

OXFORD, MISSISSIPPI LAND DEVELOPMENT CODE



VISION 2037

OXFORD'S BICENTENNIAL

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1.0 PURPOSE AND SCOPE

1.1 Title.

This ordinance shall be known as the Land Development Code of Oxford, Mississippi and may be so cited. Further reference elsewhere as “this code,” “the code” or “this ordinance” shall imply the same wording and meaning as the full title.

1.2 Authority.

This code is promulgated under the authority of Title 17, Chapter 1, Section 17-1-1 through 17-1-27 of the Mississippi Code, annotated, 1972, as amended, which delegates the powers necessary for municipalities to adopt zoning regulations designed to promote the public health, safety, and general welfare of its citizens.

1.3 Jurisdiction.

From and after the date of adoption, the land development code shall govern all development, land development, zoning, land uses, and land subdivision located within the corporate limits of the City of Oxford, Mississippi.

1.4 Application of Regulations.

Except as specifically provided in this code, no building, structure, sign, or land shall be used, graded, excavated, occupied, subdivided, or altered; nor shall any building, structure, or part thereof be erected, constructed, reconstructed, moved, removed, enlarged, or structurally altered; nor shall any use be established or changed within an existing building, structure, or plat of land, unless in conformity with the requirements of this code and the specific provisions for the district in which it is located.

1.5 Guiding Principles.

The Oxford guiding principles establish fundamental design and planning principles for Oxford’s future growth. These principles shall guide day-to-day decisions of the governing authorities, boards and city staff.

- 1.5.1 Recognize Oxford’s historic ways of town building and use those traditions to provide a framework for future growth.
- 1.5.2 Understand the Mississippi Hill Country landscape and guide growth responsibly within it by growing compactly and using natural features to establish city boundaries.
- 1.5.3 Protect natural water systems to preserve water quality, provide open spaces, and reduce future stormwater management costs.
- 1.5.4 Establish a densely-connected network of streets and roads to guide future growth that equally serves automobiles, pedestrians, bicycles and future possibilities of transit.
- 1.5.5 Relate existing and future development to the network of streets, roads and natural drainage areas, emphasizing appropriate mixes of land uses instead of single-use districts.
- 1.5.6 Recognize that design of buildings, landscapes and streets is a central part of Oxford’s plan for preservation, redevelopment and new growth.
- 1.5.7 Pursue intergovernmental and institutional coordination that will further the common interests of Oxford, Lafayette County, the University of Mississippi, and major community institutions.

1.6 Objectives.

This code has been prepared in accordance with a comprehensive city plan and is enacted to preserve and promote the public health, safety and general welfare of the inhabitants of the City of Oxford and the public generally, and to encourage and facilitate the orderly growth and expansion of the municipality. These regulations were given substantial consideration as to the intended character of zoning districts, and their suitability for specific uses, with the intention of conserving the value of buildings and encouraging the most appropriate use of land throughout the city. Specifically, this code is designed to:

- 1.6.1 Stimulate and guide positive economic and commercial growth.
- 1.6.2 Accommodate the unique and special development needs of downtown Oxford and areas adjacent to the university campus.
- 1.6.3 Provide appropriate housing affordable to a range of incomes, and convenient and attractive neighborhoods.
- 1.6.4 Better control congestion in the streets including conflicts between vehicles, cyclists, and pedestrians.
- 1.6.5 Require adequate open space for traffic, recreation, drainage, light, and air.
- 1.6.6 Provide attractive community landscaping and protect the city tree canopy.

1.7 Relationship to Other Ordinances.

Unless otherwise specifically stated herein, whenever the requirements of this code or any other lawfully adopted rules, regulations, codes, or ordinances are in conflict with the provisions of this code, the most restrictive law or requirements shall govern.

1.8 Severability Clause.

If for any reason any one or more sections, headings, clauses or parts of this code are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this code but shall be confined in its operation to the specific sections, headings, clauses or parts of this code held invalid and the invalidity of any section, heading, clause or part of this code in any one or more instances shall not affect or prejudice in any way the validity of this code in any other instance.

1.9 Omissions.

The omission of any specific use, dimension, word, phrase or other provision of this code shall not be interpreted as permitting any variation from the general meaning and intent of this land development code as commonly inferred or interpreted and should occasion arise as to such intent or meaning, the interpretation of the Planning Director shall hold.

1.10 Effective Date.

This code shall become effective immediately upon adoption.

2.0 ZONING DISTRICTS ESTABLISHED

2.1 Establishment of Zoning Districts.

Zoning districts are established by the ordinance to serve different purposes as outlined in the Vision 2037 City of Oxford Comprehensive Plan. Each zoning district serves a different purpose and imposes its own set of requirements and restrictions on the use of land and structures in addition to the general requirements and restrictions imposed on all land or uses within Oxford. There are three types of zoning districts: Base, Special, and Overlay.

2.2 Types of Zoning Districts.

2.2.1 Base Districts.

These are the standard zoning districts established for specific land use types as outlined in the Vision 2037 City of Oxford Comprehensive Plan. A base district may be layered with an overlay district.

2.2.2 Special Districts.

Special Districts are established to provide for the highly planned districts requiring customized provisions or districts to achieve a specialized purpose not otherwise provided for in Overlay Districts.

2.2.3 Overlay Districts.

Overlay districts are established to provide for certain additional requirements, to permit uses not otherwise permitted in the underlying base district, to prohibit uses allowed in the underlying base district, or to establish special development requirements for uses permitted in the base district. Where overlay districts exist and there is a conflict between the requirements or uses specified between the overlay and the underlying district, the standards of the overlay district shall prevail. Otherwise, the standards of the underlying district shall also be in effect for any area additionally zoned for an overlay district.

2.3 Zoning District Boundaries.

District boundary lines shall, to the greatest possible extent, follow lot lines, the center line of streets, alleys, or highways or such lines extended, railway right of way lines, the municipal corporation lines as they exist at the time of enactment of this ordinance, or natural boundary lines such as streams. Questions concerning the exact location of any district boundary shall be decided by the Director of Planning and are appealable to the Planning Commission.

2.4 City Of Oxford Zoning Map.

The districts described above and the boundaries of such districts are shown upon the Zoning Map of the City of Oxford, which map together with all information shown thereon, is hereby made a part of this ordinance. A true and correct copy of the Zoning Map properly attested shall be on file in the office of the City Clerk.

2.5 Annexation.

Any land annexed into the City of Oxford shall be initially zoned as annexed. If no zoning category has been applied by Lafayette County, the annexed land shall be zoned Agriculture (AG) until amended in accordance with the Future Development Map of Vision 2037.

2.6 Zoning Districts Described.


The following subsections present a detailed description of each zoning district. For a comprehensive listing of all uses permitted within a zoning district refer to the Table of Uses in Article 3.3.

TABLE 2.1 ZONING DISTRICTS

District Abbreviation - Name	Planning Place Type Category	Zoning District Category	Former District Closest Equivalent
LOW INTENSITY BASE DISTRICTS			
AG – Agricultural	Natural, Rural	Agricultural	AG-Agricultural
RCN – Rural Center	Rural Center	Mixed-Use	None
ER – Estate Residential	Rural	Residential	CE-Country Estate and RE-Residential Estate
MODERATE INTENSITY BASE DISTRICTS			
SR- Suburban Residential	Suburban Single Family	Residential	R-A and R-1A Single-Family Residential
NR – Neighborhood Residential	Neighborhood Residential	Residential	RB – Two-unit Residential
SMF - Suburban Multi-Family	Suburban Multi-Family	Residential	RC – Multi-Unit Residential
TNB – Traditional Neighborhood Business	Traditional Neighborhood	Mixed Use	NB and PB-Neighborhood Business and Professional Business
HIGHER INTENSITY BASE DISTRICTS			
SCO - Suburban Corridor District	Suburban Corridor	Mixed Use	GB-General Business & SC – Shopping Center
SCN - Suburban Center District	Suburban Center	Mixed Use	GB-General Business & SC – Shopping Center
UCO - Urban Corridor District	Urban Corridor	Mixed Use	GB-General Business
UCN - Urban Center District	Urban Center	Mixed Use	GB-General Business & SC-Shopping Center
SPECIAL DISTRICTS			
HUCN – Historic Urban Center	Urban Core	Mixed Use	DB-Downtown Business
TND – Traditional Neighborhood Development	Traditional Neighborhood	Mixed Use	None
IND - Industrial	Special	Industrial	IND-Industrial
INST - Institutional	Special	Institutional	None
PUD – Planned Unit Development District	Special	Mixed Use	PUD-Planned Unit Development Special Exception
OVERLAY DISTRICTS			
HPO - Historic Preservation	Traditional Neighborhood, Urban Core	Residential, Mixed Use	Historic Preservation Districts
NCO – Neighborhood Conservation	Traditional Neighborhood	Residential	Neighborhood Conservation District
FLO – Floodplain	Natural	NA	None
SEB - Sex Entertainment Business	NA	NA	AEOD-Adult Entertainment Overlay District

2.6.1 AG – Agricultural		
Purpose and Description		Allowed Structure Types
<p>The Agricultural District is intended to implement the Natural and Rural Place Types of Vision 2037. It is primarily used for agriculture, silviculture and very low density residential uses. The district is typically developed with agricultural and estate residential as the primary uses, complemented by very limited, low intensity commercial uses. The district accommodates crop production, forestry resources, open space, scenic vistas, and wildlife habitat. It may also protect rural floodplains from inappropriate development and it may help to preserve critical prime farmland.</p>		<p>All types of single-family detached residential structures</p> <p>Agricultural structures such as barns or equipment sheds</p> <p>Structures customarily accessory to residential uses such as garages, carports, gazebos, porches, and tool sheds</p> <p>Structures associated with an approved non-residential or home occupation use including signage</p>
Use and Dimensional Provisions		Lot, Street and Use Patterns
Lot Size, minimum	3 acres	<p>The typical pattern in the Agricultural District is large lots in rural areas. Associated street types include Parkways, Avenues, Local and Sensitive.</p> <p>Lots may be landlocked with only easement access to public roads, or they may have long stretches of road frontage.</p> <p>Residential dwellings are dispersed and average less than onedwelling per 3 acres. Limited non-residential uses useful for rural residents may be found in this district, but the predominant use by far is agriculture and silviculture operations.</p>
Dwelling Unit Density, maximum	1 dwelling per 3 acres	
Non-residential density maximum	.10 floor area ratio (FAR)	
Impervious coverage, maximum	25%	
Street frontage ¹ , minimum	35 feet	
Lot width at the front yard build-to line, minimum	200 feet	
Front yard ² build-to line, min/max	40 feet/None	
Side yard ² setback line, minimum	30 feet for Dwelling Units, 100 feet for structures housing livestock	
Rear yard ² setback line, minimum	40 feet for Dwelling Units, 100 feet for structures housing livestock	
Structure height ³ , maximum	38 feet, excluding structures used for farm or silviculture purposes	
Uses	See Table of Uses in Article 3	
Parking	See Article 3 and Section 4.9	
Site Plan or Subdivision Review	See Article 9	
NOTES:		
<p>¹ Street frontage is not required for residential and agricultural uses, and for up to two dwellings, provided a dedicated easement of not less than 18 feet in width providing access to a public street has been recorded for the lot.</p>		
<p>² Yard requirements shall not apply to pasture, cropland, forests and structures accessory to a farm or silviculture operation not used for the congregating or containment of animals or the storage or repair of equipment.</p>		
<p>³ See exceptions to height limitations in Section 3.2.</p>		


2.6.2 RCN –Rural Center

Purpose and Description		Allowed Structure Types
<p>The Rural Center District is intended to implement the Rural Center Place Type of Vision 2037. Rural centers provide necessary services for the surrounding rural community and for compatible rural residential development. Rural centers are areas generally located at existing or proposed defined intersections and contain commercial, mixed use, residential, and institutional land uses. Rural centers serve rural areas with relative brief access times. Rural centers are generally small, not exceeding the four corners of an intersection of prominent rural roads though some may be larger.</p>		<p>Commercial</p> <p>Office structures</p> <p>Single family detached</p> <p>Institutional</p>
Dimensional Standards		Lot, Street and Use Patterns
Lot Size, minimum	.5 acre (nonresidential) 1 acre (residential)	<p>The typical pattern in the Rural Center is large lots in rural areas. Associated street types include Parkways, Avenues, Main Street and Local.</p> <p>All lots have access to public roads. Certain non-residential uses such as small farms may be found in this district, but is predominantly single-family residential.</p> <p>Rural centers typically occur at intersections and accommodate rural business activity. Residential uses also occur but are secondary to business uses.</p>
Dwelling Unit Density, maximum	1 dwelling per acre	
Non-residential density maximum	.3 floor area ratio/ .5 for institutional uses	
Impervious coverage, maximum	Nonresidential -70%, Residential 60%	
Street frontage minimum	40 feet	
Lot width at the front yard build-to line, minimum	100 feet	
Front yard ¹ build-to line, min/max	30 feet/100 feet	
Side yard ¹ setback line, minimum	15 feet	
Rear yard ¹ setback line, minimum	Non-Residential - 50 feet, Residential - 25 Feet	
Structure height ² , maximum	38 feet , but no more than 2 stories for commercial structures.	
Uses	See Table of Uses in Article 3	
Parking	See Article 3 and Section 4.9	
Site Plan and Subdivision Review	See Article 9	

NOTES:


¹ Yard requirements shall not apply to pasture, cropland, forests, and structures accessory to a farm or silviculture operation not used for the congregating or containment of animals or the storage or repair of equipment.

² See exceptions to height limitations in Section 3.2.

2.6.3 ER – Estate Residential		
Purpose and Description		Allowed Structure Types
<p>The Estate Residential District is intended to implement the Suburban Single Family Place Type of Vision 2037. These neighborhoods are designed to transition from the least dense natural and rural environment to the denser urban environment. Suburban neighborhoods strive to strategically incorporate natural features into site design. Existing landscapes may be preserved to define curvilinear streets and common areas associated with civic and institutional uses. Ideally, landscapes, rather than buildings, are designed to frame the development.</p>		<p>All types of single-family detached residential structures</p> <p>Agricultural structures such as barns and equipment sheds</p> <p>Structures customarily accessory to residential uses such as garages, carports, gazebos, porches, and tool sheds</p>
Dimensional Standards		Lot, Street and Use Patterns
Lot Size, minimum	15,000 square feet	<p>The typical pattern in the Estate Residential District is large lots in rural areas. Associated street types include Parkways, Avenues, Local and Sensitive.</p> <p>All lots have access to public roads. Certain non-residential uses such as small farms may be found in this district, but is predominantly single-family residential.</p> <p>Block lengths may exceed 800 feet and may be curvilinear, but they interconnect. Sidewalks may be provided on one side of the street at the discretion of the City Engineer.</p>
Dwelling Unit Density, maximum	3 dwellings per acre	
Non-residential density maximum	FAR .2 / .4 for institutional uses	
Impervious coverage, maximum	60%	
Street frontage minimum	35 feet	
Lot width at the front yard build-to line, minimum	100 feet	
Front yard ¹ build-to line, min/max	40 feet/None ³	
Side yard ¹ setback line, minimum	15 feet	
Rear yard ¹ setback line, minimum	25 feet	
Structure height ² , maximum	38 feet	
Uses	See Table of Uses in Article 3	
Parking	See Article 3 and Section 4.9	
Site Plan or Subdivision Review	See Article 9	
<p>2.6.3.1 Traditional Estate Residential (TER). The TER Overlay shall consist of certain neighborhoods and subdivisions established before 2015 (indicated on the zoning map) in which the following uses, otherwise allowed in the Estate Residential District by Special Exception, are not allowed:</p> <ul style="list-style-type: none"> a. Zero Lot Line, Patio Dwellings b. Assisted Living Facilities, Care Centers c. Convalescent, Rest, and Nursing Homes d. Life Care Communities 		
<p>NOTES:</p> <p>¹ Yard requirements shall not apply to pasture, cropland, forests and structures accessory to a farm or silviculture operation not used for the congregating or containment of animals or the storage or repair of equipment.</p> <p>² See exceptions to height limitations in Section 3.2.</p> <p>³ See Section 3.2.10.</p>		

2.6.4 SR - Suburban Residential

Purpose and Description		Allowed Structure Types
<p>The Suburban Residential District is intended to implement the Suburban Single Family Place Type of Vision 2037. Although they allow slightly more density than Estate Residential, these neighborhoods continue the transition from natural and rural environments to the denser urban environment. Suburban neighborhoods strive to strategically incorporate natural features into site design. Existing landscapes may be preserved to define curvilinear streets and common areas associated with civic and institutional uses. Ideally, landscapes, rather than buildings, are designed to frame the development.</p>		<p>Single-family detached residential structures</p> <p>Structures customarily accessory to residential uses such as garages, carports, gazebos, porches, and tool sheds</p>
Dimensional Standards		Lot, Street and Use Patterns
Lot Size, minimum	7,200 square feet	<p>The typical pattern in the Suburban Residential District is medium-sized lot residential uses. Associated street types include Parkways, Avenues, Local and Sensitive with sidewalks and bike lanes.</p> <p>All lots have access to public roads and urban services. Certain uses such as schools, religious assembly uses may be located in the District, but the predominant use is residential.</p> <p>Block lengths may range from 400-800 feet, but streets interconnect.</p>
Dwelling Unit Density, maximum	6 dwellings per acre	
Non-residential density maximum	FAR .2 / .4 for institutional uses	
Impervious coverage, maximum	60%	
Street frontage minimum	35 feet	
Lot width at the front build-to line, minimum	60 feet	
Front yard build-to line, min./max.	20 feet / 50 feet ²	
Side yard setback line, minimum	10 feet	
Rear yard setback line, minimum	20 feet	
Structure height ¹ , maximum	38 feet	
Uses	See Table of Uses in Article 3	
Parking	See Article 3 and Section 4.9	
Site Plan Review	See Article 9	
<p>2.6.4.1 Traditional Suburban Residential. The Traditional Suburban Residential Overlay shall consist of certain neighborhoods and subdivisions (indicated on the zoning map) in which the following use, otherwise allowed in the Suburban Residential District by Special Exception, is not allowed: Zero Lot Line, Patio Dwellings. The standard lot size shall be no less than 7,500 square feet.</p>		
<p>NOTES:</p> <p>¹ See exceptions to height limitations in Section 3.2.</p> <p>² See Section 3.2.6</p>		


2.6.5 NR - Neighborhood Residential		
Purpose and Description		Allowed Structure Types
<p>The Neighborhood Residential District is intended to implement the residential portion of the Traditional Neighborhood Place Type of Vision 2037. These neighborhoods are designed to contain a mix of housing types including detached and attached, but excluding higher intensity multi-family.</p> <p>These neighborhoods include formal parks and open spaces within a 10-minute walk from any dwelling.</p>		<p>Detached and attached residential structures</p> <p>Limited use of lower intensity multi-family structures</p> <p>Structures customarily accessory to residential uses such as garages, carports, gazebos, porches, and tool sheds</p>
Dimensional Standards		Lot, Street and Use Patterns
Lot Size, minimum	SFD – 5,000 sf SFA - 10,000 sf	Triplex - 12,000 sf Quadplex - 15,000
Site Size Minimum,	Townhouse - 1 acre	
Residential density, minimum/maximum	9 DU per acre	
Non-residential density maximum	FAR 2. / .4 for institutional uses	
Min/Max land allocation for development when more than one structure is proposed	Detached: 25% ⁵ /100% Attached: 0% / 75% ⁴	Townhouse: 0% / 75% ³
Impervious coverage, maximum	60%	
Street frontage, minimum	20 feet	
Lot width at the front yard build-to line, minimum	Detached: 80 feet Attached: 85 feet	
Front yard build-to line, minimum/maximum	10 feet/ 20 feet ⁶	
Side yard setback line, minimum	Detached: 10 feet Attached or Townhouses: 0 (zero) (15 foot building separation)	
Rear yard setback line, minimum	Attached or detached: 25 feet Townhouses: 30 feet	
Structure height ^{1,2} , maximum	38 feet, no more than 2 stories	
Uses	See Table of Uses in Article 3	
Parking	See Article 3 and Section 4.9	
Site Plan Review	See Article 9	
<p>2.6.5.1 Traditional Neighborhood Residential. The district shall consist of certain older areas of Oxford (indicated on the zoning map) in which the following uses, otherwise allowed in the Neighborhood Residential District, are allowed only by Special Exception: Townhomes, Attached Triplexes and Quadplexes. In addition:</p> <ul style="list-style-type: none"> a. In a subdivision, the standard lot size shall be no less than 7,500 square feet for detached, 15,000 square feet for duplex b. All attached dwellings will require a Special Exception approval if more than 25% are proposed to be 3 bedroom units, or if any are proposed to be 4 bedroom units. c. Unless otherwise approved by a Special Exception, a development of more than one structure in NR shall require a minimum of 50% detached units, and a development of more than four structures shall require a minimum of 25% of detached units. 		

The typical pattern in the Neighborhood Residential Neighborhood includes a mix of lots and housing types arranged on a densely-connected street grid with medium-sized lot residential uses. Associated street types include Parkways, Avenues, Local and Sensitive with sidewalks and bike lanes.

All lots have access to public roads and urban services. Certain uses such as schools, religious assembly uses may be located in the District, but the predominant use is residential.

Block lengths may range from 400-800 feet, but streets interconnect.

- NOTES:
- ¹ See exceptions to height limitations in Section 3.2.
 - ² 3 stories by special exception.
 - ³ Up to 75% by special exception.
 - ⁴ Up to 100% by special exception when workforce or affordable housing is proposed.
 - ⁵ 0% by special exception when workforce or affordable housing is proposed.
 - ⁶ See Section 3.2.10

2.6.6 SMF Suburban Multi-Family		
Purpose and Description		Allowed Structure Types
<p>The Suburban Multi-Family District is intended to implement the Suburban Multi-Family Place Type of Vision 2037. The suburban multi-family place type typically follows one of two types. The most prevalent model is the multi-family garden style structure/ community. This housing type is typically two to three stories in height, usually without elevators, often has an exterior entry for each unit, and includes integral parking, amenities, and open space.</p>		<p>Multi-family residential</p> <p>Single-family attached residential structures</p> <p>Limited Single-family detached residential</p> <p>Institutional</p> <p>Assembly</p> <p>Limited Nonresidential Uses</p>
		Dimensional Standards
	SFD, SFA, TH, MF	<p>The typical pattern in the Suburban Multi-Family District is larger tracts accommodating many units on a single tract in the case of multi-family units or small lots with individual units in the case of single family dwellings, condos and townhomes. Associated street types include Parkway, Avenue, Main Street, Local and Sensitive.</p> <p>All lots have access to public roads. Certain non-residential uses such as institution and assembly uses may be found in this district, but is predominantly multi-family residential.</p> <p>Multi-family Districts typically occur at or near major transportation corridors and commercial and retail areas to both accommodate demand and to serve as transitions between these areas and single-family homes.</p>
Lot Size, minimum (square feet)	SFD – 5,000 sf SFA - 7,500	
Site Size Minimum	Townhouses - 1 acre, Multi-family – 1 acre	
Dwelling unit density, maximum	52 bedrooms per acre	
Non-residential density, maximum	FAR .2 / .4 for institutional uses	
Impervious coverage, maximum	65%	
Street Frontage Minimum	30 feet	
Lot width at the front build-to line, minimum	SF – 60	
	MF - None	
Front yard build-to line, minimum	10	
Front yard build-to line, maximum	60	
Side yard setback line ² , minimum	Attached or Detached: 10 feet	
	Townhouse or Multi-family: 10 feet, 25 feet when adjoining off-site detached dwellings	
Rear yard setback line, minimum	Attached or Detached: 25 feet	
	Townhouse or Multi-family: 25 feet, 30 feet when adjoining off-site detached dwellings	
Structure height ¹ , maximum	SFA, SFD 38 feet	
	Other uses 40 feet, no more than 3 stories	
Required Open Space, minimum	15% of a site for improved open space to include recreational amenities	
Uses	See Table of Uses in Article 3	
Parking ²	See Article 3 and Section 4.9	
Landscaping	See Article 5	
Site Plan and Subdivision Review	See Article 9	


NOTES:

¹ See exceptions to height limitations in Section 3.2. Also, a multi-family structure that is age restricted for use by seniors (55+) may propose a height of up to 4 stories and 50 feet.

² Parking shall be primarily placed to the side and rear of a building.

2.6.7 TNB – Traditional Neighborhood Business

Purpose and Description		Allowed Structure Types
<p>The Traditional Neighborhood Business District is intended to implement the neighborhood center portion of the Traditional Neighborhood Place Type of Vision 2037.</p>		<p>Mixed-use Residential upper floors (primarily) Commercial/Office Institutional Assembly</p>

Dimensional Standards		Lot, Street and Use Patterns
Lot Size, minimum	No requirement	<p>A TNB development pattern provides for commercial development at an urban neighborhood scale. The pattern includes shorter, geometrically symmetrical blocks, dense street connections and a variety of uses. Ideally, the TNB is anchored by a central public space. Associated street types include Avenue, Main Street and Local; and may include a Parkway or Boulevard.</p> 
Dwelling Unit Density, maximum ¹	As limited by floor area ratio, not to exceed 39 bedrooms per acre.	
Density maximum	2.5 FAR (floor area ratio)	
Impervious coverage, maximum	80%	
Street frontage minimum	40 feet	
Lot width at the front yard build-to line, minimum	No requirement	
Front yard build-to line, min/max (w. on street parking)	0 feet/25 feet	
Front yard build-to line, min/max (without on-street parking, w. front yard parking or on-street parking)	0 feet/58 feet	
Side yard setback line	10 feet on one side of a structure	
Rear yard setback line, minimum	25 feet unless it abuts residential uses in ER or SR; then 50 feet.	
Structure height ^{2,3}	Up to 40 feet, Minimum 2 and Maximum of 3 stories ³	
Open Space, minimum	10 percent	
Uses	See Table of Uses Article 3	
Parking ⁴	See Articles 3, 4, and 5	
Landscaping	See Article 5	
Site Plan and Subdivision Review	See Article 9	

2.6.7.1 Legacy Traditional Neighborhood Business (LTNB). The LTNB Overlay shall consist of certain areas (indicated on the zoning map) in which the following uses, otherwise allowed in the Traditional Neighborhood Business District, are not allowed: Restaurants with drive-through facilities and restaurants that serve alcoholic beverages, Liquor stores, Vehicle Repair or Maintenance Businesses, and Service stations that adjoin SR or ER.

NOTES:


¹ Upper floor residential permitted by right, first floor residential by special exception. No more than 25% of units may be 4 bedrooms, and no more than 50% may be 1 bedroom or smaller units.


² See exceptions to height limitations in Section 3.2. Also, a multi-family structure that is age restricted for use by seniors (55+) may propose a height of up to 4 stories and 50 feet.


³ Building of 1 story by special exception (A second story shall consist of a minimum of 51% of the building footprint as functional space). Up to 4 stories by special exception (50 feet), unless adjoining existing development in an ER or SR, limited by allowed FAR. Average height not to exceed 40 feet.


⁴ Parking shall be primarily placed to side and rear of the building, or under the building; may request limited parking in front of building.

2.6.8 SCO – Suburban Corridor		
Purpose and Description		Allowed Structure Types
<p>The Suburban Corridor District is intended to implement the Suburban Corridor Place Type of Vision 2037. Suburban corridors link suburban neighborhoods to suburban centers and have a distinct character and function in the neighborhoods versus in the centers. Residential and mixed use suburban corridors are intended to allow traffic to move efficiently while also safely accommodating pedestrians and cyclists. The corridor are framed by buildings and streetscape. In suburban neighborhoods and between suburban centers, the corridor should generally be framed by open space, preserving existing vegetation and land forms.</p>		<p>Commercial</p> <p>Office structures</p> <p>Mixed-Use Structures with Residential on Upper Floors</p> <p>Multi-family Residential</p> <p>Attached Single Family</p> <p>Assembly</p> <p>Institutional</p>
Dimensional Standards		Lot, Street and Use Patterns
Lot Size, minimum	No requirement	<p>The typical pattern in the Suburban Corridor is large tracts accommodating large buildings interspersed with smaller lots and single use buildings. Associated street types include Parkways, Boulevards and Avenues.</p> <p>All lots have access to public roads. While the district is predominantly commercial in nature, certain non-commercial uses such as upper floor residential, single-family attached, institutional and assembly uses may be found in this district.</p> <p>Suburban corridors occur along major thoroughfares that link outer and inner suburban rings, provide access to suburban centers and to the core urban area.</p>
Dwelling Unit Density, maximum ³	As Limited by Floor Area Ratio for upper floor dwellings not to exceed 52 bedrooms per acre	
Density, maximum	3 FAR (floor area ratio)	
Impervious coverage, maximum	80%	
Street frontage minimum	40 feet	
Lot width at the front yard build-to line, minimum	No requirement	
Front yard build-to line, min/max	15 feet/58 feet ⁴	
Side yard setback line, minimum	10 feet on one side unless it abuts ER, SR, or NR, then 50 feet	
Rear yard setback line, minimum	25 feet unless it abuts residential uses in ER, SR, or NR; then 50 feet.	
Structure height ^{1,2} , maximum	50 feet, not more than 4 stories	
Open Space, minimum	15%	
Uses	See Table of Uses in Article 3	
Parking	See Articles 3,4, and 5	
Landscaping	See Article 5	
Site Plan and Subdivision Review	See Article 9	
<p>NOTES:</p> <p>¹ See exceptions to height limitations in Section 3.2. May request 5 stories by special exception (up to 60 feet), unless the structure adjoins residential uses in ER or SR. Density limited by FAR. Average height may not exceed 48 feet.</p> <p>² Structures on properties west of Anderson Road and with frontage on West Jackson Avenue; or on parcels located within 3,000 feet of the east right-of-way of MS Hwy 7 and 3,800 feet from the north right-of-way of Sisk Avenue, and 2,400 feet from the south right-of-way of Sisk Avenue; or adjacent to the right-of-way of MS Hwy 6 may be up to 65 feet but not more than five stories in height. Structures beyond these limits may request 5 stories (up to 65 feet in height) by special exception unless the structure adjoins residential uses in ER or SR.</p> <p>³ Upper floor residential by right, first floor residential by special exception. No more than 25% of units may be 4 bedrooms, and no more than 50% may be 1 bedroom or smaller units.</p> <p>⁴ Up to 150 feet by special exception.</p>		

2.6.9 SCN – Suburban Center		
Purpose and Description		Allowed Structure Types
<p>The Suburban Center District is intended to implement the Suburban Corridor Place Type of Vision 2037. Suburban Centers are generally the location for large commercial uses with a more regional draw. Uses are often low-rise retail, and mid-rise office and lodging. Suburban Centers cater more to automobile users; however, buildings should be arranged to create a street wall to make walking and cycling between buildings safer and more enjoyable.</p>		<p>Mixed-Use structures with Residential on Upper Floors</p> <p>Commercial/office</p> <p>Institutional</p> <p>Assembly</p> <p>Multi-family residential</p> <p>Single-family attached residential</p>
Dimensional Standards		Lot, Street and Use Patterns
Lot Size, minimum	No requirement	<p>The typical pattern in the Suburban Center is large tracts accommodating large buildings. Associated street types include Parkways, Boulevards, Avenue and Main Street.</p> <p>All lots have external access to public roads but internal circulation may be private. Certain non-commercial uses such as upper floor, single-family attached, institutional and assembly uses may be found in this district, but is predominantly commercial in nature.</p> <p>Suburban Centers typically occur along at major intersections forming nodes of intense activity.</p>
Dwelling Unit Density, maximum ³	As Limited by Floor Area Ratio for upper floor dwellings, not to exceed 52 bedrooms per acre.	
Density maximum	3.5 FAR (floor area ratio)	
Impervious coverage, maximum	80%	
Street frontage minimum	40 feet	
Lot width at the front yard build-to line, minimum	No requirement	
Front yard build-to line, min/max	15 feet/58 feet ⁴	
Side yard setback line, minimum	10 feet on one side unless it abuts ER, SR, or NR, then 50 feet	
Rear yard setback line, minimum	25 feet unless it abuts residential uses in ER, SR, or NR, then 50 feet	
Structure height ^{1,2} , maximum	50 feet, no more than 4 stories	
Open Space, minimum	15 %	
Uses	See Table of Uses in Article 3	
Parking	See Articles 3,4, and 5	
Landscaping	See Article 5	
Site Plan and Subdivision Review	See Article 9	
<p>NOTES:</p> <p>¹See exceptions to height limitations in Section 3.21. A 100 foot buffer will be required for properties that adjoin SR or ER development.</p> <p>² Structures on properties west of Anderson Road and with frontage on West Jackson Avenue; or on parcels located within 3,000 feet of the east right-of-way of MS Hwy 7 and 3,800 feet from the north right-of-way of Sisk Avenue, and 2,400 feet from the south right-of-way of Sisk Avenue; or adjacent to the right-of-way of MS Hwy 6 may be up to 65 feet but not more than five stories in height. Structures beyond these limits may request 5 stories (up to 65 feet in height) by special exception unless the structure adjoins residential uses in ER or SR.</p> <p>³ Upper floor residential permitted by right, first floor (in multi-story structures) by special exception. No more than 25% of units may be 4 bedrooms and no more than 50% may be 1 bedroom or smaller units.</p> <p>⁴Up to 150 feet by special exception.</p>		

2.6.10 UCO – Urban Corridor		
Purpose and Description		Allowed Structure Types
<p>The Urban Corridor District is intended to implement the Urban Corridor Place Type of Vision 2037. They serve as major transportation arteries, linking neighborhoods to the urban core. They are usually served by transit and include a mix of commercial, mixed-use, light industrial uses, and multi-unit housing. These are also preferred locations for “big box” retailers.</p>		<p>Mixed-Use structures with Residential on Upper Floors</p> <p>Commercial/office</p> <p>Secondary Land Uses</p> <p>Institutional</p> <p>Assembly</p> <p>Single-family attached residential</p> <p>Multi-family residential</p>
Dimensional Standards		Lot, Street and Use Patterns
Lot Size, minimum	No requirement	<p>The typical development pattern in urban corridors consist of complete streets accommodating a variety of travel modes and uses that serve as major transportation routes for people and goods linking traditional neighborhoods to each other and providing relatively fast and easy access to the urban core of a town.</p> <p>Associated street types include Parkways, Boulevards, Avenue and Main Street.</p>
Dwelling Unit Density, maximum ³	As Limited by Floor Area Ratio, not to exceed 65 bedrooms per acre	
Density maximum	4.0 FAR (floor area ratio)	
Impervious coverage, maximum	80%	
Street frontage minimum	40 feet	
Lot width at the front yard build to line, minimum	No requirement	
Front yard build to line, minimum	15	
Front yard build to line, maximum	25	
Side yard build to line, minimum	0 (zero) feet unless it abuts ER, SR, or NR, then 50 feet	
Rear yard setback line, minimum	25 feet unless it abuts residential uses in ER, SR, or NR, then 50 feet	
Structure height ^{1,2} , maximum	60 feet, not more than 5 stories.	
Open Space, minimum	15%	
Uses	See Table of Uses in Article 3	
Parking	See Articles 3,4, and 5	
Landscaping	See Article 5	
Site Plan and Subdivision Review	See Article 9	
<p>NOTES:</p> <p>¹ See exceptions to height limitations in Section 3.21.</p> <p>² Structures on properties zoned UCO on parcels located adjacent to the right-of-way of MS Hwy 7 or MS Hwy 6 may be up to 65 feet. A 100 foot buffer will be required for properties that adjoin SR or ER development. May request 6 stories by special exception (70 feet), unless the structure adjoins residential uses in ER or SR. Density limited by FAR.</p> <p>³ Upper floor residential permitted by right, first floor residential by special exception. No more than 25% of units may be 4 bedrooms and no more than 50% may be 1 bedroom or smaller units.</p>		

2.6.11 UCN – Urban Center		
Purpose and Description		Allowed Structure Types
<p>The Urban Center District is intended to implement the Urban Center Place Type of Vision 2037. Urban Centers have a traditional commercial identity but on a pedestrian scale with a strong sense of the immediate neighborhood. The intent is to provide for the shopping and service needs of the immediate neighborhood and as such, should be readily accessible by pedestrians and vehicles and should feature good access to transit. Urban centers are intended to provide the community with a mix of retail, service and business needs on a medium to large scale.</p>		<p>Mixed-Use structures with Residential on Upper Floors</p> <p>Commercial/office</p> <p>Residential on upper floors</p> <p>Institutional and assembly</p>
Dimensional Standards		Lot, Street and Use Patterns
Lot Size, minimum	No requirement	<p>The typical pattern in the Urban Center provide the community with a mix of retail, service and business needs on a medium to large scale. Medium and high density residential uses, as well as various office and institutional uses, may be permitted. Generally, an Urban center location should be at an arterial intersection and on a transit route, accommodating large buildings.</p> <p>Associated street types include Parkways, Boulevards, Avenue and Main Street.</p> <p>All lots have external access to public roads but internal circulation may be private.</p>
Dwelling Unit Density, maximum ³	As Limited by Floor Area Ratio not to exceed 65 bedrooms per acre.	
Density maximum	4.5 FAR (floor area ratio)	
Impervious coverage, maximum	80%	
Street frontage minimum	40 feet	
Lot width at the front yard build to line, minimum	No requirement	
Front yard build to line, minimum	0	
Front yard build to line, maximum	15	
Side yard build to line, minimum	0 (zero) feet unless it abuts ER, SR, or NR, then 50 feet.	
Rear yard setback line, minimum	25 feet unless it abuts residential uses in ER, SE, or NR, then 50 feet	
Structure height ^{1,2} maximum	60 feet, not more than 5 stories	
Open Space, minimum	10%	
Uses	See Table of Uses in Article 3	
Parking	See Articles 3,4, and 5	
Landscaping	See Article 5	
Site Plan and Subdivision Review	See Article 9	
NOTES:		
<p>¹ See exceptions to height limitation in Section 3.21. May request 6 stories by special exception (70 feet), unless the structure adjoins residential uses in ER or SR, limited by FAR.</p>		
<p>² Structures on properties zoned UCN on parcels located adjacent to the right-of-way of MS Hwy 7 or MS Hwy 6 may be up to 65 feet. A 100 foot buffer will be required for properties that adjoin SR or ER development.</p>		
<p>³ Upper floor residential permitted by right, first floor residential by special exception. No more than 25% of units may be 4 bedrooms and no more than 50% may be 1 bedroom or smaller units.</p>		

2.6.12 HUCN – Historic Urban Center		
Purpose and Description		Allowed Structure Types
<p>The Historic Urban Center is intended to implement the Urban Core Place Type of Vision 2037. The Urban Core is the traditional heart of the Oxford community and embodies the community symbolically, culturally, and historically associated with the early development of Oxford. This core, which includes the Courthouse Square and surrounding areas, is pedestrian oriented and within easy walking distance to serve the surrounding neighborhoods.</p>		<p>Mixed-use with residential on upper floors</p> <p>Commercial/office</p> <p>Institutional</p> <p>Assembly</p> <p>Entertainment</p>
Dimensional Standards		Lot, Street and Use Patterns
Lot Size, minimum	No requirement	<p>The development pattern in the Historic Urban Core is oriented around the historic Courthouse Square with a formal framework of streets laid out in the original plan of Oxford. It is anchored by the Lafayette County Courthouse and City Hall.</p> <p>Associated street types include Avenue and Main Street.</p>
Dwelling Unit Density, maximum ³	As Limited by Floor Area Ratio for upper floor dwellings	
Density maximum	2.5 FAR (floor area ratio)	
Impervious coverage, maximum	100%	
Street frontage minimum	20 feet	
Lot width at the front yard build to line, minimum	No requirement	
Front yard build to line, minimum	0	
Front yard build to line, maximum	15	
Side yard build to line, minimum	0 (zero) unless abuts attached or detached residential uses in a residential district, then 15 feet	
Rear yard build to line, minimum	0 (zero) unless abuts attached or detached residential uses in a residential district, then 15 feet	
Structure height maximum ^{1&2}	40 feet, no more than 3 stories	
Open Space, minimum	None	
Uses	See Table of Uses in Article 3	
Parking ^{3&4}	See Article 3 and Section 4.9	
Landscaping	See Article 5	
Site Plan and Subdivision Review	See Article 9	


NOTES:

¹ See exceptions to height limitations in Section 3.2.

² New commercial buildings and structures facing the Lafayette County Courthouse may not exceed 2 stories; any existing building that should be destroyed shall be allowed to rebuild to its current height.

³ Upper floor residential permitted by right, first floor residential by special exception. In structures existing as of July 2017, dwelling units do not require dedicated parking.

⁴ On-site parking shall not be required for any allowed use where on-street or nearby public parking exists.

