centerline) of objects as the point of measurement.

Opacity: Degree of obscuration of light. The range is from 0 to 100%. For example, a

window has 0% opacity and a solid brick wall has 100% opacity.

Open Space: Any parcel or area of land and/or water, set aside, dedicated, designated, or reserved for public or private use or enjoyment. Includes, but is not limited to, amenities such as tot lots, lakes, parks, plazas, courtyards, swimming pools, and passive or active recreation facilities.

Plant Unit: A measurement describing the amount of required plant material in flexible units, detailed in Table 5-2 of this Ordinance.

Plaza: A public open space that may be improved and landscaped, usually surrounded by streets and buildings, sometimes called a square.

Perimeter Landscape: The area designated for planting on the edges of a vehicular area, to define parking areas and prevent two adjacent lots from becoming one large expanse of paving.

Screening: A method of visually shielding or obscuring one abutting or nearby structure or land use from another through the use of fencing, walls, berms, or densely planted vegetation.

Shrubs: Self-supporting, woody plants smaller than a tree and usually branching from or near the ground.

Small Trees: A tree which grows to a mature height of less than 35 feet, primarily established for aesthetics, but often times used for screening or other purposes.

Starkville Tree Advisory Board (STAB): An advisory body to the Board of Aldermen, composed of citizen representatives charged with providing guidance to City staff during the development and site plan review process for proposed projects within the City, and to resolve any related appeals of landscape decisions by the Development Review Committee and the Director of Community Development.

Stormwater: Precipitation that accumulates in natural and/or constructed storage and stormwater systems during and immediately following a storm event.

Structure: Any building, sign, or permanent, free-standing, outdoor construction having above-grade elements.

Trees: Self-supporting, woody perennial plants of species which normally, at maturity, have a trunk with a minimum DBH of 2½ to 3 inches, with an overall height of at least 15 feet.

Vehicular Use Area: All land upon which vehicles traverse a property.

Section 3. General criteria and standards.

Applicability. This ordinance shall be applicable within the City of Starkville's jurisdictional area and shall apply to all new development or redevelopment. All open area within a development shall contain grass, ground cover, or other living plant material. Landscaped area for the interior of parking lots, as well as landscaped areas for perimeter requirements and other non-vehicular use areas shall not include any permanent water areas to count towards the minimum requirements. Landscape designs shall incorporate appropriate plant material which will survive and flourish with comparatively little supplemental irrigation. These plants shall be native, drought tolerant, and non-invasive.

The following development activities are exempted from this article:

1. Individual single family residential lots. Provided, however, that single family lots that are part of a new subdivision or phased development project are not exempt from this article.
2. Additions or modifications to existing single family structures.
3. Land disturbing activities conducted for the purpose of restoration of streams, stream banks, riparian zones, or other environmentally protected areas.
4. Repairs and/or construction deemed emergency in nature.
5. Repairs to any stormwater management facility deemed necessary by the City Engineer.

Section 4. Specifications for required plant materials.

A. *Trees*

1. A mulch ring with a 5 foot diameter is required for all trees planted outside of a landscape bed.
2. No single tree species shall account for more than 50% of the total number of trees if more than four trees are required.

Table 4-1. Tree Requirements

| | Time of Planting | | | Minimum Space Required | Mature Size | |
|-------------|------------------|-------------|---------|------------------------|-------------|-------------|
| | Height | Clear Trunk | DBH | | Height | Clear Trunk |
| Canopy Tree | 12' | 6' | 2-1/2" | 9x18' | 35' Minimum | 6' |
| Small Tree | 8' | 4' | 1-1/2"* | 9x9' | 35' Maximum | |

*3-5 Trunks for multitrunk with minimum DBH of 3/4" per trunk

B. *Shrubs and hedges.*

1. Individually planted shrubs shall be a minimum of 24 inches in height at time of installation.
2. Shrubs shall be planted at a maximum on center distance of 75% of their mature spread

