

## **CHAPTER 3. DECISION MAKING AND ADMINISTRATION BODIES**

### **3.1 City Council**

**3.1.1 Powers and Duties.** Without limiting any authority granted to the City Council by State law or by other Codes of the City, the City Council shall have the following powers and duties with respect to this Code, to be carried out in accordance with the terms of this Code:

- (1) To adopt amendments to the text of this Code;
- (2) To adopt amendments to the Official Map of Zoning Districts, such as to zone or rezone property into a zoning district, planned unit development district, or overlay district;
- (3) To adopt amendments to the Comprehensive Plan;
- (4) To approve or deny requests for approval of major subdivision plats;
- (5) To approve or deny requests for approval of major site plans; and
- (6) Such additional powers and duties as may be set forth for the City Council elsewhere in this Code.

### **3.2 Planning Committee**

**3.2.1 Powers and Duties:** The Planning Committee shall have the following powers and duties, to be carried out in accordance with the terms of this Code:

- (1) To review all proposed amendments to this Code, all proposed rezoning of property under this Code, all proposed master land use plans for planned unit developments, all flexible uses, all transportation special use permits, all proposed preliminary plats of major subdivisions, and all proposed major site plans, and to make decisions and/or recommendations to the City Council for final action thereon in accordance with the terms of this Code;
- (2) To perform studies and surveys of the present conditions and probable future development of the City and its environs, including, but not limited to, studies and surveys of land uses, population, economic base, traffic, parking, and redevelopment needs;
- (3) To formulate and recommend to the City Council the adoption or amendment of a Comprehensive Plan and other plans for the City and its environs for the purpose of achieving the coordinated and harmonious development of the City, in accordance with present and future needs, in order to promote and ensure efficiency and economy in the development process, safe and convenient movement of traffic, safety from fire and other dangers, adequate light and air, healthful and convenient distribution of population, adequate open spaces, good civic design and arrangement of buildings, wise and efficient expenditures of public funds, adequate provision for public utilities, and other matters

pertaining to the safety, morals, order, convenience, prosperity, and general welfare of the City's citizens;

- (4) To hear and decide applications for approval of variances from the terms of the Code, in accordance with the procedures and standards set forth in this Code, except where this Code places responsibility for hearing or considering such a variance with another body;
- (5) To review the terms of this Code from time to time, as it deems appropriate, and to recommend to the City Council any changes that the Planning Committee considers necessary to properly regulate the development and use of land, buildings, and structures;
- (6) To hear and decide appeals from any order, requirement, permit, decision, or determination issued or made by an administrative officer of the City in enforcing any provision of the Code, in accordance with the procedures and standards set forth in the Code;
- (7) Such additional powers and duties as may be set forth for the Planning Committee elsewhere in this Code and other Codes of the City.

**3.2.2 Membership; Term; Vacancies; Removal; Compensation:** The Planning Committee shall consist of nine (9) members, at least one (1) from each geographical ward, appointed by the Mayor and confirmed by the City Council in accordance with Section 21-8-23 of the Mississippi Code 1972, Annotated and shall reside within the corporate boundaries of the City.

- (1) Terms begin January 1 of each year. Initially, two (2) members of the Planning Committee shall serve for a term of four (4) years, two (2) members shall serve for a term of three (3) years, two (2) members shall serve for a term of two (2) years, and three (3) members shall serve for a term of one (1) year. The members shall be eligible to succeed themselves at the discretion of the Mayor and City Council. Thereafter the initial appointment, appointments shall be for four (4) years.
- (2) The Planning Committee shall elect a chair, vice-chair, secretary, and such other officers, as it may deem necessary and appropriate.
- (3) Vacancies occurring for reasons other than the expiration of terms shall be filled by the appointing authority as they occur, for the period of the unexpired term.
- (4) The Mayor may remove any member of the Planning Committee, for inefficiency, neglect of duty, or malfeasance in office.
- (5) The chairperson and members of the Planning Committee may be compensated for their services as members of said Committee, in such amounts as the City Council may determine, and within the limits of Mississippi State Code 1972 Ann. § 17-1-11.
- (6) The Mayor may, in his/her discretion, appoint with confirmation by the City Council, and provide compensation for alternate members to serve on the Committee in the absence of any regular member. Alternate members shall be appointed for the same term, at the same

time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the Committee and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

**3.2.3 Meetings:** The Planning Committee shall hold at least one (1) meeting per month, unless there is no business to come before the Committee in a given month and such other regular or special meetings or hearings as the chair or a majority of the members deem necessary to conduct the business before it. All meetings and hearings of the Committee shall be open to the public.