2.6.13 TND – Traditional Neighborhood Development			
Purpose and Description		Allowed Structure Types	
<p>The Traditional Neighborhood Development District implements the Traditional Neighborhood Place Type of Vision 2037. A TND is compact and pedestrian friendly containing a mix of land uses with a defined center, middle and edge in an urban village type setting. A TND form may be applied as a new planned neighborhood, or to extend existing compact patterns.</p>		<p>Mixed-use Community Center</p> <p>All forms of residential</p> <p>Institutional</p> <p>Assembly</p>	
Dimensional Standards			
Site Area/ Appropriate Location	30 acres min./ 100 acres (max.) where designated as TND on the Future Development Map ¹	<p>The typical TND development pattern includes shorter, geometrically symmetrical blocks, dense street connections, variety of uses, diverse housing types, and is anchored by a central public space. Associated street types include Avenue, Main Street and Local; and in some instances may include a Parkway or Boulevard.</p>	
General Location Characteristics	Adjacent to, but not bisected by an arterial street unless designed to conform to the requirements of an Avenue or Main Street		
Structural Elements	Uses		
	Land Allocations (% min/ max)		
	See Table 1		
Neighborhood Core	Civic, retail, and mixed-use structures mixed with open space uses		10/20
Neighborhood Transition ²	Single family attached and detached, Multi-unit		25/35
Neighborhood Edge ²	Single family detached and attached use		45/60
Maximum Densities	See Table 1		
Specific Dimensional and Design Standards	See following narrative.		
District Land Uses	A list of uses is to be provided in the master plan reflecting the intent and requirements of this district.		
Development Standards	See following narrative		
Mobility Standards	See following narrative		
Parking Requirements	See following narrative		
Site Plan and Subdivision Review	See Article 9		

NOTES:

¹ To allow for incremental development of a TND, which may include the participation of several property owners over an extended period of time, a partial TND of less than the minimum number of acres may be considered for approval, so long as the project shows an integrated design for at least the minimum size and includes segments of each required type.

² Accessory dwelling units may be proposed by Special Exception.

2.6.13.1 General Access and Layout

- a. Streets - If a proposed TND development is located adjacent to a local, collector or higher-classification street, and the street is not designed to conform to the standards of an "Avenue" or "Main Street" street type, the following criteria shall apply:
 - The internal streets providing access to the TND are to be aligned perpendicular to the local, collector or higher order street.
 - The buildings or structures that take access from the internal streets are to face the internal streets and not the collector or higher-order streets. However, wall transparency (windows and doors) are to be provided on both streets.
 - A continuous system of sidewalks are to connect the Neighborhood Core with streets and lanes that provide access to dwelling units.
- b. Variable Block Lengths - Blocks are to have an average length not exceeding 400 feet, with no block exceeding 800 feet in length. No block face should have a length greater than 400 feet without a dedicated alley or pathway providing through access to the opposite side of the block.

2.6.13.2 Lot Arrangement - All lots are to include frontage abutting a street, park or plaza (a public square, marketplace, or similar open space in city or town). A substantial percentage of the dwelling units are to be located within a 5-minute walk (1,320 feet) from the perimeter of a plaza or park as noted below:

- a. For a proposed TND less than 80 acres in size, at least 90 percent
- b. For a proposed TND of 80 to 90 acres in size, at least 70 percent
- c. For a proposed TND of 90 to 100 acres in size, at least 50 percent

2.6.13.3 Neighborhood Structural Element Standards

- a. Core Area
 - i. Parks, plazas and open spaces are to be sited to provide community focal points and public gathering places.
 - ii. The focal area must have a minimum area of 30,000 square feet. The neighborhood core may face or surround the plaza or square.
- b. Transition Area- The generally residential area, which may have limited commercial uses, but is primarily a mix of residential types, located between the core and edge areas.
- c. Edge Area- A greenbelt (a substantial area of woods, parks, or open land surrounding a community on which building is restricted) shall be sited that will provide a clear edge to the community, open space for community residents, and natural areas for stormwater management.
- d. Common areas may include, but are not limited to, roads, sidewalks, stormwater management facilities, playgrounds, club houses and other amenities, parks, green spaces, and conservation land.

2.6.13.4 Unit Density and Intensity Standards - The requested densities, in terms of floor area ratios (FAR) and number of units per gross residential acre and total number of dwelling units, are to be established in the traditional neighborhood master plan and are to comply with the density parameters set out in Table 1.

TND Table 1 - Density and Area Allocation Standards							
Use Category	Min. Land Allocation	Max. Land Allocation	Min. Density (per ac)	Max. Density (per ac)	Min/ Max Intensity (FAR)	Minimum Height	Max Height
Parks and open space	10 %	-	-	-	-	-	
Civic uses	2.5%	20%	-	-	2/4	-	3 stories(2)/ 45'
Retail(4), office uses, lodging	2.5%	20%	-	-	1.5/3	2 stories (1)	3 stories(2)/ 45'
Upper floor dwellings for retail and office uses(8)	n/a	n/a	-	22	1.5/3	-	3 stories(2)/ 45'
Multi-family dwellings (not part of a mixed-use structure) (6)	5%	15%	15	22	1.5/4	2 stories (1)	3 stories/ 45'
Single family attached(5) and detached dwellings(7)	15%	50%	6	12	-	-	2 stories(3)/ 35'
Single family detached dwellings(7)	25%	50%	4	6	-	-	2 stories(3)/35'
(1) 1 story by special exception (2) 4 stories by special exception (3) 3 stories by special exception (4) Single store footprint limited to 25,000 sf, greater by special exception (5) Single family attached dwellings are a single structures containing 2-4 dwelling units. A minimum mix of 15% of either unit type is required. (6) Not more that 25 percent are permitted as four bedroom units (7) Accessory dwelling units allowed by special exception meeting the standard of Sec. 3.5.6. (8) First floor residential by special exception.							

2.6.13.5 Prominent Sites and Vistas

- a. Prominent sites are reserved for the following building types;
 - i. Civic buildings, such as but not limited to, government offices, libraries, museums, schools, or churches;
 - ii. Hotels; or Office buildings;
- b. Buildings located on a prominent site shall be at least two stories high. A “prominent site” may include a location along a main street, or the termination of a vista running from a main street, boulevard, or avenue and its intersection with an equal or lower- order street.

2.6.13.6 Frontage and Siting Standards

- a. Location of Uses - The location of uses are to be governed by street frontage as shown in Table 3. Street type design is set out in the comprehensive plan.

- b. Building Lines - The setback for principal buildings are to be as established in Table 2. Setbacks for accessory structures or accessory dwellings must comply with that for Accessory Uses and Structures in Section 3.11.1.
- c. Frontage and setback requirements do not apply to parks and open space. In order to allow for setback variations for unique uses, such as anchor retail tenants or auditoriums, the maximum frontage requirements along a street segment are to be computed as an average.

TND Table 2 - Setback for Principal Buildings							
Location by Street Type	Minimum Frontage (ft.)	Max. Avg. Frontage	Min. Front Setback	Max. Front Setback	Min. Side Setback	Max. Side Setback	Min. Rear Setback
Parkways	80	-	10	30	5	-	20
Boulevard	40	80	5	30	5	20	20
Main Street	-	40	-	10	-	5	5
Avenue	20	40	5	20	5	-	20
Local	20	70	5	30	5	-	20
Public Alley or Lane	20	70	5	30	5	-	10
Private Alley	20	70	5	30	5	-	7(1)

(-) = not applicable. (1) If no parking allowed.

2.6.13.7 Building Design

- a. Building designs are to reflect a demonstrated relationship to historic architecture in the Oxford Historic Districts and the character precedents in Vision 2037.
- b. The principal entrance of all buildings must open to a street (excluding outbuildings).
- c. Building Orientation - All principal buildings are to be oriented to parks and open space or to a street. Loading areas must not be oriented to a street. Buildings that abut both a street and parks or open space are to be oriented to both features.
- d. Front Porches - Front porches are to be provided on at least 50 percent of all dwelling units with- in the single-family land-use allocation. Porches are to be constructed of masonry or wood materials. Architectural metal may be used if it is consistent with the exterior or roofing materials of the primary building. The seating area must have a minimum width of 9 feet and a minimum depth of 6 feet.

2.6.13.8 Mixed Use Buildings

- a. Retail and service uses may designate the entire building area above the ground floor or the second floor for residential use.
- b. The submitted floor plans must identify the use of each room.
- c. Abutting Uses - Uses may abut at side or rear lot lines, or face across streets or parks. This applies regardless of whether they are in the same or a different land-use category.
- d. No single building floor plate (first floor size) may exceed 25,000 sf unless authorized by a special exception.

2.6.13.9 Landscaping and Screening

- a. In order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas, retail, service, or civic land uses are not to be separated from multi-family or single-family land uses within the TND by berms or buffers unless a trail or sidewalk is established that provides a direct connection between the uses.
- b. A plan for the landscaping, buffering, and tree mitigation elements must be provided as described in in Section 2.6.13.13.c.
- c. Adherence to the Streetscape and Parking lot landscaping standards found in Article 5 is required for a TND.

2.6.13.10 Parking

- a. Adequate parking is to be provided to service all site uses. In order to achieve the intent of the TND District, minimum parking space requirements are to serve as a guide to establishing appropriate levels of parking, but are not intended to be strictly applied. The applicant shall demonstrate adequate parking.
- b. The maximum number of parking spaces for non-residential uses in a mixed-use structure shall be no more than 80% of the standard requirement, and the minimum number of spaces shall be no less than 60% of the standard requirement in Article 3. Residential uses shall meet or exceed the standard requirement.
- c. Parking lots are to be located at the rear of principal buildings or in mid-block locations. A landscape island a minimum of 9 feet wide and totaling 360 square feet must be provided for every 10 spaces.
- d. Parking lots and parking garages must not abut street intersections or civic use lots.
- e. Parking lots must not be located adjacent to parks or open space.
- f. Parking lots must not occupy lots that terminate a street vista.
- g. Parking lots are to be located in the interior of a block or shall take access from an alley.

2.6.13.11 Property Owners Association

- a. A plan for a Traditional Neighborhood District must be accompanied by provisions for a property owners' association (or associations governing different areas) including the following:
 - i. Projected date of organization.
 - ii. Organizational structure, including structure of planned timeline for transfer of control from the developer to the Association.
 - iii. Diagram of areas to held in common.
 - iv. Initial estimated fees for the proper functioning of the property owners' association.
 - v. Plan for collective shared maintenance of common areas including stormwater management facilities.
- b. Before building permits are issued for any building in an approved Traditional Neighborhood, official organization of the applicable Property Owners Association must have occurred.

TND Table 3 - Traditional Neighborhood Development Use Location				
Street Type	Civic Uses	Retail or Service Uses	Multifamily Uses	Single Family Uses
Parkway	x	-	-	-
Boulevard	x	x	x	-
Main Street	x	x	x	-
Avenue	x	x	x	-
Local	-	-	x	x
Alley or Lanes	-	-	-	x

x = the use or building type is permitted. A dash ("—") means that the use or building type is not permitted.

2.6.13.12 Zoning Approval Process.

- a. A Traditional Neighborhood Development may be established upon application through the requirements and procedures for rezoning land and shall require submittal of a master regulating plan and overall landscaping plan as described below.
- b. Approval of a rezoning to Traditional Neighborhood Development and its Regulating Plan will be valid for two years before construction must begin. The ordinance enacting any such rezoning shall contain a condition stating that the district shall revert to its prior underlying zoning if construction has not begun within two years after the date of approval.

2.6.13.13 Master Regulating Plan Requirements. Application for a Traditional Neighborhood is to be accompanied by a Master Regulating Plan developed in accordance with the intent, principles and standards of the district. The Master Regulating Plan elements at a minimum, the following.

- a. A topographic survey and stormwater management plan.
- b. The layout and location and hierarchy of streets and public open spaces and parking areas. This should include the proposed location of all designated prominent sites and vistas.
- c. Layout and location of residential, commercial, mixed-use and civic building lots.
- d. Plan data and statistics to include densities (DU/acre) or intensity (FAR), buildings by type, setbacks, and other explanatory information.
- e. A list of uses by neighborhood section.
- f. A master sign plan.
- g. A series of architectural renderings which convey the overall character of the development.
- h. Architectural design regulating covenants for all site elements and buildings.
- i. An open space plan indicating proposed improvements thereon and the conditions at the project edges.
- j. A proposed staging plan for the three primary required areas: core, transition and edge.
- k. A storm water management plan that shows integration of stormwater management facilities in to the overall project design.


- I. An overall landscaping plan for the entire development which must include:
 - i. Tree survey plan with tree inventory counts. Should include identification of the location of vegetation to be preserved including the species, and size range of existing trees to be preserved, and a clearing plan for any areas where tree removal is proposed. Full tree mitigation is required.
 - ii. Scaled drawing of the site, with north arrow, indicating areas for preservation, location and spacing of new trees and shrubs proposed for use; and existing and proposed one (1) foot contours to 10 feet beyond the site.
 - iii. Construction details and/or cross-sections sufficient to explain specific site conditions and solutions. Possible conditions include berms, retaining walls, screen walls, fences, tree wells to preserve existing trees, or culverts to maintain natural drainage patterns.
 - iv. A plant list of all proposed landscape materials including trees, shrubs, and grasses. Showing (for trees) caliper sizes, root type (bare root, balled and burlapped, container size), height of material, botanical and common name.
 - v. Planting and staking details to ensure proper installation and establishment of proposed plant materials. To include type and amount of mulch, ground cover and grasses. Should include irrigation plan, if appropriate, or water outlets.
 - vi. Proposed location of light poles, refuse container enclosures, walls, fences, protective curbing, mechanical equipment, and other hard landscaping materials.
 - vii. A landscape maintenance plan including a statement that all diseased, damaged, or dead material shall be replaced in accordance with the landscape ordinance.
- m. A phasing plan for the entire development along with projected implementation schedule, to include triggers for initiating subsequent phases.


2.6.13.14 Administrative Process

- a. Approval of development within the Phases designated in the approved Master Regulating Plan will follow the processes for Site Plan and/or Preliminary and Final Plat approvals as appropriate.
- b. Conflict with other Provisions - Where the provisions of the Traditional Neighborhood District conflict with other ordinance provisions, the provisions of this district shall apply with the exception of any health or safety regulations which must be met.
- c. Waivers from Standards. The Planning Director may authorize minor waivers from the strict application of certain standards of this district, up to 10 percent. Standards appropriate for such waivers are limited to setbacks, height, frontage, land uses, and land allocation percentages. Requests exceeding 10 percent, or appeals from a decision of the Planning Director, will require approval under standard variance procedures. And requests for change in use type are limited to uses that are closely similar in character and nature to originally established use types. Requests deemed by the Planning Director to exceed that standard will require a modification of the Master Regulating Plan.
- d. Modifications to a TND Regulating Plan. From time to time, it may be necessary or desired to modify elements of the approved Regulating Plan for a TND. Such elements may include: the geographic areas of the core, transition, and edge areas; the phasing plan for development; the stormwater management drainage plan; the layout, location, and hierarchy of streets, public open spaces, and parking areas; the plan for improvements to open space areas; the layout and location of residential, commercial, mixed-uses, and civic building lots; proposals for intended densities and intensities, proposed uses in each neighborhood section; the master signage plan; architectural renderings to convey the

overall character of the development; and architectural design regulating covenants for all site elements and buildings. The procedure for changes beyond those authorized for waivers in 2.6.13.14 above shall be:

- i. For modifications that the Planning Director determines to be technical than substantial, the Planning Director will make a recommendation regarding the request to the Mayor and Board of Aldermen, who will determine whether to grant the modification.
- ii. For modifications that the Planning Director determines to be substantial, the Planning Commission, with a recommendation from the Planning Director, will make a recommendation regarding the request to the Mayor and Board of Aldermen; who will determine whether to grant the modification.


2.6.14 IND – Industrial		
Purpose and Description		Allowed Structure Types
<p>The Industrial District is intended to implement the Special Districts Place Type of Vision 2037 as it relates to industrial activity. The District exhibits different forms based upon the use and intensity.</p>		<p>Industrial Limited Commercial</p>
Dimensional Standards		Lot, Street and Use Patterns
Lot Size, minimum	No requirement	<p>The pattern of development will illustrate a unique internal layout of streets, blocks, and buildings often in large tracts to accommodate large buildings. Associated street types include Parkways, Boulevards, Avenue, Local and Sensitive.</p> <p>All lots have external access to public roads. Internal circulation may be private. Limited commercial uses may be found in this district, but is predominantly industrial in nature.</p> <p>Industrial Districts are located near major roads and highways, often with rail service provided.</p>
Dwelling Unit Density, maximum	Not applicable	
Non-residential density maximum	3.25 FAR (floor area ratio)	
Impervious coverage, maximum	80%	
Street frontage minimum	None	
Lot width at the front yard build-to line, minimum	No requirement	
Front yard ¹ build-to line, minimum	60	
Front yard ¹ build-to line, maximum	None	
Side yard ¹ setback line, minimum	30	
Rear yard ¹ setback line, minimum	40	
Structure height ² , maximum	None	
Open Space, minimum	Not Applicable	
Uses	See Table of Uses in Article 3	
Parking	See Article 3 and Section 4.9	
Landscaping	See Article 5	
Site Plan and Subdivision Review	See Article 9	
<p>NOTES:</p> <p>¹ When abutting any other district, minimum side or rear yard of 50 feet shall be provided.</p> <p>² See exceptions to height limitations in Section 3.2.</p>		

2.6.15 INST - Institutional		
Purpose and Description		Allowed Structure Types
<p>The Institutional District is intended to implement the Special Districts Place Type of Vision 2037 as it relates to community institutions such as schools, government buildings, parks, medical institutions, or other uses related to civic, assembly, recreation, or social activities. This Districts exhibits different forms based upon the use and intensity intended.</p>		<p>Civic and government buildings</p> <p>Schools</p> <p>Assembly buildings</p> <p>Special function buildings and facilities related to the district’s purpose</p>
Dimensional Standards		Lot, Street and Use Patterns
Lot Size, minimum	No requirement	<p>The pattern of development in the Institutional District development will illustrate unique internal layout of streets, blocks, and buildings of-ten in large tracts to accommodate large buildings. Associated street types include Parkways, Boulevards, Avenue, Local and Sensitive.</p> <p>All lots have external access to public roads. Internal circulation may be private. Limited commercial uses may be found in this district, but is predominantly intuitional in nature.</p> <p>Institutional Districts are located near major roads and highways.</p>
Dwelling Unit Density, maximum	16 per acre	
Non-residential density maximum	2.0 FAR (floor area ratio)	
Impervious coverage, maximum	80%	
Street frontage minimum	None	
Lot width at the front yard build-to line, minimum	No requirement	
Front yard ¹ build-to line, minimum	20	
Front yard ¹ build-to line, maximum	60	
Side yard ¹ setback line, minimum	10 feet on one side unless it abuts ER, SR, or NR, then 30 feet.	
Rear yard ¹ setback line, minimum	40	
Structure height ² , maximum	48 feet, no more than 4 stories	
Open Space, minimum	Not Applicable	
Uses	See Table of Uses in Article 3	
Parking	See Articles 3,4, and 5	
Landscaping	See Article 5	
Site Plan and Subdivision Review	See Article 9 and 2.6.15.1 - 2.6.15.4	
<p>NOTES:</p> <p>¹ When abutting any other district, minimum side or rear yard of 50 feet shall be provided.</p> <p>² See exceptions to height limitations in Section 3.2.</p>		

2.6.15.1 Institutional – Medical Center

- a. The purpose of a Medical Center Institutional District is to create an environment conducive to medical practices and operations. The intent is for concentrations of medical facilities and related uses to be in a “campus” setting that will better accommodate the needs of the medical profession and those served by it. The district is intended to provide compatible and related activities as noted below. No use permitted in this district shall be incompatible or detrimental of the intended character of such district or to the surrounding neighborhood.
- b. Uses permitted shall include, but are not limited to: hospitals, public health centers, nurse training facilities, community college medical training programs, extended care and nursing care, mental health facilities, medical and other professional offices and similar professions at which no products, except those normally associated with such noted uses are sold; hotels, restaurants (with no drive-through facilities), nursing homes, assisted living/residential care facilities, residential housing for the aged or mentally disabled, and day care facilities, fitness or physical rehabilitation centers, retail and service businesses directly related to the professional offices permitted. The Planning Director shall determine if a proposed use is appropriate.
- c. Uses permitted shall be reviewed as Special uses if they are 15,000 square feet or less; and as Special Exceptions if they are larger than 15,000 square feet. In addition, a religious assembly use or public facilities shall require approval by special exception. Uses shall meet all standards of this ordinance and any additional standards for the use in Sections 3.4 to 3.11.
- d. Area and setback regulations. There are not lot width or area requirements; lot coverage shall not exceed 90 percent of the lot area; the minimum required landscaped green space shall be 10 percent of the lot area; no building shall exceed 40 feet in height other than hotels which may not exceed 65 feet in height; and hospitals which shall not exceed 80 feet in height. No property shall have more than two street access points other than a hospital.
- e. Signage. In this district signage shall be approved based on a comprehensive signage plan submitted for review and approval by the Planning Commission. As new development occurs in this district, or change are needed the plan will be amended and submitted to the Planning Director for review and approval. All lighted signs must be internally illuminated.
 - i. Ground mounted identification signs on the road entrances to a hospital are permitted. An encroachment agreement from the City must be obtained from the City Engineer prior to approval by the Building Official. One face of the sign shall not exceed 25 square feet, and in no case shall the total sign area exceed 50 square feet.
 - ii. Other allowable signage in this district shall include: on-site ground signs, directional signs, wall mounted signs, canopy mounted signs, and temporary signs.
- f. Parking, tree mitigation, and landscaping requirements shall be as established in Article 4, Article 5, and Article 6 of this ordinance.

- 2.6.15.2 Institutional – Educational. Development standards for educational institutional uses shall follow the standards established in Article 3.
- 2.6.15.3 Institutional – Government. Development standards for government institutional uses shall follow the standards established in Article 3.
- 2.6.15.4 Institutional – Public Parks and Open Space. Development standards for public parks and open spaces shall follow the standards established in Article 3.

2.6.16 PUD – Planned Unit Development		
Purpose and Description		Allowed Structure Types
<p>The Planned Unit Development District is intended to implement one aspect of the Special Districts Place Type of Vision 2037. The Planned Unit Development District is designed to provide for the development of well-designed communities that provide multiple use types. A PUD is a tract of land initially under single ownership, planned and developed as an integrated unit in a single development operation or a programmed series according to an approved Master Plan.</p>		<p>Mixed-use</p> <p>Commercial/office</p> <p>Institutional</p> <p>Assembly</p> <p>Multi-family residential</p> <p>Single-family attached or attached residential</p>
		
Dimensional Standards		Lot, Street and Use Patterns
Lot Size, minimum	According to master plan	<p>Development patterns vary widely in a Planned Unit Development according to the nature and purpose of the development. The patterns may range from those associated with a residential neighborhood to patterns associated with major commercial or industrial developments. Associated street types include Parkways, Boulevards, Avenue, Local and Sensitive.</p>
Dwelling Unit Density, maximum		
Non-residential density maximum		
Impervious coverage, maximum		
Street frontage minimum		
Lot width at the front yard build-to line, minimum		
Front yard build-to line, minimum		
Front yard build-to line, maximum		
Side yard setback line, minimum		
Rear yard setback line, minimum		
Structure height ¹ , maximum		
Open Space, minimum	See Table 2.6.16.	<p>Planned Unit Developments have external access to public roads but internal circulation in some cases may be private. The district uses will be predominantly associated with the particular type of PUD established.</p>
Uses	Established according to master plan	
Parking	See Articles 3,4, and 5	
Landscaping	See Article 5	
Site Plan and Subdivision Review	See Article 9	
NOTES:		
<p>¹ See exceptions to height limitations in Section 3.2.</p>		

- 2.6.16.5 Master Plan Required. A detailed Master Plan indicating the type of PUD proposed that consists of maps, illustrations and narrative of the proposed Planned Unit Development District shall be submitted to the Site Plan Review committee for study and approval. The decision of the Site Plan Review Committee shall be considered as a recommendation to the Oxford Planning Commission. The Board of Aldermen, based on the recommendation of the Oxford Planning Commission shall make a final decision regarding the application for Planned Unit Development.
- 2.6.16.6 Minimum Master Plan Standards. The Master Plan must provide for and conform entirely to the following standards:
- a. Demonstration that specific PUD sub-districts are intended to be developed as unique, innovative, or with standards greater than set forth in this ordinance and with multiple use types
 - b. The PUD District standards shall indicate the land use, development standards, and other applicable specifications of the proposed development, which, upon approval, shall govern the PUD. If the PUD District standards do not address specific land use, development standard or other specification of this ordinance, the standard of the underlying zoning district shall apply.
 - c. In order to encourage ingenuity, imagination, and high quality design, regulations for residential areas will not specify minimum lot area per dwelling unit but will limit density in residential areas to 9 dwellings per acre in attached or detached dwellings or 16 dwellings per acre in multi-family areas, allowing the clustering of dwellings to provide maximum open space.
 - d. Uses permitted in the PUD may be any use that is found in the use table, subject to the approval of the Planning Commission. Proposed uses shall be listed in the Master Plan.
 - e. Street widths and improvements thereof, as well as off street parking facilities must conform to street type standards.
 - f. Provisions for water supply, sanitary sewers, stormwater management, electric service and connections shall be made per requirements of the City of Oxford and the State of Mississippi.
 - g. Provision for the management of required open space and amenities shall be included in the Master Plan.
 - h. Other special improvements may be required if they are deemed reasonable and essential, and may require that appropriate deed restrictions to be filed and recorded enforceable by the city for 25 years with an option to renew.
 - i. The developer shall submit sketches of the plan for the entire project showing the relationship of uses, street patterns, open space and the general character of the proposed development, including a schematic rendering illustrating the character of a typical segment of the development.
 - j. A phasing plan for the sequencing of the development shall be provided.
 - k. Provision for over arching Property Owners Association and, where pertinent, individual Property Owners Associations for different phases including the following:
 - i. Projected date of organization.
 - ii. Organizational structure, including structure of planned timeline for transfer of control from the developer to the Association.
 - iii. Diagram of areas to be held in common.
 - iv. Initial estimated fees for the proper functioning of the property owners' association.


- v. Plan for collective shared maintenance of common areas including stormwater detention facilities.
 - vi. Before building permits are issued for any building in an approved PUD official organization of the applicable Property Owners Association must have occurred.
- 2.6.16.7 The Master Plan Site Plan shall conform to the applicable parameters in Table 2.6 and to the technical site plan standards in the Appendix of this ordinance.
- 2.6.16.8 The master plan of a Planned Unit Development shall become the zoning designation for a subject tract and shall be developed in conformance with the plan. The PUD shall be designated on the official zoning map with a reference to its approved master plan by case number.
- 2.6.16.9 Modifications to a PUD. From time to time, it may be necessary or desired by the developer or the City to modify elements of an approved plan for a PUD. Such elements may include: the geographic areas of the various Tracts allotted to different uses, the uses allowed in the various Tracts, the overall density allotted to the PUD and its various Tracts, the density distribution of lots within Tracts, the Stormwater management plan; the layout, location, and hierarchy of streets, public open spaces, and parking areas; the ployout and location of residential, commercial, institutional, mixed-use lots; and proposals for intended densities and intensities, proposed uses in each Tract. The procedure for changes to these elements shall be:
- a. For modifications that the Planning Director determines to be more technical than substantial, the Planning Director will make a recommendation regarding the request to the Mayor and Board of Aldermen, who will determine whether to grant the modification.
 - b. For modifications that the Planning Director determines to be substantial, the Planning Director will make a recommendation to the Planning Commission; and the Planning Commission will make a recommendation to the Mayor and Board of Aldermen who will determine whether to grant the modification.
- 2.6.16.10 Preexisting Planned Unit Developments. Within pre-existing Planned Unit Developments (PUDs), regulations for the underlying zoning districts apply where approved PUD documents are silent. Changes to underlying zoning districts apply within PUDs to the extent the underlying zoning applies. And should any properties be removed from a PUD, if authorized by the PUD covenants, they will revert to the underlying zoning district.
- a. Grand Oaks PUD. This Planned Unit Development (PUD) was first considered in 1993, and later expanded in 1997. This PUD includes a mix of residential uses types, a commercial area, and a Country Club with golf course. A substantial modification to the PUD was approved by the Board of Aldermen in October of 2005; and it was annexed into the City of Oxford in 2006. The PUD later split into two sections, Phase 1 and Phase 2 in 2012; which are controlled by different developers, but operating under the same development plan. The underlying zoning established for this PUD reflects the intended uses on the approved PUD Plats.
 - i. Grand Oaks PUD Phase One. Most of this Phase has been built. There are a few areas of residential development remaining, but the only area with substantial remaining undeveloped land is an area designated for commercial uses along the east side of Highway 7 between Grand Oaks Blvd. and Industrial Park Drive.

- ii. Grand Oaks PUD Phase Two. There are substantial areas of still undeveloped property in this Phase, designated for residential uses. There are central governing covenants, and a single development entity managing remaining development. In 2015 it was realized that underlying zoning had not been established for the annexed areas, and that was applied; reflecting uses intended in the remaining sections. The last adjustment to the PUD Plat was in 2016, which changed the PUD 2 Site Data Sheet to reflect the latest changes to the Parcels and still reflects a total of 2,112 permitted dwelling units.
- b. Blackberry Hills PUD. This Planned Unit Development was first approved as a PUD in October of 2005 and annexed into the City of Oxford in 2006. What has been development so far is primarily a residential development, although portions are intended for mixed use development. The portions along Molly Barr Road and adjoining areas to the north have been substantially developed with a mix of attached and detached dwellings in cottage and townhouse styles. The portions further to the southwest remain substantially undeveloped. The underlying zoning established for this PUD reflects the intended uses on the approved PUD Plat for a mix of residential types and commercial mixed use areas.
- c. Oxford Commons PUD. This Planned Unit Development was first approved as a PUD in 2005 and annexed into the City of Oxford in 2006. Several modifications to the mix of unit types and uses mix have been made over time. The PUD also changed ownership since it was formed and currently has several property owners and remaining undeveloped commercial and residential areas.
 - i. Additionally, three areas of property adjoin the PUD and are treated as extensions of the Oxford Commons Development although they are not in the PUD boundary. These are the "Heights" subdivision (due south of Tract M), being built as a subdivision of single family lots; the "Preserve" subdivision (due north of the western end of Tract G), being built as a subdivision of single family lots; and The Summit, adjacent to the northwest side of the PUD which is planned to be a commercial area.
 - ii. The last adjustment to the PUD Plan was in December of 2015 when a revision of the PUD Plat was approved which adjusted the use types of Phases A and A1, the commercial areas. The underlying zoning for this PUD reflects the stated intent for land uses in the PUD as established in the 2015 approval. This includes no more than 1,462 dwelling units (at various densities), and no more than 1,285,000 square feet of commercial uses on 560 acres. Building design standards will reflect the standards of those zoning districts.

Table 2.6 Parameters of Planned Unit Developments

		Community	Medical	Educational	Institutional	Employment
1.	Site Size Minimum	3 ac	5ac	5ac	2ac	5ac
2.	Lot Size (min)	n/a (clustering encouraged)	n/a	n/a	n/a	n/a
3.	Open Space (Passive and Active)	15% of gross residential acreage	10%	20%	None	15%
4.	Amenity & Infrastructure Management	Property owners' association required	Property owners' association required	Property owners' association required	No association required	Property owners' association required
5.	Land Density and Intensity Allocations	Commercial Without Upper Floor Housing – Max 50% of total acres Multiple Family not in a mixed use structure – Max. is 25% of total units	Commercial – 15% of total floor area maximum	n/a	Commercial - 5% of total floor area	n/a
6.	Use Limitations	Any Commercial, Office, or Residential use allowed in any zoning district may be proposed.	Healthcare and research, with limited service commercial	Uses directly related to education and education support	Assembly, government, recreation, special purpose housing (nursing homes, memory care, etc.) and similar uses	Manufacturing, research and development, Residential 10% of total acreage maximum
7.	Circulation – Vehicles, Cyclists and pedestrians	On street facilities supplemented with paths and greenways	On street and internal to site with multiple buildings	On street and internal to site with multiple buildings	On street and internal to sites with multiple buildings	On street and internal to site with multiple buildings
8.	Access	Commercial uses shall be pedestrian and vehicle accessible to internal residents	Access shall be from major roads with limited vehicular connectivity to adjacent residential neighborhoods	Access shall be from major roads with limited vehicular connectivity to adjacent residential neighborhoods	Access shall be from major roads with limited vehicular connectivity to adjacent residential neighborhoods	Access shall be from major roads with limited vehicular connectivity to adjacent residential neighborhoods
9.	Landscaping	As required by Landscape Standards in Article 5.				
10.	Tree Preservation	As required by the standards of Article 6.				
11.	Height (ft)	Attached or Detached Residential Max: 38 feet. All other uses height set by underlying zoning.				
12.	Public Utilities	To be built and screened as required in Article 5.				


2.6.17 HP - Historic Preservation Overlay District

Purpose and Description		Allowed Structure Types																
<p>The Historic Preservation Overlay District is intended to implement the preservation policies of Vision 2037 and Oxford’s historic districts. Oxford’s historic neighborhoods are a character-defining facet of the community. Not only are they important to the community’s image, but they are a critical component of Oxford’s high quality of life. All land within the Historic Preservation Overlay District shall be governed by the provision of Chapter 54 of the Municipal Code of Ordinances. The maps of the adopted Historic Preservation Districts are maintained by the Planning Department.</p>		<p>While uses are determined by underlying zoning, buildings are determined by the historic overlay.</p>																
Dimensional Standards		Lot, Street and Use Patterns																
<table border="1"> <tr><td>Lot Size, minimum</td></tr> <tr><td>Dwelling Unit Density, maximum</td></tr> <tr><td>Non-residential density maximum</td></tr> <tr><td>Impervious coverage, maximum</td></tr> <tr><td>Street frontage minimum</td></tr> <tr><td>Lot width at the front yard build to line, minimum</td></tr> <tr><td>Front yard¹ build to line, minimum</td></tr> <tr><td>Front yard¹ build to line, maximum</td></tr> <tr><td>Side yard¹ build to line, minimum</td></tr> <tr><td>Rear yard¹ build to line, minimum</td></tr> <tr><td>Structure height² maximum</td></tr> <tr><td>Open Space, minimum</td></tr> <tr><td>Uses</td></tr> <tr><td>Parking</td></tr> <tr><td>Landscaping</td></tr> <tr><td>Site Plan Review</td></tr> </table>	Lot Size, minimum	Dwelling Unit Density, maximum	Non-residential density maximum	Impervious coverage, maximum	Street frontage minimum	Lot width at the front yard build to line, minimum	Front yard ¹ build to line, minimum	Front yard ¹ build to line, maximum	Side yard ¹ build to line, minimum	Rear yard ¹ build to line, minimum	Structure height ² maximum	Open Space, minimum	Uses	Parking	Landscaping	Site Plan Review	<p>The requirements of the underlying base district govern all dimensional standards.</p>	<p>Development patterns in the historic preservation overlay are generally established and include the oldest and most historic sections of the city. Patterns range from a grid pattern to curvilinear form.</p> <p>Associated street types include Parkways, Boulevards, Avenue, Main Street and Local.</p>
Lot Size, minimum																		
Dwelling Unit Density, maximum																		
Non-residential density maximum																		
Impervious coverage, maximum																		
Street frontage minimum																		
Lot width at the front yard build to line, minimum																		
Front yard ¹ build to line, minimum																		
Front yard ¹ build to line, maximum																		
Side yard ¹ build to line, minimum																		
Rear yard ¹ build to line, minimum																		
Structure height ² maximum																		
Open Space, minimum																		
Uses																		
Parking																		
Landscaping																		
Site Plan Review																		


NOTES:

¹ 50 feet from any adjoining residential district or abutting a street on a corner lot.

² See exceptions to height limitations in Section 3.2.

2.6.18 NCO – Neighborhood Conservation Overlay District																		
Purpose and Description		Allowed Structure Types																
<p>The Neighborhood Conservation Overlay District is intended to achieve the preservation and infill policies of Vision 2037. Neighborhood conservation development should be compatible with the surrounding development in terms of height, scale, massing, siting, and setbacks. In general, they will be found in older neighborhoods, outside historic districts and near the transitional edges of abutting Traditional Neighborhood and Urban Center and Urban Corridor placetypes. See 2.6.18.1 for extended purpose statement.</p>		<p>While uses are determined by underlying zoning, buildings are determined by the historic overlay.</p>																
Dimensional Standards		Lot, Street and Use Patterns																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="background-color: #D3D3D3;">Lot Size, minimum</td></tr> <tr><td style="background-color: #D3D3D3;">Dwelling Unit Density, maximum</td></tr> <tr><td style="background-color: #D3D3D3;">Non-residential density Floor Area Ratio, maximum</td></tr> <tr><td style="background-color: #D3D3D3;">Impervious coverage, maximum</td></tr> <tr><td style="background-color: #D3D3D3;">Street frontage minimum</td></tr> <tr><td style="background-color: #D3D3D3;">Lot width at the front yard build to line, minimum</td></tr> <tr><td style="background-color: #D3D3D3;">Front yard¹ build to line, minimum</td></tr> <tr><td style="background-color: #D3D3D3;">Front yard¹ build to line, maximum</td></tr> <tr><td style="background-color: #D3D3D3;">Side yard¹ build to line, minimum</td></tr> <tr><td style="background-color: #D3D3D3;">Rear yard¹ build to line, minimum</td></tr> <tr><td style="background-color: #D3D3D3;">Structure height² maximum</td></tr> <tr><td style="background-color: #D3D3D3;">Open Space, minimum</td></tr> <tr><td style="background-color: #D3D3D3;">Uses</td></tr> <tr><td style="background-color: #D3D3D3;">Parking</td></tr> <tr><td style="background-color: #D3D3D3;">Landscaping</td></tr> <tr><td style="background-color: #D3D3D3;">Site Plan Review</td></tr> </table>	Lot Size, minimum	Dwelling Unit Density, maximum	Non-residential density Floor Area Ratio, maximum	Impervious coverage, maximum	Street frontage minimum	Lot width at the front yard build to line, minimum	Front yard ¹ build to line, minimum	Front yard ¹ build to line, maximum	Side yard ¹ build to line, minimum	Rear yard ¹ build to line, minimum	Structure height ² maximum	Open Space, minimum	Uses	Parking	Landscaping	Site Plan Review	<p>The requirements of the underlying base district govern all dimensional standards except as modified in Section 5.8.</p>	<p>Development patterns in neighborhood conservation areas are generally established and include the oldest and most historic sections of the city. Patterns range from a grid pattern to curvilinear form.</p> <p>Associated street types include Parkways, Boulevards, Avenue, Main Street and Local.</p>
Lot Size, minimum																		
Dwelling Unit Density, maximum																		
Non-residential density Floor Area Ratio, maximum																		
Impervious coverage, maximum																		
Street frontage minimum																		
Lot width at the front yard build to line, minimum																		
Front yard ¹ build to line, minimum																		
Front yard ¹ build to line, maximum																		
Side yard ¹ build to line, minimum																		
Rear yard ¹ build to line, minimum																		
Structure height ² maximum																		
Open Space, minimum																		
Uses																		
Parking																		
Landscaping																		
Site Plan Review																		
<p>NOTES:</p> <p>¹ 50 feet from any adjoining residential district or abutting a street on a corner lot.</p> <p>² See exceptions to height limitations in Section 3.2.</p>																		

- 2.6.18.1 The City of Oxford has distinctive older neighborhoods and commercial areas which contribute significantly to the overall character and identity of the community and are worthy of a level of added protection beyond standard zoning regulations. Some are within designated historic districts while others, even without historic, architectural, or cultural significance, contribute to the context of the city and give their neighborhoods a sense of place. Therefore the purpose of the Neighborhood Conservation Overlay District in these older residential neighborhoods and their adjoining commercial areas is to address the following goals:
- a. To protect and strengthen desirable and distinctive physical features, design characteristics, and the unique identity, charm and flavor of Oxford's older neighborhoods;
 - b. To protect and enhance the livability of the city, strengthening civic pride;
 - c. To promote new compatible development and prevent blighting influences and reduce conflict caused by insensitive and incompatible development;
 - d. To promote and retain affordable housing; and
 - e. To encourage development design that builds connectivity to adjacent developments and the surrounding community and makes a positive contribution to Oxford's evolving cityscape.
- 2.6.18.2 Old Town Oxford Neighborhood Conservation Overlay District. The Old Town Oxford District was created in 2006 within the Land Development Code. The District was amended by the City in 2014 and 2015. The District encompasses boundaries as designated on the City of Oxford Zoning Map, adopted 2004, as subsequently amended. The boundaries of this district are expanded in the adoption of this revised Land Development Code in 2017. See design standards for this district in Section 5.8.

2.6.19 FLO – Flood Overlay District		
Purpose and Description	Allowed Structure Types	
<p>The Flood Overlay District is intended to implement the Natural Area Place Type of Vision 2037. The City of Oxford participates in the National Flood Insurance Program (NFIP) and administers the City of Oxford Floodplain Ordinance.</p> <p>Any land within the City of Oxford lying wholly or partially within the designated 100 year flood plain or floodway fringe is subject to the provisions of the City of Oxford Floodplain Ordinance. The Official NFIP (Insurance Rate) Flood Maps should be consulted for final determination of lands impacted by this provision.</p>		
Dimensional Standards	Lot, Street and Use Patterns	
Lot Size, minimum	<p>The requirements of the underlying base district govern all dimensional standards.</p> <p>All lot, street and use patterns are governed by the requirements of the underlying base district.</p>	
Dwelling Unit Density, maximum		
Non-residential density, maximum		
Impervious coverage, maximum		
Street frontage minimum		
Lot width at the front yard build-to line, minimum		
Front yard build-to line, minimum		
Front yard build-to line, maximum		
Side yard setback line, minimum		
Rear yard setback line, minimum		
Structure height ¹ , maximum		
Open Space, minimum		
Uses		
Parking		
Landscaping		
Site Plan Review		
NOTES:		
¹ See exceptions to height limitations in Section 3.2.		