Table 4-2. Screen Hedge Requirements

| | Height | | |
|----------------------------|--------|--------|----|
| Required Height | 3' | 4' | 5' |
| Height at Time of Planting | 2' | 2-1/2' | 3' |

Required height to be achieved within one year from planting

C. *Lawn grass.*

1. Grass areas may be sodded, plugged, sprigged, or seeded except that solid sod shall be used on slopes, in swales, or any other areas subject to erosion as determined by the City Engineer during the review process.
2. When grass seed is sowed it shall be a variety of seed which produces complete coverage within 90 days from sowing
3. In areas where a ground cover other than solid sod or grass seed is used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

Section 5. Landscape strips required along roadway frontage.

A. *Location of landscape strip.* A landscape strip shall be required to be located within the property line and/or building setback as established by the land development regulations or as otherwise established. Landscape strips, when required in easements, may be adjusted upon recommendation by the Director of Community Development.

1. *Minimum standards.* The landscape strip shall comply with minimum standards stipulated in Tables 5-1 and 5-2 and below.

Table 5-1. Minimum Standards for Landscape Strips along Roadways

| Area of Site | Width of Landscape Strip | Plant Units Required per 100 Linear Feet of Roadway Frontage |
|-------------------|--------------------------|--|
| 0-2 acres | 5 feet | 60* |
| more than 2 acres | 10 feet | 90* |

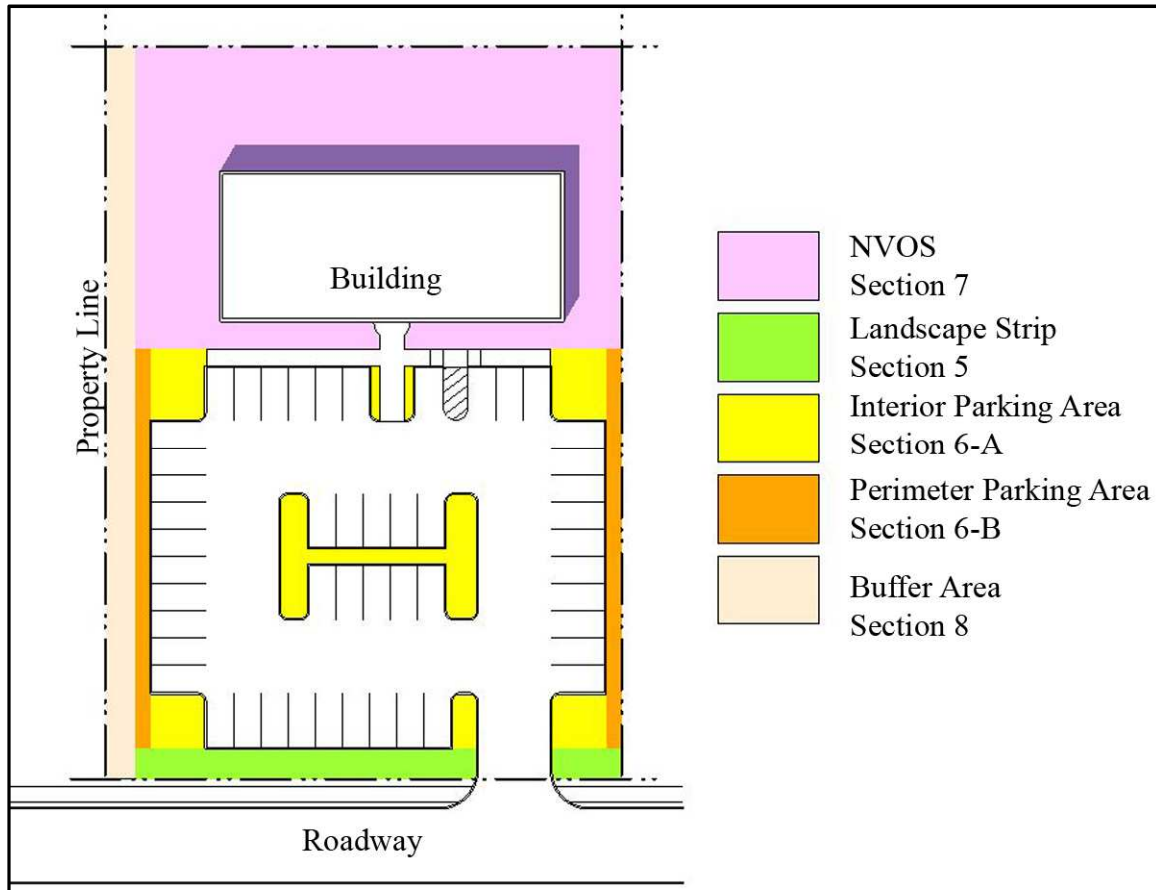
Accessways from public right of ways are not included in calculation