**3.2.4 Rules and Records:** The Planning Committee shall formulate and adopt the rules of procedure under which it will operate. The Committee shall keep minutes of its proceedings and discussions and shall keep records of its resolutions, findings, recommendations, and other official actions.

**3.2.5 Cooperation with Other Agencies:** The Planning Committee shall cooperate in all respects with the appropriate City boards, commissions, offices, and employees, including, but not limited to, the City Council, the Mayor, the Development Services Department, and other agencies of the City.

### **3.3 Staff Agencies**

**3.3.1 Development Services Department:** The Development Services Department, under the direction and supervision of the Director of Development Services and his/her designees, in particular, the City Planner and Zoning Administrator, shall have the following powers and duties, to be carried out in accordance with the terms of this Code:

- (1) To review all applications for development approval for compliance with the terms of this Code;
- (2) To review and approve all applications for compatible uses, minor subdivisions, administrative flexibility, variances by compatibility, and minor site plan approval for compliance with the terms of this Code.
- (3) To provide the City Council and the Planning Committee with reports and recommendations regarding matters before those bodies, either as required by this Code or upon the request of the body;
- (4) To issue and revoke temporary use permits, in accordance with this Code, and to make and maintain records thereof;
- (5) To determine and enforce compliance with any conditions attached by the City Council or Planning Committee to its approval of a compatible or flexible use, variance, subdivision plat, or site plan;
- (6) To advise the Building Department in its inspections of buildings, structures, and the use and development of land;

- (7) To enforce compliance with the terms of this Code and such additional powers and duties as may be set forth for the Department elsewhere in this Code and other Codes of the City.

**3.3.2 Building Division:** The Building Division, under the direction and supervision of the Chief Building Inspector and the Director of Development Services, shall have the following powers and duties, to be carried out in accordance with the terms of this Code:

- (1) To review and comment on all applications for development approval which are submitted thereto;
- (2) To issue and revoke fill permits, building permits and certificates of occupancy, in accordance with this Code, and to make and maintain records thereof;
- (3) To conduct inspections of buildings, structures, and the use and development of land;
- (4) To review all applications for permits and other forms of development approval for compliance with the provisions in this Code regarding flood hazards, and to determine whether all necessary permits and approvals have been obtained from those federal, state or other local government agencies from which prior approval is required;
- (5) To determine and enforce compliance with the terms of this Code and other applicable Codes and construction codes of the City and the State;
- (6) To determine and enforce compliance with any conditions attached by the City Council or Planning Committee to its approval of a conditional use, variance, subdivision plat, or site plan;
- (7) To calculate the amounts of required guarantees for the installation of improvements, and to determine the sufficiency of improvement guarantee funds;
- (8) To review applications for fill permits and stormwater retention plans, and to issue fill permits and approval of stormwater retention, in accordance with this Code;
- (9) To prepare and maintain standard engineering design specifications for streets, water, distribution facilities, wastewater disposal facilities, soil erosion and sedimentation control devices, storm drainage facilities, and other improvements;
- (10) To review and approve the design specifications for subdivision and site plan improvements.
- (11) Such additional powers and duties as may be set forth for the Department elsewhere in this Code and other Codes and construction codes of the City and the State.

**3.4 Public Works Department:** The Public Works Department, under the direction and supervision of the Director of Public Works, shall have the following powers and duties, to be carried out in accordance with the terms of this Code:

- (1) To review and comment on all applications for development approval which are submitted thereto and to advise other agencies and the elected and appointed bodies of the City regarding the impact of any existing or proposed development on the City public works;
- (2) To review, inspect, and advise the Development Services Department concerning City acceptance of subdivision and site plan improvements,
- (3) Such additional powers and duties as may be set forth for the Department elsewhere in this Code and other Codes of the City.

**3.5 Water and Light Department:** The Water and Light Department, under the direction and supervision of the Director of Water and Light, shall have the following powers and duties, to be carried out in accordance with the terms of this Code:

- (1) To review and comment on all applications for development approval which are submitted thereto;
- (2) To review, inspect, and advise the Development Services Department concerning City acceptance of subdivision and site plan improvements.

**3.6 Fire Department:** The Fire Department, under the direction and supervision of the Fire Chief, shall have the following powers and duties, to be carried out in accordance with terms of this Code:

- (1) To review and comment on all applications for development approval which are submitted thereto;
- (2) To advise other agencies and the elected and appointed bodies of the City regarding the impact of any existing or proposed development of the City's utility systems;
- (3) Such additional powers and duties as may be set forth for the Department elsewhere in this Code and other Codes of the City.