2.6.20 SED - Sex Entertainment District		
Purpose and Description		Conditions
<p>Statement of Purpose. It is the purpose of this section to regulate sexually oriented businesses and related activities to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented business within the city, and to avoid the disturbances associated with mixing alcohol and sexually oriented activities.</p> <p>Impacts Mitigated. The planning office, Planning Commission, the Mayor, and Board of Aldermen have found that sexually oriented businesses, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect on adjacent areas, such that special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. Furthermore, there is substantial evidence, including numerous studies, reports, and findings on the potential harmful effect of sexually oriented businesses made by other cities, experts, city planners, etc., which document that sexually oriented businesses adversely affect property values, cause an increase in crime, encourage businesses to move elsewhere, and contribute to neighborhood blight. It is the intent of these regulations to mitigate these impacts whenever possible to protect the health, safety, and welfare of the residents.</p>		<p>See Article 5, Article 9, Article 10, and the Appendix of this ordinance for specific conditions related to the district.</p>
Dimensional Standards		Lot, Street and Use Patterns
Lot Size, minimum	<p>The requirements of the underlying base district govern all dimensional standards.</p>	<p>All lot, street and use patterns are governed by the requirements of the underlying base district.</p>
Dwelling Unit Density, maximum		
Non-residential density, maximum		
Impervious coverage, maximum		
Street frontage minimum		
Lot width at the front yard build-to line, minimum		
Front yard build-to line, minimum		
Front yard build-to line, maximum		
Side yard setback line, minimum		
Rear yard setback line, minimum		
Structure height ¹ , maximum		
Open Space, minimum		
Uses		
Parking		
Landscaping		
Site Plan Review		

3.0 USES AND USE CONDITIONS

3.1 Nonconformities

- 3.1.1 Generally. Any parcel of land, use, any existing use (but not a potential use), easement, structure, sign or feature lawfully existing on the date of any text change in this Code, or on the date of a zoning map change that does not conform to the requirements of the district in which it is located may be continued and maintained in accordance with the provisions of this Section and other applicable provisions of this Code. Nonconformities may continue as prescribed, but the provisions of this Section are designed to curtail substantial investment in nonconformities and to bring about their eventual conformity or elimination. The fact that a use is allowed in Table 3.3 does not mean that it exists. The use must be actively functioning to be considered a use eligible for conforming or nonconforming status.
- 3.1.2 Certificate of Zoning Compliance Required. No nonconforming structure, existing use, lot or feature shall be maintained, renewed, changed, or extended until a Certificate of Zoning Compliance has been issued by the Director of Planning in accordance with the provisions of section 9.8.
- 3.1.3 Nonconforming Lots. A legal nonconforming lot is a lot existing legally at the time of the passage of this Code, or the time of annexation into the city's jurisdiction, which does not because of design or dimensions conform to the regulations of the district in which it is situated. A lot established after the passage of this Code which does not conform to regulations of the district in which it is situated shall be considered an illegal nonconforming lot and is a violation of this Code. Legal nonconforming lots may continue only in accordance with the following provisions.
- 3.1.3.1 Vacant Lots. Vacant lots for which plats or deeds have been recorded in the office of the Register of Deeds for Lafayette County, which fail to comply with the minimum area or other dimensional requirements of the districts in which they are located may be used for any of the uses permitted in the district in which it is located, provided that:
- a. Where the lot area is not more than twenty percent below the minimum specified in this Code, and other dimensional requirements are otherwise complied with, the Director of Planning is authorized to issue a certificate of zoning compliance.
 - b. Where the lot area is more than twenty percent below the minimum specified in this Code or other dimensional requirements cannot be met, the Planning Commission may, in its discretion, approve as a variance such dimensions as shall conform as closely as possible to the required dimensions.
- 3.1.3.2 Recombination of Nonconforming Vacant Lots. When two or more adjacent and vacant nonconforming lots are in single ownership, and either of such lots individually has less frontage or area than the minimum requirements of the district in they are located, these lots will be considered and treated as a single lot for the purposes of this Code. The property owner may choose to resubdivide such lots in conformity with this Code to create two or more legal lots of record.
- 3.1.4 Nonconforming Uses. A legal nonconforming use is a use existing legally at the time of the passage of this Code, or the time of annexation into the city's jurisdiction, which does not because of use conform to the regulations of the district in which it is located. A use established after the passage of this Code which does not conform to regulations of the district in which it is located shall be considered an illegal nonconforming use and is a violation of this Code. Legal nonconforming uses of land or structures may continue only in accordance with all the following provisions.

- 3.1.4.1 Expansion Prohibited. A nonconforming use shall not be expanded. Expansion shall include an intensification of use, a physical expansion that results in increased capacity or activity associated with the use, an extension of the hours of operation or number of days of activity and any similar change in activity or location.
- 3.1.4.2 Relocation Restricted. A nonconforming use shall not be moved from one location on a site to another location on the same site unless the property owner can demonstrate to the satisfaction of the Director of Planning that the relocation of the use will not increase the impacts of such use on the public, will not adversely affect adjacent properties, and will not have the effect of making the nonconformity more permanent.
- 3.1.4.3 Change of Use Must Conform. A nonconforming use shall not be changed to any other use unless the new use conforms to the standards of the zoning district in which it is located. Once a nonconforming use is changed to a conforming use, a nonconforming use shall not be re-established.
- 3.1.4.4 Reestablishment Restricted. A legal nonconforming use, when discontinued or abandoned, shall not be resumed. Discontinuance or abandonment shall be defined as:
- a. When land used for a legal nonconforming use ceases to be used in a bona fide manner for 30 calendar days.
 - b. When a building designed or arranged for a nonconforming use ceases to be used in a bona fide manner as a legal nonconforming use for a continuous period of 180 calendar days.
 - c. When a building designed or arranged for a conforming use shall cease to be used in a bona fide manner as a legal nonconforming use for 180 calendar days.
- 3.1.4.5 Reversion Prohibited. A legal nonconforming use, if changed to conforming use, may not after that revert or be changed back to a nonconforming use.
- 3.1.4.6 Structural Alterations Restricted. No structural changes shall be made in any structure occupied by a nonconforming use except as follows:
- a. Structural changes ordered by an authorized official to ensure the safety of the structure shall be permitted.
 - b. Maintenance and repairs to keep a structure in sound condition shall be permitted.
 - c. Structural changes necessary to convert the nonconforming use to a conforming use shall be permitted.
 - d. An existing nonconforming residential structure may be enlarged or altered provided no additional dwelling units are created. Any such enlargement or alterations shall follow all yard requirements of the district for the use.
 - e. The structure and its accompanying use may be moved to another location on the lot so long as the structure meets all applicable requirements of the district.
 - f. Expansion of a nonconforming use of a building or structure into portions of the structure that, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use is permissible.
- 3.1.5 Nonconforming Structures, Excluding Signs. A legal nonconforming structure is a structure, including a building, existing legally at the time of the passage of this Code, or the time of annexation into the city's jurisdiction, which does not because of design or dimensions conform to the regulations of the

district in which it is situated. A structure established after the passage of this Code which does not conform to regulations of the district in which it is situated shall be considered an illegal nonconforming structure and is a violation of this Code. Legal nonconforming structures may continue only in accordance with all the following provisions.

- 3.1.5.1 Continuation Permitted. A nonconforming structure, devoted to a use permitted in the zoning district in which it is located, may continue only in accordance with the provisions of this Section.
 - 3.1.5.2 Repair and Maintenance Permitted. Normal repair and maintenance may be performed to allow the continuation of a nonconforming structure.
 - 3.1.5.3 Certain Enlargements Permitted. Any nonconforming structure may be enlarged if the expansion does not increase the nonconformity.
 - 3.1.5.4 Changes for Conversion Permitted. Structural changes necessary to convert the nonconforming use to a conforming use shall be permitted.
 - 3.1.5.5 Movement Restricted. A nonconforming structure shall not be moved unless afterward it conforms to the standards of the zoning district in which it is located.
 - 3.1.5.6 Repair and Restoration Restricted. A nonconforming structure destroyed or damaged so that more than 60 percent of its tax value remains, may be repaired or restored if:
 - a. A building permit for the repair or restoration is issued within 180 calendar days of the date of the damage and remains valid until the repairs or restoration are complete.
 - b. The type of structure conforms to the standards of the regulations for the zoning district in which it is located; however, if the structure is used for the same purpose as before the destruction, the new structure may be rebuilt using the same materials.
 - c. The total amount of space devoted to a nonconforming use is not increased, and the degree of nonconformity in the structure is not increased.
 - 3.1.5.7 Conformation Required. If the Director of Planning determines that the building or structure has been damaged to such an extent that the repair costs will exceed 40 percent of the tax value of the building or structure as it existed before the damage occurred, future use of the building and site must conform to the regulations of the district in which it is located. However, any building or structure listed on the National Register of Historic Places or any building certified as a state historic building may be rebuilt or restored to its original dimensions or the dimensions of the building or structure before such damage occurred, provided such restoration conforms to the Secretary of Interior Standards for Rehabilitation. For the purposes of this Section, the extent of damage or destruction shall be determined by comparing the estimated cost of repair or restoration with the current assessed tax value.
 - 3.1.5.8 Replacement Restricted. A nonconforming structure shall not be replaced with another nonconforming structure regardless of the degree of nonconformity
- 3.1.6 Nonconforming Signs. A legal nonconforming sign is a sign (together with its supporting structure) existing legally at the time of the passage of this Code, or the time of annexation into the city's jurisdiction, which does not by reason of location, type, design or dimensions conform to the regulations of the district in which it is located. A sign erected or created after the passage of this Code which does not conform to the regulations of the district in which it is situated shall be considered an illegal nonconforming sign and is a violation of this Code. Legal nonconforming signs may continue only in accordance with all the following provisions.

- 3.1.6.1 Continuation Permitted. Subject to the remaining restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this Code may be continued. However, a change of occupant, tenant or other site occupying entity requesting sign alterations shall comply with the provisions of this ordinance.
- 3.1.6.2 Increase in Nonconformity Prohibited. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of that statement, no nonconforming sign may be enlarged, reduced or altered in such a manner as to increase the nonconformity, nor may illumination be added to any nonconforming sign.
- 3.1.6.3 Movement and Replacement Restricted. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Section.
- 3.1.6.4 Reconstruction Limited. If a nonconforming sign structure is destroyed by natural causes, it may not after that be repaired, reconstructed, or replaced except in conformity with all the provisions of this Section, and the remnants of the former sign structure shall be cleared from the land. For purposes of this Section, a nonconforming sign is "destroyed" if damaged to the extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value (tax value if listed for tax purposes) of the sign before damage.
- 3.1.6.5 Message Change Permitted. The message of a nonconforming sign may be changed for the occupant, tenant or other site occupying entity as of the adoption date of this code so long as this does not create any new nonconformities.
- 3.1.6.6 Repair Limited. Subject to the other provisions of this Section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed 50 percent of the value (tax value if listed for tax purposes) of such sign as calculated within any 365 calendar day period.
- 3.1.6.7 Abandonment. If a nonconforming sign or sign frame remains blank for a continuous period of 180 calendar days, that sign shall be deemed abandoned and shall, within 90 calendar days after such abandonment, be altered to comply with this Section or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this Section, a sign is "blank" if any of the following criteria apply:
- a. It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted.
 - b. The advertising message it displays becomes illegible in whole or substantial part.
 - c. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.
- 3.1.6.8 Conformity Required. The following types of nonconforming signs or signs that are nonconforming in any of the following ways shall be altered to comply with the provisions of this Section or removed within 90 calendar days after the effective date of this Code.
- a. Signs advertising an enterprise or activity that is no longer operating or being offered or conducted.
 - b. Portable signs and temporary signs.
 - c. Signs that are in violation of Article 7.

- 3.1.6.9 Removal Required. Nonconforming signs, if present anywhere on the site, shall be removed before issuance of a change of use permit, Certificate of Zoning Compliance, issuance of a grading permit, or commencement of new construction on the site.
- 3.1.7 Nonconforming Features. A legal nonconforming feature is a physical characteristic existing legally at the time of the passage of this Code, or the time of annexation into the city's jurisdiction, which does not because of design or dimension conform to the regulations of the district in which it is situated. Nonconforming features include, but are not limited to, physical characteristics of development that exceed allowable maximum standards (e.g. impervious surface, structure height, etc.), and those that lack or fall short of required minimum standards (e.g. sight triangle, off-street parking and loading spaces, buffer width and lighting standards, etc.). A feature added or changed after the passage of this Code which does not conform to regulations of the district in which it is situated shall be considered an illegal nonconforming feature and is a violation of this Code. Legal nonconforming features may be continued subject to the following limitations.
- 3.1.7.1 Increase in Nonconformity Prohibited. No action shall be taken which increases the degree or extent of the nonconformity. Any enlargement, extension, structural alteration, parking changes, and other changes to lot design and access shall conform to all current requirements of this Section.
- 3.1.7.2 Continuation Permitted. For development existing (or for which a vested right had been established) before the effective date of current regulations, nonconforming features created by a change in regulations may continue to exist, and structures with such nonconforming features may be reconstructed if demolished or destroyed.
- 3.1.8 Nonconforming Accessory Uses and Structures. No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, discontinuance, damage, or destruction unless such accessory use or accessory structure after that is made to conform to the standards for the zoning district in which it is located.
- 3.1.9 Nonconforming Manufactured Home Parks.
- 3.1.9.1 Expansion Prohibited. Nonconforming manufactured home parks may not be expanded or increased in size which shall include adding spaces to the park.
- 3.1.9.2 Replacement of Park Prohibited. When a nonconforming manufactured home park is vacated, the park shall not be reestablished.
- 3.1.10 Changes of Tenancy and Ownership. There may be a change in tenancy or ownership of an existing nonconforming use or structure provided there is no change in the nature or character of such nonconforming use or structure except as permitted in this Section.

3.2 General District Regulations.

- 3.2.1 Accessory Amenity. Accessory Amenities may be located in a front or side yard at the discretion of the Planning Director.
- 3.2.2 Building orientation. Buildings shall be oriented to the public street from which they take access, unless alternative orientation is approved by the Planning Director.
- 3.2.3 Demolition Permits. The demolition or removal of any building or structure shall require a demolition permit from the building official and will require a Certificate of Appropriateness (COA) if in a Historic District. A schedule for demolition shall be submitted when required by the building official. Where such information is required, no work shall be done until such schedule is approved.

- 3.2.4 Dwelling, Above Non-Residential Uses. Upper floors of commercial buildings may be used for residential purposes if the portion of the ground floor of the building which faces the sidewalk or road right-of-way continues to be used or dedicated for business or commercial use, unless otherwise authorized in the applicable zoning district. A portion of the ground floor may also be used for residential garage or storage space, so long as the garage or storage space is located in the rear of the building and is accessed from the side or rear of the building.
- 3.2.5 Encroachment Provisions.
- 3.2.5.1 If roof overhangs or appurtenances not at grade project from the outside wall of a residence no more than three feet, they shall not be considered in the calculation of the setback.
- 3.2.5.2 Outside air conditioning units or similar installations shall be setback a minimum of five feet from any property line.
- 3.2.6 Erection of more than one principal structure on a Lot. In any district, more than one non-residential structure housing a permitted or permissible principal use may be erected on a single conforming lot of record, if the density requirements of this Code are met.
- 3.2.7 Exceptions to Height Regulations. The height limitations contained in the District Regulations detailed in Article 2 do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, silos, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Federal Aviation Administration height regulations shall apply within the approach zone to an airport runway.
- 3.2.8 Fences, Walls, and Hedges. Fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the side or edge of any yard that fronts on a public street shall be over four feet in height and any fence must allow for visibility. Article 5, Site and Design Standards, may allow taller fences, walls, and hedges to serve as screens in certain circumstances. These requirements do not pertain to retaining walls governed in Section 3.2.16 below.
- 3.2.9 Flag poles. One flagpole shall be allowed for display of flags at a home or business except that two shall be allowed for each shopping complex containing three or more businesses. A flag pole shall not exceed the height of the tallest building on the site where it is placed or 35 feet, whichever is shorter.
- 3.2.10 Front Yard Depth. In any residential district, any lot lying between two lots where there are existing dwellings on the effective date of this ordinance shall have a front yard equal in depth at least to the average depth of the front yards of the four adjoining lots on either side; provided, however, that no front yard shall be less than 10 feet in depth nor greater than 40 feet.
- 3.2.11 Future Street Lines Observed. Front yard depth and, in the case of corner lots, side yard width shall be measured from the future street right-of-way line where such line has been established by a Vision 2037 or an adopted Master Road Plan or on an approved subdivision plat or site plan.
- 3.2.12 Garbage, Refuse, Recycling and Debris. All sites under development as well as those already developed must collect, store and dispose of garbage, refuse, recycling and debris per adopted City policy. Furthermore, streets adjacent to sites under development shall be kept free of mud and debris carried on and off site by vehicular traffic.
- 3.2.13 International Code Council (ICC) Compliance. All new development must meet the minimum requirements of all applicable building codes and appendices as set forth by the International Code Council as adopted by the City of Oxford.

- 3.2.14 **Junked Vehicle Storage.** To preserve property values and promote a positive community image, the following conditions shall apply to all junked vehicle storage that is accessory to any use within the city. For the purposes of this section, a junked vehicle shall be defined as any vehicle, automotive or marine, that is mechanically inoperable, including any vehicle that is wrecked or partially dismantled, and has been unregistered for a period longer than 30 days. No junked vehicles may be stored on any multi-family residential property. No more than two junked vehicles may be stored outside an enclosed structure. Junked vehicles shall be screened from view of the primary public road right-of-way.
- 3.2.15 **Parking.** Where parking is required by this ordinance, it shall be provided onsite or offsite in an approved parking facility (lot or deck). Parking facilities must meet the standards listed in Section 5.4. If one or both spaces are provided in an offsite parking facility, the assigned space must be no further than 200 feet from the home. All offsite and onsite parking must be shown on the approved site plan. Public on-street parking spaces may count toward required parking if located within 200 feet of the development site and approved as a special exception. Also See Section 4.9 for general requirements.
- 3.2.16 **Pedestrian and Bicycle Access.** Pedestrian and bicycle access is encouraged. Development sites will be required to connect to public sidewalks or trails where such abut the site through safe and convenient access points, and to extend public facilities consistent with adopted plans for the area.
- 3.2.17 **Recreational and Storage Equipment. Parking, Storage, or Use.** No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to a street; provided, however that:
- 3.2.17.1 Such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading.
- 3.2.17.2 No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
- 3.2.17.3 For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), storage trailers, motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.
- 3.2.18 **Retaining Walls.**
- 3.2.18.1 In all developments of single family detached dwellings, retaining walls in a side or rear yard shall not exceed six feet in height, and when located in a front yard the height shall not exceed four feet in height.
- 3.2.18.2 For all uses other than single family detached dwellings, retaining walls in a side or rear yard shall not exceed twelve (12) feet in height, and when located in a front yard then the height shall not exceed four feet in height.
- 3.2.18.3 Height shall be measured from adjacent grade to top of the wall. Parts of a wall below adjacent grade shall not be included in the measurement of height.
- 3.2.18.4 The distance between retaining walls shall be a minimum of 10 feet. On a series of consecutive walls, slopes of finished ground between walls shall be a maximum of 4:1 (horizontal distance to vertical distance) and the ground area between the walls shall be planted with ground cover.

3.2.18.5 An evergreen buffer shall be planted in front of any retaining wall over six feet tall to provide a 75 percent year-round visual screening at maturity. The evergreen buffer shall consist of shrubs a minimum of four feet in height at planting.

3.2.18.6 See Article 5 (Section 5.5.3) for retaining wall design standards.

3.2.19 Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street or an approved private drive, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

3.2.20 Utilities.

3.2.20.1 Utility installations shall meet all applicable codes and be approved by the city.

3.2.20.2 All developments and substantial improvements including (single-family homes, apartment complexes, shopping complexes, professional offices, etc.) shall have all utilities installed underground.

3.2.21 Visibility. On a corner lot in any residential district, nothing shall be erected, placed planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half and 10 feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.

3.3 Table of Uses.

3.3.1 Establishment of Table of Uses. The uses permitted in each zoning district established in Article 2 are set forth in Table 3.3. A use must be actively functioning to be considered a use eligible for conforming or nonconforming status. No protections are granted to an unexercised right to a use.

3.3.2 Determination of Use Category.

3.3.2.1 The Director of Planning shall decide as to whether any proposed use is permitted within the city's zoning jurisdiction based on the uses listed in the Table of Permitted Uses. Whenever it is not clear whether a proposed use is or is not permitted, the Director of Planning shall consult the 2012 North American Industrial Classification System (NAICS), as amended, to help decide. Any use not specifically listed in the Table of Uses, and any proposed use not substantially like a listed use as determined by the Director of Planning shall be deemed to be prohibited.

3.3.2.2 Where the symbol "P" is shown, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable development standards of this Code including the standards in Section 3.4 to 3.11 for the use.

3.3.2.3 Where the symbol "S" is shown, the use to which it refers is specially permitted in the indicated district. This means that it is approvable by the staff, using the standard processes and regulations in the Code, subject to additional applicable conditions and requirements provided in Sec 3.4 – 3.11; as well as all other applicable regulations of this code.

3.3.2.4 Where the symbol "SE" is shown, the use to which it refers may be permitted only if reviewed and approved as a special exception, in accordance with the additional requirements provided in Section 3.4 to 3.11, the special exception provisions set out in Article 8 Administration, and upon compliance with the general conditions provided in that section. Special exception uses are subject to all other applicable regulations of this zoning ordinance.

- 3.3.2.5 Where a cell is left blank the use to which it refers is not permitted in the indicated district.
- 3.3.2.6 **Determination of Principal Use.** When multiple principal uses are proposed for a development site, each principal use shall be classified separately by the Director of Planning, and each shall be subject to all applicable regulations for that use unless such a development site is categorized as a mixed-use site in which case standards for mixed-use development, where they exist, shall control.
- 3.3.2.7 **Districts Not Shown.** Districts, where uses are governed by a detailed site plan approval process and overlay districts where the underlying district governs uses, are not included in the Table of Uses. These districts are TND, PUD, HP and NC. Refer to Article 2 for information and guidance on these districts.

Table 3.3 Table of Uses

	Low Intensity			Moderate Intensity				Higher Intensity				Special		
	Agricultural	Rural Center	Estate Residential	Suburban Residential	Neighborhood Residential	Suburban Multi-Family	Traditional Neighborhood Business	Suburban Center	Suburban Corridor	Urban Center	Urban Corridor	Historic Urban Center	Industrial	Institutional
P = Permitted S = Special Use SE = Special Exception														
Zoning District	A	RCN	ER	SR	NR	SMF	TNB	SCN	SCO	UCN	UCO	HUC	IND	INST
RESIDENTIAL USE TYPES (3.5)														
Dwellings - Detached	P	P	P	P	S/SE	SE	SE	SE	SE					
Dwellings - Zero Lot Line/Patio			SE	SE	S/SE	S/SE	SE	S	S					
Dwellings - Townhouse					S	S	SE	S	S	SE	SE	S/SE		
Dwellings – Attached					S/SE	S/SE	SE	SE	SE	SE	SE	S/SE		
Dwellings – Multi-Family						S/SE	SE	SE	SE	SE	SE	SE		
Dwellings - Accessory	S/SE	S/SE	S/SE	S/SE	S/SE	S/SE								
Conservation Developments			SE	SE										
Residential CID	S		S	S	S	S				SE	SE			
Manufactured Home Developments	SE					SE								
INSTITUTIONAL USE TYPES (3.6)														
Assisted Living Facilities			SE	SE	SE	SE	SE	SE	SE	SE	SE			
Care Centers and Care Homes	S/SE	SE	SE	SE	SE	SE	SE	S	S	SE	SE			
Cemeteries and Columbariums	SE									SE	SE			P
Convalescent, Rest, and Nursing Homes			SE	SE	SE	SE	SE	SE	SE					
Group Care Homes and Facilities			SE	SE	SE	SE	SE	SE	SE					
Life Care Communities			SE	SE		SE		SE	SE					
Municipal Buildings and Facilities	S	S	S	S	S	S	S	S	S	S	S	S		S
Public Buildings and Facilities	SE	S	SE	SE	SE	S	SE	S	S	S	S	S	S	S
Religious Assembly Uses	S/SE	S/SE	S/SE	S/SE	S/SE	S/SE	S/SE	S/SE	S/SE	S/SE	S/SE	S/SE		
Schools – Preschool/Kindergarten	SE	SE	SE	SE	SE	SE	SE	P	SE					P

Table 3.3 Table of Uses

<p>P = Permitted S = Special Use SE = Special Exception</p>	Low Intensity			Moderate Intensity				Higher Intensity				Special		
	Agricultural	Rural Center	Estate Residential	Suburban Residential	Neighborhood Residential	Suburban Multi-Family	Traditional Neighborhood Business	Suburban Center	Suburban Corridor	Urban Center	Urban Corridor	Historic Urban Center	Industrial	Institutional
Zoning District	A	RCN	ER	SR	NR	SMF	TNB	SCN	SCO	UCN	UCO	HUC	IND	INST
Schools – Elementary or Middle	SE	SE	SE	SE	SE	SE		SE	P					P
Schools – High School	SE		SE	SE										P
Schools – Post Secondary	SE	SE					SE	P	P	P	P			
RECREATIONAL USE TYPES (3.7)														
Firing Ranges	S							SE	SE					S
Open Space (Active) Public or Private	S	S	S	S	S	S	S	S	S	S	S			S
Open Space (Passive) Public or Private	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Private Recreational Clubs or Facility	S/SE		S/SE	S/SE	SE	S/SE		S/SE	S/SE	SE	SE			
COMMERCIAL USE TYPES (3.8)														
Banks and Credit Unions		S/SE				S	S/SE	S	S	S	S	S		
Bed and Breakfast Establishments	SE	SE	SE	SE	SE									
Grocery Stores		P					P/SE	P/SE	P/SE	SE	SE			
Hotels, Motels, or Inns						S/SE	S/SE	S	S	S	S	S		
Offices - Professional		S				S	S	P	P	P	P	P		
Recreational Uses, Commercial - Indoor	S					S	S	S	S	SE	SE			
Recreational Uses, Commercial - Outdoor	SE						SE	SE	SE					
Recreational Vehicle Parks	SE					SE								
Restaurants		S/SE				SE	S/SE	S	S	S	S	S	SE	
Retail Sales - Inside only	S	S/SE				SE	S/SE	S/SE	S/SE	S/SE	S/SE	P	SE	
Retail Sales with Outside Displays		S/SE					S/SE	S/SE	S/SE	S/SE	S/SE			
Service Stations		S/SE					SE	S	S	S	S		S	

3.4 Use Standards.

The following list provides definitions, districts permitted, parking standards, loading standards, and additional standards for uses noted in Table 3.3 Table of Uses. Special exception uses must also meet additional criteria included in Article 8 Administration.

3.5 Residential Use Types.

3.5.1 Dwellings - Detached.

3.5.1.1 Definition: A freestanding structure (including modular dwellings) for human habitation that is designed as a single dwelling, which is not attached to any other dwelling by any means. Occupancy limitations for dwellings are governed, and are subject to the limitations established in Chapter 87, Article IV, Section 87-61 of the City of Oxford Code of Ordinances.

3.5.1.2 Districts Permitted:

- a. Detached Dwellings are permitted uses in the AG, RCN, ER, and SR; and in NR when five or fewer dwellings are proposed in a development.
- b. Detached dwellings in developments of more than five dwellings are special uses in NR if they have 3 or fewer bedrooms.
- c. Detached Dwellings in developments of more than five dwellings are special exceptions in the SMF, TNB, SCN, SCO; and in NR when proposed with four or more bedrooms.

3.5.1.3 Parking: Two spaces per dwelling unit are required for homes on individual lots. Otherwise, two spaces for dwellings with up to three bedrooms, and one space per bedroom for dwellings with four or more bedrooms, and one guest parking space for every three dwelling units. See Sec. 4.9 for general requirements.

3.5.1.4 Loading: None.

3.5.1.5 Additional Standards: None.

3.5.2 Dwellings - Detached, Zero Lot Line (Patio Homes).

3.5.2.1 Definition: A type of detached structure designed for human habitation constructed with one or more walls located upon or near a side or rear lot line (also referred to as "patio homes"). (See also Residential Common Interest Developments.) Occupancy limitations for dwellings are governed, and are subject to the limitations established in Chapter 87, Article IV, Section 87-61 of the City of Oxford Code of Ordinances.

3.5.2.2 Districts Permitted:

- a. Zero Lot Line Dwellings are special uses in the NR, SCN, SCO and SMF districts.
- b. Zero Lot Line Dwellings are special exceptions in the ER, SR, and TNB districts; and in NR and SMF if more than 25% have four or more bedrooms, and if any are proposed to be five bedroom units.

3.5.2.3 Parking: Parking requirements shall be the same as those required for detached dwellings. See Section 4.9 for general requirements.

3.5.2.4 Loading: None.

3.5.2.5 Additional Standards:

- a. Front yard Build-To / Setback. The front yard build-to line or setback shall be determined by the requirements of the underlying zoning.
- b. Side yard setback. The side yard setback shall measure a minimum of 10 feet along one side of the lot between the side lot line and the surface of the side building wall. No overhang, windows, doors or other openings shall be permitted on this side. No minimum side yard is required for the other side of the principle structure.
- c. Where adjacent dwellings are not constructed against a common lot line, the developer must provide a perpetual wall maintenance easement measuring five feet along the adjacent lot and parallel with such wall. In no case may a zero lot line dwelling be built closer than 10 feet to the lot line of a lot zoned in a different residential district.
- d. Rear yard setback. Rear yards shall measure a minimum of 10 feet between the rear lot line and the surface of the rear building wall. Unattached accessory structures may be located a minimum of five feet from a rear or side lot line, but may not be located closer than 60 feet to the front lot line.
- e. Minimum lot width. The minimum lot width shall be 40 feet measured at the building setback line.
- f. Minimum lot area. The minimum lot size shall be 3,200 square feet in all permitted districts.
- g. Maximum building height. The maximum building height shall be 30 feet.
- h. Buffer area. Where the adjoining land is not under the ownership of the developer of the zero lot line project, a 10-foot side yard or a 25-foot rear yard shall be maintained between the zero lot line project and adjoining land. Where adjoining land is not owned by the same person owning the development site, a buffer must be maintained. The buffer must contain a minimum side yard buffer of ten feet and a 20-foot rear buffer between the project and the adjoining land.
- i. Window and door openings. No window or door openings shall be permitted along the exterior wall of the structure facing a side yard.
- j. Rooflines may not overhang the property line.
- k. Maximum impervious surface coverage is limited to 60%.
- l. Density established by the underlying district.

3.5.3 Dwellings, Attached, Townhouse.

3.5.3.1 Definition: A structure designed for human habitation containing dwellings (normally 2-3 stories) that are attached, usually via a common vertical side wall, to other such dwelling units. Also called a "Row House." (See also Residential Common Interest Developments.) Occupancy limitations for dwellings are governed, and are subject to the limitations established in Chapter 87, Article IV, Section 87-61 of the City of Oxford Code of Ordinances.

3.5.3.2 Districts Permitted:

- a. Townhouses are Special uses in NR, SMF, TNB, SCN, SCO, UCO, UCN, and HUCN unless more than 25% of the dwellings proposed have four or more bedrooms.
- b. Townhouses are Special Exception uses in NR, SMF, TNB, SCN, SCO, UCO, UCN, and HUCN when more than 25% of the dwellings proposed have four or more bedrooms; or if any are proposed to have five or more bedrooms.
- c. Townhouses are special exceptions in TNB, UCN, UCO, and HUCN when more than 25% of dwellings proposed have four or more bedrooms.

- 3.5.3.3 Parking. Two spaces required for all dwellings up to three bedrooms, and one space per bedroom for dwellings with four or more bedrooms and four bathrooms. Also, one space required for every three dwellings for visitor parking. See Section 4.9 for general requirements. .
- 3.5.3.4 Additional Standards:
- a. Townhomes shall have no more than six contiguous attached units built in a row.
 - b. Unless a greater setback is required with a zoning district, a minimum setback of 50 feet is required from any side and rear property lines abutting residential uses in an TER or SR district.
- 3.5.4 Dwellings, Attached: Duplex, Triplex, or Quadplex.
- 3.5.4.1 Definition: A structure designed for human habitation containing dwellings attached to one to three other dwellings (duplex (2-unit), triplex (3-unit), or quadplex (4-unit) by common walls that may be horizontal or vertical. No more than two attached dwelling units in such a structure may be at ground level. The individual dwellings in such structures are usually of similar size. (See also Residential Common Interest Developments.) Occupancy limitations for dwellings are governed, and are subject to the limitations established in Chapter 87, Article IV, Section 87-61 of the City of Oxford Code of Ordinances.
- 3.5.4.2 Districts Permitted:
- a. All attached dwellings with less than four bedrooms, except quadplexes, are special uses in the NR, SMF and UCO districts. All attached dwellings with more than three bedrooms are special exceptions in the same districts.
 - b. Quadplexes are special exception uses in NR, SMF, and UCO if four bedroom units are proposed; and in TNB, SCN, SCO, UCN, UCO.
- 3.5.4.3 Parking: One space is required for each studio or one bedroom unit, two spaces for units with two to three bedrooms, and one space per bedroom for a unit with four bedrooms and four bathrooms. In addition to all other parking space requirements, one guest parking space is required for each unit of 3 or more bedrooms, and one for every 3 units with fewer than 3 bedrooms. See Section 4.9 for general requirements. .
- 3.5.4.4 Loading: None.
- 3.5.4.5 Additional Standards:
- a. Attached dwellings must have an architectural appearance and massing like a large single family home common to the neighborhood in which they are located.
 - b. The main entrance to attached dwelling units shall be directly from and face the street. Each ground floor unit must be accessed through a single main entrance. Second story units may be accessed through the main entrance or by an exterior stairway that does not face a public street. Duplexes on corner lots may be designed so that each side facing the public street is a front facade, and each dwelling has primary pedestrian and automobile access from a different street.
 - c. Trash and recycling receptacles must be located on a portion of the lot not visible from the public street.
 - d. When a development with attached dwellings backs into an existing street of detached dwellings it must propose lots of similar size as the abutting lots, and no more than 50% attached dwellings.

- e. Attached dwellings in NR shall be a special use with up to 25% 4 bedrooms, otherwise a special exception.
- f. Duplexes in NR shall be a special exception when more than 25% of the units are proposed to be 3 bedrooms, or when any units are proposed to have 4 bedrooms.

3.5.5 Dwellings - Multi-Family.

3.5.5.1 Definition: A structure designed for human habitation containing more than four attached dwellings. (See also Residential Common Interest Developments.) Occupancy limitations for dwellings are governed, and are subject to the limitations established in Chapter 87, Article IV, Section 87-61 of the City of Oxford Code of Ordinances.

3.5.5.2 Districts Permitted:

- a. Multi-Family Dwellings are special uses in the SMF District; and when located on the upper floors of mixed use buildings in TNB, SCN, SCO, UCN, UCO, and HUCN.
- b. Multi-family dwellings are special exceptions in TNB, SCO, SCN, UCO, UCN, and HUC; and in SMF if more than 25% of units are proposed to have four or more bedrooms.

3.5.5.3 Parking: See Section 4.9 general requirements.

- a. One space is required for each one bedroom unit and two spaces for each two or more-bedroom unit except that:
 - i. Only one space per unit is required for dwellings restricted to persons over the age of 55.
 - ii. One space is required for each studio or one bedroom unit, two spaces for units with two to three bedrooms, and one space per bedroom for a unit with four bedrooms and four bathrooms.
- b. In addition to all other parking space requirements, one guest parking space is required for each unit of 3 or more bedrooms, and one for every 3 units of up to 3 bedrooms.

3.5.5.4 Loading: None.

3.5.5.5 Additional Standards:

- a. Trash and recycling receptacles must be located on portions of the site not visible from the public street and must be screened from dwelling units on at least three sides.
- b. On infill development sites in residential districts or when abutting an established residential area sharing a public street, multi-family buildings shall be designed to blend in with surrounding single-family residential buildings to the maximum extent practicable with regards to building design, setbacks, driveway and garage design and location, porches, and sidewalks.
- c. Signage – Multi-family residential complexes may have one monument sign not to exceed eight feet in height and 24 square feet in sign area for each street frontage where an entry drive is located, and one wall sign not to exceed 20 square feet in sign area. Alternatively, the master sign plan option in Section 7.1 may be used. For a complete list of additional sign requirements, please refer to Article 7. Sign Regulations.
- d. Site design - Site designs shall create a sense of “neighborhood” and shall meet all the following requirements.
 - i. Buildings shall be sited with front entrances and porches oriented toward streets, drives, and plazas, rather than clustered around parking lots. In no case shall rear garages and rear facades face primary streets.

- ii. An internal vehicular circulation system for private streets, when included, shall be reflective of a single-family residential street system.
 - iii. Parking lots shall be located behind or under buildings, except where it is deemed appropriate to use a parking lot as a buffer from an arterial street, or where such parking area will directly abut a property line exterior to the development site when located in or adjacent to a residential district of lower density.
 - iv. Walkways shall connect all buildings with parking areas, play areas, clubhouses, and existing public sidewalks adjacent to the development site.
 - v. Plazas, clubhouses, pools, and recreational facilities shall be centrally located when provided.
 - e. Unless a greater setback is required with a zoning district, a minimum setback of 50 feet is required from any side and rear property lines abutting ER, SR, or NR district.
 - 3.5.5.6 Residential Bonus. In a mixed-use development in the SMF, TNB, SCN, and SCO districts a residential use bonus allowing up to (and no more than) 65 bedrooms per acre may be considered by special exception. A finding must be made that special conditions and circumstances exist which are peculiar to the land, structure, or building(s) involved and which are not applicable to other lands, structures, or buildings in the same district.
- 3.5.6 Dwellings - Accessory.
- 3.5.6.1 Definition: A dwelling that is smaller than and subordinate to a primary dwelling on a lot, such as a garage apartment, basement or attic apartment, or guest house.
 - 3.5.6.2 Districts Permitted: These use is a Special Use AG, RCN, ER, SR, NR and SMF if it meets all standards below in 3.5.6.5. In addition, a sign shall be posted in the yard of the home for 14 days indicating that an accessory dwelling unit is being proposed. If an objection to the use is received by the Planning Department, the use shall be considered as a Special Exception. A proposal not meeting 3.5.6.5.h, or that is proposed for use as a rental unit may be considered by Special Exception.
 - 3.5.6.3 Parking: One off-street parking space must be provided at the side or rear of the lot for each bedroom proposed in the accessory dwelling unit; unless determined by the Director of Planning to be unnecessary given the amount of parking available on the street. See Section 4.9 for general requirements. .
 - 3.5.6.4 Loading: None.
 - 3.5.6.5 Additional Standards:
 - a. The accessory dwelling unit cannot exceed 50% of the gross floor area of the principal dwelling or 1,000sf (whichever is less) or contain more than two bedrooms.
 - b. The accessory dwelling must be a complete living space with kitchen and bathroom facilities.
 - c. No more than two persons may reside in an accessory dwelling unit.
 - d. The accessory dwelling may be accessory only to a detached single-family dwelling or townhouse and not more than one such dwelling shall be allowed per principal dwelling.
 - e. All accessory dwelling units (ADU) shall conform to the applicable side and rear setback requirements of this code for accessory structures. They shall also conform to all use, design and landscaping standards applicable to the primary dwelling and structure except that where accessed by an alley, the structure may be located 15 feet from the rear prop-

erty line. When an existing legal and conforming accessory structure is being converted into an ADU, the new ADU must meet all applicable building and fire code requirements.

- f. The design of the accessory dwelling shall be in harmony with the principal dwelling regarding massing, materials, and location.
- g. The lot must be over 10,000 square feet. The use may be proposed on a lot of 5,000 to 10,000 square feet by Special Exception.
- h. The accessory dwelling shall not be separately metered unless required by the electric utility provider.
- i. The primary dwelling must be owner occupied and evidence must be presented such as a homestead exemption certificate that the dwelling is the primary residence of the owner.
- j. For approval as a Special Use the application requires a restrictive covenant registered with the Chancery Clerk stating that the use will comply with all standards in Section 3.5.6 of the Code, that the primary dwelling on the property will be owner occupied, and that the accessory dwelling will be used only for family members, guests, or employees (such as caretakers), not for rentals.
- k. For approval as a Special Exception the application requires a restrictive covenant registered with the Chancery Clerk stating that the use will comply with all standards in Section 3.5.6 of the Code, and that the primary dwelling on the property will be owner occupied.
- l. The Planning Department shall keep a record of all approved Accessory Dwelling Unit permits.