* Canopy Trees shall be planted every 30'.

Table 5-2. Plant Unit Value

| Type of Plant Material | Plant Units |
|------------------------|-------------|
| Canopy Tree | 15 |
| Small Tree | 8 |
| Shrub | 1 |

Figure 5-1



B. *Screening material in landscape strip requirements.*

1. Any combination of decorative masonry walls, shrubs, or landscaped berms shall be planted or installed along the entire length of each required landscape strip if landscape strip abuts parking area.
2. Decorative masonry walls, if used, shall be minimum of 3 feet off property line with landscaping on the road side of wall.
3. For berms and decorative masonry walls see Section 11 B of this ordinance.
4. Masonry walls must meet Appendix A, Zoning, Article VI General Provisions, Section A of the Starkville Code of Ordinance

Table 5-3. Screening Material Requirements by District

| Districts | Zones | Minimum Height of Screen |
|-------------|-----------------------------|--------------------------|
| Residential | R-3, R-3-A, R-4-A, R-5, R-6 | 4 feet |
| Commercial | C-1, C-2, C-3 | 3 feet |

| | | |
|---------------|-----|--------|
| Manufacturing | M-1 | 5 feet |
|---------------|-----|--------|

See Table 4-2 for Screen Hedge Requirements

Section 6. Requirements for vehicular use areas

A. *Interior of Parking Areas.* Landscape requirement are shown on Table 6-1.

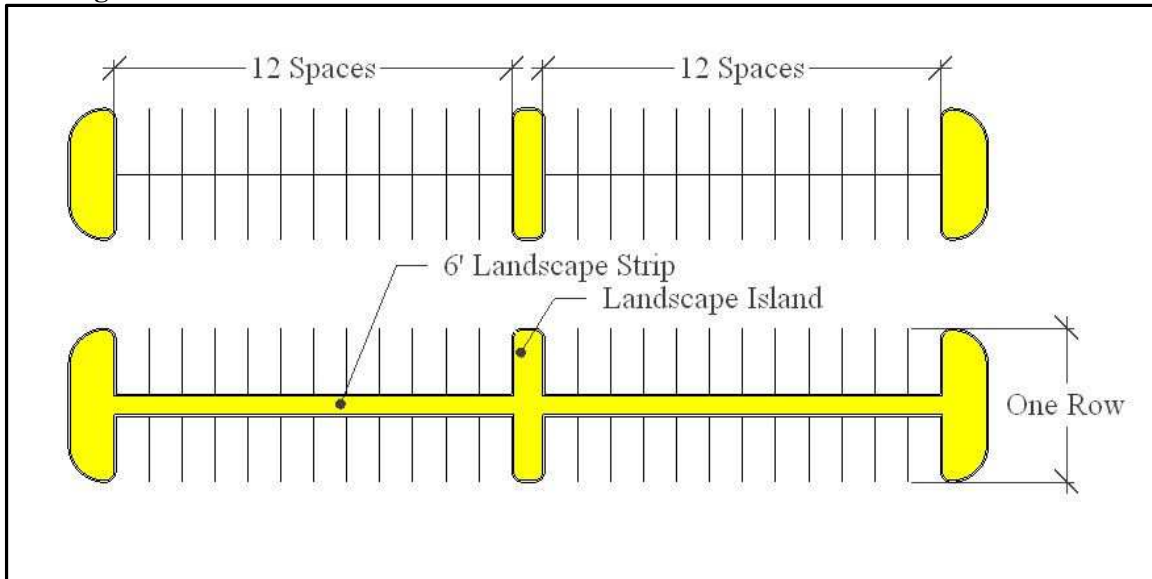
Table 6-1. Minimum Interior Landscaping for Offstreet Parking

