

**ORDINANCE NO. 2014-**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING OF THE CITY OF OXFORD, MISSISSIPPI, 2004, FOR CERTAIN PROPERTY LOCATED ON THE WEST SIDE OF HIGHWAY 7 SOUTH EAST OF SOUTH LAMAR FROM (RA) SINGLE FAMILY RESIDENTIAL DISTRICT TO (SC) SHOPPING CENTER DISTRICT**

**BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OXFORD, MISSISSIPPI:**

**WHEREAS**, on February 10, 2014 the Oxford Planning Commission in accordance with public notice, held a public hearing to rezone a 24.89 acre tract of the following described property from (RA) Single Family Residential District to (SC) Shopping Center District (Case # 1789 Amended):

A tract of land being a fraction of the South Half ( S 1/2 ) of Section 4 and a fraction of the North Half ( N 1/2 ) of Section 9, all being in Township 9 South, Range 3 West, Lafayette County, Mississippi; being described in more detail as follows:

Commencing at a 18" Post Oak Tree Recognized as the Northeast Corner of Section 4, Township 8 South, Range 3 West, Lafayette County, Mississippi; run thence S 30°34'22" W for a distance of 5,423.61 feet to a Point on the West right-of-way line of Mississippi Highway No. 7 ( 149.41 feet from centerline ), said Point being the Point of Beginning of this description; run thence along said West right-of-way line as follows: S 07° 52' 00" W for a distance of 660.19 feet to a Point ( 149.61 feet from centerline ); run thence S 07° 52' 00" W for a distance of 5.21 feet to a Point ( 149.61 feet from centerline ); run thence S 07° 52' 00" W for a distance of 45.06 feet to a Point ( 149.61 feet from centerline ); run thence S 07° 52' 00" W for a distance of 89.54 feet to a Point ( 149.71 feet from centerline ); run thence S 18° 41' 54" E for a distance of 111.80 feet to a Point ( 99.81 feet from centerline ); run thence S 07° 52' 00" W for a distance of 872.31 feet to a Point ( 99.61 feet from centerline ); run thence N 89° 57' 54" W leaving said West right-of-way line for a distance of 511.96 feet to a Point on the North line of Lafayette County Road 322 ( 22.31 feet from centerline ); run thence along said North line as follows: N 62° 49' 49" W for a distance of 43.88 feet to a Point ( 22.21 feet from centerline ) at the beginning of a circular curve to the left; run thence along said curve having a chord bearing of N 59° 54' 01" W, a radius of 69,514.50 feet, an arc length of 74.20 feet, and a chord length of 74.20 feet to a Point ( 25.01 feet from centerline ); run thence N 56° 55' 06" W for a distance of 83.94 feet to a Point ( 26.31 feet from centerline ); run thence N 07° 52' 15" E leaving said North line of Lafayette County Road 322 for a distance of 1,763.96 feet to a Point; run thence S 82° 06' 44" E for a distance of 643.10 feet to the Point of Beginning of the herein described tract of land. Said tract contains 27.78 acres, more or less.

**WHEREAS**, after hearing statements of the Petitioner, and considering the Petitioner's request to rezone certain property to (GB) General Business district, and information presented by the city planner, including objections thereto, if any, the Oxford Planning Commission found that there was no mistake in the original zoning and that a change in the land use character of the neighborhood had occurred and that there was a need for additional GB zoned property in the area and determined to recommend to the Mayor and Board of Aldermen that the Petitioner's request to rezone certain property to GB be approved with the following conditions:

1. Only one curb cut shall be permitted from HWY 7 South;
2. The following uses shall be prohibited from the site;
  - a. uses with extensive out door storage such as car lots and building supply stores
  - b. warehouses and truck terminals
  - c. vehicle repair and or maintenance
  - d. animal hospital
3. All building facades and sign materials and colors shall be complementary. Long, straight buildings with undifferentiated facades shall be discouraged. Certain building materials shall be discouraged including but not limited to metal siding or roofing, painted concrete block, and artificial stone;
4. One shopping center sign shall be permitted along the Highway 7 South right-of-way and shall be limited to no greater than 20 feet in height;

5. Architectural design for development for rezoned tract and all structures to be put hereon shall be subject to approval by the Planning Commission and planning staff at or prior to the time a site plan is presented for approval or a building permit is issued; approval shall not be withheld unreasonably.