3.5.7 Conservation Developments.

- 3.5.7.1 Definition: A development design option that concentrates buildings on lots smaller than otherwise allowed in the zoning district in specific areas on the site to allow the remaining land to be used as a buffer or for recreation, common open space, and preservation of environmentally sensitive features while maintaining the overall designated density of the zoning district.
- 3.5.7.2 Districts Permitted: Conservation Developments are special exceptions in the ER and SR districts.
- 3.5.7.3 Parking: Two parking spaces per dwelling are required. See Article 4 for general requirements. See Section 4.9 for general requirements. .
- 3.5.7.4 Loading: No use-specific requirement. See Article 4 for general requirements.
- 3.5.7.5 Additional Standards.
 - a. All lots within the development shall be accessed solely by interior streets, except that lots used for permitted non-residential uses may have driveway access to adjacent streets if approved by the city.
 - b. No non-residential use in the development shall be permitted within 150 feet of the perimeter of the development site unless the adjacent zoning district permits such use.
 - c. The overall density of the conservation subdivision shall not exceed the density authorized for the zoning district where it is located unless otherwise authorized in this Code. Open space land created through clustering shall be dedicated for perpetual open space and may be used for recreation.

- d. Permanent open space conserved as part of the conservation subdivision shall be designed to serve as a buffer to mitigate potential impacts of clustering on adjoining properties, and, at the discretion of the Director of Planning, serve one of the other stated purposes (i.e. recreation, common open space, and preservation of environmentally sensitive features) for conservation subdivisions.
- e. The minimum lot size and interior lot setbacks may not be reduced to less than 50 percent of the minimum lot size and setbacks for the district in which the conservation subdivision is located.

3.5.8 Residential Common Interest Developments (Residential CID)

3.5.8.1 Definition: A development of residential dwellings whether detached or attached, that may or may not have mixed types of dwellings; and may contain individual lots or have a common ownership of property; that will always have elements owned or controlled in common. There may be individual ownership of the residence, and sometimes the land upon which it is built; or alternatively common ownership of dwellings and common areas, where dwellings function as rental properties. Common areas may include, but are not limited to: roads, sidewalks, stormwater facilities, playgrounds, clubhouse and other amenities, parks, green spaces, and conservation land.

3.5.8.2 Districts Permitted: Residential Common Interest Developments are special uses permitted in the AG, ER, SR, NR, and SMF districts. They are a Special Exception use if proposed within an existing subdivision, in any historic district, or in a Neighborhood Conservation Overlay District.

3.5.8.3 Parking: Minimum parking standards are established by specific use within the development. See standards for each proposed use for details and Article 4 for general requirements. See Section 4.9.

3.5.8.4 Loading: None.

3.5.8.5 Additional Standards:

- a. There may be individual ownership of the residence, and sometimes the land upon which it is built; or alternatively common ownership of all dwellings and common areas, where the dwellings function as rental properties; and
- b. Common areas may include, but are not limited to: roads, sidewalks, stormwater facilities, playgrounds, clubhouses and other amenities, parks, green spaces, and conservation land.
- c. Development Standards: Shall follow the standards of the underlying zoning district; but in no instance shall building separation be less than 15 feet.
- d. If individual ownership of the dwellings is intended, common ownership documents with provisions for a property owners' association must be provided before final approval that must include:
 - i. Projected date of organization
 - ii. Organizational structure, including planned timeline for transfer of control from the developer to the Association.
 - iii. Diagram of areas to be held in common.
 - iv. Initial estimated fees for the proper function of the Association.
 - v. Plan for collective shared maintenance of common areas including stormwater detention facilities.

3.5.9 Manufactured Home Developments.

- 3.5.9.1 Definition: A parcel of land upon which spaces are rented or leased for placement of two or more manufactured homes.
- 3.5.9.2 Districts Permitted: Manufactured Home Developments are special exceptions in the AG and SMF districts.
- 3.5.9.3 Parking: A minimum of two spaces for each lot or pad is required. See Section 4.9 for general requirements.
- 3.5.9.4 Loading: None.
- 3.5.9.5 Additional Standards:
 - a. Size. The minimum size of a manufactured home park shall be four acres. The maximum size of a manufactured home park shall be six acres.
 - b. Access. Each manufactured home park shall have access to a street of sufficient size to allow movement of the homes into and out of the park without crossing or disturbing adjacent property.
 - c. Required Improvements. All manufactured home parks are required to have all the following improvements.
 - i. Every home lot shall contain at least 2,500 square feet of area. A clearance of at least 20 feet shall be provided between adjacent homes and between homes and other structures. No home shall be closer to the property line than the required building setback for the district in which the manufactured home park is located.
 - ii. Each home lot shall have a pad to accommodate the home. The pad shall be graded to obtain adequate surface drainage and shall provide an adequate foundation and anchoring facilities to secure the home against any accidental movement. The material used in constructing the pad shall be durable and capable of supporting the expected load regardless of the weather. Individual connections shall be provided at each pad for water, sewerage, electricity, telephone, gas, and other services.
 - iii. Each manufactured home park shall be provided with an easily accessible recreation area of 2,500 square feet, or 100 square feet per home pad, whichever is larger.
 - iv. Manufactured Home Developments must meet all pertinent city standards for roads, circulation, walkways, lighting, water and sewage connections, fire protection, solid waste removal, and electrical service.
 - v. All interior roads must provide convenient and safe vehicular circulation.
 - vi. All areas where pedestrian traffic is expected to be concentrated must have walkways at least five feet wide.
 - vii. Adequate night lighting meeting the requirements of Section 5.5 must be provided for all streets, walkways, buildings, and other facilities subject to nighttime use.
 - d. Performance Requirements. The granting of a Manufactured Home Development as a special exception shall be dependent upon the applicant constructing and maintaining the development as shown on the approved site plan. An increase in the number of home pads above that shown in the plan or the failure to provide and maintain any of the required improvements shall constitute a violation of this Code.

3.6 Institutional Use Types.

- 3.6.1 Assisted Living Facility.

- 3.6.1.1 Definition: A type of housing and limited care 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 in a nursing home.
 - 3.6.1.2 Districts Permitted: Assisting Living Facilities are special exceptions in the ER, SR, NR, SMF, TNB, SCN, and SCO districts.
 - 3.6.1.3 Parking: One space is required every two employees plus one visitor space for each four beds. See Section 4.9 for general requirements.
 - 3.6.1.4 Loading: No use-specific requirement. See Article 4 for general requirements.
 - 3.6.1.5 Additional Standards: Assisting Living Facilities in the ER, SR, and NR districts shall accommodate no more than 50 residents.
 - a. In ER, SR, and NR shall accommodate no more than 50 residents.
 - b. Must be located on an arterial street and have a minimum lot size of three acres.
- 3.6.2 Care Centers and Care Homes.
- 3.6.2.1 Definitions
 - a. Care Home: A private establishment meeting all state requirements for the care of up to four persons which provides shelter and personal care regardless of age for any part of the 24-hour day.
 - b. Care Center: A place meeting all state requirements which provides shelter and personal care for five or more persons regardless of age for any part of the 24-hour day, whether such place be organized or operated for profit or not. The term "day care center" indicates daycare babysitting service, child or adult care centers and any other facility that within the scope of the definition set forth herein, regardless of auspices. Excluded from this definition is any facility operating as a kindergarten, nursery school or Head Start in conjunction with an elementary or secondary school system, whether it is public, private or parochial, whose primary purpose is a structured school readiness program. Also excluded is any medical care facility such as a convalescent home or nursing home or rehabilitation center, or regulated group home or group care facility.
 - 3.6.2.2 Districts Permitted:
 - a. Care Homes are a Special use in AG, SCN, and SCO; Care Centers are a Special Use in SCN and SCO.
 - b. Care Homes are a Special Exception use in ER and SR; Care Centers are a Special Exception use in AG, RCN, NR, SMF, and TNB districts.
 - 3.6.2.3 Parking: One space is required for each employee, and one space for each five enrolled persons at maximum capacity. See Section 4.9 for general requirements.
 - 3.6.2.4 Loading: No use-specific requirement. See Article 4 for general requirements.
 - 3.6.2.5 Additional Standards:
 - a. Drop-off and pick-up areas must be shown on the site plan and approved as part of the permitting process
 - b. Space requirements shall be as stipulated by the Mississippi State Board of Health and the International Building Code, or other appropriate state or federal agency

- c. Outdoor play and recreation areas shall be located behind the front building line in the rear yard or side yard only.
- d. Unless specifically authorized by the Planning Commission as a special exception, outdoor activities are limited to the hours of 8:00 a.m. and 8:00 p.m.
- e. Care of a person shall not exceed 12 1/2 hours for any part of the 24-hour day.
- f. The owner of a Care Home must reside in the Home and the use must be:
 - i. Clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
 - ii. Staffed by persons residing in the dwelling in which the care is located except that up to one non-resident may report to work at the home.
 - iii. In a structure originally constructed as and designed for a single-family dwelling which shall remain the principal use on the lot. The structure shall not be altered in any manner which diminishes its value as a single-family dwelling or which changes its exterior residential character.
- g. A Care Home may be located on a local or collector street. Care Centers must be located on an arterial street and have a minimum lot size of three acres.

3.6.3 Cemeteries and Columbariums.

3.6.3.1 Definitions:

- a. Animal Cemetery: A tract of private land divided into plots for the interment of a dead animal in compliance with applicable state statutes and city ordinances; which may or may not include a columbarium.
- b. Human Cemetery: A tract of land, private or public, divided into plots for the interment of deceased humans in compliance with applicable state statutes and city ordinances; which may or may not include a columbarium.
- c. Columbarium: A facility for the interment of cremated remains.

3.6.3.2 Districts Permitted:

- a. Cemeteries and Columbariums are permitted uses in the INST district.
- b. Cemeteries and Columbariums are special exceptions in the AG district.

3.6.3.3 Parking: No use-specific requirement. See Article 4 for general requirements.

3.6.3.4 Loading: No use-specific requirement. See Article 4 for general requirements.

3.6.3.5 Additional Standards:

- a. Tombstones, crypts, monuments, columbariums, and mausoleum spaces must be located at least 50 feet from any street right-of-way line or abutting property. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located. Gravesites shall also be set back at least 20 feet from any side or rear lot lines.
- b. Sales of crypts, columbarium niches, and plots shall be allowed as an accessory use on premises for cemeteries that are a principal use only. No building in conjunction with such sales shall be located closer than 20 feet from any side lot line abutting a residential district and 40 feet from any such rear lot line. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located.
- c. A minimum of three acres shall be needed for a new principal use.

- d. Cemeteries may be permitted accessory to places of religious assembly (See Section 3.6.9) provided they meet the setback requirements listed in subsections 3.4.12.4 a and b. Columbariums may be permitted accessory to places of religious assembly provided they meet the setbacks requirements for the principal structure.

3.6.4 Convalescent, Rest, and Nursing Homes.

- 3.6.4.1 Definition: A health facility where persons are housed and furnished with medical and/or nursing care for short or long stays.
- 3.6.4.2 Districts Permitted: Convalescent, Rest, and Nursing Homes are special exceptions in the ER, SR, NR, SMF, TNB, SCN, and SCO districts.
- 3.6.4.3 Parking: Parking shall be provided at a rate of 1 space for each 8 beds plus one space for each two employees. See Section 4.9 for general requirements. .
- 3.6.4.4 Loading: No use-specific requirement. See Section 4.9 for general requirements.
- 3.6.4.5 Additional Standards:
 - a. Facilities in the ER, SR, and NR districts shall accommodate no more than 50 residents.
 - b. Facilities must provide a separate entry for patients being delivered by ambulance.
 - c. Must be located on an arterial street and have a minimum lot size of three acres.

3.6.5 Group Care Home or Facility.

- 3.6.5.1 Definition: A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. A group care facility may include halfway houses, recovery homes, and homes for orphans, foster children, the elderly, and battered women and children. It would include a specific treatment providing less than primary health care.
- 3.6.5.2 Districts Permitted: Group Care Homes and Facilities are special exceptions in the ER, SR, NR, SMF, TNB, SCN, and SCO districts.
- 3.6.5.3 Parking: One parking space is required for each employee and one for each three residents aged 18 and older licensed to drive. See Section 4.9 for general requirements. .
- 3.6.5.4 Loading: No use-specific requirement. See Article 4 for general requirements.
- 3.6.5.5 Additional Standards:
 - a. Group Care Homes – Group Care Homes must be in a structure originally constructed as and designed for a single-family dwelling which is the principal structure on the lot. The structure must not be altered or the site used in any manner which diminishes its value as a single-family dwelling or which changes its exterior residential character.
 - b. Group Care Facilities – A facility serving individuals who are deemed to be a danger to themselves or others must be identified by the applicant during Site Plan Review. Facilities may not serve more than 20 residents; however, to protect the health and safety of the community, the Planning Commission has the right to further restrict the location of facilities and the number of residents and to require increased buffering, screening, and fencing.
 - c. A Group Care Facility must be located on an arterial street and have a minimum lot size of three acres.

3.6.6 Life Care Communities.

- 3.6.6.1 **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.
- 3.6.6.2 **Districts Permitted:** Life Care Communities are special exceptions in the ER, SR, SMF, SCN, and SCO districts.
- 3.6.6.3 **Parking:** One space is required for each dwelling unit in the independent living facility, one space for each five bedrooms in the assisted living facility, one space for each 10 beds in the nursing home care facility; plus one space for each two employees and a minimum of 10 spaces for visitors. See Section 4.9 for general requirements. .
- 3.6.6.4 **Loading:** No use-specific requirement except that a separate entrance for loading or unloading ambulances or other emergency vehicles must be provided. See Article 4 for general requirements.
- 3.6.6.5 **Additional Standards:**
- a. All land used for the community shall be contiguous and shall not be divided or transected by 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.
 - b. Accessory buildings shall only include accessory dwellings containing no more than four dwelling units or recreation centers and similar facilities, dining halls, and maintenance buildings. All other buildings shall be principal buildings the use of which shall be for single family dwellings, multi-family dwellings, congregate or nursing care.
 - c. All structures shall be limited in occupancy to persons aged 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.
 - d. Driveway access to accessory structures shall be through the main entrance to the community.
 - e. Sidewalks meeting city standards shall be provided between accessory dwellings, the principal building, and all common facilities such as dining halls and recreation centers.
 - f. Principal and accessory buildings shall be predominately designed and constructed with architectural features common to residential structures including, but not limited to, the following features: roof pitch, façade material, and size, type and placement of windows and doors.
 - g. No single building shall be greater than 40,000 square feet if located within 500 feet (as measured in any direction from the closest point) from an adjacent residentially zoned lot.
 - h. No site shall have a density greater than eight units per acre for accessory single family dwellings. For the purposes of calculating density, all land lying underneath and within 20 feet of any congregate care or nursing care facility and all loading/unloading, garbage collection, and parking areas associated with congregate care or nursing care facilities shall be excluded from the total acreage.
 - i. Must take access from an arterial street and have a minimum lot size of three acres.

3.6.7 Municipal Public Buildings and Facilities

- 3.6.7.1 Definition: A City of Oxford owned or managed building (used for purposes such as, but not limited to, administrative functions, police or fire stations, or libraries); or a structure or other facility used for infrastructure related municipal uses (such as but not limited to sewer lift stations, electric utility substations, water tower, and water pump facilities).
- 3.6.7.2 Districts Allowed: Special use in all zoning districts.
- 3.6.7.3 Parking: No use-specific requirement. See Section 4.9 for general requirements. .
- 3.6.7.4 Loading: No use-specific requirement. See Section 4.9 for general requirements. .
- 3.6.7.5 Additional Standards:
 - a. Municipal Buildings in the TNB district must not exceed 15,000 square feet.
 - b. Municipal Buildings in ER and SR and NR districts must not exceed 10,000 square feet.
 - c. Whenever feasible, infrastructure facilities should be located away from streets and may be located on lots without road frontage that are accessible solely across another property through an easement access.
 - d. Where visible from a public or private street, municipal facilities must be screened from view by fencing or evergreen shrubs or trees.
- 3.6.8 Public Buildings and Facilities.
 - 3.6.8.1 Definition: A building used for local (other than City of Oxford), state, or federal government uses (used for purposes such as, but not limited to, administrative functions, sheriff or emergency offices, or libraries); or a structure or other facility used for local (other than City of Oxford), state, federal government, or quasi-governmental entities infrastructure related uses (such as but not limited to sewer lift stations, electric utility substations, water tower, and water pump facilities).
 - 3.6.8.2 Districts Allowed:
 - a. Public Facilities are permitted uses in the Public Facilities are special uses in the UCN, UCO, HUC, IND, INST, RCN, SMF, SCN, and SCO districts.
 - b. Public Facilities are special exceptions in the AG, ER, SR, NR, and TNB districts.
 - 3.6.8.3 Parking: No use-specific requirement. See Section 4.9 for general requirements. .
 - 3.6.8.4 Loading: No use-specific requirement. See Section 4.9 for general requirements. .
 - 3.6.8.5 Additional Standards:
 - a. Public Buildings in the TNB district must not exceed 15,000 square feet.
 - b. Infrastructure facilities should be located away from streets and may be located on lots without road frontage that are accessible solely across another property through an easement access.
 - c. Where visible from a public or private street, public facilities must be screened from view by fencing or evergreen shrubs or trees.
- 3.6.9 Religious Assembly Uses.

- 3.6.9.1 Definition: A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and associated accessory uses.
- 3.6.9.2 Districts Allowed: Religious Assembly Uses are Special Uses or Special Exceptions in all districts other than Industrial or Institutional, where they are not allowed. The threshold for Special Exception review is based on the seating and activity thresholds noted below.
- 3.6.9.3 Parking: One parking space is required for each four seats in the main assembly room. See Section 4.9 for general requirements. .
- 3.6.9.4 Loading: No use-specific requirement. See Section 4.9 for general requirements. .
- 3.6.9.5 Additional Standards:
- a. Signage - Signs shall meet the requirements for business signs as set forth in Article 7 of this ordinance.
 - b. Large Religious Assembly Uses - Religious Assembly Uses providing seating for more than 600 people, or with uses that go beyond the primary religious function of the use that operate on weekdays, will require approval by Special Exception, and must have direct access to a major thoroughfare.
 - c. A residential monastery or convent or similar communal residential, religious facility may be allowed as an accessory use to a Religious Assembly use by special exception.
 - d. Accessory uses such as administrative offices, bookstores, parking lots, 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.
 - i. 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.
 - ii. No merchandise or merchandise display shall be visible from outside a building.
 - iii. No business or identification sign pertaining to an accessory use shall be legible from a public street.
 - iv. 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.
 - e. A cemetery or columbarium is permitted as an accessory use under Section 3.6.3.

3.6.10 Schools.

3.6.10.1 Definitions:

- a. Preschool through High School: A public or private institution at which persons are instructed in the specifics of learning; for purposes of this Code including kindergarten through grade 12.
- b. Post-Secondary School: A public or private institution (for profit or non-profit), college, university, business or trade school that offers education beyond grade 12.

3.6.10.2 Districts Allowed:

- a. Preschools and Kindergartens
 - i. Preschools and Kindergartens are permitted in the SCO, SCN, and INST districts.

- ii. Preschools and Kindergartens are special exceptions in the AG, RCN, ER, SR, NR, SMF, TNB, and SCO districts.
- b. Elementary and Middle Schools
 - i. Elementary and Middle Schools are permitted in the INST district.
 - ii. Elementary and Middle Schools are special exceptions in the AG, RCN, ER, SR, SCO, NR and SCN districts.
- c. High Schools
 - i. High Schools are permitted in the INST district.
 - ii. High Schools are special exceptions in the A, ER, and SR districts.
- d. Post-Secondary School
 - i. Post-Secondary Schools are permitted in the SCN, SCO, UCN, and UCO districts.
 - ii. Post-Secondary Schools are special exceptions in the AG, RCN, and TNB districts.

3.6.10.3 Parking: See Article 4 for general requirements.

- a. Preschools and Kindergartens – One and one-half spaces are required for every classroom and one space for each faculty and staff member, and bus and activity vehicle parking as needed.
- b. Elementary and Middle Schools – One and one-half spaces are required for every classroom and one space for each faculty and staff member, and bus and activity vehicle parking as needed.
- c. High Schools – One space is required for every four students, one space for each faculty and staff member, and bus and activity vehicle parking as needed.
- d. Post-Secondary Schools – One space is required for every two student classroom seats at maximum capacity, .75 spaces for each faculty and staff member, and activity and service vehicle parking as needed.

3.6.10.4 Loading: No use-specific requirement except that bus loading areas must be directly accessible to a building entrance. See Article 4 for general requirements.

3.6.10.5 Additional Standards: None.

3.7 Recreational Use Types.

3.7.1 Firing Ranges.

3.7.1.1 Definition: An indoor facility for firearms training.

3.7.1.2 Districts Permitted:

- a. Firing ranges are special uses in the A and INST districts.
- b. Firing ranges are special exceptions in the SCN and SCO districts.

3.7.1.3 Parking: One space is required for each 300 square feet of gross floor area. See Article 4 for general requirements.

3.7.1.4 Loading: No use-specific requirement. See Article 4 for general requirements.

3.7.1.5 Additional Standards: Proof must be presented that the use will be soundproofed so that no noise can be heard beyond the walls of the use.

3.7.2 Open Space, Active.

- 3.7.2.1 Definition: Land intended for active recreation uses such as, but not limited to, parks, playgrounds, picnicking, golfing, horse riding, tennis, and walking. The land may be in public, private, or non-profit ownership.
- 3.7.2.2 Districts Allowed: Open space is a special use in the AG, RCN, ER, SR, NR, SMF, TNB, SCN, SCO, UCO, UCN, and INST districts
- 3.7.2.3 Parking: For a facility intended for public use away from a developed area, a minimum of five parking spaces plus one space for each five acres is required. See Article 4 for general requirements.
- 3.7.2.4 Loading: No use-specific requirement. See Article 4 for general requirements.
- 3.7.2.5 Additional Standards:
 - a. Public or Private open spaces and parks with lighted facilities must close by 10pm.
 - b. All stables and riding facilities (other than trails) must be located at least 3,000 feet from the nearest off-site residence.
 - c. Golf Courses are allowed only in the A, ER, or INST districts. An accessory commercial facility for a golf course must be located on the interior of the site, away from public streets.

3.7.3 Open Space, Passive.

- 3.7.3.1 Definition: Land intended for landscape preservation or low-intensity recreation uses such as gardens, walking, arboretums, or urban forest. The land may be in public, private, or non-profit ownership.
- 3.7.3.2 Districts Allowed: P in all Districts.
- 3.7.3.3 Parking: No use-specific requirement. See Article 4 for general requirements.
- 3.7.3.4 Loading: No use-specific requirement. See Article 4 for general requirements.
- 3.7.3.5 Additional Standards. None.

3.7.4 Recreational Club or Facility, Private or Public

- 3.7.4.1 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; and may include dining options, event spaces and limited lodging and guests.
- 3.7.4.2 Districts Allowed:
 - a. Recreational Clubs or Facilities are special uses in the AG, SMF, SCN, SCO, UCN, and UCO districts.
 - b. Recreational Clubs or Facilities are special exceptions uses in the ER, SR, NR, districts and in any Historic District. They are also Special Exception uses in the AG, SMF, SCO, and SCN districts when lodging is proposed.
- 3.7.4.3 Parking: One parking space is required for each 50 square feet of gross interior area (to included covered patios), including but not limited to event space (e.g. indoor and outdoor party areas, meeting rooms, and spectator areas), and dining facilities. And one parking space for each two people anticipated to participate in recreational activities calculated at 80 percent

capacity (e.g. golf courses, tennis courts, swimming pools, etc.). See Article 4 for general requirements. If lodging is proposed, must provide 1 space per bedroom.

3.7.4.4 Loading: No use-specific requirement. See Article 4 for general requirements.

3.7.4.5 Additional Standards:

- a. Clubs with golf courses will only be allowed in the A and ER districts.
- b. Clubs that plan to host competitive events must provide both standard and overflow parking areas.
- c. Outdoor recreational facilities (such as tennis courts or swimming pools), must be located no less than 1,000 feet from the nearest residence.
- d. Facilities for maintenance equipment, golf cart storage, and similar activities must be separate from parking areas for patrons.
- e. Any proposed lodging facilities must provide a full management plan.
- f. A parking plan must be provided for any proposed club or facility in a residential or historic district.
- g. An Operational Plan (type of events, scale of events, traffic control) must be provided for any proposed club or facility in a residential district.

3.8 Commercial Use Types.

3.8.1 Banks and Credit Unions

3.8.1.1 Definition: A business that provides basic financial services such as, but not limited to, a bank or credit union.

3.8.1.2 Districts Permitted:

- a. Banks and Credit Unions are special uses in the RCN, SMF, TNB, SCN, SCO, UCN, UCO, and HUC districts.
- b. Banks and Credit Unions are special exceptions in the RCN and TNB districts when two or more drive-through lanes are proposed..

3.8.1.3 Parking: One space is required for each 300 square feet of gross floor area. See Article 4 for general requirements.

3.8.1.4 Loading: No use-specific requirement. See Section 4.9 for general requirements.

3.8.1.5 Additional Standards:

- a. All Special Uses: Facilities with drive-through facilities must have stacking space to prevent backups onto access roads.
- b. All Special Exceptions: Facilities in the RCN and TNB districts with two or more drive-through lanes must be approved as special exceptions.

3.8.2 Bed and Breakfast Establishments.

3.8.2.1 Definition: An owner-occupied private residence which offers, for compensation, short-term overnight lodging and a breakfast meal for guests.

3.8.2.2 Districts Permitted: Bed and Breakfast Establishments are special exceptions in the AG, RCN, ER, SR, and NR districts.

3.8.2.3 Parking: In addition to the required parking for the dwelling, Bed and Breakfast Establishments must provide parking for guests equal to one space for each leased bedroom. Onsite guest parking must be located in a side or rear yard behind the front building wall of the primary structure. See Article 4 for general requirements.

3.8.2.4 Loading: No use-specific requirement. See Article 4 for general requirements.

3.8.2.5 Additional Standards.

- a. Bed and Breakfast Establishments are allowed only in an Oxford Historic District or in homes on lots of one acre or more.
- b. Bed and Breakfast Establishments must be managed by and serve as the primary residence of the owner of the property.
- c. Breakfast may be provided to registered guests, but no other full meals.
- d. Bed and Breakfast Establishments shall contain no more than five bedrooms lettable to guests at any one location or premises.
- e. No cooking facilities shall be permitted in guest rooms.
- f. A Bed and Breakfast may have one sign meeting the following standards and any other applicable requirements of Article 7. A sign of not more than four square feet may be mounted on the wall of the home.
- g. Parties, meetings, receptions or other unrelated activities shall be prohibited.
- h. Only one Bed and Breakfast Establishment shall be allowed on the face of each city block or within 500 feet of another Bed and Breakfast Establishment.

3.8.3 Grocery Stores.

3.8.3.1 Definition: A retail business that sells packaged, raw or prepared foods, and other home supplies, and may sell ready to eat foods.

3.8.3.2 Districts Permitted:

- a. Grocery Stores 15,000 gross square feet or less in size are permitted uses in the RCN district.
- b. Grocery Stores 25,000 gross square feet or less in size are permitted uses in the TNB, SCN, and SCO districts.
- c. Grocery Stores greater than 25,000 gross square feet in size are special exceptions in the TNB, SCO, and SCN districts.
- d. All Grocery Stores in the UCN, and UCO districts are special exceptions.

3.8.3.3 Parking: Grocery Stores with 25,000 square feet of gross floor area or less in size are required to have five spaces plus one space for each 300 square feet of retail floor area. Grocery stores with more than 25,000 square feet are required to have one space for each 300 square feet of retail floor area. Grocery stores that share a parking lot with other retail businesses may not exceed their minimum parking by more than 25 percent.

3.8.3.4 Loading: All loading areas must be at the rear of the store. See Article 4 for general requirements.

3.8.3.5 Additional Standards: None.

3.8.4 Hotels, Motels, and Inns.

- 3.8.4.1 Definition: A building or buildings containing sleeping rooms intended or designed to be occupied as the temporary abiding place of persons who are lodged, with or without meals, for compensation.
- 3.8.4.2 Districts Permitted:
 - a. Hotels, Motels, and Inns are special uses in the HUCN; in TNB when the site does not abut ER or SR, and in SCO, SCN, UCN, and UCO.
 - b. Hotels, Motels, and Inns are special exceptions in the SMF and in TNB when the site adjoins ER or SR.
- 3.8.4.3 Parking: Parking at a rate of 1 space for each guest room is required. See Article 4 for general requirements.
- 3.8.4.4 Loading: No use-specific requirement. See Section 4.9 for general requirements.
- 3.8.4.5 Additional Standards: An arrival area must be provided at or near the front entrance for guests who are checking in or out.
- 3.8.5 Offices - Professional.
 - 3.8.5.1 Definition: A place in which business, clerical, or professional activities are conducted.
 - 3.8.5.2 Districts Allowed:
 - a. Offices - Professional are permitted in the SCN, SCO, UCN, UCO, and HUC districts.
 - b. Offices - Professional are special uses in the RCN, SMF and TNB districts.
 - 3.8.5.3 Parking: One space is required for each 300 square feet of gross office floor area. See Article 4 for general requirements.
 - 3.8.5.4 Loading: No use-specific requirement. See Article 4 for general requirements.
 - 3.8.5.5 Additional Standards: In RCN, TNB SMF one sign shall be permitted for each professional office; and signs for professional offices which may be permitted shall not exceed eight square feet in area or 2½ feet in height.
- 3.8.6 Recreational Uses, Commercial - Indoor and Outdoor.
 - 3.8.6.1 Definition: Commercial uses offering recreational options such as (but not limited to) dance halls, exhibit halls (without permanent seating), skating rinks, billiards, arcade games, miniature golf, driving ranges, or bowling.
 - 3.8.6.2 Districts Allowed:
 - a. Indoor Commercial Recreational Uses are special uses in the AG, SMF, TNB, SCN, and SCO districts.
 - b. Outdoor Commercial Recreational Uses are special exceptions in the AG, TNB, SCN, and SCO districts.
 - 3.8.6.3 Parking: One space is required for each 100 square feet of gross floor area GFA plus 10 spaces; and (where applicable) 1 space for each 4 seats based on maximum seating capacity; pulse 1 space per four persons at capacity of outdoor facilities.

3.8.6.4 Loading: No use-specific requirement. See Section 4.9 for general requirements. for general requirements.

3.8.6.5 Additional Standards:

- a. Indoor recreational uses that create substantial noise must be soundproofed to ensure that no noise is audible beyond the walls of the business.
- b. Outdoor recreational uses that create noise and use night lighting must close by 10pm or must be located no less than 3,000 feet from fully residential areas and meet standards of Sec. 5.4.

3.8.7 Recreational Vehicle Park.

3.8.7.1 Definition: A parcel of land on which two or more spaces are available for occasional occupancy by recreational vehicles; intended for transient dwelling purposes via rental or another ownership method.

3.8.7.2 Districts Allowed: Recreational Vehicle Parks are special exceptions in the A and SMF districts.

3.8.7.3 Parking: Each vehicle space must be large enough to provide parking for the vehicle and its towing vehicle (when applicable). See Article 4 for general requirements.

3.8.7.4 Loading: No use-specific requirement. See Article 4 for general requirements.

3.8.7.5 Additional Standards:

- a. Location. They must be located adjacent to, and take access from, a major thoroughfare as designated in the major thoroughfare plan of the Oxford comprehensive plan.
- b. Setback Requirements. No trailer, service building, or service area shall be located in the required setback area of the district.
- c. Sidewalks. In areas subject to heavy pedestrian traffic, sidewalks a minimum of five feet wide shall be provided.
- d. Water. Each travel trailer parking area shall be provided with one or more easily accessible water supply outlets for filling trailer water storage tanks. The outlets shall be provided with the necessary appurtenances to protect against backflow and back-siphoning. The source of water supply shall be the city water system.
- e. Sanitary Stations. There shall be at least one sanitary station for each 100 parking spaces or fraction thereof. Each sanitary station shall consist of at least a trapped four-inch sewer user pipe, connected to the parking area sewage system, surrounded at the inlet end by a concrete apron sloped to the drain, and provided with a hinged cover; and a water outlet with necessary appurtenances to permit periodic wash-down of the immediately adjacent areas. Each sanitary station shall be screened from other activities by visual barriers, and shall be at least 50 feet from any trailer parking spaces.
- f. Performance Requirements. The granting of a travel trailer parking area as a special exception shall be dependent upon the applicant constructing the parking area as shown on the approved site plan. An increase in the number of parking spaces or failure to construct any required improvements shall constitute a violation of this Code.

- g. Other reasonable requirements may be imposed on a case-by-case basis where deemed necessary for the safe operation of the travel trailer parking area on a specific site by the Planning Commission.
- h. The owner and/or operator of the RV Park must file a restrictive covenant (on a form supplied by the Planning Department) stating that no RV stored or parked on the premises for more than two weeks will be used as a primary rental residence.

3.8.8 Restaurants.

3.8.8.1 Definition: A business establishment that provides of prepared food for patrons for consumption on the premises (inside or outside service) or for take-out; which establishment may (or may not) provide alcoholic beverages, beer, and light wine; and live entertainment. Alcoholic beverages (wine, beer, spirits, light wine) may be sold and consumed in conjunction with the food service and shall meet all applicable state and local laws, regulations, and ordinances.

3.8.8.2 Districts Allowed:

- a. Restaurants are special uses in the RCN, TNB, SCN, SCO, UCO, UCN, and HUC districts.
- b. Restaurants are special exceptions in the in RCN and TNB when drive-in service or drive-window pickup are proposed; and in SMF when proposed as part of a multi-family development.

3.8.8.3 Parking: See Article 4 for general requirements.

- a. One space is required for each 100 square feet of patron area.
- b. Restaurants with taverns are also required to provide one additional space for each 100 square feet of patron area.
- c. Restaurants with drive though (fast food) 10 spaces plus 1 space for each 4 seats of total capacity

3.8.8.4 Loading: No use-specific requirement. See Section 4.9 for general requirements.

3.8.8.5 Additional Standards:

- a. When live entertainment is offered, amplified music, loudspeakers, and similar noise devices shall not be permitted outdoors. Noise emanating from the restaurant shall not exceed ambient noise levels in the surrounding area at a distance of more than 100 feet from any point of the property containing the restaurant.
- b. Drive-in service or Drive-window pickup facilities are allowed only by Special Exception in the TNB and RCN districts and must have sufficient stacking space to prevent backups onto access roads.
- c. Restaurants are allowed only by Special Exception as part of a larger multi-family development in the SMF district.
- d. Restaurants must state if they intend to serve alcoholic beverages. Restaurants that serve alcoholic beverages must close outdoor service areas by 10pm on Sunday-Thursday, and by 11pm on Friday and Saturday.
- e. Service of alcoholic beverages must meet all Mississippi regulations and City ordinances.

3.8.9 Retail Sales.

3.8.9.1 Definitions:

- a. **Indoor Sales:** Businesses that offer merchandise to the public such as, but not limited to furniture, fine antiques, appliances, apparel, drugstores, flowers, decorative objects, furniture, jewelry, hardware, hobby supplies, liquor stores, shoe sales, or variety stores.
- b. **Outdoor Display:** Businesses that offer merchandise to the public that includes a need for outdoor displays such as, but not limited to: antique or "junktique" shops, garden furnishings, lumberyards, building supplies, construction equipment, farm equipment, industrial equipment, nurseries and greenhouses, vehicle sales, boat sales, recreational equipment sales, recreational vehicle sales, mobile homes.

3.8.9.2 Districts Allowed:

- a. **Indoor Only:**
 - i. Retail Sales are Permitted uses in the SCN, SCO, UCN, UCO, and HUC districts when they do not exceed 20,000 square feet.
 - ii. Indoor Retail Sales are a Special use in the AG, RCN, and TNB districts when they do not exceed 15,000 square feet.
 - iii. Indoor Retail Sales are a Special Exception use in the RCN or TNB district when they exceed 15,000 square feet, but they may not exceed 25,000 square feet; and in the SCO, SCN, UCO, and UCN districts when they exceed 20,000 square feet; or in the IND district.
- b. **Outdoor Display.**
 - i. Outdoor Retail Sales are a special use in the IND; in RCN and TNB district when they do not exceed 15,000 square feet; and in the SCO, SCN, UCN, and UCO districts when they do not exceed 25,000 square feet.
 - ii. Outdoor Retail Sales are a Special Exception use in the TNB and RCN district when they exceed 15,000 square feet, but they may not exceed 25,000 square feet; and in the SCN, SCO, UCN, and UCO districts when they exceed 25,000 square feet.

3.8.9.3 Parking:

- a. All Retail Sales (indoor and outdoor) are required to have one space for each 300 square feet of gross floor or outdoor sales area except that auto sales establishments must provide one space for each 500 square feet of interior sales and garage areas. See Article 4 for general requirements.
- b. Retail stores that share a parking lot with other retail businesses may not exceed their minimum parking by more than 25 percent.

3.8.9.4 Loading: No use-specific requirement. See Article 4 for general requirements.

3.8.9.5 Additional Standards:

- a. In the RCN and TNB districts individual retail stores may not exceed 15,000 square feet.
- b. Retail Sales are allowed at farms in the A district only for items made or produced on the premises.
- c. A pedestrian walkway of no less than six feet must be provided in front of a store.
- d. No outdoor display of merchandise or freestanding kiosk selling items may result in a pedestrian walkway, sidewalk, or a front entry area of less than three feet.
- e. Businesses with drive-through facilities must have sufficient stacking space to prevent backups onto access roads.

3.8.10 Service Stations.

3.8.10.1 Definition: Any area of land, including structures, that is used for the retail sale of fuels for vehicles, and may offer installation of minor automobile accessories, and which may or may not offer minor maintenance services (such as lubricating, washing or cleaning), ready to eat food, and convenience merchandise; but must not include storage and rental of vehicles.

3.8.10.2 Districts Allowed:

- a. Service stations are special uses in the SCO, SCN, UCO, UCN, and IND districts; and in the RCN unless it adjoins SR or ER.
- b. Service stations are special exception uses in the TNB district, and in RCN when it adjoins SR or ER. The use is not allowed if the site adjoins property developed with residential uses in an ER district.

3.8.10.3 Parking: One parking space is required for each 300 square feet of gross sales floor area of retail convenience stores. See Article 4 for general requirements.

3.8.10.4 Loading: No use-specific requirement. See Article 4 for general requirements.

3.8.10.5 Additional Standards:

- a. All standards that apply to service stations as primary uses also apply to service stations as accessory uses.
- b. Stacking space for vehicle access to pumps at accessory service stations or service stations on out-parcels of a larger development site must not interfere with onsite traffic flow not associated with the service station use.
- c. Pump areas on corner lots in the TNB and RCN districts must be located to the side or rear of the retail facility, not in a front yard unless the lot backs into a residential use area.
- d. Primary buildings in the TNB must meet standard front build-to lines.
- e. All fuel pumps shall be located a minimum of 20 feet from property lines.
- f. Wrecked, partially dismantled, or inoperative vehicles associated with an accessory motor vehicle repair service must be stored in an enclosed building.
- g. The pump island shall be situated to provide stacking space for a minimum of one vehicle behind the vehicle parked at the pump closest to the entrance or exit driveway without impeding onsite circulation.
- h. All elements of the pump island or canopy that are not operational should be architecturally integrated by use of color, material, and architectural detailing.
- i. The design of pump islands should be architecturally integrated with other structures onsite using similar colors, materials and architectural detailing.
- j. All display items for sale should occur within the main building or within designated areas that are screened from public streets.
- k. Canopy columns shall be wrapped with architectural facing of stone, brick, tile, or other natural materials.
- l. All lighting must meet the standards of Article 5, with fully shielded lighting under the canopy.
- m. Screening for the use must meet all standards in Article 5.

3.8.11 Taverns. See restaurants serving alcoholic beverages.

3.8.12 Theaters.

- 3.8.12.1 Definition: A facility offering entertainment such as, but not limited to, live music, film, or plays inside a structure designed for such entertainment.
- 3.8.12.2 Districts Permitted: Theaters are special uses in the TNB, SCN, SCO, UCN, UCO, and HUC districts.
- 3.8.12.3 Parking: One space is required for each four seats in the main assembly room. See Article 4 for general requirements.
- 3.8.12.4 Loading: No use-specific requirement. See Section 4.9 for general requirements.
- 3.8.12.5 Additional Standards:
- When live entertainment is offered, amplified music, loudspeakers, and similar noise devices are not permitted outdoors. Noise emanating from the inside shall not exceed ambient noise levels in the surrounding area at more than 100 feet from any point of the property.
 - Service of alcohol beverages at a restaurant accessory to a Theater must meet all Mississippi regulations and city ordinances.