| Parking Area | Minimum Landscape area |
|------------------------------|---------------------------|
| Less than 50,000 square feet | 5% of total parking area |
| More than 50,000 square feet | 10% of total parking area |

Does not include required perimeter landscape area

1. Parking lots shall be designed so no more than 12 parking stalls shall be in an uninterrupted row. Rows shall be separated with a landscaped area with the minimum dimension of a single parking stall (refer to Appendix A Zoning, Article VIII Off Street Parking for dimensions).
2. The end of each aisle and corner area shall be landscaped. End of aisle shall have minimum dimension of a single parking stall.
3. Total number of required canopy trees shall be 1 tree for each 200 square feet or a fraction thereof, of required landscape area.
4. Where two rows of parking spaces are adjacent (head to head) to one another, a landscaped strip with a minimum width of 6 feet shall be planted along the common boundary to separate the parking stalls. For lots with more than 2 rows of parking and more than 100 parking spaces, every other row shall have landscaped strip. See figure 6-1

Figure 6-1



B. *Perimeter of Parking Areas.* Landscape area dimensional requirements for the perimeter of the parking area are shown on Table 6-2.

1. A shrub screen with a height shown in table 5-3 shall be continuous along perimeter of parking areas adjacent to property lines. For perimeter adjacent to roadway landscape

- strips, the landscape strip shall have the required landscape screening. See Section 5 B.
2. Perimeter calculations shall not include accessways or cross easements to adjacent properties or roadways.

Table 6-2. Minimum Perimeter Landscaping for Offstreet Parking

| Parcel Size | Perimeter Landscaping Width | One Canopy Tree Per |
|------------------------------|-----------------------------|---------------------|
| Less than 50,000 square feet | 5 feet | 175 square feet |
| More than 50,000 square feet | 10 feet | 350 square feet |

Section 7. Landscape requirements for non-vehicular open space areas.

Landscape material shall be planting in the non-vehicular open space not included in the roadway frontage or vehicular use area requirements.

Table 7-1. Non-Vehicular Open Space Requirements

| Percentage of Site in Non-Vehicular Open Space | Plant Units Required** |
|--|--------------------------|
| Less than 50% | 120 per 1800 square feet |
| More than 50% | 50 per 1800 square feet |

One Canopy Tree is required per 1800 square feet

See Table 5-2. Plant Unit Value

- A. All structures shall have landscaping around their base.
- B. Canopy trees, as required above, shall be spaced in clusters or situated in strategic locations consistent with good principles of design and plant installation. Trees will be planted in locations where they can grow to their mature height and spread

Section 8. Buffer yard and screening of residential and non-residential uses.

- A. To maintain and perpetuate land use compatibility where different types and/or intensities of land use activities abut one another, the standards set in Tables 8-1 and 8-2 shall apply.
- B. The Development Review Committee (DRC) may require more restrictive buffer yards including a combination of landscape features, fence, or wall as a buffer yard between uses of varying intensities.