**WHEREAS**, on February 18, 2014, the recommendation of the Oxford Planning Commission to approve the rezoning with conditions of the above described property from RA to GB with supporting documents that demonstrated that there was no mistake in the original zoning and that a change in the land use character of the neighborhood had occurred and that there was a need for additional GB zoned property in the area was presented; and

**WHEREAS**, on February 28, 2014 after further discussions with area residents and city staff, applicant requested that their rezoning petition be amended from GB to (SC) Shopping Center district; and

**WHEREAS**, the public hearing for the amended petition was scheduled for March 4<sup>th</sup> but based on procedural concerns the Board of Aldermen remanded to petition back to the Planning Commission for a recommendation on the amended petition; and,

**WHEREAS**, on March 10, 2014 after hearing statements of the Petitioner, and considering the Petition's request to rezone certain property to (SC) Shopping Center district, and information presented by the city planner, including objections thereto, if any, the Oxford Planning Commission found that there was no mistake in the original zoning and that a change in the land use character of the neighborhood had occurred and that there was a need for additional SC zoned property in the area and determined to recommend to the Mayor and Board of Aldermen that the Petitioner's request to rezone certain property to SC be approved with the following conditions:

1. Only one curb cut shall be permitted from HWY 7 South;
2. All building facades and sign materials and colors shall be complementary. Long, straight buildings with undifferentiated facades shall be discouraged. Certain building materials shall be discouraged including but not limited to metal siding or roofing, painted concrete block, and artificial stone;
3. One shopping center sign shall be permitted along the Highway 7 South right-of-way and shall be limited to no greater than 20 feet in height;
4. Architectural design for development for rezoned tract and all structures to be put hereon shall be subject to approval by the Planning Commission and planning staff at or prior to the time a site plan is presented for approval or a building permit is issued; approval shall not be withheld unreasonably.

**WHEREAS**, on March 18, 2014, the recommendation of the Oxford Planning Commission to approve the amended rezoning petition with conditions of the above described property from RA to SC with supporting documents that demonstrated that there was no mistake in the original zoning and that a change in the land use character of the neighborhood had occurred and that there was a need for additional SC zoned property in the area was presented; and

**WHEREAS**, a public hearing and second reading of the proposed rezoning was held at the regular April 1, 2014 meeting of the Mayor and Board of Aldermen; and

**WHEREAS**, the third reading of the proposed rezoning with conditions was held at the regular April 15, 2014 meeting of the Mayor and Board of Aldermen and the Mayor and Board of Aldermen found that while there was no mistake in the original zoning, there had been a change in the land use character of the neighborhood and that there was a need for additional SC zoned property in the area; and

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OXFORD, MISSISSIPPI, AS FOLLOWS:**

Section 1. That the Official Zoning Map for the City of Oxford, Mississippi, 2004, be, and it is hereby amended by changing the zoning classification of the above described property from RA to SC with the following conditions:

1. Only one curb cut shall be permitted from HWY 7 South;

2. All building facades and sign materials and colors shall be complementary. Long, straight buildings with undifferentiated facades shall be discouraged. Certain building materials shall be discouraged including but not limited to metal siding or roofing, painted concrete block, and artificial stone;
3. One shopping center sign shall be permitted along the Highway 7 South right-of-way and shall be limited to no greater than 20 feet in height;
4. Architectural design for development for rezoned tract and all structures to be put hereon shall be subject to approval by the Planning Commission and planning staff at or prior to the time a site plan is presented for approval or a building permit is issued; approval shall not be withheld unreasonably.

Section 2. That the above change shall be made upon the official zoning map promptly, and the following entry shall be placed thereon, “By Official Action of the Board of Aldermen, This Map Was Amended as Authorized by Ordinance as Listed Below: Ordinance and Case Number and ”C” to indicate conditions, Date; From; To: City Clerk’s Signature; and Mayor’s Signature”.

Section 3. That all ordinances, or parts of ordinances in conflict herewith, shall be, and the same are hereby repealed.

Section 4. That this ordinance shall take effect and be in force from and after the time required by Mississippi Code of 1972, as amended, provided, however, that such change or amendment made by this ordinance shall not become effective until such has been duly entered upon the Official Zoning Map of the City of Oxford, Mississippi.

The above Ordinance having been first reduced to writing and considered at a public meeting of the governing authorities of the City of Oxford, Mississippi, on motion of Alderman seconded by Alderman and the roll being called, the same was adopted by the following vote:

Alderman Hughes	voted
Alderman Tannehill	voted
Alderman Antonow	voted
Alderman Howell	voted
Alderman Taylor	voted
Alderman Bailey	voted
Alderman Morgan	voted

APPROVED, this day the \_\_\_\_\_ of \_\_\_\_\_, 2014

\_\_\_\_\_  
GEORGE G. PATTERSON, MAYOR

\_\_\_\_\_  
LISA D. CARWYLE, CITY CLERK





REVISION	DATE
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Scale: na

Date: January 20, 2001

[illegible]

Proj.No.: SD/132462

Drawn By: jww

Checked By: jww

Sheet Title:

Current  
Zoning

Sheet No. \_\_\_\_\_