3.8.13 Vehicle Repair or Maintenance Facility.

- 3.8.13.1 Definition: A business that offers services to maintain, repair, clean, and provide other services to automotive vehicles.
- 3.8.13.2 Districts Permitted:
- Vehicle Repair or Maintenance Facilities are permitted in the IND district.
 - Vehicle Repair or Maintenance Facilities are a special use in IND.
 - Vehicle Repair or Maintenance Facilities are special exceptions in the AG, RCN, TNB, SCN, and SCO districts.
- 3.8.13.3 Parking: One space is required for each 300 square feet patron waiting area. See Article 4 for general requirements.
- 3.8.13.4 Loading: No use-specific requirement. See Article 4 for general requirements.
- 3.8.13.5 Additional Standards:
- Where this use is a special exception, it is limited to service for personal, light duty or medium duty vehicles not requiring a commercial driving license.
 - Repair: The number of outside stored vehicles awaiting repair is limited to no more than 5, or 1 per service bay, whichever is greater. Stored vehicles must have a current tag and inspection sticker.
 - Accessory junkyards including the storage of vehicles used for parts are not permitted.
 - The use shall screen all vehicles that have been accepted for repairs from view by enclosing them within a building or in a rear yard area. Any outdoor storage must be screened by a six-foot solid screening fence or six-foot solid screen evergreen hedge along the side and rear property lines.
 - No more than two vehicles per bay or repair/ inspection station that have been accepted for repairs by the shop may be stored or parked outside after regular business hours.

- f. No sales of vehicles are permitted on the premises of this use.
- g. Washes, Automatic and Full Service:
 - i. All exterior walls and accessory washing areas shall be constructed so that they match the principal structure in design and materials.
 - ii. The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.
 - iii. Washes, vacuums, and similar service devices shall be located a minimum of 50 feet from the nearest portion of an adjacent residential zoning district or lot containing a legal, conforming residential use for facilities that do not include an automatic dryer. Where automatic dryers are installed, separation shall be 500 feet from the nearest lot line of an adjacent residential zoning district or lot containing a legal, conforming residential use.
 - iv. Car washes accessory to a principal use shall be located in the side or rear yard only.
 - v. Hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.

3.9 Service Use Types.

3.9.1 Medical Facilities.

3.9.1.1 Definition: A facility offering medical or dental care for humans or animals, which may have outpatient or inpatient care.

- h. Clinic: A facility that offers medical or dental examination and treatment for humans and animals. A clinic offers such care for the examination and treatment of patients on an outpatient basis only that may or may not have shared or common spaces and equipment. Practitioners shall include but are not limited to providing medical, urgent care, psychiatric, osteopathic, chiropractic, physical therapy or similar services. The term clinic also includes outpatient surgical centers less than 25,000 square feet in size.
- i. Public Health Center: A facility primarily used by a health unit for the provisions of public health services.
- j. Hospital - An institution where sick or injured persons are given medical care and may be housed overnight, fed and provided nursing and related services.
- k. Veterinary Clinic or Hospital - A facility where sick or injured animals are given medical care, which may include overnight care to provide nursing, feeding, post-operative and related services.

3.9.1.2 Districts Allowed:

- a. Medical Facilities 25,000 gross square feet or less in size are permitted uses in the AG and RCN districts. Facilities for large animals (animals weighing more than 200 pounds), are allowed in these districts.
- b. Medical Facilities 25,000 gross square feet or less in size are permitted uses in the TNB, SCN, SCO, UCO and UCN districts. Facilities for large animals (animals weighing more than 200 pounds), are not allowed in these districts.
- c. Medical Facilities greater than 25,000 gross square feet in size are special exceptions in the TNB, SCN, SCO, UCO and UCN districts. Facilities for large animals (animals weighing more than 200 pounds), are not allowed in these districts.
- d. Medical Facilities of any size are special exceptions in the SMF and HUCN

3.9.1.3 Parking: One space is required for each 250 feet of gross floor area for each use. Additionally:

- a. A Veterinary Clinic or Hospital must provide adequate parking and on-site maneuvering space for trucks and tractors on sites with facilities servicing large animals.
- b. Hospitals shall also have 1 space for each bed for adult patients.

3.9.1.4 Loading: No use-specific requirement except that facilities with in-patient services must provide a separate loading area for ambulances or other emergency vehicles. See Article 4 for general requirements.

3.9.1.5 Additional Standards:

- a. Medical facilities located in the TNB District shall have a building footprint of not more than 20,000 square feet.
- b. Hospital facilities shall not exceed 10,000 square feet unless located in a PUD-Medical District.
- c. Veterinary Clinic or Hospital:
 - i. All kennel areas must be indoor.
 - i. No unsupervised outdoor areas are allowed except for clinics and hospitals that treat large animals.

3.9.2 Mortuaries and Funeral Homes.

3.9.2.1 Definition: A business that provides services to families of a deceased person including preparing the body for burial or interment offsite, and funeral services. Such services may include a prepared wake and funeral, the provision of a chapel for the funeral, and cremation.

3.9.2.2 Districts Allowed:

- a. Mortuaries and Funeral Homes are permitted uses in the SCO and SCN districts.
- b. Mortuaries and Funeral Homes are special exceptions in the A, RCN, and TNB districts.
- c. Crematoriums are permitted accessory uses to mortuaries and funeral homes in all districts where the uses may locate. Crematoriums are not permitted as accessory uses to any other primary use of land.

3.9.2.3 Parking: One space is required for each three seats in parlors and chapels, plus an additional 10 spaces at minimum for employees and funeral home vehicles. See Article 4 for general requirements.

3.9.2.4 Loading: No use-specific requirement except that adequate space for loading and unloading funeral home vehicles must be provided. See Article 4 for general requirements.

3.9.2.5 Additional Standards: None.

3.9.3 Service Uses, Indoor Only.

3.9.3.1 Definition: Businesses that offers a range of personal services to the public such as, but not limited to: barber shops, beauty shops, hair salons, nail salons, dry cleaners, fitness centers, private clubs, lodges, kennels or other animal boarding facilities, photo studios, print shops, appliance repair, electronic equipment repair, shoe repair.

3.9.3.2 Districts Allowed:

- a. Indoor Service Uses are special uses in the RCN, TNB, SCN, SCO, UCO, UCN, HUC, and IND districts.
- b. Indoor Service Uses are special exceptions in the SMF district.

3.9.3.5 Additional Standards:

- a. Individual buildings must not exceed 15,000 square feet in the RCN and TNB districts.
- b. Only one bay is allowed for drive-through service is permitted for uses in the RCN and TNB districts.
- c. No drive-through lanes are allowed in the UCN, UCO, and HUC districts.
- d. No outdoor storage is allowed.

3.9.4 Studios - Art, Craft, Music or Dance.

3.9.4.1 Definition: A business use that provides instruction in various forms of artistic, craft, or musical training or space for the creation of art, craft, or music.

3.9.4.2 Districts Permitted:

- a. Studios are special uses in the RCN, TNB, SCN, SCO, UCN, UCO, and HUC districts.
- b. Studios are special exceptions in the SMF district.

3.9.4.3 Parking: One space is required for each 300 square feet of gross floor area. See Article 4 for general requirements.

3.9.4.4 Additional Standards:

- a. Any studio use generating noise (music or dance) must be soundproofed to prevent noise that is audible to an adjacent use.

3.10 Industrial Use Types.

3.10.1 Crematoriums.

3.10.1.1 Definition: A place at which cremation is carried out.

3.10.1.2 Districts Allowed:

- a. Crematoriums are permitted uses in the IND district.
- b. Crematoriums are special exception in SCN and SCO districts.

3.10.1.3 Parking: No use-specific requirement. See Article 4 for general requirements.

3.10.1.4 Loading: No use-specific requirement. See Article 4 for general requirements.

3.10.1.5 Additional Standards: None.

3.10.2 Manufacturing Uses.

3.10.2.1 Definition: Businesses that assemble, build, or otherwise create products for sale from raw or pre-processed materials. These shall include but are not limited to creameries, ice plants, breweries, and similar processes.

3.10.2.2 Districts Allowed:

3.10.2.3 Manufacturing is a special use in the IND district.

3.10.2.4 Parking: One space is required for each 400 square feet of gross floor area plus one space for each vehicle to be stored or stopped simultaneously. See Article 4 for general requirements.

3.10.2.5 Loading: No use-specific requirement. See Article 4 for general requirements.

3.10.2.6 Additional Standards:

- a. Noise. The volume of sound inherently and recurrently generated shall not exceed 60 decibels at the boundary line of the lot.
- b. Vibration. Ground vibration inherently and recurrently generated shall not be perceptible without instruments at any point along any boundary line of the lot on which the use is located.
- c. Smoke, dust, lint, and other particulate matter.
 - i. Smoke. No smoke shall be permitted of a density greater than No. 1 per the Ringelmann's Scale, except that smoke of a density not more than No. 2 of the Ringelmann's Scale will be permitted for a period not in excess of six minutes in any hour.
 - ii. Dust. All walks, driveways, and parking areas shall be dust-proofed. No dust of any kind produced by Manufacturing shall be permitted to escape beyond the confines of the building in which it is produced.
 - iii. Lint and other particulate matter. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.
- d. Fly ash. The emission of particles from any flue or smokestack shall not exceed 0.2 grains per cubic foot of flue gas at a stack temperature of 500° Fahrenheit.
- e. Noxious gasses and fumes. The emission of gasses or fumes injurious to persons or property beyond the lot occupied by the use is prohibited.
- f. Odor. The emission of noxious odors of any kind detectable by a person with normal sensibilities anywhere beyond the property boundaries shall not be permitted. Tanneries, abattoirs, glue factories, oil refineries, soap factories, artificial gas manufacture, and similar industries must present detailed plans for elimination of noxious odors before a building permit is granted.
- g. Fire hazards and safety. The storage and handling of flammable liquids, liquefied petroleum, gasses, and explosives shall comply with state regulations and the regulations contained in the city's building code.
- h. Glare and heat. Any operation producing intense glare or heat shall be performed within completely enclosed buildings in such manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines.
- i. Nonconforming uses must comply. The performance standards included in this section shall apply to legal nonconforming manufacturing uses in all Districts.

3.10.3 Storage – Self-Storage Facility.

3.10.3.1 Definition: A business offering small storage spaces of 25 to 200 square feet designed for storage of household goods by consumers.

3.10.3.2 Districts Permitted:

- a. Self-Storage Facilities are permitted in the IND district.
- b. Self-Storage Facilities (as limited in 3.10.3.5) are special exceptions in the A, TNB, SCN, and SCO districts.

- b. Self-Storage Facilities (as limited in 3.10.3.5) are special exceptions in the A, TNB, SCN, and SCO districts.
- 3.10.3.3 **Parking:** At least four parking spaces shall be provided near the leasing office. See Article 4 for general requirements.
- 3.10.3.4 **Loading:** No use-specific requirement. See Article 4 for general requirements.
- 3.10.3.5 **Additional Standards:**
- a. **Size.** A self-storage facility site shall not exceed three acres in size.
 - b. **Uses Not Allowed.**
 - i. Outdoor storage shall be limited to licensed boats on trailers, storage trailers, and licensed recreational vehicles and campers. If such storage is to be provided, adequate parking must be provided to accommodate such vehicles.
 - ii. No retail or wholesale uses, residential activities, and storage of hazardous materials, or any other use other than personal storage shall be conducted within or from the storage units. Notice of such prohibition shall be provided to customers by a conspicuous sign posted at the entrance of the property or by provisions in the lease agreement, or both.
 - c. Self-Storage facilities with exterior direct access are only allowed in the IND and A districts.
 - d. Self-Storage Facilities with no exterior direct access may be considered as an interior element of a mixed-use commercial building in the TNB district. They shall not be permitted as a separate use.
- 3.10.4 **Truck Terminal, Wholesale, or Warehouse Use.**
- 3.10.4.1 **Definition:** Industrial scale uses that provide large facilities for the transport, storage and sale of goods to trade customers, not the retail public.
- 3.10.4.2 **Districts Permitted:** P in IND, INST (Only Warehouse allowed in Institutional)
- 3.10.4.3 **Parking:** One space is required for each 1,000 square feet of gross floor area. See Article 4 for general requirements.
- 3.10.4.4 **Loading:** No use-specific requirement. See Article 4 for general requirements.
- 3.10.4.5 **Additional Standards:** None.

3.11 Other Use Types.

- 3.11.1 **Accessory Uses or Structures (Excluding Dwellings).**
- 3.11.1.1 **Definition:** A use of land or a building or portion of such (including a deck attached to or directly abutting a structure) customarily incidental and subordinate to the principle use of the land or building and located on the same lot with such principle use. These shall include free-standing self-serve vending structures.
- 3.11.1.2 **Districts Permitted:** Accessory uses and structures are permitted uses in all districts unless otherwise restricted by type.
- 3.11.1.3 **Parking:** No use-specific requirement. See Article 4 for general requirements.
- 3.11.1.4 **Loading:** No use-specific requirement. See Article 4 for general requirements

3.11.1.5 Additional Standards:

- a. Accessory uses and structures must be clearly related to and incidental to the permitted principal use or structure on the lot.
- b. All accessory use and structures shall require the issuance of a certificate of zoning compliance, and be in compliance with the threshold for site plan review in Section 9.2.2.2.
- c. Accessory structures may only be erected behind the front building line of the principal structure, and not in a front yard; unless otherwise authorized in this Code. An Accessory Structure located in the side yard may be requested by Special Exception. When located in a side yard, it should be located behind the front building line, and shall comply with all other provisions of this code. No accessory building may be built within five feet of a property line.
- d. No accessory building shall be erected within five feet of any other building, or within five feet of a property line. An accessory structure attached to or directly abutting a structure (such as a deck) need only be within five feet of a property line.
- e. Structures accessory to residential uses (except for agricultural buildings located in agricultural districts and accessory dwellings) shall have a combined floor area (aggregate of all detached accessory structures) of not more than 33% of the total floor area of the principal structure.
- f. In no event shall "accessory use" or "accessory structure" be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.
- g. All accessory uses and accessory structures shall conform to the applicable requirements of this Code, including all dimensional, use, design and landscaping standards applicable to the primary use and structure; and the specific standards for Accessory structures in Section 5.5.
- h. In any residential district, no accessory building shall occupy more than 30 percent of a required rear yard. In no district, shall an accessory building occupy any part of a required front yard or side yard except garages.
- i. In the agricultural zone, unattached accessory buildings may not be located within five feet of a rear or side yard line or five feet of a front lot.
- j. Freestanding Self-Serve Structures are permitted as accessory uses to adjoining or adjacent uses as attached or freestanding structures.
 - i. Freestanding Self-Serve Structures shall be permitted as accessory freestanding facilities only when the location does not present a hazard to the motoring public, and they are lighted and located in such a manner as to maximize the safety of the public using the facility.
 - ii. The site must accommodate safe stacking space for up to three vehicles.

3.11.2 Agriculture and Forestry.

3.11.2.1 Definitions

- a. **Agriculture:** The act of and business of raising or growing of crops, fowl, or livestock, or the sale of agricultural produce grown on the premises in any district, provided such use does not constitute a nuisance or health hazard.
- b. **Forestry:** The act of harvesting timber grown on a property of more than 10 acres. The existence of a stand of timber on a property that is not a Tree Farm certified by the State of Mississippi shall not be considered a forestry site. See Sec. 3.1.4 regarding nonconforming uses.

3.11.2.3 Parking: No use-specific requirement. See Article 4 for general requirements.

3.11.2.4 Loading: No use-specific requirement. See Article 4 for general requirements.

3.11.2.5 Additional Standards:

- a. Where designated as a Special Use, in the ER, SR and NR districts, agricultural uses are limited to crops or animals raised for the use and/or enjoyment by occupants of the premises.
 - i. Horses are allowed in the ER and SR districts. A minimum of one acre of pasture per horse must be available.
 - ii. In the ER, SR and NR districts, poultry is limited to hens. Roosters are not allowed.

3.11.2.6 Forestry shall be subject to the tree preservation requirements of Article 6, 6.1.

3.11.3 Gated Entries

3.11.3.1 This use includes gates, posts, and cable or other equipment across vehicular entrances.

3.11.3.2 Districts Permitted: Special Use in any district for gates to access nonresidential uses that only close when the use is closed. The Design standards of Section 3.11.3.4 must be followed.

Special Exception use in any district for gates to access nonresidential uses during hours when the use is open, for a gate across a driveway to an individual residence, for any multi-family development, and for access to any type of residential development that is served by private roads (if roads are built to City standards). Gated entries are not allowed across public roads.

3.11.3.3 Additional Standards: The following regulations pertain to placing gates, posts and cable or other equipment across vehicular entrances to individual residences, nonresidential properties, and to access any type of residential development. Design standards include.

- a. Nonresidential development. Nonresidential developments that will close during business hours shall obtain a special exception to establish gates at private vehicular entrances.
- b. Multi-family development. Developments that wish to close in the overnight hours may request a special exception to establish gates at private vehicular entrances.

3.11.3.4 Design Standards for All Gated Entrances.

- a. Gates should be constructed of decorative, ornamental metal.
- b. Style and color of gates and other enclosures should be coordinated with nearby structures.
- c. Gates should operate so that they do not obstruct sidewalks, streets, bike paths, parking spaces, and similar facilities.
- d. Swing gates are encouraged. Gate hinges may be located on one or both sides of the driveway.
- e. Sliding gates are discouraged.
- f. Unobstructed vertical clearance should be at least 13 feet six inches.

- g. Gates shall be designed to allow vehicles to turn around in the driveway, without backing into the street (except on local streets).
- h. Adequate stacking room should be provided between the gated entrance and the gate controller to avoid vehicular stacking across sidewalks, streets, bike paths, and similar facilities.
- i. Gates shall be designed to provide 24-hour access by authorized maintenance and service providers (such as public works, utilities, mail and postal delivery).
- j. Gate designs shall include emergency hardware to ensure proper emergency access to the satisfaction of the city fire, police, public works and utility departments.
- k. One pedestrian access gate shall be provided at each gated driveway entrance.
- l. "Anti-directional" devices (i.e., metal spikes that can cause tire damage) at entrances and exits are prohibited.
- m. Protective covenants shall be established and recorded for the gated development. The protective covenants shall identify, and always keep in effect, a legal entity responsible for maintaining the gates and associated features.
- n. The gate shall be activated by an emergency siren.
- o. Gates and the emergency operation of the gates shall be maintained at all times. Two instances reported to the planning office within a 12-month period of inaccessible gates by the city police, fire or public works shall result in the revocation of the permit.
- p. Entrances must meet the following width requirements unless otherwise approved by the fire department. Dual gates should have an unobstructed clearance of least ten feet wide on each side; single gates should have an unobstructed clearance of least 20 feet wide.
- q. Gated development should not be approved for developments that provide necessary connectivity for access and safety reasons. No gated development with private roads can be considered for acceptance as public streets until and unless the roads are brought to current city standards by the pertinent property owners association.

3.11.4 Heliports.

3.11.4.1 Definition: A facility where helicopters land and take off.

3.11.4.2 Districts Permitted: Heliports are special uses in the IND and INST districts.

3.11.4.3 Parking: No use-specific requirement. See Article 4 for general requirements.

3.11.4.4 Loading: No use-specific requirement. See Article 4 for general requirements.

3.11.4.5 Additional Standards:

- a. Heliports shall only be permitted as accessory uses to emergency medical facilities, police and fire facilities, and industries.
- b. Landing pads for on-grade heliports shall be set back a minimum of 400 feet from lots used for residential purposes, public or private schools, or public parks. These distance requirements may be reduced one foot for each one foot of the elevation above ground level for elevated heliports.
- c. The heliport landing area shall be constructed of a material which is free of dust and loose particles which may be blown about by the down blast of the helicopter rotor.
- d. Lighting is to be provided per Federal Aviation Administration (FAA) requirements and is to be oriented as much as possible away from adjacent properties.

3.11.5 Home Occupations.

3.11.5.1 Definition. Any occupation or profession, craft or trade, carried on by a person residing on the premises of a dwelling which is clearly incidental and secondary to the use of the dwelling, which does not change the character of the dwelling, and which brings little additional traffic and few visitors to the dwelling.

3.11.5.2 Districts Permitted:

- a. Special use in in AG, RCN, ER, SR, NR, SMF, TNB, SCN, and SCO to the extent noted in Section 3.11.5.5.a.
- b. Special Exception in AG, RCN, ER, SR, NR, SMF, TNB, SCN, and SCO when when the use exceeds the thresholds noted in Sectoin 3.11.6.5.b.

3.11.5.3 Parking: Off-street parking for customers must not exceed one space. Vehicles used in connection with the home occupation must not be parked overnight on a right-of-way. See Article 4 for general requirements.

3.11.5.4 Loading: No use-specific requirement. See Article 4 for general requirements.

3.11.5.5 Additional Standards: A home occupation is permitted accessory to any dwelling unit in accordance with all the following requirements:

- a. A Home Occupation may be permitted as a Special use if: it is in a single family detached dwelling (or accessory structure), has no external evidence of the use, has no more than three deliveries to or from the dwelling per day, generate no more than six vehicle trips per day (round trips), generates no foot traffic to or from the dwelling, and meets the standards in "b" and "c" below. A Home Occupation that exceeds those standards may request approval as a Special Exception, which shall require meeting the standards of "c" and "d" below.
- b. Approval of a Home Occupation as a Special use shall require submittal of a description of the intended business, and how will meet all required standards. If approved as a Special Use, the Planning Director shall issue a certificate of zoning compliance. If the use is authorized, before it is approved the applicant shall submit a signed and notarized affidavit stating that the use, as approved, will not exceed the standards stated in the business description. A copy of the affidavit will be kept in the Planning Department. Any modification to the Home Occupation shall require reconsideration of the approval.
- c. All Home Occupations must meet the following standards:
 - i. Obtain a certificate of zoning compliance from the Director of Planning stating that the proposed use is appropriate for consideration in the pertinent zoning district.
 - ii. Shall utilize no more than 25 percent of the total building area of the dwelling and (where pertinent) any accessory structure; not to exceed 500 square feet.
 - iii. Shall not require the use of utilities or community facilities beyond that reasonable to the use of the property for residential purposes.
 - iv. If proposed to be conducted in an accessory structure, it must be in a garage or similar structure commonly associated with a dwelling.
 - v. The only employees allowed shall be members of the resident's immediate family, living in the dwelling.
 - vi. Customer and client contact shall be primarily by means other than visits to the premises, and if visits by customers are required they shall be by appointment only.

- vii. Shall not use any mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, dust, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.
 - viii. Shall not include any manufacturing using substantial electrical or mechanical equipment or chemical materials.
 - ix. No outdoor storage or visible evidence of the equipment or materials used in the home occupation, except equipment or materials (type and quantity) normally and reasonably associated the principal residential use, is permitted.
 - x. May not have an outside display of merchandise being produced or sold.
- d. A Home Occupation requesting approval by Special Exception must meet the following additional standards.
- i. May have more than 6 vehicle trips per day (round trips) related to the business, but no more than 20 vehicle trips in one day.
 - ii. If personal contact on the premises is required for the business it shall be by appointment only and shall not exceed six appointments per day.
 - iii. Delivery of materials, and pedestrian or vehicular traffic to and from the premises shall not involve the use or frequency of vehicles not normally experienced in residential areas.
 - iv. No goods or merchandise shall be sold or offered for sale on the premises that is not produced on the premises.
 - v. Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation. If the Home Occupation is located in a single family detached dwelling (or accessory structure), one vehicle may display any signage indicating the name of the home occupation. Any such vehicle must be parked behind the front building line of the principal structure.
 - vi. One sign may be proposed for the use, measuring no more than one square foot in size; to be located in a window or on the building, if it meets all other requirements in Article 7.
 - vii. If proposed in an attached or multi-family unit, a letter of approval of the proposed use from the property owners association, or the property manager is required.

3.11.6 Common Interest Developments. Mixed-Use and Non-Residential.

3.11.6.1 Definition: A development of commercial, service, and office uses (such as, but not limited to a shopping center or mixed-use building); or a mix of commercial and residential uses.

3.11.6.2 Districts Permitted: Mixed-Use and Non-Residential Common Interest Developments are special uses in the TNB, SCN, SCO, UCN, UCO, and IND districts.

3.11.6.3 Parking: See standards for proposed uses and Article 4 for general requirements.

3.11.6.4 Loading: See standards for proposed uses and Article 4 for general requirements.

3.11.6.5 Additional Standards:

- a. There may be individual ownership of structures or individual units in a structure (or structures), or the land upon which structures are built; or alternatively there may be common ownership and management of all structures, with structures or portions of structure functioning as rental properties; and
- b. Common areas may include, but are not limited to: roads, sidewalks, stormwater facilities, parking areas, or other infrastructure or amenity facilities.

- c. Signage. Shopping Complex Signs. Entrance signs may contain additional square footage not to exceed ten square feet for each business located within the shopping center when such additional footage is devoted exclusively to individual businesses located within such shopping center and when no freestanding signs are to be erected. If no individual signs are to be erected as part of the shopping center entrance sign or erected as freestanding signs on the shopping center property, then such shopping center entrance sign may contain a total of 100 square feet.
- d. Alternatively, the master sign plan option in Article 7 may be used.
- e. Development Standards. See standards for the applicable zoning district.

3.11.7 Temporary Uses.

3.11.7.1 Definition: A use that is intended to continue for only a limited period.

3.11.7.2 Districts Permitted: Temporary uses are special uses in all districts.

3.11.7.3 Parking: No use-specific requirement. See Article 4 for general requirements.

3.11.7.4 Loading: No use-specific requirement. See Article 4 for general requirements.

3.11.7.5 Additional Standards: The following shall be permitted as temporary uses in the districts noted when in compliance with all standards:

- a. A noncommercial concrete batching plant shall be permitted as approved in a staging plan provided it has direct access to arterial or higher capacity street.
- b. Temporary buildings, offices or yards for construction may be permitted for up to six months if authorized by the Director of Planning. Such facilities may request extensions of the permit for no more than three months from the Planning Commission.
- c. Industrial, commercial, or residential use of municipally-owned property may be permitted in any district when the Mayor and Board of Aldermen determine that such use will facilitate reconstruction, restoration, repair, or replacement of industrial, commercial, or residential facilities rendered unusable by a natural or manmade disaster. This permit shall not be issued for a period longer than six months. Following a public hearing, the Planning Commission may, but shall not be required to, grant a six-month extension if it determines that the conditions that led to the initial grant of the permit continue in force and effect and that an extension will further facilitate reconstruction, restoration, repair, or replacement of industrial, commercial, or residential facilities to be used by permittee within Lafayette County. No further extension shall be granted under this section.

3.11.7.6 This section shall not be interpreted to grant any right in addition or contrary to other ordinances, regulations, or statutes that may apply to the use sought by the permittee.

3.11.8 Wireless Communication Facilities.

3.11.8.1 Definition: Towers, antennas, boxes, satellite dishes, or related facilities for digital distribution of communication with accompanying maintenance structures and equipment. Associated definitions are found in Article 10, under the umbrella of the "Wireless Communications Facility" term.

3.11.8.2 Districts Allowed:

- a. Special Use: Wireless Communication Facilities may be permitted as a Special use in in the AG, RCN, ER, SR, NR, SMF, TNB, SCN, SCO, UCN, UCO, IND, and INST districts when they meet the standards below. A permit from the Planning Department, with authoriza-

tion from the Department of Public Works and the Electric Department shall be required before a building permit can be issued.

- i. Antennas attached to or within an existing tower or structure (excluding dwellings) and not extending more than 20 feet above the highest point of the tower or structure. These may include, but are not limited to: steeples, silos, spires, water tanks, athletic field lighting poles, and utility poles; subject to structural adequacy and provide that the addition of the Antenna or any supporting structure shall not create a substantial change to the structure in which or on which the Antenna is placed (as determined by the Planning Director) subject to all applicable zoning, setback, design, and building code regulations.
 - ii. Transmission Equipment that is concealed within a building or structure so that it is architecturally indiscernible (as determined by the Planning Director), subject to building permit procedures and standards. This shall mean that the addition or feature containing the Antenna is architecturally harmonious in aspects such as material, height, bulk, scale, and design with the building or structure to which it is attached; or in which it will be housed.
 - iii. Towers and supporting equipment requesting to locate on publicly owned property, subject to all applicable zoning, setback, design, and building code regulations and the standards in "e" below.
- b. New Wireless Communication Facilities applications for more than one facility on the same property, any Tower facility without co-location capacity, and any facility or Antenna not meeting the standards for Special Permit approval above; are Special Exception uses.

3.11.8.3 Parking: If needed, adequate parking spaces shall be provided on each site so that parking on public road right-of-way will not be necessary.

3.11.8.4 Additional Standards:

- a. Exemptions
 - i. Preexisting towers and antennas. Any tower or antenna in existence prior to the effective date of this Code shall only need meet the requirements of section 3.11.8.4.g. (General requirements). Any addition or modification to a preexisting tower or antenna shall comply with all applicable requirements of this Code.
 - ii. Amateur radio. Receive-only antennas. This Code shall not govern the installation of any tower or antenna that is owned or operated by a federally licensed amateur radio operator or is used exclusively for receive-only antennas. Commercial antennas attached to such tower or any tower modification made for accommodating such an antenna shall comply with all applicable requirements of this Code.
 - iii. Satellite dishes and other antennae. This Code shall apply to satellite dishes and other forms of antennas located within the City of Oxford, except that the following shall be exempt from the requirements of this Code.
 - Any antenna or satellite dish described below that is mounted at a height no greater than 12 feet above grade (this measurement includes both the height of the mast or tower to which the antenna is attached, as well as the height of the structure upon which it is mounted, such as a house, if applicable).
 - That is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter; or
 - That is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and that is one meter or less in diameter.

- An antenna designed to receive television broadcast signals that is mounted at a height no greater than 12 feet.
- b. Prohibitions.
- i. No temporary mobile communications sites are permitted except as authorized in “e” below for special events; in the case of equipment failure, equipment testing, equipment replacement, or emergency situations. Placement of temporary equipment shall be limited to 120 days unless extended in writing by the Director of Planning.
 - ii. No advertising message or sign shall be affixed to any tower, antenna or accessory structure including fences
 - iii. Towers shall not be artificially illuminated unless required by the FCC or FAA. Whenever a tower is required to have flashing lighting or illumination, the use of red flashing lights shall be required during the night time hours as opposed to white strobe lights unless otherwise federally mandated.
 - iv. Except for the provision of municipal utilities and services or for public safety, no part of any tower or antenna shall extend across or over any right-of-way, public street, public highway, public sidewalk, or property line unless authorized as outlined in “e” below unless authorized as outlined in “e” below
 - v. No cell tower in zoning districts public open land, industrial, agricultural, and general business shall be over 200 feet in height, and no cell tower shall be over 150 feet in all other zoning districts including planned unit developments.
 - vi. No tower shall be erected on a lot or parcel within a subdivision of individual residential building lots recorded in the office of the clerk of the Chancery Court.
- c. Application Requirements.
- i. Application Form. All requests shall submit a complete application containing information as is outlined on the application form available in the Planning Department or on website of the Planning Department.
 - ii. Content. The application shall state the intended user(s) of the Tower and shall include a statement prepared by the applicant that considers other alternatives to the proposed site and the impact of the proposed Tower. This shall include a map of the desired coverage area identifying all existing Towers and other sites with adequate land area to site a tower. The applicant shall justify the selection of the proposed site over the available alternative sites within the identified coverage area, weighing the relative impacts of the proposed site to other available sites; with particular consideration to the impact of the Tower upon adjacent properties, historic areas, scenic vistas, and residential neighborhoods.
 - iii. Historic Preservation. The applicable Historic Preservation Commission shall provide a certificate of appropriateness (COA) permit for a request within any historic district and/or any public right-of-way location abutting a historic district.
 - iv. Leasing or Ownership Requirement. The application shall include documentation of valid long term leasehold or ownership interest in the underlying property. This shall include: (1) Proof of the establishment of a financially secure and legally enforceable method of removing a Tower when it ceases to be used for a period of 30 days; as required in Sec. 3.11.8.4.g below.
 - v. Proof of Insurance. The application shall include proof that all towers and antennas are adequately insured for injury and property damage. Proof of insurance shall be provided to the City of Oxford with any application submitted under this Code.
- d. Requirements for Review

- i. Federal and State Requirements. All towers and antennas shall comply with FCC and FAA rules and have all required licenses. Applications to erect new towers and antennas shall be accompanied by any required federal, state, or local agency license or application for such licenses. No permits shall be issued until proof of approval for any required license has been submitted.
- ii. Technical Standards. Design and installation of all Towers and Antennas shall comply with the manufacturer's specifications and with ANSI/TIA/EIA standards. Plans shall be approved and certified by a professional engineer registered in the State of Mississippi. The proposed site plan and Tower design plans shall also meet or exceed all applicable standards, as may be amended, including those of the Federal Communications Commission (FCC), American National Standards Institute (ANSI), and the Institute of Electrical and Electronics Engineers (IEEE) Standards for power density levels and structural integrity; American Concrete Institute (ACI), American Standards Testing and Materials Institute (ASTM), The National Electrical Code, National Electrical Safety Code, and the American Steel Institute. The proposed site shall also be designed and built in compliance with Section 106 of the National Historic Preservation Act of 1996.
- iii. General Standards. In addition to the required findings outlined in Sec. 9.7 for the granting of special uses or special exceptions, all the following factors shall also be considered in determining whether to approve issue a special use or special exception use for wireless communication facilities:
 - The height of the proposed Antenna.
 - The proximity of the Tower or Antenna to residential structures and residential zoning district boundaries.
 - Technical or engineering requirements limiting placement of the Tower or Antenna in other areas to provide coverage.
 - The nature of uses on adjacent and nearby properties.
 - The surrounding topography, tree coverage, and foliage.
 - The design of the Tower or Antenna, with reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - The availability of suitable existing towers and other structures for location or co-location.
 - Camouflaged towers and related facilities may be required in any residential district, PUD, historic district, or neighborhood conservation overlay district as determined by the City of Oxford Planning Commission.
 - Unless expressly stated to the contrary, nothing in this section shall relieve any applicant from compliance with any other City ordinance regulating telecommunications permits, street trenching, or right-of-way management.
- iv. Placement. Towers shall be sited to be as unimposing as practical. The applicant shall demonstrate that through location, construction, or camouflage, the proposed facility will have minimum visual impact upon the appearance of adjacent properties, views, and vistas of historic areas, scenic areas, and residential neighborhoods. False representations in an application shall be grounds for denial of a permit.
- v. Multiple Towers. An application to place multiple towers upon a single parcel shall require credible evidence that collocation is not practical. Any application for multiple towers on one parcel shall require approval by Special Exception.
- vi. Design of Towers. The monopole design is the preferred tower structure. Use of guyed or lattice towers must be justified based on collocation opportunities or specific structural requirements.

- vii. **Setback.** All Towers shall be set back from all property lines on which the Tower is located by a minimum distance of 50 feet; provided that the setback shall be a distance equal to the height of the lowest engineered failure point on the proposed structure; or the height of the Tower, as verified in a report sealed by a professional engineer registered in the State of Mississippi. No portion of the Tower structure shall be designed or constructed so that the height of the Tower allows it to fall across the property line of any abutting property. Towers shall not be located within a distance equal to twice the height of the Tower to any residence other than the residence on the parcel on which the Tower is located.
- viii. **Interference Issues.** If it is determined after installation of a Telecommunications Facility that any City infrastructure, or other users of the right-of-way, are experiencing interference, the Superintendent of Oxford Electric will contact all Providers in proximity to the interference to assess the cause of the interferences. The Superintendent of Oxford Electric shall provide a recommendation in regard to the potential of interference with City infrastructure from the requested application.
 - If the complexity of the analysis requires technical expertise and the Provider(s) are not able to provide such expertise and assistance to the satisfaction of the City within a 14 (fourteen) days, the reasonable direct costs of such review, in an amount not to exceed \$5,000.00 shall be reimbursed to the City by the Provider found to be causing the interference. Pre-approval for such reimbursement shall be a condition of approval for any Telecommunications Facility permit.
 - If the Provider chooses not to cooperate in analyzing the interference issue, the Provider shall be directed to disconnect power to the suspected offending Telecommunications Facility.
- e. **Telecommunications Facilities Located Within Public Rights-of-Way or on Public Land.** All such facilities are subject to the following conditions and approval by the Planning Department and the Department of Public Works, in coordination with the Electric Department.
 - i. **Standard Review Process.** Applications for a Telecommunications Facility within a Right-of-Way for any structure other than the Smart Pole Program shall be reviewed as follows:
 - **Application Form.** All such requests shall submit a complete application containing all such information as is outlined on the application form available in the Planning Department or on website of the Planning Department.
 - **Approval Process.** Approval by Special Exception required if proposed within or adjacent to residential districts, including TND and PUD districts. In other districts, the process shall be a Special use allowing staff approval. Telecommunications Facilities shall be found to be consistent with the design requirements of the Land Development Code, and where applicable, the Historic Preservation Commission(s).
 - **Standard of Review.** The City shall review the application in light of its conformity with all applicable regulations for Wireless Telecommunications Facilities and other requirements.
 - The City shall advise the applicant in writing of its final decision, and if the final decision is a denial, the document shall outline the basis for the denial, including the specific code provisions on which the denial was based. All final decisions shall be rendered within the time frame established in this Code. The applicant may submit documents to cure the deficiencies identified by the City and resubmit the application within the 30 days of the denial without paying an additional application fee.

- ii. Placement of Facilities on Existing City Owned Poles. Wireless communications facilities may not be located on City-owned utility poles that carry 750 volts or more. Wireless communications facilities may only be allowed on other City-owned utility poles in accordance with the clearance requirements of the most current version of the National Electrical Safety Code. An applicant may propose replacement of a City-owned utility pole at the applicant's expense. Any such replacement pole will be subject to the height requirements below, and it must be of an appropriate type selected by the Planning Department.
- iii. Placement on Smart Poles. Providers may elect to enter into an agreement, with and upon the approval of the City, to participate in the City's Smart Pole Program as explained below:
 - The Provider must submit an application as noted in "i" above.
 - The Smart Pole shall be subject to the volumetrics as established in the definition of a Small Cell Facility as defined in Article 10.
 - Regarding replacement of poles, the City shall review applications and render approval as to the location within 14 business days, and process the application for the requisite permits required within thirty (30) days.
 - After installation of any Smart Pole by the Provider, the ownership and maintenance of the newly-installed Smart Pole shall remain with the City.
- iv. Location of Support Structures in the Right-of-Way. All Support Structures and above-ground Transmission Equipment are prohibited within the sidewalks, but may be located within a grass strip/green zone or frontage zone, generally defined as that area 24 inches from the face of the curb. The Clear Zone (1.5 feet from the edge of curb, and as designed for open ditch roads) must be free of must free from any Telecommunications facilities to meet the safety criteria for roadways. Also, all sidewalks must at all times be free from any Telecommunications Facilities so as to meet ADA standards.
- v. Proximity to Existing Structures. No new Telecommunications Facility Support Structure may be erected in the Right-of-Way within 300 feet of an existing Alternative Support Structure or Eligible Support Structure. This does not include relocation or replacement of a utility structure, or installation pursuant to City standards for a Smart Pole within the Right-of-Way at a location approved by the City.
- vi. Placement in Non-Residential Development. New Telecommunications Facility Support Structures in non-residential zoning districts may not be erected to a height exceeding the height of the tallest utility pole within 200 linear feet on either side of the same street, including Antennas, lightning rods, or other extensions. If no other pole exists within 200 linear feet on the same street, the maximum overall height shall not exceed 39 feet. All new proposed Support Structures, other than a Smart Pole, within the right-of-way shall be designed for a minimum of two Providers.
- vii. Placement in Residential Development. In residential developments with underground utilities, a location for a Telecommunications Facility Support Structure will be identified and approved as a part of the approval of a final plat for the subdivision. In existing residential developments with underground utilities, the Provider will be required to incorporate Stealth Design as outlined in the Design Guidelines for any above-ground Support Structures. The maximum overall height of new Telecommunications Facility Support Structures in residential development, including Antennas, lightning rods, or other extensions shall be determined through a Special Exception process. All new proposed Support Structures, other than a Smart Pole, within the right-of-way shall be designed for a minimum of two Providers.