Table 8-1. Buffer Yard and Landscape Screening Types

| Buffer Yard/Landscape Screening Type | Width of Required Landscape Strip | Plant Units Required per 100 Linear Feet of Property Line |
|--------------------------------------|-----------------------------------|---|
| A | 10 Linear Feet | 40 |
| B | 20 Linear Feet | 80 |
| C | 30 Linear Feet | 120 |
| D | 40 Linear Feet | 160 |

C. A use is considered “no impact,” “low impact,” “medium impact,” “high impact” or “very high impact” based on its effect on the existing/adjacent land use. These terms are defined in the “definitions” section of this Ordinance. The following criteria shall be considered when determining type of impact of a proposed mixed-use or other non-residential development:

1. Noise;
2. Outdoor parking and loading space;
3. Exterior storage;
4. Height of structure;
5. Production of dust, fumes, and vibrations;
6. Litter, including use of trash dumpsters;
7. Lighting; and
8. Overall design compatibility with adjacent uses, including scale, elevation, building material, roof, and fenestration.

Table 8-2. Minimum Standards for Required Buffer Yard and Landscape Screening

| Existing/Adjacent Use | | | | | |
|-----------------------|---------------|----------------|-------------------|-----------------|----------------------|
| Land Use Intensity | No Impact (N) | Low Impact (L) | Medium Impact (M) | High Impact (H) | Very High Impact (V) |
| No Impact (N) | None | A | B | C | D |
| Low Impact (L) | A | None | B | C | D |
| Medium Impact (M) | A | B | None | C | D |
| High Impact (H) | D | C | B | None | A |
| Very High Impact (V) | D | C | B | A | None |

Section 9. Land clearing, excavation or fill.

A. No site work which: (1) impacts the Special Flood Hazard Area (SFHA) or impacts a designated conservation area per the City’s Floodplain Ordinance; (2) redirects and/or increases or reduces off-site natural drainage or runoff from a site per the City’s currently adopted Stormwater Ordinance; or (3) results in removal of vegetation, shall be undertaken without prior site plan approval. The site’s landscape shall be preserved as much as possible for purposes of enhancing the general site appearance, preserving the City’s

existing tree canopy as well as preventing excessive stormwater runoff, erosion, siltation, and dust. Violation of this requirement shall be subject to Code Enforcement action by the City.

- B. An erosion/clearing permit application, including an erosion control and sedimentation plan, shall be submitted and approved by the City prior to any clearing activity including vegetation removal. Plans shall be submitted with the application, which shall demonstrate compliance with the City's ordinances.

Section 10. Other general landscape regulations.

The following general regulations shall apply to all landscaped areas. In case of a conflict with the City of Starkville's adopted Form Based Code, and any other adopted overlay or special zoning district, those adopted regulations shall prevail in their corresponding areas.

A. *Protection of plant material.*

1. All landscape strips required by this Ordinance shall be protected from vehicular encroachment by raised curbing or permanently secured wheel stops.
2. Retained and protected vegetation will be inspected and approved prior to the issuance of a Certificate of Occupancy or Certificate of Completion. Protected vegetation that is damaged or adversely impacted during the construction process, or as a result of non-compliance with this Ordinance, shall be corrected prior to final approval and acceptance.
3. Retained and protected vegetation will be inspected and approved prior to the issuance of a Certificate of Occupancy or Certificate of Completion. Protected vegetation that is damaged or adversely impacted during the construction process, or as a result of non-compliance with this Ordinance, shall be corrected prior to final approval and acceptance.

B. *Berm and decorative masonry walls.* Berms are encouraged for use in meeting landscape screening requirements of this Ordinance.

1. Berms shall be landscaped with living plant material to achieve the required heights.
2. Berms must be at least 1½ feet high with a maximum slope of two to one (2:1).
3. The minimum width of a berm crown shall be 2 feet.
4. The berm must be covered with live vegetation.
5. Where decorative masonry walls (i.e., those faced with brick, stone, stucco, or other ornamental materials) are constructed within the required landscape strip, the number of required plant units and reduction in the width of a required landscape buffer may be requested via waiver from the Starkville Tree Advisory Board. The approval or denial of the waiver from the requirements of the ordinance will be considered by the Mayor and Board of Aldermen at their next regularly scheduled meeting. Notwithstanding, canopy trees shall be provided pursuant to Section 3 of this Ordinance.

C. *Required sight distances for landscaping adjacent to public rights-of-way (ROW) and points of access.*

1. When an accessway intersects a public right-of-way, or when the subject property abuts the intersection of two or more public rights-of-way, and if there is a sidewalk, all

landscaping within the triangular area shall allow unobstructed cross-visibility at a level between 36 inches above the sidewalk grade and 8 feet above the sidewalk grade.

2. However, trees shall be permitted, provided the same are pruned so as to allow visibility at the levels indicated above, and provided they are located so as not to create a traffic hazard.
- D. *Screening of trash dumpsters, mechanical equipment, and utility connections.* Trash dumpsters, mechanical equipment, and/or utility connections shall be screened with landscaping or decorative masonry wall so as not to be visible from roadways.
- E. *Screening of stormwater and drainage facilities.* All stormwater ponds, drainage facilities and other structures designed, built, and maintained for the storage or conveyance of stormwater, shall be screened with dense, evergreen landscaping materials so facilities will not be visible from roadways unless the said facilities serve as an amenity to the proposed development which may include rain gardens or retention ponds with a water feature. Classification of a facility as an amenity shall be at the discretion of the Director of Community Development and City Engineer.
1. Landscaping materials should not inhibit long-term functionality of the proposed stormwater management facility.
 2. Trees and shrubs should be selected for placement in or near wet soil conditions.
 3. Berms surrounding drainage ponds should be sodded, and trees and shrubs planted, to provide adequate screening. If used, retaining walls should also be screened.
 4. If the drainage pond is usually dry when not in use, there should be adequate access for routine maintenance, but this should not negate the need for screening from the roadway.
- F. Nuisance plants. Prior to the issuance of a Certificate of Occupancy, Certificate of Completion, or other form of approval, for a newly developed or redeveloped site, the owner/applicant shall remove all nuisance plants and exotic/invasive vegetation from the site for which a development order or permit is requested.
1. Nuisance plants include those which may or may not be native, and whose growth habits are hard to control.
 2. Exotic and invasive vegetation are those plants which have been introduced into the area by any number of means and may have undesirable growth habits or maintenance constraints.

Section 11. Plant quality, installation, and maintenance.

- A. *Plant quality and installation.* All plant materials shall be of a species adaptive to the Starkville, Mississippi area and shall conform to standards of American Standard for Nursery Stock (ANSI Z60.1-2004), as may be amended hereafter.
1. All grass sod shall be clean and reasonably free of stones or other debris, diseases, or noxious pests and also USDA-certified to be free of insect infestation, especially imported fire ants.
 2. Installation of all landscaping shall be in a sound workman-like manner according to accepted good planting procedures. Landscape contractors or installers shall ensure percolation of all planting pits prior to installation of landscape materials.

- B. *Maintenance.* Maintenance of landscaping shall be the responsibility of the owner, tenant, or agent, jointly and separately. Said landscaping shall be maintained in a good condition so as to present a healthy and regularly-maintained appearance, or in accordance with the landscape plan approved during the site plan review process. All landscaped areas shall be kept free of noxious weeds, refuse, litter, and debris.
1. If at any time after issuance of a Certificate of Occupancy, Certificate of Completion, or other form of written approval, the landscaping of a development to which this Ordinance is applicable is found to be in nonconformance, the Director of Community Development or designee, shall issue notice to the owner, tenant, or agent that action is required to comply with this Section and shall describe what action is required to comply. The owner, tenant, or agent shall have 30 days to restore the landscaping as required. If landscaping is not restored within the allotted time, such person shall be in violation of this Ordinance, the punishment for which shall be as provided pursuant to the City of Starkville's Code of Ordinances.
 2. If after due process the landowner fails to comply with the order of the City, the Mayor and the Board of Aldermen may approve a contract for purposes of undertaking required maintenance and bill the property owner or lessee for costs incurred.