- viii. Each wireless communications facility located on a city owned utility pole must have a separate electric meter, regardless of the type of tower, structure, or pole on which it is mounted.
- ix. Right to Remove Equipment.
- Notice to Remove. Within ninety (90) days following written notice from the City, a notified wireless provider shall, at its own expense; protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any small wireless facilities within the rights-of-ways whenever the City has determined that such removal, relocation, change, or alteration is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the rights-of-way.
 - Emergency Removal or Relocation of Facilities. The City retains the right and privilege to cut or move any small wireless facility located within the rights-of-way of the City, as the City may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If permitted by circumstances, the City shall notify the wireless provider in advance and provide the wireless provider an opportunity to move its own facilities prior to cutting or removing a facility; or, when circumstances do not permit, shall notify the wireless provider after cutting or removing any such facility.
- x. Cellular on Wheels Permit. A temporary use permit for a "Cellular on Wheels (COW or COLT) shall require a permit from the appropriate city department or other entity/University of Mississippi in coordination with the Public Works Department in connection with an event. It shall be limited to the duration of the event, including set-up and break-down of the equipment, not to exceed fourteen (14) days, but when circumstances reasonably warrant, the permit may be renewed at the discretion of the Director of Public Works and the applicable city department or entity/University of Mississippi.
- xi. Waiver. The Director of Public Works shall be empowered to waive a utility structure relocation required if he determines that such utility structure relocation would prove to be a greater impediment to pedestrian traffic.
- f. Screening and Landscaping. The Tower location shall provide for the maximum amount of screening of the facility. The site shall be landscaped with a buffer of plant materials that screens the view of all tower accessory structures, equipment, and improvements from adjacent properties at ground level from adjacent properties. The buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the area where tower accessory structures, equipment, and improvement are located at ground level. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible. Types of materials used in buffer area may include the following:
- i. The submittal shall include a schematic site plan, including the schematic landscaping plan with an elevation view of the type of facility to be placed on the site. It shall depict where the Tower is to be located on the site and where any additional co-located Transmission Equipment, shelters, or vaults can be placed.
 - ii. The submittal shall include a landscaping plan that complies with all landscaping requirements of the Land Development Code, including details of placement and type of trees and other vegetation.
 - The visual impact of a Tower on adjacent properties shall be minimized to the extent practicable by using existing topography, structures, and natural vegetation to screen the Tower.
 - Trees and other vegetation shall be used to enhance the buffer and may be used

- in any landscape coverage ratios or requirements. Trees and vegetation shall be planted to provide an 80% year-round visual screening a maturity. Plants must be chosen that will reach maturity within two years. Staggered planting may be required to achieve this thicket effect.
- All tower sites shall be landscaped with a ten (10) foot deep landscape yard with evergreen trees spaces a maximum of ten (10) feet on-center or two (2) staggered rows of shrubs spaced a maximum of eight (8) feet apart. Any existing vegetation can be taken into account in evaluation of the landscaping plan. The selected trees and/or shrubs must meet standards for landscaping in the Land Development Code and Appendix.
- iii. Walls and fencing: Walls and fencing may be used within the buffer area. Where used, a six-foot masonry wall or solid chain link fence or a fence of approved wood of natural decay resistance must be placed along the inside perimeter of the buffer so as to provide 100 percent visual screening at the time of the issuance of the certificate of occupancy.
- iv. Security Fencing, Lighting, and Signs.
- All Towers shall be reasonable protected against unauthorized access.
 - Security lighting for on-ground facilities is permitted, if it is shielded to keep the light confined within the site.
 - Signs shall be mounted on the fence enclosure...
- v. Maintenance. The property owner (or lessee if provided in a lease) shall be responsible for the maintenance of all required and provided landscaping. All landscaped area must present a healthy, neat, and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of any permit approved.
- vi. Exemptions.
- In Industrial districts, a sight-obscuring fence at least eight (8) feet high and a minimum of 75% opacity may be substituted for screening trees or shrubs when the applicant can demonstrate that it is impractical to provide vegetation.
 - (b) Screening shall not be required if the base of the Tower site is not visible from any adjoining property or is not otherwise visible from a dedicated right-of-way.
 - Additional site landscaping is not required for Antennas that are being co-located on existing Towers, or which are being placed on other buildings or structures where the Antenna is being allowed as an accessory use.
- g. Removal of Abandoned Antennas and Towers. Before the issuance of a building permit for the construction of a Tower, Antenna, or accessory structure, the applicant, as a condition of the building permit, shall agree, as a condition of approval, that in the event the Tower, Antenna, or accessory structure is no longer used or is abandoned by the owner, the owner shall notify the city within 30 days of such abandonment happening, and the owner will remove the Tower, Antenna, and/or any support facilities within six months of cessation of operation. Shall the operator not inform the City of such abandonment, and it is found to be abandoned by the Building Inspector, the facilities must be removed within 30 days of receipt of notice by the Planning Director. This shall be the responsibility of the applicant company to whom the permit was issued or its successor company. After facilities are removed, the site shall be restored to its original or an improved condition, and anchoring elements shall be removed for the ground to within four feet of ground level.
- h. District Requirements.

- i. The following are permitted in all zoning districts after the issuance of a building permit: Antennas attached to an existing tower or structure and not extending more than 20feet above the highest point of the tower or structure.
- ii. The following are permitted in all zoning districts with a special exception permit after the issuance of a building permit: Antennas attached to an existing tower or structure and extending more than 20feet above the highest point of the tower or structure; or new cell towers.
- i. In addition to the required findings outlined in Section 9.7 of the land development code for the granting of special exceptions, all the following factors shall also be considered in determining whether to issue a special exception for wireless communication facilities.
 - i. The height of the proposed antenna.
 - ii. The proximity of the tower or antenna to residential structures and residential zoning district boundaries.
 - iii. Technical or engineering requirements limiting placement of the tower or antenna in other areas to provide coverage.
 - iv. Nature of uses on adjacent and nearby properties.
 - v. Surrounding topography, tree coverage, and foliage.
 - vi. The design of the tower or antenna, with reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - vii. Availability of suitable existing towers and other structures.
- j. Performance Standards.
 - i. Tower structures shall be setback from the nearest property line a distance equal to the height of the tower. This setback may be reduced to one-half the height of the tower if the applicant submits a report sealed by a professional engineer registered in the State of Mississippi that certifies that the tower is designed and engineered to collapse upon failure within that reduced setback.
 - ii. Towers shall not be located within a distance equal to twice the height of the tower to any residence other than the residence on the parcel on which the tower is located.
 - iii. New tower owners shall address the extent to which co-location will be allowed in the future. A letter of intent committing the tower owner and his successors to allow co-location, if a potential user agrees in writing to pay a reasonable charge, shall be filed in the planning office prior to any building permit being issued. New tower owners must demonstrate how co-location would be potentially situated on the site. Towers and structures shall be designed structurally and electrically for multi-tenants on the initial installation. Towers must also be designed to allow for future rearrangement of antennas on the tower and accept antennas mounted at different angles.
- k. Camouflaged towers and related facilities may be required in any residential district, PUD, historic district, or neighborhood conservation overlay district as determined by the City of Oxford Planning Commission.
- l. Screening and Landscaping. The tower location shall provide for the maximum amount of screening of the facility. The site shall be landscaped with a buffer of plant materials that screens the view of all tower accessory structures, equipment, and improvements at ground level from adjacent properties. The buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the area where tower accessory structures, equipment, and improvements are located at ground level. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible. Types of materials used in buffer areas may include the following.

- m. Walls and fencing: Walls and fencing may be used within the buffer area. Where used, a six-foot masonry wall or solid chain link fence or a fence of approved wood of natural decay resistance must be placed along the inside perimeter of the buffer so as to provide 100 percent visual screening at the time of the issuance of the certificate of occupancy.
- n. Trees and other vegetation: Trees and other vegetation shall be used to enhance the buffer and may be used in any landscape coverage ratios or requirements. Trees and vegetation shall be planted to provide an 80 percent year-round visual screening at maturity. Plants must reach maturity within two years. Staggered planting may be required to achieve this thicket effect.
- o. Security Fencing, Lighting and Signs.
 - i. All towers shall be reasonably protected against unauthorized access.
 - ii. Security lighting for on-ground facilities is permitted, if it is shielded to keep the light confined within the site.
 - iii. Signs shall be mounted on the fence enclosure, on or adjacent to the gate prohibiting unauthorized entry, warning of the danger from electrical equipment and unauthorized climbing of the tower. It shall also identify the owner of the tower and a telephone contact number in case of emergency.
 - iv. Co-location Requirements. New Tower applications shall address the extent to which co-location will be allowed in the future. Co-location potential for Towers and Structures is strongly preferred, and substantial proof will be required if it is not offered. Where co-location is planned, Towers and Structures shall be designed structurally and electrically for multi-tenant on the initial installation. Towers must also be designed to allow for future rearrangement of antennas on the Tower to accept Antennas mounted at different angles. The submittal shall include:
 - Documentation of the number of other users that can be accommodate within the design parameters of the Tower as proposed.
 - A statement indicating the owner's commitment to allow feasible shared use of the Tower within its design capacity for co-location. This shall include a letter of intent committing the Tower owner and his successors to allow co-location, if a potential user agrees in writing to pay a reasonable charge, shall be submitted with the application for a new Tower filed in the planning office prior to any building permit being issued. New Tower owners must demonstrate how co-location would be potentially situated on the site.
 - Detailed construction plans or drawings prepared by an engineer licensed in the State of Mississippi certifying that the Tower has sufficient structural integrity and equipment space to accommodate multiple users.
 - New Towers that are more than 100 feet tall, but less than 200 feet tall must be designed and built to accommodate no less than three or more personal communication system carrier applications and must be made available upon reasonable terms for Co-location to at least three additional single Antenna applications. Additionally, the site must be sufficiently large to accommodate at least three telecommunication equipment shelters, cabinets, or additions to existing structures.
 - New Towers that are 200 or more feet tall must be designed and built to accommodate at least three personal communication system applications and at least three additional single Antenna applications, plus at least one additional personal communications system application and at least one additional single Antenna application for each additional fifty (50) feet of height; to a maximum of six personal service communication system carriers and six single Antenna ap-

plications to be made available upon reasonable terms for Co-location.

- p. No new tower shall be permitted unless the applicant provides supporting evidence that no existing tower or structure can accommodate the applicant's proposed antenna. Supporting evidence may consist of any of the following conditions.
 - i. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements
 - ii. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - iii. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - iv. The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or structure, or the system on the existing tower or structure would cause interference with applicant's proposed system.
 - v. The fees, cost, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs are considered reasonable if they conform to standards of the industry or do not exceed new tower development.
 - vi. The applicant demonstrates that there are other limiting factors that render existing towers or structures unsuitable.
- q. Abandonment. Before the issuance of a building permit for the construction of a tower, antenna or accessory structure the applicant, as a condition of the building permit, shall agree that in the event the tower, antenna or accessory structure is no longer used or is abandoned by the owner, the owner shall notify the city within 30 days of such happening, and the owner will remove the tower, antenna, and support facilities within six months of cessation of operations. After facilities are removed, the site shall be restored to its original or an improved condition, and anchoring elements shall be removed from the ground to within four feet of ground level.
- r. Alternative Tower Structure.
 - i. If an antenna is installed on an alternative tower structure, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.
 - ii. If equipment is to be installed on an alternative tower structure, the applicant shall furnish a report from a professional engineer licensed in the State of Mississippi certifying the proposed alternative tower structure to be suitable for applicant's equipment and intended use.

3.11.9 Use of Unenclosed Rooftops. [Applicable in all districts allowing commercial or multi-story residential uses.]

3.11.9.1 Definitions. For the purpose of this section, "unenclosed rooftops" refers to a rooftop space or a balcony over a lower floor of a structure that is not completely enclosed by a durable and impervious material where access by the public is anticipated. This section applies to occasional or ongoing use by commercial vendors of food, beverages, and alcoholic beverages and does not apply to property used for non-commercial purposes or only by building residents or guests for occasional recreational purposes. Balconies that are only accessible to a single room suite of rooms and provide no public access are not considered to be al use of an unenclosed rooftop.

3.11.9.2 Districts Permitted: SE in SMF, TNB, SCN, SCO, UCN, UCO, HUCN

3.11.9.3 Parking: Not applicable

3.11.9.4 Loading: Not applicable

3.11.9.5 Additional Standards:

- a. Barriers. Physical barriers shall be located six feet inside the perimeter of any unenclosed rooftop in such a manner that individuals cannot stand within six feet from the edge of the rooftop. Such barriers shall not be visible from the ground.
- b. Non-breakable materials. All food and drink served or consumed on an unenclosed rooftop shall be served on or in non-breakable items.
- c. Distribution. All food and alcohol served must be prepared for consumption within the interior of the building, but, once so prepared, may be transported to the unenclosed rooftop by either a patron or employee of the retailer.
- d. Seating requirement. On any unenclosed rooftop, there must be seating available for all persons present on said unenclosed rooftop, and the number of patrons shall not at any time exceed the number of available seats. The number of patrons present shall be compliant in all respects and at all times with the International Building Code and all other applicable laws.
- e. Building age. The commercial use of unenclosed rooftops shall not be permitted on structures 50 years or older.
- f. Existing commercial use of unenclosed rooftops. Any commercial use of an unenclosed rooftop existing at the time of the adoption of this Code shall be considered a nonconforming use and shall comply with all regulations for nonconforming uses. Furthermore, the unenclosed nonconforming use will meet all requirements for a Nonconforming Structure.
- g. Additional building permit prerequisites. In addition to the other requirements and conditions imposed elsewhere in the land development code, no building permit shall be issued for a building containing the commercial use of rooftop space unless all the following criteria are met:
 - i. The applicant submits structural plans, with all loads listed, bearing an original stamp of a licensed engineer.
 - ii. If, in the building official's sole discretion, the building official deems it appropriate to retain a special inspector to supervise and or/inspect construction, said special inspector is retained at developer's expense.

4.0 INFRASTRUCTURE AND MOBILITY STANDARDS

4.1 Streets Generally.

Street patterns shall be based upon the following general design criteria:

- 4.1.1 Provide for adequate vehicular access to all properties within the development.
- 4.1.2 Provide street or road connections to adjacent properties to ensure adequate traffic circulation within the general area.
- 4.1.3 Provide a local residential street system which disperses traffic to multiple points, encourages traffic calming, and provides adequate access for fire, police and other emergency vehicles.
- 4.1.4 Provide a sufficient number of collector roads adequately sized to accommodate the present and future traffic demands of an area
- 4.1.5 Provide streets and roads in accordance with the future transportation and circulation plan of the comprehensive plan.
- 4.1.6 Balances the competing needs of pedestrian, bicycles, and vehicular traffic through integrated access management.

4.2 Classification of Streets.

- 4.2.6.1 Streets shall be classified by both function and type. Street functional classification shall refer to a streets capacity to accommodate vehicular traffic. A street type shall refer to its specific design to accommodate both its function and the adjacent zoning district it serves.
- 4.2.6.2 Streets are functionally classified in one of three categories: Arterials, Collectors, and Locals. See specific standards in Table 4.2, and definitions in Article 10.
- 4.2.6.3 Classification Types. Streets, public or private are further classified according to the following street types established below, derived from Vision 2037 Comprehensive Plan.
 - a. Local Street - Rural Local or Collector
 - b. Parkway - Level 1 (Rural Arterial)
 - c. Parkway Level 2 (Rural Arterial)
 - d. Neighborhood Street (City Local or Collector)
 - e. Suburban Street 1 (City Local)
 - f. Suburban Street 2 (City Collector)
 - g. City Avenue 1 (City Collector or Arterial)
 - h. City Avenue 2 (City Collector or Arterial)
 - i. Main Street 1 (City Collector or Arterial)
 - j. Main Street 1 (City Collector or Arterial)
 - k. Alley

- 4.2.6.4 Functional Classification of Street Types. The street types established above are functionally classified according to the classifications set out in Table 4.1 Functional Classification of Street Types.

	Arterial	Collector	Local
Boulevard (City)	■	-	-
Parkway (Rural)	■	-	-
Main Street (City)	■	■	-
Avenue (City)	■	■	-
Local Street (City)	-	■	■
Local Street (Rural)	-	■	■

4.3 General Access and Circulation Requirements.

- 4.3.1 Developments shall provide sufficient public road access to accommodate the ultimate traffic volume anticipated, and to enable safe and convenient service by police, fire, and other emergency vehicles.
- 4.3.2 Adjacent properties. Street stubs into adjacent properties may be required to provide the potential for greater interconnectivity and ensure adequate future circulation. (See Sec.4.5.9.2 for Temporary Dead End Street standards.)
- 4.3.3 Reserve strips. Strips of land preventing access to the right-of-way at the terminus of, or adjacent to, existing or proposed roads shall not be permitted unless approved by the Planning Commission.

4.4 Emergency Access Roads.

- 4.4.1 Any residential developments with 80 or more homes, and more than 250 bedrooms shall have at least two separate emergency access roads..
- 4.4.2 An emergency access road shall be at least 24 feet wide with all-weather surfacing designed and maintained to support the imposed loads of fire and emergency apparatus and shall have a vertical clearance of at least 13.6 feet. If a structure on that access road is greater than 30 feet in height, the road shall be a minimum of 26 feet wide to accommodate aerial fire apparatus.
- 4.4.2.1 No parking is permitted on minimum width emergency access roads. A road or street intended for public ingress into or egress from a development can serve as an emergency access road so long as it complies with the requirements of this section.
- 4.4.2.2 A boulevard with a median may not be considered as two separate emergency access roads.
- 4.4.2.3 It is preferred that emergency access road entrances shall be separated by a minimum of 150 feet, although a shorter distance may be considered if recommended and approved by the Oxford Fire Department and Emergency Management Agency.
- 4.4.2.4 Gates shall not be allowed on any primary or secondary access road, but if a third road is proposed for emergency ingress/egress only, it could be gated with a recommendation of approval from the Oxford Fire Department and Emergency Management Agency; provided that the gate meets the requirement of the Land Development Code.

4.5 Conventional Street Design Standards

- 4.5.1 Right of Way Width. The minimum widths of street and road rights-of-way and pavement widths, measured perpendicularly from lot line to lot line, shall be as shown on such plan and not be less than indicated in Table 4.2.
- 4.5.2 Variation in right-of-way. Any request for variation in right-of-way or street width requirements shall be requested in writing for recommendation by the City Engineer before consideration by the Planning Commission.
- 4.5.3 Right-of-way dedication.
 - 4.5.3.1 Arterial roads. Those roads designated in the comprehensive plan shall either be dedicated, or a permanent reservation shall be provided, and front building setbacks shall be shown on the final plat as measured from the proposed right-of-way.
 - 4.5.3.2 Collector Streets. Dedication for collector streets shall be made in accordance with in accordance with Table 4.2. A dedication variance may be granted for developments with frontage on existing collector streets if it is determined that a variance would not adversely affect current or future traffic movement and either:
 - a. The collector road is existing and fully developed on both sides of the road such that additional dedication and widening is not feasible and, the collector road dedication is not at an intersection with a minor or principal arterial, or another collector road which may require additional right-of-way for turn lanes or other traffic control measures;
 - b. The collector street is not likely, in the foreseeable future, to serve enough traffic volume to justify requiring additional dedication.
 - 4.5.3.3 Local streets. Dedication for local streets shall be in accordance with Table 4.2. Additional dedication for existing local streets may be granted a variance under the criteria outlined in Table 4.2.
 - 4.5.3.4 Partial street dedications. Partial dedications may be permitted only in those instances where it is necessary for the proper development of the property and is in the public interest to locate a public street on a common property line. Sufficient right-of-way shall be provided for at least 24 feet of pavement, in addition to curb, gutter and sidewalk when required by the provisions of these regulations.
- 4.5.4 Access limitations.
 - 4.5.4.1 Access shall be provided to all lots from dedicated public streets unless otherwise prohibited or modified below.
 - a. Access limitation. Where a subdivision abuts an existing or proposed arterial, double frontage lots with no access to the arterial, lots with rear service drives, common access drives, or other treatment may be required
 - b. Residential driveways. Driveways should not be permitted on arterials. Where this requirement cannot be met, shared or common driveways may be required. All driveways shall be designed to provide egress in a forward motion and must be constructed of concrete or bituminous material.
 - c. Ingress-egress easements. Ingress/egress easements shall be shown graphically on the preliminary plan, and on the final plat accompanied by a statement describing the responsibility for maintenance.

Table 4.2 Conventional Street Design Standards							
Functional Class	Intersection Offset (Feet)		Curve Radii	ROW	Street Width	Stopping Distance	Tangents
	Type A	Type B					
	Arterial	300					
Collector (Comm., Ind., Multi-Unit)	200	250	400	275	Collector with Arterial or collector – 100 Collector with minor – 75		
Collector (1 & 2 Unit Res.)				200	Minor with Minor or Other – 50		
Local	150	150	100	200			

- d. Restricted access. All access shall be graphically indicated on the preliminary plan and final plat or site plan unless otherwise directed by the City Engineer.

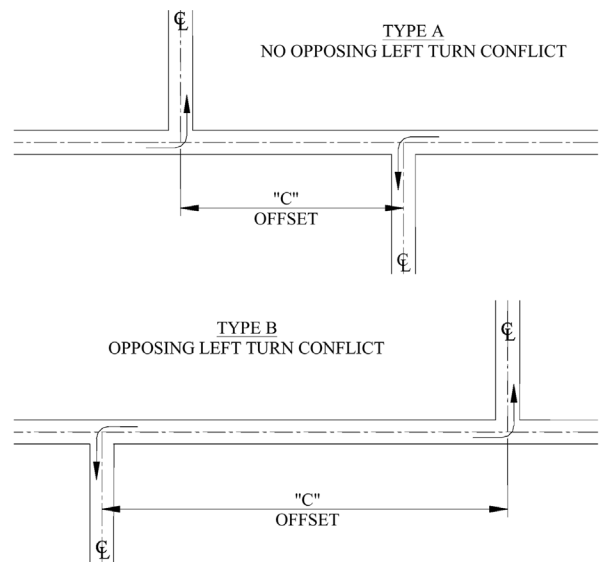
4.5.5 Curb Cuts.

- 4.5.5.1 The number, location and design of curb cuts shall be subject to approval by the City Engineer at the time of site plan review. For new development, a common development which includes more than one lot shall be treated as one lot for the purposes of determining the location of curb cuts. Split ownership, planning in phases, construction in stages, and/or multiple building permits for a project shall not prevent it from being considered a common development.
- 4.5.5.2 Curb cuts shall be located and designed to provide safe and convenient ingress and egress to the site, and designed in accordance with City of Oxford standards and the latest edition of the MDOT manual for constructing driveways.
- 4.5.5.3 Multiple commercial and industrial curb cuts for driveways within a subdivision on an arterial street are discouraged.
- 4.5.5.4 Shared curb cuts and internal access between adjacent similar developments is encouraged.
- 4.5.5.5 Curb cuts, except where shared, shall be located a minimum of 10 feet from a parcel or lot line.
- 4.5.5.6 No curb cut shall be closer than 20 feet from the point of curvature of a corner radius.

- 4.5.5.7 Curb cuts (other than driveways in a single family residential development) shall be located directly opposite one another or separated by a minimum of 150 feet and shall align with median cuts whenever feasible.
- 4.5.5.8 Curb Cuts in commercial or multi-family developments are limited to one per 300 feet of street frontage. The distance between curb cuts in detached or attached residential developments are at the discretion of the City Engineer.
- 4.5.5.9 Variations from these standards shall be permitted at the discretion of the Planning Commission (on the advice of the City Engineer) where the variation would enhance the safety, efficiency of travel and operation of the roadway. Examples can include the use of joint driveways, cross easements, service drives and alignment of median openings with existing access connections.
- 4.5.5.10 Refer to 4.9.5 for additional direction regarding curb cuts for driveways.

4.5.6 Intersections.

- 4.5.6.1 Spacing. Intersections on the same side of a street shall be spaced a minimum of 300 feet apart for arterial and collector streets, and 150 feet for local streets, measured from centerline to centerline.
- 4.5.6.2 Angle. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. Not more than two streets shall intersect at any one point unless specifically approved by the Planning Commission upon recommendation of the City Engineer.



- 4.5.6.3 Centerlines. The centerlines of two streets intersecting the same road on opposite sides shall be offset as shown and illustrated above and noted in Table 4.2. Offset dimension "C" between intersections is categorized by the type of streets involved. If the two legs creating the offset are different types of streets, the shorter of the offset dimensions "C" shall apply.

- 4.5.7 Radii. Minimum radii of intersections of property lines at arterial and major street intersections shall be rounded with a radius of 25 feet. An increased radius shall be required when the angle of intersection is less than 90 degrees or when the intersection involves an arterial or major street. Property line radii at street intersections involving arterial or collector streets shall be not less than 35 feet. The City Engineer shall determine the appropriate corner radii and make recommendation to the Planning Commission.

4.5.8 Curves.

4.5.8.1 Horizontal. The minimum centerline radius permitted for each street classification is shown in Table 4.2.

4.5.8.2 Vertical. Every change in street grade shall be connected by a vertical curve designed to afford a minimum sight distance of 200 feet as measured from a driver's eyes, which are assumed to be 4½ feet above the pavement surface, to an object four inches high on the pavement. Vertical curves shall be of standard parabolic design.

4.5.9 Turnarounds (cul-de-sac).

4.5.9.1 The minimum radii for all public streets and roads on the turnaround end of the cul-de-sac shall be 50 feet for right-of-way and 40 feet for the paving surface.

4.5.9.2 Temporary Dead-end Streets. Streets that are allowed to be temporary cul-de-sacs that are not intended to be opened for 12 or more months, must be constructed with a turnaround having an outside roadway diameter of at least 80 feet, and a street property line diameter of at least 100 feet. When the road is extended, the developer will be responsible for removing the turnaround and sodding the residual land to return to the pertinent property owner. While the road is closed it shall be posted with a sign stating that the road will be extended in the future and open to through traffic.

4.5.9.3 Permanent Dead-end Streets. No permanent dead-end streets shall be allowed that will serve fewer than 8 dwellings or more than 16 dwellings. Such streets shall be no longer than 800 feet in length, and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 80 feet, and a street property line diameter of at least 100 feet.

4.5.10 Sight Distance. The minimum sight distance for the various street and road types are shown in Table 4.2. Stopping sight distance is measured in feet in accordance with the AASHTO publication A Policy on Geometric Design of Highways and Streets, as amended.

4.5.11 Grades. All streets shall have a minimum topographic gradient of 0.5 percent (%). Grades on arterial streets shall not exceed 10 percent (%). Grades on all other streets shall not exceed 12 percent (%). The maximum allowed gradient within 100 feet of intersecting centerlines shall be a maximum of 5 percent (%).

4.5.12 Tangents and Center Radii.

4.5.12.1 Minimum centerline tangents. Permitted minimums on approach to intersections are shown in Table 4.2.

4.5.12.2 Tangents between curves. Between curves there shall be a centerline tangent not less than 300 feet in length on arterials, and 100 feet on all collector streets. No tangent is required on minor, loop, or cul-de-sac streets.

4.6 Application of Street Type Cross Sections.

4.6.1 Application of Street Types.

4.6.1.1 Proposed new development and redevelopment designs shall appropriately incorporate established street types in development designs.

4.6.1.2 New streets and streets proposed for improvement shall be established according to the zoning district in which they are located as stated in Table 4.3 Street Types by Zoning District projected function and anticipated traffic volumes.

4.6.2 Street Type Design Parameters. Specific design elements for each street type are reflected in the following tables and illustrations. The travel lane width refers to the distance between the stripe and excludes curb and gutter and any required shoulder (typically 1'-2') on roadways without curb and gutter or when bike lanes are not present adjacent to the travel lane. In the absence of stripe, the travel lane shall be measured from the center of the roadway to the nearest edge of the gutter pan.

Table 4.3 Street Types by Zoning District

Street Type	Low Intensity			Moderate Intensity				Higher Intensity				Special Districts				Overlay Districts			
	AG	RCN	ER	SR	NR	TNB	SMF	SCO	SCN	UCO	UCN	HUCN	TND	IND	INST	PUD	HP	NCO	FLO
Local Street	■		■	■	■	-	■	-	-	-	-	-	-	■	-	■			
Parkway	■	■	■	■	■	-	■	■	■	■	■	-	■	■	■	■			
City Avenue	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■			
Main Street		■				■	■	■	■	■	■	■	■	■	■	■			
Neighborhood Street (Local or Collector)	■	■	■	■	■	■	-	-	-	-	-	-	■	■	■	■			Based on Underlying District
Suburban (Collector)	■	-	-	-	-	-	■	-	-	-	-	-	■	-	-	■			
Suburban Street (Local)	■	■	■	■	■	■	■	■	■				■			■			

Note: Indicated street types for zoning districts may be proposed, but the City Engineer has final authority to approved which type will be authorized.

4.6.2.1 Local Street - Rural Local or Collector



Design Parameters

A	Number of Lanes	2 lanes
B	Parking	No
C	Pedestrian Facilities	No – shared use path option
D	Bicycle Facilities	No – shared use path option
E	Drainage	Open swale; bioswales
F	Median	No
G	Streetscape	Natural; informal
H	Shoulders	Reinforced turf shoulder/swale
I	Lighting	Street lights optional

Design Specifications

A	A. Number of Lanes	Min. 10' / Max. 12'
E	E. Drainage	Reinforced turf shoulder/swale - Min 4' / Max. 8'
C	C. Pedestrian Facilities/D. Bicycle Facilities	Reinforced turf shoulder/swale - Min 4' / Max. 8'
	Intended Max. Design Speed	45 MPH (max.)
	ROW	Min. 52' / Max. 64'

4.6.2.2 Parkway – Level 1 (Rural Arterial)



Design Parameters

A	Number of Lanes	2 - 3 (center turn lane option)
B.	Parking	No
C	Pedestrian Facilities	Yes
D	Bicycle Facilities	Yes
E	Drainage	Open swale (option bioswales)
F	Median	Optional
G	Streetscape	Street Trees
H	Furnishings	Reinforced turf shoulder/swale
I	Lighting	Street Lights Optional
J	Furnishings	Benches/shelters if transit service

Design Specifications

A	Number of Lanes	Travel Lane Width - 11' to 12'
D	Bicycle Facilities	Bike Lane - 8' feet
F	Median	(Optional for 2 lane) 12' - 16'
H	Shoulders	Verge/Swale - 10' to 30'
C	Pedestrian Facilities/D. Bicycle Facilities	Shared use path - 10' to 12'
	Intended Max. Design Speed	45 MPH
	ROW	MIN 62' / MAX 152'

4.6.2.3 Parkway – Level 2 (Rural Arterial)



Design Parameters

A	Number of Lanes	4
B.	Parking	No
C	Pedestrian Facilities	Yes
D	Bicycle Facilities	Yes
E	Drainage	Open swale (option bioswale or curb and gutter)
F	Median	Yes
G	Streetscape	Street trees in Median and Verge
H	Shoulders	Reinforced turf shoulder/swale OR Curb/Gutter
I	Lighting	Optional

Design Specifications

A	Number of Lanes	Travel Lane Width - 22' - 24'
D	Bicycle Facilities	Bike Lane - 6' (curb/gutter) / 8' (swale)
F	Median	Median width - 6'
G	Streetscape`	Verge 4'
H	Shoulders	Swale 10' - 30' / 2' (curb/gutter)
C	Pedestrian Facilities/D. Bicycle Facilities	Shared use path 10' - 12'
	Intended Max. Design Speed	45 MPH(rural); 35 MPH (urban)
	ROW	MIN 116' / MAX 176'

4.6.2.4 Neighborhood Street (City Local or Collector)



Design Parameters

A	Number of Lanes	2
B.	Parking	Optional (parallel or alternate side yield)
C	Pedestrian Facilities	Yes
D	Bicycle Facilities	Sharrows
E	Drainage	Curb and Gutter
F	Median	No
G	Streetscape	Street Trees where possible
I	Lighting	Optional

Design Specifications

A	Number of Lanes	Travel Lane Width - 10' / 12'-13' with two way yield
B	Parking	Parking - 7' for parallel
C	Pedestrian Facilities	Sidewalk - 5'
E	Drainage	Curb and Gutter - 2'
G	Streetscape	Verge - 5'
	Intended Max. Design Speed	Intended speed of road design - 20mph
	Max/Min ROW	ROW MIN 44' / MAX 58'

4.6.2.5 Suburban Local Street 1 (City Local)



Design Parameters

A	Number of Lanes	2
B.	Parking	Parallel Optional
C	Pedestrian Facilities	Yes
D	Bicycle Facilities	Sharrows
E	Drainage	Curb and Gutter
F	Median	No
G	Streetscape	Street Trees in Verge
I	Lighting	Streetlights

Design Specifications

A	Number of Lanes	Travel Lane Width -10' - 12'
B	Parking	Parallel Option 7' per side
C	Pedestrian Facilities	Sidewalk - 5'
G	Streetscape	Verge - 5'
H	Shoulders	Curb and Gutter - 2'
	Intended Max. Design Speed	35 MPH
	ROW	MIN 44' / MAX 62'

4.6.2.6 Suburban Collector Street



Design Parameters

A	Number of Lanes	2
B	Parking	Parallel
C	Pedestrian Facilities	Sidewalks
D	Bicycle Facilities	Sharrows
E	Drainage	Curb and Gutter
F	Median	No
G	Streetscape	Street Trees in Verge
I	Lighting	Streetlights
J	Furnishings	Benches/shelters if transit service

Design Specifications

A	Number of Lanes	Travel Lane Width - 10' - 12'
B	Parking	Parallel Option 7' per side
C	Pedestrian Facilities	Sidewalk - 5' per side
G	Streetscape	Verge - 5'
H	Shoulders	Curb and Gutter - 2'
	Intended Max. Design Speed	20 MPH (max.)
	Max/Min	MIN 44' / MAX 62'

4.6.2.7 City Avenue 1 (City Collector or Arterial)



Design Parameters

A	Number of Lanes	2, 3 (center turn), or 4
B.	Parking	Optional Parallel
C	Pedestrian Facilities	Yes
D	Bicycle Facilities	Sharrow or protected bike lane
E	Drainage	Curb and Gutter
F	Median	Optional for 2 lane, spot medians optional for 3 lane, median required for 4 lane
G	Streetscape	Street trees in verge or tree wells, and in median
I	Lighting	Street lights
J	Furnishings	Benches/shelters if transit service

Design Specifications

A	Number of Lanes	Travel Lane Width 10' -11' per lane
B	Parking	Parking (on street parallel) 7' - 8'
C	Pedestrian Facilities	Sidewalk - 6' - 8'
D	Bicycle Facilities	Bike Lane - 6'
D	Bicycle Facilities	Optional Protected Bike Lane
F	Median	5' - 5.5'
G	Streetscape	Verge - 5'
H	Shoulders	Curb and Gutter - 2' per curb
	Intended Max. Design Speed	Intended design speed - 25mph 2 lane, 35 mph 4 lane
	ROW	ROW MIN 46' / MAX 117'

4.6.2.8 City Avenue 2 (City Collector or Arterial)



Design Parameters

A	Number of Lanes	2, 3, or 5 (w/o median), 4 (with median)
B.	Parking	Optional Parallel
C	Pedestrian Facilities	Yes
D	Bicycle Facilities	Sharrows or Protected Bike Lane
E	Drainage	Curb and Gutter
F	Median	Optional for 2 lane, spot medians optional for 3 lane, median required for 4 lane
G	Streetscape	Street trees in verge or tree wells, and in median
I	Lighting	Streetlights
J	Furnishings	Benches/shelters if transit service

Design Specifications

A	Number of Lanes	Travel Lane Width: 10' to 11' per lane
B	Parking	Parking (on street parallel): 7' - 8'
C	Pedestrian Facilities	Sidewalk: 16' - 20' if with tree wells
D	Bicycle Facilities	Bike Lane: 6' - 8'
D	Bicycle Facilities	Optional Protected Bike Lane: 8' - 10' (one way)
E	Drainage	Curb and Gutter: 2' per curb
F	Median	From: 5' - 5.5'
G	Streetscape	Verge: 5'
	Intended Max. Design Speed	Intended design speed: 25 mph 2 lane, 35 mph 4 lane
	ROW	MIN 74' / MAX 135'

4.6.2.9 Main Street 1 (City Collector or Arterial)



Design Parameters

A	Number of Lanes	2 to 3
B	Parking	Yes - parallel or angled
C	Pedestrian Facilities	Yes
D	Bicycle Facilities	Sharrows
E	Drainage	Curb and Gutter
F	Median	No
G	Streetscape	Trees wells within sidewalk
I	Lighting	Streetlights
J	Furnishings	Benches/shelters if transit service

Design Specifications

A	Number of Lanes	11'-12'
B	Parking	Parallel: 8' -9' / Angled: 20'
C	Pedestrian Facilities	12'-16'
E	Drainage	10'-30' (preferred) 4' min.
G	Streetscape	10' min – 12' preferred
	Intended Max. Design Speed	Intended speed of road design: 20mph
	ROW	MIN 71' / MAX 112'

4.6.2.10 Main Street 2 (City Collector or Arterial)



Design Parameters

A	Number of Lanes	2 to 3
B	Parking	Yes - parallel or angled (optional back-in)
C	Pedestrian Facilities	Yes
D	Bicycle Facilities	Sharrows
E	Drainage	Curb and Gutter
F	Median	No
G	Streetscape	Trees wells within sidewalk
I	Lighting	Streetlights
J	Furnishings	Transit shelters, street seating, bike racks

Design Specifications

A	Number of Lanes	Travel Lane Width: 10' - 13' per lane
B	Parking	Parallel: 8' -9' / Angled: 20'
C	Pedestrian Facilities	Sidewalk: 16' - 20'
E	Drainage	Curb and Gutter: 2' per curb
G	Streetscape	Tree wells (4' square) within sidewalk
	Intended Max. Design Speed	Intended speed of road design: 20mph
	ROW	MIN 90' / MAX 123'

4.6.2.11 Boulevard (City Arterial)



Design Parameters

A	Number of Lanes	4 to 7 (4 through + center turn + access lanes)
B	Parking	Parallel only on access lanes
C	Pedestrian Facilities	Yes
D	Bicycle Facilities	Shared
E	Drainage	Curb and Gutter
F	Median	Yes
G	Streetscape	Street trees in medians, Tree wells within walkways
I	Lighting	Streetlights
J	Furnishings	Transit shelters, street seating, bike racks

Design Specifications

A	Number of Lanes	Travel Lane Width: 10' - 13' per lane
B	Parking	Parallel on access lanes: 8'
C	Pedestrian Facilities	Sidewalk: 16' - 20'
E	Drainage	Curb and Gutter: 2' per curb
F	Median	Medians between through and access lanes: 12'-16'
G	Streetscape	Tree wells (4' square) within sidewalk, Street Trees in Medians
	Intended Max. Design Speed	Intended speed of road design: 35mph
	ROW	MIN 124' / MAX 172'

4.6.2.12 Main Street with Parallel Parking



Design Parameters		
A	Number of Lanes	2
B	Parking	Yes; Parallel or angled (back-in angled preferred)
C	Pedestrian Facilities	Yes
D	Bicycle Facilities	Sharrows; Shared Lane
E	Drainage	Closed (curb + gutter); Permeable parking (optional)
F	Median	No
G	Streetscape	Formal; Tree wells in hardscape walkway
I	Lighting	Pedestrian scale
J	Furnishings	Bike racks / street furniture; public art
Design Specifications		
A	Travel Lane Width	10'-13'
B	Parking	8' (parallel); 20' (angled includes gutter pan)
	Intended Max. Design Speed	20 MPH
	Max/Min ROW	82'/68' (Alternative ROW determined based on options noted in Design Parameters.)

4.6.2.13 Main Street with Angled Parking



Design Parameters

Number of Lanes	2
Parking	Yes; Parallel or angled (back-in angled preferred)
Pedestrian Facilities	Yes
Bicycle Facilities	Sharrows; Shared Lane
Drainage	Closed (curb + gutter); Permeable parking (optional)
Median	No
Streetscape	Formal; Tree wells in hardscape walkway
Furnishings	Bike racks / street furniture; public art
Lighting	Pedestrian scale

Design Specifications

A	Travel Lane Width	10'-13'
B	Parking	8' (parallel); 20' (angled includes gutter pan)
E	Sidewalk	16' (min.); 20' (preferred); 4' tree wells
	Intended Max. Design Speed	20 MPH
	Max/Min ROW	123'/90' (Alternative ROW determined based on options noted in Design Parameters.)

4.7 Easements.

- 4.7.1 Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least five feet wide for side lot lines and 15 feet wide for rear lot lines.
- 4.7.2 The City Engineer shall determine if a drainage easement shall be provided whenever any stream or important surface drainage course is located in an area that is being subdivided. If the City Engineer determines that a drainage easement is warranted, the sub-divider shall provide an adequate easement area along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream or drainage course. The City Engineer shall determine the adequacy of the drainage easement.
- 4.7.3 Easements for City of Oxford water or sewer shall meet the minimum essential widths required for each utility type according to the City of Oxford specifications. Additional easement width may be required for utilities located at depths 10' or more.

4.8 Required Infrastructure Improvements.

- 4.8.1 Cost of improvements. The total cost of all improvements required by this article shall be borne by the developer. These costs shall include the cost of all improvements within the development, and may include all or a portion of the cost of improvements outside the development which are necessary to serve the development, as determined by the Mayor and Board of Aldermen.
 - 4.8.1.1 Warranties
 - a. A warranty bond or certified check shall be posted by the developer which is available to the City of Oxford, for an amount of not less than 15% of the total estimated construction cost as approved by the City Engineer.
 - b. Each developer shall warrant and guarantee to the city all materials and workmanship to be free from defects for a period of one year from the date of acceptance of any improvements by the Mayor and Board of Aldermen.
 - c. Any work performed by the City of Oxford on facilities guaranteed by the warranty bond or certified check during the warranty period shall be charged to the developer and billed by the City of Oxford Public Works Department. Any arrears shall be sufficient cause for the City of Oxford to notify the developer and call the developer's warranty bond or certified check to use for completion of required facilities.
 - d. Should the Mayor and Board of Aldermen find that extraordinary hardship may result from strict compliance with these regulations, they may consider the regulations to the minimum amount that will allow substantial justice to be done and the public interest secured.
- 4.8.2 Water mains. In order to insure adequate water pressure in new subdivisions and in order to provide ample water for fire protection no water main shall be less than eight inches, or a size required by the City Engineer. Fire hydrants shall not be less than six inches and shall comply with the city's engineering specifications, and shall not be located more than 1,000 feet apart nor more than 500 feet from any lot in a subdivision, or as required by the Life Safety Code.
- 4.8.3 Sanitary sewage disposal.
 - 4.8.3.1 Every subdivision within the city shall be connected to a public sewer main or shall be provided with a complete sewerage system which will adequately and safely serve the area platted, as approved by the Mississippi Department of Environmental Quality and the City Engineer.