Section 12. Landscape plan submittal, review and waivers.

- A. *Landscape plan required.* The landscape plan shall be prepared pursuant to Title 73 – Chapter 2, “Professions and Vocations – Landscape Architects” of the Mississippi Code of 1972, Annotated. A landscape plan shall be submitted to, and approved by, the Development Review Committee (DRC) prior to the issuance of a site plan approval where applicable, or prior to the issuance of a building or paving permit where a site plan review is not applicable. The landscape plan shall contain the following:
1. Name, address, and telephone number of the owner and designer, including the designer's certification.
 2. North arrow, scale, and date.
 3. Property lines, easements, and rights-of-way with internal boundary and property line dimensions.
 4. Location of existing or proposed rights-of-way (e.g., utilities) and other services.
 5. Location and size of any existing or proposed structures and existing cultural or historical areas or sites.
 6. Location of all utilities, including service connections, on site.
 7. Location and size of any existing or proposed site features, such as earthen mounds, swales, walls, and water areas.
 8. Location and size of any existing or proposed vehicular use areas.
 9. Location and size of any existing or proposed sidewalks, curbs, and wheel stops.
 10. Calculations of required type, dimensions, and square footage of landscape materials and of required landscape areas, including: total site area, parking areas, other vehicular use areas, percentage of non-vehicular open spaces, perimeter landscape strips, interior landscape strips, and required number of trees.
 11. Location of required landscape areas and dimensions.
 12. Topographic contour lines at two-foot minimum intervals.
 13. Location, botanical name, height, and size of all existing plant material to be retained and preserved.

14. Location, size, height, and description of all proposed landscape materials including botanical name, quantity, quality, spacing, and specified size and specification of all plant materials.
15. Height, width, type, material, and location of all barriers of nonliving material.
16. Designations of locations, dimensions, and areas of landscaping for existing or proposed signs.
17. Location of all structures, landscaping, trees over 6 inches Diameter at Breast Height (DBH), or other improvements or buildings on adjacent property within five feet of the common property line.
18. Designations and illustrations of all structures and trees over 6 inches in Diameter at Breast Height (DBH) within 30 feet of the common property line.

B. Review and approval procedure.

1. Landscape plans shall be subject to review and approval as part of the site plan review procedure.
2. The Director of Community Development shall authorize the inspection of all landscaping. No Certificate of Occupancy, Certificate of Completion, or other form of approval, shall be issued until all landscaping is completed in accordance with the submitted landscape plan and requirements of this Section.
3. The Director of Community Development may allow conditional occupancy valid for a period of 30 days with extensions not to exceed an accumulation of 180 days if all of the following conditions exist:
 - a. Except for the completion of landscaping installation, occupancy would normally be allowed.
 - b. Completion of the required landscaping before a permanent certificate of occupancy is issued would result in hardship to the applicant, as applied in this case.
 - c. At the time the conditional occupancy is requested, the developer/owner shall make financial arrangements (by certificate of deposit, or letter of credit) satisfactory to the city in the amount of 150% of required landscaping calculated at \$1.00 to \$3.00 per square foot not yet in place to ensure that it shall be installed. Any owner/developer wishing to make such financial arrangements must also grant the city access to the land to install or complete the required landscaping in the event the landscaping installation has not been completed at the end of the required extension period. Such financial arrangements shall be released when the required landscaping is completed.