4.8.3.2 To insure adequate service with a minimum of maintenance, no sewer main shall be less than eight inches in diameter or as required by the City Engineer.

4.8.4 Roadway improvements.

4.8.4.1 The developer shall install a minimum of six inches of three-fourths inch crushed limestone for a base and a minimum of 3½ inches of hot bituminous pavement or as approved by the City Engineer. Streets shall be constructed with concrete curb and gutter and base shall extend a minimum of one foot beyond the back of the curb and gutter. Materials and installation shall be in accordance with the Mississippi Standard Specifications for State Aid Road and Bridge Construction (latest edition). Additional structure thickness may be required based on the road type, anticipate use, or within the radius of a cul-de-sac.

4.8.4.2 The hot bituminous pavement shall be installed by a minimum of two lifts. The first lift shall be two inches of hot bituminous pavement. The final lift of hot bituminous pavement surface course shall not be installed until the earlier of three years from acceptance of all other required improvements by the City of Oxford or until all construction in the development is complete including, but not limited to, sidewalks, buildings, driveways and residences.

4.8.4.3 A performance bond available to the City of Oxford shall be posted for the final lift of hot bituminous pavement surface course upon acceptance of all other required improvements by the City of Oxford and compliance with release of the performance bond as specified in section 4.8.1. The performance bond posted for the final lift of hot bituminous pavement surface course shall be for an amount as approved by the City Engineer. The date of the placement of the final lift of hot bituminous pavement surface course shall be submitted to and approved by the City Engineer.

4.8.4.4 The installation of curb and gutter along all streets to be constructed and dedicated to the City of Oxford is required. In certain instances involving development of single-family residential subdivisions with lots having an average width in excess of 100 feet and an average lot area of one-half acre or more, the Oxford Planning Commission may, upon the recommendation of the City Engineer, waive the installation of curb and gutter within the development; provided, however, that the Planning Commission and the City Engineer shall take into consideration the topographic and drainage features of the land to be subdivided prior to making such determination.

4.8.5 Storm drainage.

4.8.5.1 All new developments or existing developments that increases the impermeable surface area and/or otherwise disturb existing site conditions must meet the requirements set forth in the City's Stormwater Management ordinance.

4.8.5.2 Storm drainage shall be comprised of a minor (active) and major (passive) components. These components function to remove excess runoff produced by precipitation and convey it offsite and/or to a stormwater management facility with minimum inconvenience, life hazard, and property damage. The minor drainage component includes the following facilities: curb and gutter area of the street, roadside ditches, inlets, storm sewers, culverts, channels, or other conveyance designed to convey the runoff from the 25-year storm. The major component comes into operation once the minor component's capacity is exceeded. The major drainage component facilities may consist of excess capacity in storm sewers, culverts, streets, property line drainage swales, and other natural and lined channels. The capacity of the major component shall have capacity to convey the 100-year storm to a stormwater management facility associated with the development.

- 4.8.5.3 Where deemed necessary by the City Engineer, other drainage facilities, culverts, and bridges will be required. Before any additional facilities are required, the City Engineer shall take into consideration the particular drainage conditions and drainage needs of the area and of the street or streets involved. Storm drainage systems shall comply with "Mississippi Standard Specifications for State Aid Road and Bridge Construction" and the City's Stormwater Management ordinance.
- 4.8.5.4 Where an area's stormwater management facility cannot connect to an existing storm drainage facility capable of carrying the additional stormwater, such area shall not be subdivided until access to such storm drainage facilities are available, or drainage easements to cross the intervening properties have been obtained and filed with Chancery Clerk.
- 4.8.6 Sidewalks.
- 4.8.6.1 Sidewalks (or alternative walkways where authorized) are required for new development in all zoning districts and shall be provided along all through public streets serving more than five homes (usually on both sides of the street; at the discretion of the City Engineer in AG and ER) within the street right-of-way or adjoining public easement on the entire frontage, and connect or join existing sidewalks on adjacent properties. For new or infill development, new sidewalks shall connect to the existing sidewalk. Shared use paths may alternatively be used where authorized.
- 4.8.6.2 Minimum sidewalk width is five feet. Additional width may be required. Where sidewalk obstructions are unavoidable a continuous four-foot-wide path around the obstruction shall be provided upon a field review and approval by the City Engineer.
- 4.8.6.3 Sidewalks shall be ADA compliant and ramps shall be constructed at street corners. Sidewalks shall not be required to cross driveways if the driveway already provides an ADA compliant connection.
- 4.8.6.4 Sidewalks shall be constructed at the right-of-way line and at least five feet behind the curb to allow for landscaping and street trees when feasible.
- 4.8.6.5 Sidewalks shall be concrete or another approved surface. Asphalt sidewalks are prohibited without approval of the City Engineer. Sidewalks must be constructed of concrete mix with a strength of 3,500 pounds per square inch, a minimum of four inches thick, shall slope 1/4 inch per foot in width, and shall have saw cuts installed every five feet and expansion joints installed every 20 feet.
- 4.8.6.6 Crosswalks shall be provided to connect external pedestrian circulation to a site and safely convey pedestrians to the site destination; and shall be striped in conformance with the latest edition of the Manual on Uniform Traffic Control Devices. The layout of the crosswalk shall be in the ladder style and shall be a minimum of 10' wide, regardless of the sidewalk or crossing width.
- 4.8.6.7 Alternative pedestrian systems may be provided in lieu of public sidewalks upon recommendation of the Pathways Commission and upon approval by of the planning Commission or Board of Aldermen. Alternative systems shall link all lots with activity areas such as open spaces or parking areas, shall be paved, and shall provide for the ownership and maintenance of such systems.

4.8.7 Utilities.

4.8.7.1 Underground electric utilities and street lighting within subdivisions located inside the corporate limits, and served by the Oxford Electric Department, shall be installed by the Oxford Electric Department at the expense of the subdivision developer in accordance with policies in effect at the time of preliminary subdivision plat approval.

4.8.7.2 Underground electric utilities and street lighting in subdivisions located inside the corporate limits, but served by Northeast Mississippi Electric Power Association, shall have underground electric utilities and street lighting installed at the expense of the subdivision developer. The type and location of street lighting shall be shown on the preliminary plans.

4.8.8 Monuments. Monuments shall be placed at all block and lot corners, or at intermediate points as shall be required by the City Engineer. All blocks and lot corners shall be marked by an iron pipe meeting the minimum standard of practice required by the Mississippi Board of Licensure for surveys.

4.8.9 Street name signs. Street name signs shall be installed at all street intersections in accordance with city standards, cost borne by the developer.

4.8.10 Erosion control. Erosion control along roadways shall be in accordance with The Oxford Erosion Control Ordinance.

4.8.11 Qualifications of contractors. All contractors or subcontractors installing required improvements (water or sewer lines, storm drains or streets) to be dedicated to the city shall have a certificate of responsibility issued by the state board of public contractors in the event such water line, sewer line, storm drain or street costs in excess of \$50,000. Name of the contractor, scope of work, certificate of responsibility number (if applicable), and contact information for the contractor shall be submitted prior to installation of required improvements. If requested, the value of the required improvements must be supplied to verify the need for a certificate of responsibility number.

4.9 Parking and Loading Requirements.

4.9.1 General provisions. In all districts, off-street parking facilities for the storage or parking of motor vehicles for use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this ordinance, shall be provided (as noted below and in Article 3 and 5) and maintained as described below.

4.9.1.1 In determining the number of parking spaces required, if the calculation results in fractional parts, the number of spaces required shall be the nearest whole number. Whenever a use is increased in floor area, additional parking spaces shall be provided in the amounts specified for that use, if the total parking space is inadequate to serve the increased floor area. Unless specifically authorized by the Planning Director or Planning Commission, no use may exceed the minimum parking standards by more than 25%.

4.9.1.2 Parking Pavement. Except as noted below all parking spaces, drives and aisles shall be surfaced with a bituminous concrete or other paving material, but not to include any type of gravel or loose rocks.

4.9.1.3 In the Agricultural, Rural Center, Estate Residential, and Suburban Residential districts all parking spaces, drives and isles shall be surfaced with a bituminous concrete or other paving material based on the following formula:

- a. Three percent or less slope - minimum of 50 feet shall be paved in that portion of the drive adjoining the right-of-way.

- b. A 3.1 to five percent slope - minimum of 75 feet shall be paved in that portion of the drive adjoining the right-of-way.
- c. Greater than five percent slope - minimum of 100 feet shall be paved in that portion of the drive adjoining the right-of-way.
- d. After three documented instances by city staff of gravel washing from a site onto the right-of-way, however, an additional 50 feet of the parking spaces, drives and isles shall be surfaced with a bituminous concrete or other paving material.

4.9.1.4 Parking Space Size.

- a. In all residential districts the minimum parking space size allowed is eight feet six inches wide and 18 feet long.
- b. In all other districts the minimum parking space size allowed is nine feet wide and 18 feet long.
- c. Compact car spaces shall be allowed in all districts. Compact car spaces cannot exceed ten percent of the total number of spaces. The minimum size allowed for compact car spaces shall be eight feet wide and 16 feet long.

4.9.1.5 Disabled Persons Parking. Parking shall be provided as required by the Americans with Disabilities Act (ADA), and in compliance with Oxford City Ordinance 2015-18.

4.9.2 Parking Reduction.

4.9.2.1 The Director may authorize up to a 25% reduction in the total number of parking spaces required when parking requirements cause the potential demolition of a historic structure or environmental features such as tree stands or streams. Such waiver may be issued at the request of the applicant after determination that reduction will not unreasonably increase parking congestion. The applicant shall not disturb the features for which the reduction is granted.

4.9.2.2 Applicant Submitted Parking Data. The Director may accept a lower number of parking spaces than required in this Article based upon a phased development plan or applicant-submitted parking data such as a shared parking analysis or appropriate standards from The Institute of Transportation Engineers (ITE) or other credible sources.

4.9.3 Off-street Automobile Parking and Storage. Off-street automobile parking or storage space shall be provided as required below or in Section 3.4 for all included uses. Required parking for uses not specifically named shall be determined by the use most similar that is listed in the ordinance at the discretion of the Director of Planning. If space is not available on the property where the use is located, it may be provided as established in Section 4.8.4.

4.9.3.1 Any vehicle parking space in a district primarily intended for commercial or industrial uses shall be used for parking for authorized uses on the site only. Any other use (other than in an emergency), such as requiring payment for parking shall be considered a separate commercial use in violation of the provisions of this ordinance.

4.9.3.2 No building or structure of any kind shall be erected in any designated off-street parking space except a building garage containing parking spaces equal to the requirements of this ordinance.

4.9.3.3 Impervious Coverage. Off-street parking in the Estate Residential, Suburban Residential, Neighborhood Residential, or Multi-Family Residential Districts shall not exceed a coverage of 40 percent of the area located within the required front yard.

4.9.4 Alternative Parking Arrangements and Shared Parking.

- 4.9.4.1 Off-site parking, other than handicapped spaces, may be provided within 500 feet of a use upon approval of the Director of Planning under the following guidelines:
- a. The required distance is measured from the property line to the property line of the nearest point of the off-street parking facility to be used.
 - b. The parking spaces shall have vehicular access to a street or alley and be equal in area to at least the minimum requirements for the specific use unless a reduction is granted where the use is located on a street where on-street parking or parking facilities are available.
 - c. All off-street parking requirements are met for each activity per time of day.
- 4.9.4.2 Off-street parking facilities for commercial, industrial, public, or semipublic uses shall be provided on the same lot or premises as the building or use for which they are required unless such spaces are provided collectively by two or more buildings or uses on adjacent lots in a single parking area located within the boundaries of those adjacent lots; or an alternative location is approved by the Planning Commission.
- 4.9.4.3 Shared Parking. Any shared parking analysis shall follow the guidelines provided in the Urban Land Institute's "Shared Parking" publication, a copy of which is on file in the office of the Director of Planning. Any off-site or shared parking shall require the recording of a perpetual easement prior to occupancy.
- 4.9.4.4 Combined Parking Spaces. The required parking spaces for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use at the same time, except that the parking space required for uses whose peak attendance will be at night or on Sunday may be assigned to a use which will be closed at nights or on Sundays.

4.9.5 Driveways.

- 4.9.5.1 Driveways providing access to off-street parking spaces shall be wide enough to permit easy movement of vehicles into and out of the parking spaces.
- 4.9.5.2 Driveways and curb cuts serving residential uses shall not exceed 20 feet in width, the minimum width shall be at the discretion of the Planning Director.
- 4.9.5.3 The City Engineer prior to construction shall approve driveways or curb cuts for commercial, industrial, public, or other uses.
- 4.9.5.4 To the greatest possible extent, all parking lots shall be designed so that vehicles do not need to back into the roadway to exit the parking lot.
- 4.9.5.5 Lots with Easements. Lots using an easement and shared driveway shall meet the standards of 9.1.11.7.
- 4.9.5.6 Curb cuts for driveways shall meet all applicable standards of 4.5.5.
- 4.9.5.7 Semi-circular driveways, or other multi-point access driveways, will not be permitted on residential lots with less than 100 feet of street frontage unless determined by the City Engineer to be acceptable after considering the lot width and depth, sight distance, grade, or other pertinent factors. When permitted, the width of each access point is limited to no more than 10 feet.

- 4.9.6 Off-street Loading and Unloading Spaces. Every building or structure used for business, trade or industry shall provide as indicated herein for the loading and unloading of vehicles. Such space shall have access to a public street or alley.
- 4.9.6.1 Retail business: Minimum of one space of 500 square feet for each 10,000 square feet of floor area, up to a maximum of five spaces.
 - 4.9.6.2 Wholesaling, industry, truck terminal: Minimum of one space of 500 square feet for each 20,000 square feet of gross floor area.
 - 4.9.6.3 No signs shall be displayed in any such vehicle standing space except signs to direct the orderly use of such space.
 - 4.9.6.4 Loading areas must not interfere with the safe movement of vehicles and pedestrians and must be separated from and not interfere with required parking.

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5.0 SITE DESIGN STANDARDS

In order to fully implement the goals of the City of Oxford supplementary development standards are required to insure that new development, renovation, and reconstruction are designed, sized, and sited to achieve functionally efficient, economically productive, pedestrian friendly, aesthetically pleasing environments. These standards are intended to contribute to the stability, vitality and long term livability of the city. The purpose of this article is to achieve those goals for the citizens of the City of Oxford

5.1 Applicability and Exemptions.

- 5.1.1 Except as otherwise provided below, the standards in this Article shall apply to all land located in the city with the exception of the following development activities:
 - 5.1.1.1 Routine maintenance related to plumbing, mechanical, or electrical systems of buildings and sites.
 - 5.1.1.2 All plumbing, mechanical and electrical equipment when such work is entirely within the interior of a building.
 - 5.1.1.3 Construction or alteration necessary for the compliance with a lawful order of the City, Fire Department, Police Department, or Public Works Department related to the immediate public health or safety.
 - 5.1.1.4 Any interior alterations, repairs, or renovation which do not change the principal use of the structure.
 - 5.1.1.5 Demolition or wrecking, repair, construction, reconstruction, alteration, rehabilitation, moving, demolition, or change in use for either land or buildings within any historic district as approved by the Historic Preservation Commission.
 - 5.1.1.6 Building permits for buildings less than 100 square feet.
 - 5.1.1.7 New parking lots with 3 or fewer spaces.
 - 5.1.1.8 Expansion of existing uses not exceeding 30 percent of the gross floor or lot area of the existing development.
 - 5.1.1.9 Building permits for the restoration of a building when restoration is required as a result of damage and/or destruction by fire or natural causes provided said permit is applied for within 12 months of the occurrence of fire or natural causes.
 - 5.1.1.10 Property identified, permitted, and under development at the time of adoption of the ordinance from which this article is derived.
- 5.1.2 Any development or parking lot in existence before adoption of the ordinance must comply with the requirements of this article in the following circumstances:
 - 5.1.2.1 Any change requiring an increase in the number of parking spaces. However, when parking lots are expanded, parking lot buffers take priority over landscape islands and when circumstances do not permit both.
 - 5.1.2.2 Any addition, exterior renovations or remodeling which increases the square footage of a structure by more than 50 percent.

- 5.1.2.3 When an exterior renovation or remodeling is less than 50% of existing square footage, 5% of the total permitted cost for projects costing \$10,000 dollars or more shall be utilized for landscaping that complies with this article.
- 5.1.2.4 For purposes of calculating parking requirements in a common interest development (CID) the development shall be considered as a whole rather than individual properties.

5.2 Historic Compatibility.

For property in designated Historic Districts, compliance with additional standards in the Historic Preservation Ordinance (Chapter 54) is required.

5.3 Parking Lot Requirements.

5.3.1 Applicability. These standards are applicable for the following development conditions:

- 5.3.1.1 All parking lots of 10 or more spaces
- 5.3.1.2 Parking lots under expansion and creating a total of 10 or more spaces.

5.3.2 Parking Lot and Driveway Entrances.

- 5.3.2.1 Drive entrance widths:
 - a. One-way: Min. 12 ft. min. and Max. 14 ft. wide
 - b. Two-way: Maximum 24 feet wide
 - c. Three-way: Maximum 36 feet
- 5.3.2.2 Vehicular and pedestrian cross-access shall be provided to adjacent properties.
- 5.3.2.3 Entrances and exits should be clearly defined with appropriate signage.
- 5.3.2.4 Unlimited access across the frontage of a property is not permitted.

5.3.3 Interior Design of Parking Lots.

- 5.3.3.1 Surfaces. Required parking must be solidly surfaced with asphalt or similar material. Alternative permeable solid surfaces may be allowed on areas of limited use at the discretion of the Director of Planning and City Engineer.
- 5.3.3.2 Setback. Parking lots shall be setback from property lines 8 feet.
- 5.3.3.3 Parking Spaces.
 - a. Dimensions and number. Required parking spaces shall conform to those set out in Article 4.
 - b. Marking. Parking spaces shall be delineated by white striping unless otherwise required by ADA. Reflective striping is encouraged.
- 5.3.3.4 Pedestrian Circulation.
 - a. Sidewalks. Sidewalks are required along all public and private streets as required in Sec. 4.8.6.
 - b. Internal pedestrian circulation shall be provided to create interconnected walkways safely conveying pedestrians from adjacent streets and parking destination.

- c. Crosswalks shall be designated by white pavement striping or materials of a different color and texture from the surrounding surface but conforming to the overall color scheme of the development.
- 5.3.3.5 Loading areas. Loading docks, overhead doors, and truck parking shall be positioned, or screened in such a way as to not be visible from the public street. (See Sec. 5.5.4 Screening)
- 5.3.3.6 Standards for Parking Islands.
- a. Types of Islands
 - i. Median Islands. An island with a minimum width of eight feet inside the curb shall be placed at a minimum every other parking bay or no more than 150 feet apart and along a primary internal and external access drives. They shall be planted with a large canopy tree every 50 linear feet or a small canopy tree every 35 linear feet.
 - ii. End of Aisle Islands. The end of every parking aisle shall have a landscaped island and 15 parking spaces is the maximum number that can occur before a landscaped island is proposed.
 - iii. Mid Bay Islands. One island, not less than 9' wide and 18' long, measured from back of curb, shall be installed for each 100 lineal feet of parking area and shall cap ends of rows and landscaped according to landscape standards (See Sec. 5.7)
 - b. Landscaping of Parking Islands.
 - i. Parking Island Trees. Required parking lot islands shall contain a minimum of one large, shade or canopy tree per island. Tree placement shall be designed so that, at the maturity of 10 years, the minimum tree canopy coverage of all parking spaces will be 40 percent. Trees may be selected from a list approved by the Oxford Tree Board (See Appendix) and shall have a caliper of two inches or greater. Each tree planting area shall have a three-foot depth of quality, root growing soil.
 - ii. Landscaped areas shall be at least 75 percent covered with grass or another surface approved by the Director or their designee. Planting shall be established prior to building occupancy.
 - c. Specific Standards for Parking Lots Based on Number of Spaces
 - i. Parking areas with less than 20 spaces must provide a minimum landscaping totaling 15 percent (15%) of the total parking area. It must be and be landscaped with shrubs at one per every 15 square feet of landscaped area; and one canopy tree for every 5 parking spaces, with a minimum of two trees planted.
 - ii. For parking lots with more than 10 spaces, there shall be a minimum of one tree per five parking spaces. A minimum of 65 percent of the required parking lot trees shall be provided within the interior of the parking lot.
 - iii. In parking lots of 20 or more spaces, a parking island of 100 square feet or larger must be provided every 10 parking spaces. Additional permeable area may be required by the city if necessary to ensure adequate growth of trees.
- 5.3.3.7 Alternative Compliance.
- a. Requirements of the parking lot landscaping may be altered if professionally designed and approved low impact development (LID) stormwater management elements are approved at the discretion of the Site Review Committee. Seventy-five (75%) percent of the total LID stormwater management element area must be covered with appropriate vegetation and canopy trees tolerant of post-construction conditions. Canopy trees shall be planted at a maximum of 40 feet on-center.
 - b. Permanent sculptures or other public art or vertical architectural structures that are non-intrusive but interrupt the horizontal sight lines of a parking lot, may be credited for no

more than 20 percent of the total landscape requirements at the discretion of the Site Review Committee.

5.3.4 **Parking Lot Perimeter Design.** A landscaped buffer at least five feet wide shall be installed around the perimeter of all parking lots that abut the public right-of-way; except as provided in the applicable front setback requirements.

5.3.4.1 In this buffer, one large tree is required every 50 linear feet or fraction thereof, or one small tree every 35 linear feet or fraction thereof.

5.3.4.2 All newly planted trees shall be planted in a permeable area of at least 25 square feet for small trees and at least 60 square feet for large trees. Additional permeable area may be required by the city if necessary to ensure adequate growth of trees.

5.3.4.3 Low wall with vegetation can be used to screen a parking lot from the street.

5.4 Site Lighting and Building Illumination.

5.4.1 **Lighting and Illumination Generally**

5.4.1.1 **Applicability.** The provisions of this section shall apply to any and all exterior artificial light sources not otherwise having specific regulations specified within this Code.

5.4.1.2 **Exemptions.** The following are exempted from the requirements of this section:

- a. Lighting fixtures and standards required by federal, state, county or city agencies, including street lights within public rights-of-way.
- b. Outdoor lighting fixtures used or required by law enforcement, fire and emergency services, transportation or similar governmental agencies to perform emergency or construction repair work, or to perform nighttime road construction on major thoroughfares.

5.4.2 **Site Lighting Standards.**

5.4.2.1 **Brightness.** Streets, driveways, parking lots, walks and service areas shall be adequately illuminated as evenly as possible, not exceeding an average of .3 foot-candles diminishing to 0 at a boundary and demonstrated by a site lighting plan illustrating compliance.

5.4.2.2 A photometric survey prepared by a licensed design professional may be required by the Director of Planning to assist in discerning the planned lighting.

5.4.2.3 Site lighting shall not extend beyond site boundaries. Luminaries shall be shielded, shaded, or directed to prevent light from being cast on adjacent property.

5.4.2.4 Exterior lighting fixtures must be placed so that they do not interfere with the operation of vehicles.

5.4.2.5 No exterior light shall have any blinking, flashing, or fluttering light, or other illuminating device which has a changing light intensity or brightness of color.

5.4.2.6 Lighting fixtures shall be compatible in style with the architecture of their associated buildings.

5.4.2.7 **Height of fixtures.** Light fixtures (pole) should be proportional to the height and building mass of the structure but in no event shall exceed 25 feet. Freestanding light fixtures shall not exceed 14 feet when adjacent to a residential property.

- 5.4.2.8 Glare. There shall be no direct or reflected glare from floodlights, high temperature processing, combustion, welding, or otherwise, so as to be visible at the property line or right-of-way.
- 5.4.2.9 Safety hazard. Any artificial light source which creates glare observable within the normal range of vision from any public walk or thoroughfare under normal weather conditions is considered a safety hazard and is prohibited.
- 5.4.2.10 Nuisance. Any artificial light source which creates glare observable within the normal range of vision, under normal weather conditions, from any property other than the property where the light source is located is considered a nuisance and is prohibited.

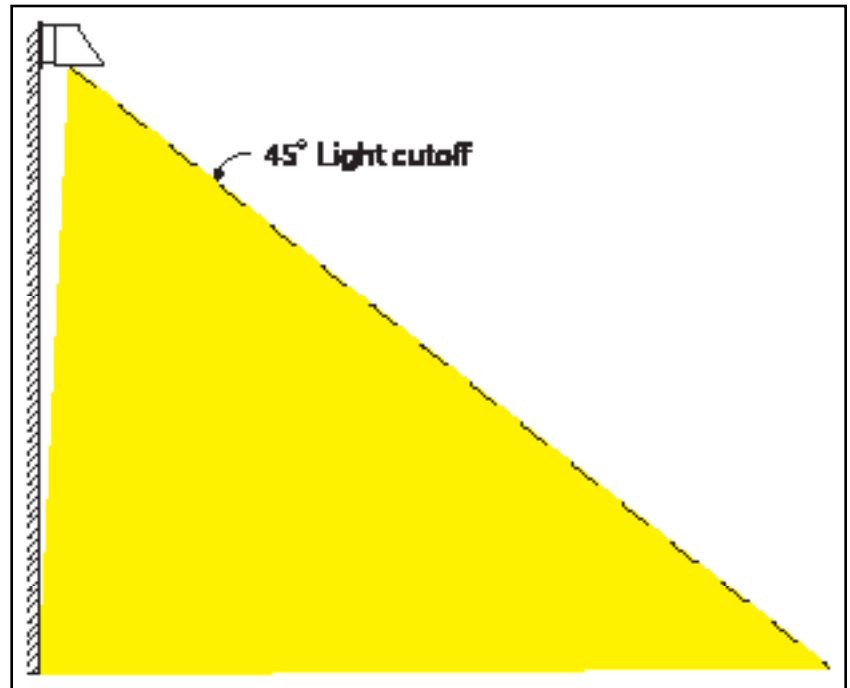
5.4.3 Building Lighting Standards.

Exterior lighting of buildings, properties, developments, signs or other features, and for any use, including, but not limited to, residential, commercial and industrial uses, shall meet all of the following requirements:

- 5.4.3.1 All exterior light fixtures shall be fully shielded and installed so that no direct light spills over onto adjacent properties or rights-of-way.
- 5.4.3.2 Because of their unique requirement for nighttime visibility and their limited hours of operation, stadiums, ball fields, playing fields and tennis courts are exempted from the general standards of this section. Lighting for these outdoor recreational uses shall be shielded to minimize light and glare trespass onto adjacent and nearby properties and public streets. They must, however, have a cut-off time established as a condition of approval.
- 5.4.3.3 No flashing, spinning, sweeping or strobing lights shall be permitted.
- 5.4.3.4 No installation or erection of any lighting which may be confused with warning signals, emergency signals or traffic signals shall be permitted.

5.4.4 Mounting Poles and Fixtures.

- 5.4.4.1 Poles in commercial and multi-family developments, mounted upon a building or independently, shall not exceed 20 feet in height.
- 5.4.4.2 Pole mounted light fixtures shall be full cut-off that direct emitted light at 90 degrees or less. Where necessary, cut-off design fixtures or shields shall be installed to manage fugitive light throw.



- 5.4.4.3 Lighting fixtures within industrial developments shall not exceed 25 feet in height, except in those instances where the subject property adjoins any residentially zoned property, where poles may not extend above the building roof line.

- 5.4.4.4 Building mounted light fixtures shall be full cut-off to direct light at 45 degrees or less except for low intensity decorative lighting not exceeding 45 watts per bulb or incandescent equivalent.

5.5 Other Design Standards.

- 5.5.1 Flags and Flagpoles. See General District Regulations 3.2.

5.5.2 Fences and Exterior Yards Walls.

- 5.5.2.1 Fences and walls shall be of design and materials compatible with surrounding development, and shall meet the Fence use standards of Section 3.2.7. Fences and walls shall be constructed such that the "finished" part of the fence or wall is located toward and facing the exterior of the property.

- 5.5.2.2 Barbed wire, woven wire or electrical fencing may be used in agricultural or industrial applications only.

- 5.5.2.3 Fences or walls topped with or containing metal spikes, broken glass, razor wire or similar material are prohibited.

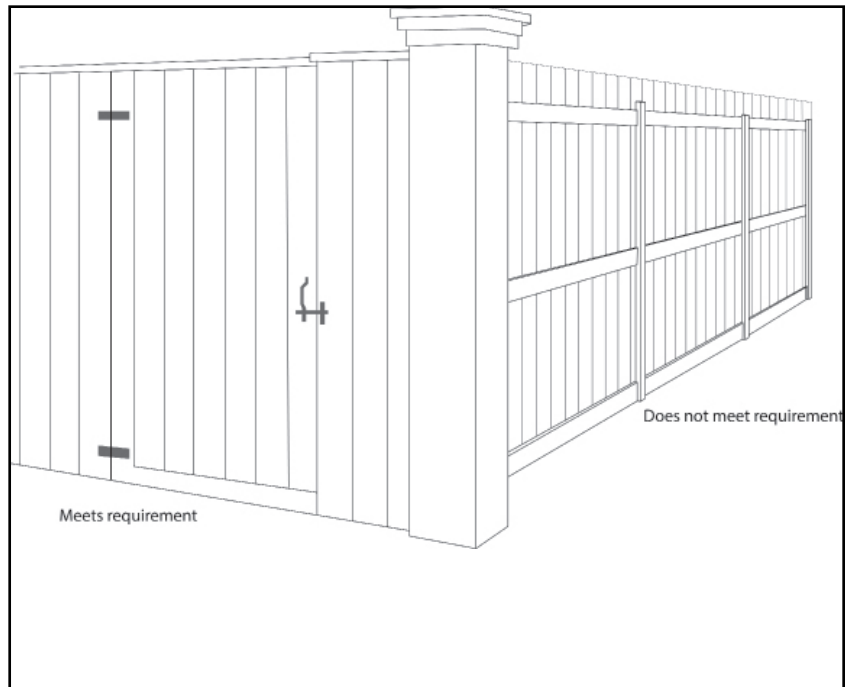
- 5.5.2.4 Uncoated chain link and other wire material fences shall not be permitted in a front setback except for athletic or play surfaces.

- 5.5.2.5 Where chain link fencing is allowed in a front setback, it shall be green or black vinyl coated.

- 5.5.2.6 In a front yard the maximum height of fences and walls shall be four feet above grade, and shall allow for visibility. When located behind the front building line, the maximum height for a fence located in the side or rear yard shall be eight feet. Unless authorized by the Director of Planning or required by the Building Official or Director of Public Works, the overall height for a fence on top of a retaining wall shall not exceed eight feet.

5.5.3 Retaining Walls.

- 5.5.3.1 Retaining walls shall meet the Retaining wall use standards of Section 3.2.16.



- 5.5.3.2 Retaining walls less than three feet tall may be constructed of treated timbers, split-faced concrete block, retained earth wall, flat-faced concrete block, or poured-in-place concrete with either a flat or decorative face.
- 5.5.3.3 Retaining walls three feet or more in height shall only be constructed of split-faced concrete block or poured-in-place concrete with a decorative face and designed by an engineer or architect.
- 5.5.4 Screening.
 - 5.5.4.1 Screening of nuisance activity such as auto repair vehicle storage areas, equipment or material storage areas, loading docks and similar functions shall provide screening to conceal such activities from public view.
 - 5.5.4.2 Utility apparatus and all HVAC equipment shall be screened by architectural elements consistent with the design of the principal structure. Parapets shall be extend above the highest level of any roof mounted equipment.
 - 5.5.4.3 Outside Storage and Waste Disposal Areas.
 - a. Combinations of berms, landscaping, walls, and buildings, shall be used to screen outside storage areas. Wooden or chain-link fences as a screening device for garbage collection areas is prohibited. Garbage collection areas shall be enclosed on all four sides by opaque material consistent in design and color of materials with that of the principal structure.
 - b. Trash containers and waste oil and grease containers must be visually screened on all sides including gates. Combinations of berms, landscaping, walls, fences and buildings shall be used to screen containers and enclosures. Screening shall be at least two feet taller than the container.
 - c. Outside storage areas and waste containers shall be located to the side or rear of principal structures, constructed with wash down facilities.
 - 5.5.4.4 Loading and Utility Service Areas.
 - a. All loading and utility service areas not screened by an intervening building shall be screened from view from any public street right-of-way for their entire length except for necessary access.
 - b. Screening shall be provided by either:
 - iv. A closed fence or wall which is at least six feet high and is compatible with materials and color of the principal building; along with additional natural evergreens, shrubs or trees so that no more than two-thirds of the surface area of the closed fence or wall is visible from the street within three years of erection of the structure
 - v. With natural evergreen shrubs or trees which can be expected to reach six feet or a greater height within three years of planting.

5.6 Building Form and Materials.

5.6.1 Form.

- 5.6.1.1 When adjoining a residential zone, structures shall be compatible with the character of primarily residential zoning district. Compatibility shall be determined by comparing the consistency of existing and proposed design elements, colors, materials, height, bulk and landscaping.

- 5.6.1.2 Building facades shall be oriented parallel to the streets they face. Main entrances shall be visible as a means of creating continuous streetscapes.
- 5.6.1.3 A portion of the facade of any buildings over 3 stories in height shall step back or recess an additional 1.2 feet for every 1 foot of height above 3 stories. Exemption from this requirement may be requested by special exception.
- 5.6.1.4 Multiple buildings on a site should be clustered to create plaza or pedestrian mall areas. Where this cannot be achieved, buildings shall be connected by means of pedestrian walkways defined by separate paving textures and accented by landscape areas.
- 5.6.1.5 False or stage-set facades are prohibited. Materials and colors used on the street façade shall continue to the sides and rear of the building.
- 5.6.1.6 The maximum, unbroken façade plane along any street frontage is limited to 60 feet and must be interrupted by visually discernable projections, recesses, portals, courtyards, plazas, or other architectural design elements. Façade breaks shall have a minimum depth of six inches.
- 5.6.1.7 Form of Multiple-family Building design. Building designs that create variety and do not look monotonous if replicated throughout the development are required. Such designs must include all of the following elements:
- a. Building elevations, garages, carports, and all accessory structures shall have the same level of design, aesthetic quality, and architectural detailing.
 - b. Porches, varied rooflines, and varied façade depths shall be provided to create variety and individuality of each building.
 - c. Windows and projecting wall surfaces shall be used to break up larger wall surfaces, establish visual interest and provide visibility of the street and other public spaces encouraging social interaction.
 - d. Protective entry courts, common vestibules, covered breezeways, or enclosed stair halls shall be used to reduce the number of visible doors unless designed in a row house or townhouse manner oriented toward the street.
 - e. Garages, when provided, shall be designed to be integrated with the building design or sited so as to avoid long monotonous rows of garage doors and building walls. Garages shall be oriented so that they do not visually dominate the building façade or the streetscape.
- 5.6.1.8 Inappropriate Façade/ Appropriate Façade
- a. No flat-faced cement block shall be visible from the exterior of any building as a primary surface material or mansard. The use of metal surfaces (sheets or tiles) as an exterior siding material may be considered by Special Exception.
 - b. Parapet facades may be used when unified construction with a primary surface of a wall and of the same material and color. The parapet shall be designed so reverse side of its elements are not visible to public view. False mansards are prohibited.
 - c. Parapet facades must be used on flat roof structures where roof mounted building equipment is used. Parapets shall extend above the highest level of any roof mounted building equipment on all sides.

- d. Excessively tall foundation or basement walls and their visual impact must be avoided by blending them into their setting through the use of appropriate colors, building materials, or vegetation.
- 5.6.1.9 Materials. Building materials must suit the architectural style of a building and be consistent or complementary throughout. Exterior surface materials shall be selected from among the following: brick, tile, cementitious stucco, stone, vertical board and batten, wood or cementitious siding and approved architectural concrete masonry unit, or other materials if authorized by the Planning Director. A maximum of 2% of exterior surface may be clad with EFIS.
- 5.6.1.10 Roof design shall be appropriate to the architectural style of a building. Where exposed to public view, roof material shall be selected from enameled standing seam metal, concrete or clay tiles, copper metal, or wood textured (architectural grade) or composition asphalt shingles. The use of plastic, fiberglass, other metal, or glass visible to public view is prohibited.
- 5.6.2 Design Detail.
 - 5.6.2.1 Wall surfaces shall be composed of at least 75% a single material and color.
 - 5.6.2.2 Walls that can be seen from an arterial or major collector street shall be treated as a building front façade.
 - 5.6.2.3 No less than 50% of the horizontal distance of any building front shall be designed with arcades, windows, entrances, awnings, or similar features.
 - 5.6.2.4 Retail front facades (front and sides open to public view) shall be glazed with clear glass no less than 30% of the first story. Other uses may provide the authentic appearance of such transparency.

5.7 Landscape Standards.

- 5.7.1 Landscape Plan Required. A landscape plan is required at time of site plan review for all site plans, subdivisions, and master planned developments. The landscape plan shall be prepared by a qualified professional landscape architect or landscape designer, or certified arborist and shall contain the information specified in the Appendix. .
 - 5.7.1.1 Parking lots shall be landscaped as required in the standards of Section 5.3.
 - 5.7.1.2 Stormwater management facility areas are to be landscaped as required in Section 5.7.8.
 - 5.7.1.3 For new developments and parking lots, a common development which includes more than one lot shall be treated as one lot for the purposes of satisfying these landscape regulations. Split ownership, planning in phases, construction in stages, and/or multiple building permits for a project shall not prevent it from being a common development as referred to in the definitions.
- 5.7.2 Compliance with Approved Landscaping Plan.
 - 5.7.2.1 No building permit shall be issued unless the submitted landscape plan complies with the provisions of this ordinance. Standards for installation and maintenance of landscaping are located in the Appendix.
 - 5.7.2.2 A certificate of occupancy shall not be permitted until required landscaping is complete and/or provision has been made to provide financial surety for completion of the required landscaping.

- 5.7.2.3 Phased development projects must have all required mitigation (See Article 6 – Tree Protection) completed in the phase that has been approved before the issuance of a certificate of occupancy.
- 5.7.2.4 The building permit department may allow a temporary certificate of 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 to this case, if so determined by the Director of Planning.
 - c. At the time the conditional temporary certificate of 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 \$3.00 per square foot of required landscaping not yet in place to ensure that it shall be installed.
 - d. 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.
- 5.7.3 Site Landscaping Requirements.
- 5.7.3.1 A minimum of 15% of the pervious surface of the lot shall be landscaped with at least one tree per 15 square feet and 4 shrubs per 2,000 square feet.
- 5.7.3.2 Additional landscaped area may be in the form of green areas, foundation plantings around buildings and structures, or additional front setback landscaping.
- 5.7.3.3 Any adjacent public right-of-way if planted and maintained by the developer shall be included as a credit toward required landscaped area. Plantings in a public right-of-way must be carefully considered due to potential for conflicts with underground utilities and will require approval of the City Engineer. Trees planted in a public right-of-way with underground utilities must be from the list of approved trees for planting within a right-of-way, maintained by the Public Works Department.
- 5.7.3.4 At a minimum, all additional landscaped areas shall be completely covered with live turf or ground cover, or seasonal seeding.
- 5.7.3.5 Permeable pavers may replace up to 25% of the landscaping requirement for the pervious surface of the lot, approvable at the discretion of the Planning Director.
- 5.7.3.6 If landscape mulch made of organic materials (such as wood) is to be used, it must be placed at least two (2) feet from the edge of a building. Landscape rock or other similar material may be placed next to the building.
- 5.7.3.7 Frontage trees must be planted along all public streets at the rate of 1 large tree every 50 feet, or 1 small tree every 35 feet.
- 5.7.3.8 A foundation planting plan must be included in the landscaping plan for any development proposal.

5.7.4 Credit for Existing Material

- 5.7.4.1 Landscape areas shall incorporate existing natural vegetation to the extent feasible. If the natural vegetation is inadequate to meet the required landscaping standards, additional plant material shall be required.
- 5.7.4.2 Existing native habitat or vegetation located within planting areas that are preserved and meeting the requirements of this section may be counted toward the requirements.
- 5.7.4.3 Credit toward landscaping requirements may be granted at the discretion of the Planning Director for existing fences and walls on abutting property that meet the landscape requirement.

5.7.5 Landscaping in Right of way. Owners may landscape and maintain the area within the non-paved street right-of-way abutting their land upon receipt of an approved permit from the City Engineer.

- 5.7.5.1 Although the city shall adhere to a general policy of preservation of any such landscaping, the city shall not be responsible or liable in the event any landscaping is required to be removed. Such later removal by the city shall not be counted against the five percent requirement.
- 5.7.5.2 Any landscaping in a street right-of-way shall not impede or obstruct visibility of any vehicles.
- 5.7.5.3 Any underground sprinkler systems, planters or other permanent structures placed in the right-of-way shall require a permit from the city.
- 5.7.5.4 No landscaping shall be placed in an area of right-of-way where a capital improvement project has been funded for such location, unless and until such project has been completed.
- 5.7.5.5 No landscaping or other structure shall be placed within the sight triangle of an intersection.