Section 13: Administration

A. Administrative appeal process.

1. Any request for a waiver from the administrative decision regarding this Ordinance shall be filed with the Director of Community Development and considered by an appointed three member hearing panel of the Starkville Tree Advisory Board (STAB). The application shall:
 - a. Be filed on forms provided by the Community Development Department.
 - b. State clearly, and in detail, waivers requested and reasons therefore.
 - c. Be accompanied by sketches, surveys, data, and/or statistical information.
 - d. Be accompanied by an application fee, the amount of which shall be determined by the resolution of the Mayor and Board of Aldermen.

2. The Starkville Tree Advisory Board may recommend said waiver only if it determines that said waivers are not contrary to the intent of this Ordinance and that a literal enforcement of the Ordinance standards would be impractical and result in an unreasonable and unnecessary hardship. Economic or financial hardship alone is not exceptional.
 3. *Appeal.* A recommendation by the Starkville Tree Advisory Board for a waiver will be placed on the agenda of the City's Mayor and Board of Aldermen for consideration at its next regularly scheduled meeting. Appeals of the decision by the City's Mayor and Board of Aldermen shall be to a court of competent jurisdiction consistent with state statutes. The appellant is responsible for providing a verbatim transcript of the hearing before the City's Mayor and Board of Aldermen, including all exhibits, the transcribed testimony of witnesses, and the findings of the City's Mayor and Board of Aldermen.
- B. *Minimum requirements.* The provisions of this article are for the promotion of the public health, safety, morals and general welfare for the City of Starkville, Mississippi and are considered to be minimum requirements. Wherever the requirements of any other lawfully adopted rules, regulations, ordinances, and deed restrictions or covenants filed of record are not in conflict with the intent and purpose of this article, but impose more restrictive or higher standards, the more restrictive or higher standards shall govern.
- C. *Enforcement.* Violation by any person of the provisions of this article or failure to comply with any of its requirements, after written notification by the building director of the city of the type, nature, and extent of the violation of this article, shall, upon conviction thereof, constitute a misdemeanor.

Any person who violates the provisions of this article or fails to comply with any of its requirements within 90 days after having been duly notified in writing, by certified mail, return receipt requested, by the building director of the city, shall, upon conviction, thereof, be fined not more than \$1,000.00. Each day such violation continues shall be considered a new and separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION III. INVALIDATION/SEVERABILITY

The requirements and provisions of this Ordinance are severable. If any article, section paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, the decision of the Court shall not affect the validity or applicability of the Ordinance as a whole or of any part thereof other than the part held void, invalid, or otherwise inoperative.

SECTION IV. CONFLICTS

All Ordinances, parts of Ordinances or Resolutions of the Mayor and Board of Aldermen of the City of Starkville that conflict with the provisions of this Ordinance shall be hereby repealed.

Landscape Appendix

The following publications are recommended references provided as part of the City of Starkville's Landscape Ordinance which will assist in proper plant selection, maintenance and continuing care:

Publications:

Mississippi Trees

Mississippi Trees. Mississippi Forestry Commission, 2012.

Plant lists and management Techniques:

Mississippi Urban and Community Forestry Management Manual

Plant lists are located in Appendix D on page 173.

Husak, A. L., and S. C. Grado. "Mississippi Urban and Community Forestry Management Manual." *Forest and Wildlife Research Center, Publication FO 417 (2005).*

A Management Guide for Invasive Plants in Southern Forests

Nuisance plant lists are located in Appendix A, page 110, & Appendix B, page 115.

Miller, James Howard, Steven T. Manning, and Stephen Frederick Enloe. "A management guide for invasive plants in southern forests." (2010): 1-120.

Management Techniques:

ANSI A300: American National Standards Institute (ANSI) A300 Standards for Tree Care Operations: Tree, Shrub, and Other Woody Plant Management – Standard Practices.

ANSI, B. "A300-American National Standard for Tree Care Operations--Tree." *Shrub and Other Woody Plant Maintenance--Standard Practices (2001).*

American Standard for Nursery Stock

ASNS, B. "American Standard for Nursery Stock." *ANSI Z60 1.*