5.7.6 Edges and Buffers.

- 5.7.6.1 Edges. A landscaped edge shall be provided along the perimeter of all lots that are adjacent to streets and entrances.
 - a. The street perimeter landscaped edge shall be a minimum width of eight feet.
 - b. Within the street perimeter landscaped edge, ornamental grasses, mulch, landscape rock, or similar material shall be maintained within a minimum width of five feet from signs and five feet from ingress/egress curb cuts.
 - c. One tree must be planted in the street perimeter landscape edge for each 40 linear feet of landscaped edge, at a minimum 3-inch caliper. The number of required trees shall be calculated solely on the linear frontage of the required landscaped edge, and rounded to the nearest whole number. Trees may be grouped together or evenly spaced.
- 5.7.6.2 Buffers. An area with sufficient planting and/or structural screening (as defined in Article 10) shall be provided between certain uses and districts as noted below.
 - a. A 50 foot buffer (to include the applicable setback requirement) is required between industrial or manufacturing uses, or any commercial use on a site of more than one acre; that adjoins any property zoned primarily for residential uses; and between any development and any walking/biking trail, or any blue line stream (as designated by the U.S.G.S.); unless a permit for modifying, filling, piping, for re-routing has been obtained from FEMA and the Corp of Engineers. The buffer must include landscaping and/or fences, so that there will be an unbroken screen to limit visibility between the zones.

- b. A 15-foot to 25-foot buffer (to include the applicable setback requirement) is required between commercial uses properties on sites of less than one acre and any property zoned primarily for residential uses. The buffer must include landscaping and/or fences, so that there will be an unbroken screen to limit visibility between the zones uses. Where walls are proposed, a narrower buffer may be used.
- c. A buffer area of the required minimum width shall be located parallel to the abutting property line.
- d. All buffers must include some level of landscaping and/or fences.
- e. All easements including utilities, may be included in the buffer area or be used or otherwise employed to meet the lot requirements of the zone, if it is calculated as par of the required landscaped area.

5.7.6.3 Walls and/or fencing. Walls and fencing (including retaining walls) may be utilized within the buffer area. Where utilized, a six-foot masonry wall or opaque chain link fence or a fence of approved wood of natural decay resistance shall be placed along the property line or along the inside perimeter of the buffer so as to provide 100 percent visual screening at time of the issuance of the certificate of occupancy.

5.7.7 Site preparation.

5.7.7.1 Grading. Areas of natural vegetation along property lines should be preserved wherever possible and incorporated into the site's overall landscape design.

5.7.7.2 Slope. Transitions of grades between adjacent property ownerships should be as smooth as practical and in no event shall exceed a slope of greater than 3:1 rise to run.

5.7.8 Stormwater Detention Standards.

5.7.8.1 Surface stormwater detention (e.g. dry pond or retention pond) shall be located to the side or back of a development. If site conditions warrant the placement of the stormwater detention system in the front of the development, then it shall be used as a landscape feature. Landscaping shall be appropriately designed and meet landscape standards of this section.

5.7.8.2 The use of properly designed, low impact development (LID) or green techniques for stormwater management are encouraged, wherever practical. LID best management practices (BMP) design elements from the Mississippi Department of Environmental Quality's Stormwater Runoff Management Manual, Volume 2, Chapter 4 are acceptable.

5.7.8.3 All surface stormwater detention system exterior slope faces shall be 4:1 or flatter. Also, surface stormwater detention systems shall have at a minimum, a four (4) foot wide landscape area along the top perimeter with maintenance access as required. These areas are to be landscaped with shrubs at a minimum ratio of one (1) per very 15 square feet of landscape area.

5.7.8.4 Select tree species may be allowed to be planted in shallow (four (4) or less total depth) dry, detention ponds. The specie type and density shall be approved at the discretion of the Director of Planning and the City Engineer.

5.7.8.5 Penalties. See Section 9.11.

5.8 Neighborhood Conservation District Standards.

- 5.8.1 Applicability. The conservation plan approved as part of the zoning change creating a Neighborhood Conservation District shall include design standards for new construction or placement of any building, structure, foundation, sign, public art or outdoor apparatus or equipment (including visible utility boxes or mechanical equipment; trucks; lawn or landscaping equipment, but not including lawn mowers or hand tools; playground equipment; or sports equipment), and any additions, alterations, relocation or rehabilitation to the street facades of existing buildings, structures, foundations, sign, public art, or outdoor apparatus or equipment. No building permit shall be issued for new construction or an alteration or addition to the street facade of an existing building or structure within a designated Neighborhood Conservation District without the submission and approval of design plans and the issuance of a certificate of zoning compliance by the Director of Planning.
- 5.8.2 Exceptions.
- 5.8.2.1 The conservation plan and requisite design standards do not apply to those ordinary repair and maintenance actions, i.e., using the same material and design.
- 5.8.2.2 Old Town Oxford Neighborhood Conservation District excludes the area of the Historic Urban Core Zoning District.
- 5.8.3 Submittal Elements.
- 5.8.3.1 Required: The design standards for the Neighborhood Conservation District shall include the minimum following elements governing the physical characteristics and features of all property (public or private) within the proposed district:
- a. Building height, number of stories
 - b. Building size, massing (frontage, entrance location/features)
 - c. Lot size, coverage
 - d. Front and side yard setbacks
 - e. Off-street parking and loading requirements
 - f. Roof line and pitch
 - g. Paving, hardscape covering
 - h. Building orientation
 - i. Garage entrance location
 - j. Driveways and sidewalks
 - k. Optional: The design standards may include, but shall not be limited to, the following elements:
 - i. General site planning (primary, ancillary structures)
 - ii. Density
 - iii. Floor area ratio
 - iv. Signage
 - v. Architectural style and details
 - vi. Building materials
 - vii. Front window, dormer size and location
 - viii. Landscaping
 - ix. Fences and walls
 - x. Entrance lighting

- xi. Satellite dishes, utility boxes
- xii. Street furniture

5.8.4 Design Standards.

5.8.4.1 Building height: In residential areas a maximum of two occupied stories, with a maximum height of 38 feet. In commercial areas a maximum of three occupied stories with a maximum height of 45 feet.

5.8.4.2 Building orientation: In all areas on lots with frontage on existing streets, buildings shall be oriented to the existing streets. This orientation applies only to buildings on the front perimeter of the lot.

5.8.4.3 Lot coverage:

- a. In residential areas lot coverage shall include building footprint, driveways, parking pads, and sidewalks. The remainder of the site shall be landscaped as required in Article 5. Lot coverage shall not exceed:
 - i. 40 percent for properties zoned SMF or NR
 - ii. 50 percent for lots with detached dwellings in an SMF or NR district
 - iii. 50 percent for residential properties and 60 percent for nonresidential properties zoned ER or SR.
- b. Lot coverage shall not exceed 60 percent for all properties zoned for commercial uses. Lot coverage shall include building footprint, driveways, parking areas, and sidewalks. The remainder of the site shall be landscaped as required in Article 5.

5.8.4.4 Yard Standards.

- a. In residential areas:
 - i. Front Yards: A method for determined the appropriate front setback shall be determined by the director of planning using the unique characteristics of the street, and reflecting the established pattern of setbacks in the neighborhood.
 - ii. Side Yard: A minimum side yard of 10 feet is required.
 - iii. Rear Yard: A minimum rear yard of 20 feet is required.
- b. In commercial areas the setbacks shall follow the standards of the zoning district.

5.8.4.5 Roof line and pitch:

- a. In residential areas the roof line design shall be a traditional residential style with consistent use of pitches between 6/12 and 12/12 flexible to at the discretion of the Director of Planning in areas where homes were primarily built after 1950.
- b. In commercial areas the roof design shall follow the building form standards in Article 5 and the standards of the zoning district.

5.8.4.6 Parking.

- a. In residential areas on-site parking shall be required for any new construction and for remodeling and additions that exceed 50 percent of the current value of the building. One on-site parking space shall be required for the first two bedrooms, two spaces for three bedrooms, and three spaces for four or more bedrooms. It is preferable for all parking to be located in the side and rear yards. A parking area located within the required front yard shall not exceed the width of a single driveway and a maximum of 360 square feet of paved or graveled area.

- b. In commercial areas parking shall meet the parking standards for the use in Article 3 and the landscaping requirements of Article 5. If parking is contained underneath a multi-story structure, such parking area shall not be accessible from the front of the structure if it faces a public street.
- 5.8.4.7 Flag Lots and Access: In all areas Flag lots shall not be created and all new lots shall have frontage and access to an approved public or private street. Flag lots created before the District was created are not nonconforming.
- 5.8.4.8 Development Standards.
 - a. In all areas lots in a zero lot line development shall be a minimum of 5,000 square feet.
 - b. A development of only townhouses development shall be on properties with a minimum of 10 acres.
 - c. A development of only Single Family Attached development shall be on properties with a minimum of 10 acres.
- 5.8.4.9 Retaining walls: In all areas retaining walls shall not exceed six feet in height except that when located in the front building setback height shall not exceed four feet in height. Height shall be measured from finished ground to top of wall. Distance between retaining walls shall be a minimum of 20 feet. On a series of consecutive walls, slope of finished ground between walls shall be a maximum of 3:1 (horizontal distance to vertical distance). No retaining wall shall be so close to an adjacent property as to impair development capacity of the neighboring property.
- 5.8.4.10 NC-Dwelling, Multi-Family: In residential areas of the Old Town Oxford NCO District, multi-family units are not allowed; only detached and attached dwelling units (up to four dwelling units per structure). When located in a NR or SMF zoning district, dwelling units in such structures may not be larger than three bedrooms. Also, only 50 percent of the dwelling units in any such residential development structure may have three bedrooms; the remaining units must be efficiency, one, or two bedroom units.

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6.0 ENVIRONMENTAL STANDARDS

6.1 Tree Preservation and Protection.

6.1.1 Purpose. The purpose of these requirement is to:

6.1.1.1 Aid in stabilizing the environment's ecological balance by contributing to the processes of energy and soil conservation, air purification, oxygen regeneration, pollutant neutralization, groundwater recharge, and the reduction of stormwater runoff, while at the same time aiding in noise, glare, and heat abatement by preserving the existing tree canopy;

6.1.1.2 Ensure that the stock of native trees and vegetation is maintained and replenished; and

6.1.1.3 Provide visual buffering and enhance the beautification of the city.

6.1.2 Principles. This section shall be enforced according to the following principles:

6.1.2.1 Preservation of existing trees shall be the first, best, and standard approach.

6.1.2.2 If preservation cannot be achieved, on-site mitigation shall next be pursued.

6.1.2.3 If those approaches cannot be achieved, payment shall be made to the Tree Escrow Account.

6.1.3 Applicability.

6.1.3.1 Except as noted herein, requirements apply to all land located in the city that is the subject of any subdivision of two or more lots, any commercial site plan on a site of 15,000 or more square feet, any parking lot for three or more cars, or any residential site plan with three or more dwelling units. Modifications to these standards may be allowed in conformance to the standards of Affordable Housing Incentives Ordinance adopted by the Mayor and Board of Alderman. Trees may not be cleared from any applicable site for any purpose without a site plan approval and land disturbance permit.

6.1.3.2 Trees cleared for agriculture or forestry in districts where allowed, or for the installation or maintenance of public utility easements, or the safety and protection of property are exempted if 50-foot buffers are maintained along property lines, next to bodies of water, and along either side of stream beds. On a Certified Tree Farm (verification from Mississippi Forestry Commission required) a final harvest done according to the requirements for harvest on a certified tree farm may be carried out with no Tree Mitigation requirement if completed following Mississippi Best Management Practices for Forestry in Mississippi and the American Forest Foundation Standards of Sustainability, and completed as required according to the Forest Management Plan established for the Certified Tree Farm. Prior to the harvest the owner must contact the Planning Department to inform the City of the intended harvest, and the intended harvesting plan. After the harvest, a report from the Forestry Commission must be provided certifying that the harvest was completed as stated in the harvesting plan. The land will then subject to Tree Mitigation based on the trees remaining after that harvest. The harvest must also leave a 50-foot buffer along property lines and around bodies of water; along both sides of any perennial or intermittent stream, and a 25-foot buffer along both sides of any drainage channel, and along any public roads running adjacent to or through the property. A land disturbance permit to allow tree harvesting may be requested on property of ten or more acres in any zoning district that has been under single ownership since 2007 or earlier. A Tree Inventory is required, no clearing shall be permitted in perimeter site buffer areas, and

- the site must be seeded and protected after harvesting to prevent erosion. Up to 50 percent of the trees on the property may be harvested before mitigation is required.
- 6.1.3.3 In any zoning district, one land disturbance permit to allow tree harvesting may be requested on a property of ten or more acres that has been under ownership of a person or family since 2007 or earlier. Proof of ownership is required, no clearing shall be permitted in required buffer areas, and cleared areas of the property must be seeded and protected after harvesting to prevent erosion. A Tree Survey and harvesting plan must be done and submitted to the Planning Department, and no more than 50 percent of significant or specimen trees may be harvested. The harvest must also leave a 50-foot buffer along property lines and around bodies of water; along both sides of any perennial or intermittent stream bed, and a 25-foot buffer along both sides of any drainage channel, and along any public roads running adjacent to or through the property. If compliance with the harvesting plan is verified, Tree Mitigation on the site shall be based on the forest remaining on the site.
- 6.1.4 Permit Required. Under this Article, the clearing of any site is permitted only after a Tree Inventory has been completed and a site plan permit has been acquired.
- 6.1.4.1 Tree Inventory Required. An inventory of existing trees is required for any site plan or subdivision. The inventory must be conducted by a Licensed Arborist and submitted to the Director of Planning for approval.
- 6.1.4.2 The inventory shall include:
- a. The location, size, type, and quality of existing significant, specimen and heritage trees;
 - b. Which trees are to be removed and which retained; and
 - c. The location, size, type, and quality of the trees and any significant vegetation to be retained.
- 6.1.4.3 Tree Inventory Method Options.
- a. On development sites of less than 10 acres, an inventory of the entire site is required.
 - b. On sites of more than 10 acres, a representative sampling method may be used. For that method, 25 percent (25%) of the site or a minimum of 10 acres (whichever is greater) must be surveyed. The acreage may be a single site or a more representative selection of several sites. A determination of the total number of trees (significant, specimen, and heritage) on the site will be derived from a multiple of the tree varieties found in the survey area (or areas) applied to the entire site.
 - c. The developer must provide a recently dated aerial photo of the site (within the past three months) for conducting the inventory.
- 6.1.5 Site Design Guidelines. Design for development shall consider:
- 6.1.5.1 Generally. Potential for retaining existing site topography and existing vegetation.
- 6.1.5.2 Parking Lots. Shall be designed to preserve the maximum number of existing significant, specimen, and heritage trees and other significant vegetation.
- 6.1.5.3 Curb cuts. All proposed curb cuts shall consider damage to trees and tree groves and shall be placed in areas to provide the least damage to existing trees and tree groves.

6.1.4

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6.1.4.2 The inventory shall include:

- a. The location, size, type, and quality of existing significant, specimen and heritage trees;
- b. Which trees are to be removed and which retained; and
- c. The location, size, type, and quality of the trees and any significant vegetation to be retained.

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- a. On development sites of less than 10 acres, an inventory of the entire site is required.
- b. On sites of more than 10 acres, a representative sampling method may be used. For that method, 25 percent (25%) of the site or a minimum of 10 acres (whichever is greater) must be surveyed. The acreage may be a single site or a more representative selection of several sites. A determination of the total number of trees (significant, specimen, and heritage) on the site will be derived from a multiple of the tree varieties found in the survey area (or areas) applied to the entire site.
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6.1.5.2 Parking Lots. Shall be designed to preserve the maximum number of existing significant, specimen, and heritage trees and other significant vegetation.

6.1.5.3 Curb cuts. All proposed curb cuts shall consider damage to trees and tree groves and shall be placed in areas to provide the least damage to existing trees and tree groves.

- 6.1.6 Tree preservation criteria. The Director of Planning shall consider the following factors, and any other relevant information, when evaluating the tree preservation plan shown on a submitted landscape plan:
- 6.1.6.1 The desirability of preserving a tree or group of trees by reason of age, location, size, or species.
 - 6.1.6.2 Whether the size or shape of the lot reduces the flexibility of the design.
 - 6.1.6.3 The general health and condition of the tree or group of trees, or the presence of any disease, injury, or hazard.
 - 6.1.6.4 The placement of the tree or group of trees in relation to utilities, structures, and the use of the property.
 - 6.1.6.5 The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.
 - 6.1.6.6 Whether roads, utilities and building footprint are designed in relation to the existing topography, and located, where possible, to avoid damage to existing tree canopy.
 - 6.1.6.7 Construction requirements of on-site and off-site storm drainage.
 - 6.1.6.8 The extent to which development of the site and the enforcement of this article are impacted by state and federal regulations.
- 6.1.7 Credits for Retention. For existing significant, specimen and/or heritage trees retained, the following credits shall be available:
- 6.1.7.1 For each significant and/or specimen trees retained, extra credit shall be available for one, two-inch caliper tree equal to the total DBH of all significant and/or specimen trees retained divided by the rate of mitigation of five inches.
 - 6.1.7.2 For each tree grove retained, extra credit shall be available for one, two-inch caliper tree equal to the total DBH of all significant and/or specimen trees retained within a tree grove divided by the rate of mitigation of five inches.
 - 6.1.7.3 In the Old Town Conservation Overlay District and on sites greater than five acres, for each heritage tree retained, extra credit shall be available for one, two-inch caliper tree equal to the total DBH of all heritage trees retained divided by the rate of mitigation of one inch.
- 6.1.8 Tree protection. Trees identified on an approved landscaping plan, subdivision plat, or site plan to be retained shall utilize the following protection methods:
- 6.1.8.1 Install four-foot high perimeter fencing at the extreme outer edge of the dripline.
 - 6.1.8.2 Perimeter fencing located within 50 feet of any building footprint, unless approved by the Director of Planning or the building official, shall be constructed of wood or metal materials.
 - 6.1.8.3 The fencing must carry durable signs designating the area as a "tree protection zone" and shall remain in place throughout the construction period. Such signs shall be placed around the perimeter of all tree protection zones with a maximum spacing of 25 feet and be a minimum of 80 square inches in size and shall be firmly affixed to the tree protection fence.
 - 6.1.8.4 There shall be no activity of any kind inside the perimeter other than hand-brush clearing.

- 6.1.8.5 No land clearing or building permits shall be issued until the perimeter of all protected trees and tree groves have been properly fenced.
- 6.1.8.6 Grates or other pervious surfaces shall be utilized within the dripline of existing trees to allow water and air to reach the tree roots.
- 6.1.8.7 Fill (or other soil disturbance) shall be prohibited, as well as any vehicle traffic or material storage in areas under the dripline of trees to be protected.
- 6.1.8.8 Drastic changes in drainage patterns which may negatively affect existing trees shall be avoided.
- 6.1.8.9 Any person who intentionally damages a protected tree shall be in violation of this article and subject to the penalties prescribed in Article 9.
- 6.1.8.10 The removal of the protected fencing, or encroachment into the area, without explicit approval of the property owner or his designated agent, shall be punishable by a fine up to the replacement value of the tree(s) involved. Replacement value shall be determined by a method approved by the International Society of Arboriculture (ISA). This applies to any person or entity, public or private.
- 6.1.9 Tree mitigation requirements. The intent is to leave undisturbed as many existing significant, specimen and heritage trees as possible. Mitigation is required for removal of significant, specimen, and heritage trees removed.
- 6.1.9.1 Each development will have a ten percent credit applied before any mitigation is required. For example, if there were 1,000 inches DBH of existing trees, 100 inches could be removed without mitigation.
- 6.1.9.2 For trees that will be removed, the number of trees required for mitigation shall be based upon the existing significant, specimen, and heritage trees to be removed.
- 6.1.9.3 Mitigation may be made through replanting or contribution to the Tree Escrow Account.
- 6.1.9.4 Trees in poor health and/or hazard trees will not require mitigation if the condition is so determined by a designated city official, and in the event of a dispute, an International Society of Arboriculture (ISA) certified arborist will make a determination at the expense of the developer.
- 6.1.9.5 Existing significant trees located within a building footprint, street, driveway, sidewalk, pathway, or utility easement shall generally not require mitigation. Heritage trees removed in the Old Town Conservation Overlay District, or Heritage trees removed on sites greater than five acres - even if within such areas - shall require mitigation.
- 6.1.9.6 Replanting.
- a. For each existing significant tree removed, replacement trees shall be planted at one, two-inch caliper tree per five inches of trees removed, measured at DBH.
 - b. In the Old Town Conservation Overlay District, and on sites greater than five acres, replacement of heritage trees shall be planted at rate of one, two-inch caliper tree per two inches of trees removed, measured at DBH.

- c. **Smaller Trees.** The Director of Planning may approve the use of trees less than two-inch caliper for the planting of medium tree species (dogwoods and red buds) and/or greater than two-inch caliper on an equal total caliper basis, e.g. two, three-inch caliper trees equals three, two-inch caliper trees.
- d. **Placement of trees.** The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.

6.1.10 Tree escrow account.

Any applicant unable to achieve on-site mitigation shall make a payment to the City of Oxford's Tree Escrow Account for each tree required to meet the mitigation requirements set forth above. The amount of money to be paid shall be based on the fair market value of materials and labor at the time of planting as determined by the Director of Planning based on standard costs incurred by the city, estimated annually. The applicant shall submit cost estimates to the Director of Planning for approval.

6.1.10.1 Money contributed in lieu of on-site mitigation shall be paid prior to issuance of a building permit and/or prior to final plat approval by the Board of Aldermen for all residential and nonresidential subdivisions.

6.1.10.2 Money contributed under this section:

- a. May be used for tree canopy management, replacement, and preservation including, but not limited to, tree acquisition and planting; canopy replacement site identification, acquisition, and preparation; the acquisition of parkland areas that preserve tree canopy; and the acquisition, planting and maintenance of trees on designated city property; salary (in full, or in part) for consultant or staff assigned to monitor and inspect tree canopy management; and
- b. Shall not revert to the general fund for ongoing operations.

6.1.10.3 Where it is not possible to plant all required mitigation trees within the development, alternate planting locations will first be sought on appropriate sites within a one-mile radius of where the development is located. If this cannot be achieved, the funds shall be used in on city property closest the development, and if that cannot be achieved, for any purposes noted above anywhere in the city limits. The location of appropriate planting spaces is to be derived from Oxford's Master Tree Plan or as determined by the Mayor and Board of Aldermen.

6.1.10.4 Refunds.

- a. The city shall refund any portion of the money contributed under this section, including the accrued interest that has not been expended seven years from the date of the contribution. Interest shall be based on the rate of return the city has experienced over the period.
- b. Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the applicant no later than 30 days after the date which the refund becomes due. The sending by regular mail of the notices to the applicant shall be sufficient to satisfy the requirement of notice.
- c. The refund shall be made on a pro rata basis, and shall be paid in full no later than 90 days after the date certain upon which the refund becomes due.
- d. At the time of the contribution to the tree escrow account, the Director of Planning shall provide the applicant with written notice of those circumstances under which refunds of

such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the tree escrow account under this article.

6.1.10.5 The tree escrow account shall be managed by the City Clerk. The City Clerk will consult with the Director of Planning, the superintendent of buildings and grounds, and the Oxford Tree Board to ensure that all tree management and planting efforts undertaken by the city are fully coordinated. The City Clerk shall annually provide the Director of Planning with an accounting of where Tree Escrow Account funds have been spent.

6.1.10.6 The Tree Board shall annually provide to the Director of Planning and superintendent of building and grounds, a list of preferred areas where tree escrow funds should be utilized. The Director of Planning and superintendent of building and grounds shall consider those recommendations along with other recommendations from the Mayor and Board of Aldermen and the Director of Parks and make final recommendations to the Mayor and Aldermen who will determine the use of these funds.

6.1.11 Prior Tree removal.

6.1.11.1 Prior removal of significant and/or specimen trees. If a site is cleared or significant or specimen trees removed prior to obtaining subdivision or site plan approval, but after a Tree Survey has been completed and submitted, then any development application for the site shall be denied for up to 24 months from the date of the requested development application except as authorized below::

- a. A request for site plan approval within the 24-month time frame may be considered, however, if the proposed site plan incorporates a reforestation plan that results in a future canopy coverage of 40 percent of the site or the applicant agrees to contribute to the tree escrow account equal to the cost of implementing the reforestation plan or a combination of both.
- b. The square foot percentage of canopy area required is based on the total area of the property less the square footage dedicated to the building footprint, street, driveway, sidewalk, pathway or utility easement.

6.1.11.2 Prior removal of heritage trees. If a site is cleared or any heritage trees removed prior to obtaining subdivision or site plan approval, but after a Tree Survey has been completed and submitted, then any development application for the site shall be denied for up to 36 months from the date of the requested development application except as authorized below:

- a. A request for site plan approval within the 36-month time frame may, however, be considered if the proposed site plan incorporates a reforestation plan that results in a future canopy coverage of 40 percent of the site or the applicant agrees to contribute to the tree escrow account in an amount equal to the cost of implementing the reforestation plan or a combination of both; and pays a fine of \$500 per acre of trees cleared and \$1,000 per each heritage tree removed.
- b. The square foot percentage of canopy area required for reforestation shall be based on the total area of the property less the square footage dedicated to any building footprints, streets, driveways, sidewalks, pathways, or utility easements.

6.1.11.3 Tree removal before Tree Survey is conducted. If a site is cleared before a Tree Survey is prepared and provided to the Director of Planning, then any development application for the site shall be denied for up to 36 months. A request for a site plan approval within the 36-month

time frame may, however, be considered if the proposed site plan incorporates a reforestation plan that results in a future canopy coverage of 40 percent of the site or the applicant agrees to contribute to the tree escrow account equal to the cost of implementing the reforestation plan or a combination of both; and pays a fine of \$3,000 per acre of trees cleared.

6.2 Tree Regulations Not Otherwise Covered.

See Chapter 98, Article VI of the City of Oxford Code of Ordinances.

6.3 Flood Damage Prevention.

See Chapter 42 of the City of Oxford Code of Ordinances.

6.4 Noise.

See Chapter 34, Article III of the City of Oxford Code of Ordinances.

6.5 Erosion Control.

See Chapter 98, Article IV of the City of Oxford Code of Ordinances.

6.6 Stormwater Management.

See Chapter 98, Article V of the City of Oxford Code of Ordinances.

6.7 Mosquito Control.

See Chapter 50, Article II of the City of Oxford Code of Ordinances.

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7.0 SIGN REGULATIONS

7.1 Purpose.

For the purpose of this ordinance, the following sign regulations are hereby established:

- 7.1.1 To assure compatibility of signs with surrounding land usage;
- 7.1.2 To enhance the economy of the city;
- 7.1.3 To protect the public investment in streets and highways;
- 7.1.4 To promote the safety and recreation value of public travel;
- 7.1.5 To preserve natural beauty and to protect property values by promoting the reasonable, orderly, and effective display of business and related signs;
- 7.1.6 To promote the aesthetic values of the City of Oxford and the University of Mississippi by elimination of visual blight;
- 7.1.7 To preserve the quality of urban life in the community;
- 7.1.8 To improve the safety of the citizens of, and visitors to, the City of Oxford by restrictions upon the size and location of certain types of signs or by the elimination of certain types of signs.

7.2 General Provisions.

- 7.2.1 Sign Definitions. See Article 10.2. Definitions.
- 7.2.2 Nonconforming Signs. See Article 3 Section 3.1.6 for provisions governing nonconforming signs.
- 7.2.3 Sign Requirements for Specific Uses.
 - 7.2.3.1 Religious or Cultural Institutional Uses. Must meet the setbacks and visibility requirement for business signs.
 - 7.2.3.2 Mixed Tenant Shopping Complexes (Shopping Center) or Mixed-Use (Commercial and Residential) Centers. May provide entrance signage that shall be no more than 10 square feet for each business to be located in the center, when no freestanding signs are to be used in the center. The sign may be no larger than 100 square feet. Alternately the master plan sign option in Section 7.4 may be used.
- 7.2.4 Sign Permit Required. Before any person or firm shall erect, place, hang, or otherwise install any sign not exempt from this ordinance, such person shall apply for a permit for the sign. The cost of such permit shall be as required by the Planning Department and the application shall require the following:
 - 7.2.4.1 The location, size, character, height, and setback for every proposed sign.
 - 7.2.4.2 Signs in a Historic District must be approved by the Oxford Historic Preservation Commission or the Courthouse Square Historic Preservation Commission and are subject to the additional requirements noted in Section 7.2.7.
 - 7.2.4.3 No permit may be issued for a sign unless all existing sign frames or poles are removed or designated to be reused.
 - 7.2.4.4 Exemptions. No permits shall be required for incidental signs, signs inside buildings or attached to or painted upon windows or glass doors unless otherwise noted below.

- 7.2.4.5 Abandoned Signs. If it shall appear the Director of Planning shall so find, that a sign or sign frame has been abandoned or is in nonuse for a period in excess of 180 days, the Director of Planning shall notify, in writing, the owner of the land and the owner of the sign, if known, to remove the sign within 30 days of said notice. If the sign and/or frame are not removed, the city may demolish said sign and bill the sign owner and land owner jointly and severally for the cost of that destruction or removal.
- 7.2.4.6 A sign permit shall be valid for six months.
- 7.2.5 Signs prohibited as public nuisance.
- 7.2.5.1 Portable signs are hereby declared to be a public nuisance contributing to traffic hazards and visual blight and detrimental to the aesthetic environment of the city, and, therefore, are not permitted within the corporate limits of the City of Oxford.
- 7.2.5.2 Pennants, spinners, streamers, balloons, bedsheets (tarps or other large expanses of material), and similar devices shall not be permitted upon any property or attached to the exterior of any building (residential or commercial), upon any pole, tree or other structure.
- 7.2.5.3 Signs shall not be erected on, maintained within or upon, or overhang a public street right-of-way.
- 7.2.5.4 Signs may not be put on trees or utility poles, or painted or drawn upon rocks or natural features, or on any motor vehicle or tractor trailer parked in the front setback of a business or directly adjacent to a public right-of-way.
- 7.2.6 Sign Lighting.
- All lighted or illuminated signs shall be constructed to prevent any undue glare in any direction which may interfere with traffic or become a nuisance to adjoining property. Except as otherwise provided, no sign or similar device shall flash or move. The message or image on any sign shall not be changed more than once per day. Interior illuminated business signs located within a three-foot radius and visible from any exterior window shall not move or flash. Signs providing noncommercial public service information such as "time and temperature" are permitted.
- 7.2.7 Calculating Total Sign Area.
- 7.2.7.1 The total area of any business sign, whether freestanding, mounted, or painted upon the outside wall or canopy of a building shall be by means of the smallest square or rectangle, that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not include any supporting framework, bracing or other means of support.
- 7.2.7.2 The total sign area for any freestanding or projecting sign with one or more faces shall be computed by adding together the area of all sign faces visible from one point.
- 7.2.7.3 The total sign area for wall-mounted signs shall be based upon the width of the front, sides or rear of any building.
- 7.2.8 Calculating Height of signs.
- 7.2.8.1 Sign height shall be calculated from the ground level to the uppermost top of the frame or calculated area as stated in Section 7.2.7.

7.2.8.2 No sign attached to any building shall project above the roofline or roof parapet of such building.

7.2.9 Regulations for Specific Sign Types.

7.2.9.1 Temporary Signs. Temporary signs shall be permitted in all districts, as noted below, without a permit. All temporary signs shall meet the setback and visibility requirements of this ordinance (See also Section 7.3).

- a. General Requirements. No temporary sign shall exceed six (6) square feet in surface area and four (4) feet in height in the ER, SR, and NR districts; in areas of a PUD or TND designated for an attached or detached dwelling residential development; or in any historic district. Temporary signs in other areas shall not exceed 32 square feet in surface area, and eight (8) feet in height. No more than two (2) temporary signs may be placed on a lot, or in front of a dwelling, except as provided below.
- b. Signs During an Election Season. During an election season, up to four (4) temporary signs may be placed on a lot or in front of a dwelling in a residential district; An election season is defined as being six (6) weeks prior to an election for any public office. Such signs must be removed within five (5) days after the election for which they are posted.
- c. Temporary signs for new construction. During the construction process, new commercial and residential developments consisting of three or more primary structures may post one temporary sign of not more than 64 square feet in surface area at any primary entrance to the development. Such signs may be no more than six (6) feet high in primarily residential districts and in the TNB district; and no more than eight (8) feet high in the other primarily commercial districts. Once 50 percent (50%) of the permitted structures have received certificates of occupancy, the maximum size of such a temporary sign shall be 32 square feet. Such signs shall be allowed upon the city's acceptance of all required bonds for the project or, if no bonds are required, upon the city's final approval of the project. Temporary signs for new construction may be displayed for no more than 180 days after issuance of the last certificate of occupancy for permitted structures.
- d. All temporary signs must be secured and constructed of reasonable durable materials. Temporary signs must be kept well-maintained and in a relatively undamaged state. Temporary signs shall be placed no closer than 50 feet apart.

7.2.9.2 Temporary Commercial banners and temporary signs:

- a. One commercial banner per business may be erected no more than thirty (30) days per calendar year
- b. A permit shall be obtained to erect any commercial banner, and permits shall be issued in five (5) day increments..
- c. Commercial banners shall be limited to no more than twenty (20) square feet in size.
- d. Commercial banners shall be affixed to the building and be made of material able to withstand the elements and remain intact and suitable for public display.

7.2.9.3 On-premises directional signs, not exceeding two square feet in area and four (4) feet in height, may be erected in any district, provided they are not within the right-of-way of any street.

7.2.9.4 Noncommercial Message Signs – Any sign or banner permitted under this ordinance is allowed to contain noncommercial messages and/or images in addition to or in lieu of any other messages and/or images, without regard to whether such noncommercial messages and/or images are related to the premises upon which such sign or banner is located.

- 7.2.9.5 Flags and Flagpoles. See Section 3.2.7, Accessory Uses and Equipment.
- 7.2.9.6 Business Signs, Generally:
- a. Are not permitted in agricultural or residential districts except as authorized below.
 - b. May be erected no closer than ten feet from any street, road or highway pavement edge or curb line, nor within any public right-of-way.
 - c. In the SCO and SCN zoning districts, may be erected no closer than 100 feet from any property zoned or used for residential purposes or from any residential portion of a master planned development. In the RCN, TNB, UCO, UCN, and HUCN or in any Historic District, may be erected no closer than 50 feet from property zoned or used for residential purposes.
 - d. If located between 10 and 20 feet of any street, road or highway pavement edge or curb line, which obstructs visibility within an area measured between two and one-half and nine feet above the ground line, shall be located at least ten feet away from any entrance driveway located upon the premises or any entrance driveway situated upon adjacent property.
 - e. May be placed inside buildings or affixed or painted upon the window or glass doors of any building except as limited in Sec. 7.3.1.2 in Historic Districts.
 - f. Business signage is limited to no more than two signs per business façade, and no more than three total signs that shall include business identification, logo, or product advertising signs. Projecting, freestanding, awning, window, wall, and marquee signs that display business advertisement shall be included in the number of allowed signs.
- 7.2.9.7 Wall Signs. Wall signs not exceed one square foot in area for each one linear foot of building at the principle entrance facing a street for buildings located within 30 feet from the edge of the street. For business facing more than one street, the total allowed sign area may be distributed to other entrances.
- a. For businesses facing more than one street, the total allowed signsge may be distributed to other entrances.
 - b. For buildings located more than 30 feet from the edge of the street, two square feet of sign area for each one linear foot of building (front, side or rear) shall be permitted.
 - c. The maximum for all wall or canopy-mounted signs shall be 200 square feet. Whenever canopies are used for determining the total sign area, no signs shall be mounted upon the building or in building windows.
- 7.2.9.8 Freestanding signs, monument signs and entry signs for multi-structure developments.
- a. Height: Freestanding business or development entry signs may not be taller than six (6) feet high.
 - b. Size: The maximum sign area for a freestanding business or development entry sign shall be 40 square feet.
 - c. Number of signs. Unless otherwise authorized in Section 7.4, signs are limited to no more than one per lot provided that where a lot has frontage on two public streets and has a minimum frontage of 300 feet on either street and a combined frontage greater than 650 feet, the number of freestanding signs may be increased to two.
 - d. Existing freestanding business signs, including pole signs, over six (6) feet tall, may remain until a new business locates on the property.

- e. Multi-structure Development Signs. Subdivisions and developments with multiple structures may display one (1) monument sign not to exceed six (6) feet in height and twenty-four (24) square feet in sign area per primary entrance into the development. In addition, developments containing multi-unit dwellings may display one (1) wall sign on the leasing or management structure not to exceed twenty (20) square feet in sign area.
- f. Ornamental Entry Structures. Entry structures into a multi-structure development that are not signs and are larger than allowed for sign structures may be considered by Special Exception.

7.2.9.9 Projecting business signs. Any use proposing a projecting business sign may have a sign of 40 square feet. The sign may be increased by one square foot for each additional 1,000 square feet of building area, up to a maximum size of 60 square feet. See Sec.7.3 for exceptions for signs in Historic Districts.

7.2.9.10 Outdoor advertising signs.

- a. Where Permitted. Permitted only in the Industrial (IND) district and shall be located no closer than 50 feet from any street, road or highway right-of-way; or closer than 1,000 feet from any other outdoor advertising sign situated on the same side of the street, road or highway.
- b. Application. An outdoor sign permit application shall include: Drawings depicting the location of proposed signs shall include accurate data regarding the location of other outdoor advertising signs on the same side of the street, road, or highway, and within 1,000 feet of such proposed outdoor advertising sign.
- c. Height. The height shall not exceed 30 feet.
- d. Area. The total sign area for any outdoor advertising sign shall not exceed 300 square feet.

7.2.9.11 Digital billboards.

- a. Except as specifically provided in this section, no digital billboards shall be permitted in any zoning district within the City of Oxford.
- b. A total of two back to back digital billboards shall be permitted on HWY 6 West in an area zoned general business in accordance with the regulations included in this Section and upon issuance of a permit by the city. No permit for a digital sign shall be issued unless the applicant first demonstrates the removal of no less than four existing non-conforming billboards located within the City of Oxford. A second permit for a digital billboard shall not be issued unless the applicant has demonstrated the removal of four additional existing non-conforming billboards located within the City of Oxford. All non-conforming billboards within the City of Oxford shall be removed within a 12-month period from the adoption of this section.
- c. No digital billboard shall be located within 1,000 linear feet of another digital billboard. For the purpose of this subsection, the distance between digital billboards shall be measured as the distance between the points at which lines drawn perpendicular to the highway from the location of each billboard intersect with a line along the center of the highway.
- d. No digital billboard shall be located on the north side of HWY 6 West east of CR 165 or on the south side of HWY 6 West east of Thacker Road.
- e. Maximum height shall be 30 feet.
- f. Maximum area shall be 300 square feet.

- g. No digital billboard shall be located closer than 50 feet from any street, road or highway pavement edge or curb line, nor within any public right-of-way.
- h. All digital billboards shall be programmable so that there are no effects of movement, blinking, animation, scrolling, flashing, or similar effects in the individual images.
- i. All digital billboards shall be programmed so that the image will change instantaneously as seen by the human eye, and shall not use blinking, fading, rolling, shading, dissolving, or similar effects as part of the change.
- j. There shall be a minimum of eight seconds between copy changes.
- k. All digital billboards shall be equipped with automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, with accordance with the following:
 - i. All such signs shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions.
 - ii. The maximum brightness of light emitted from a changeable message sign shall not exceed 0.3 foot candles over ambient light levels measured at a distance of 150 feet.
 - iii. Any measurement required shall be taken from a point within the highway right-of-way at a safe distance from the lane of the main travel way and as close to perpendicular to the face of the digital billboard as practical. If perpendicular measurement is not practical, valid measurements may be taken at an angle up to 45 degrees from the center point of the sign face.
 - iv. Written certification from the sign manufacturer must be provided at the time of application for a building permit certifying that the light intensity of the sign has been preset not to exceed the illumination levels established by this section, and that the present intensity level is protected from end user manipulation by password protected software or other approved method.
 - v. The owner of any digital billboard shall demonstrate, at the city's request and the satisfaction of the city's Director of Planning and development or his designee that such digital billboard does not exceed the maximum brightness set forth in this section.
- l. Digital billboards shall be monitored via web camera and remotely frozen in one position or disabled in the event of a malfunction until said malfunction is repaired.
- m. The owner(s) of a digital billboard must reasonably coordinate with relevant public agencies for and the display of real-time emergency information such as amber alerts or natural disaster directions. Owners shall also reasonably accommodate public agencies for the display of public service information if space is available.
- n. Base of mounting poles shall be covered with a brick veneer with remainder of pole painted a color complimentary to the brick veneer. Base shall be equal to half of the height of the mounting pole.
- o. The two digital billboards permitted under this section if erected and designed to operate in accordance with the regulation included in this section and after all existing non-conforming billboards within the City of Oxford have been removed, shall be considered as conforming and not subject to the amortization clause found in section 192.12 of the sign ordinance.
- p. As used in this section, the phrase "non-conforming billboards" shall mean non-conforming billboards within the City of Oxford on the date of the adoption of this section.

7.3 Special Provisions.

7.3.1 Specific District Sign Requirements.

7.3.1.1 Reserved

7.3.1.2 Specific Regulations in the Historic Preservation Districts. All sign regulations applicable to a Historic Preservation District take precedent over any provisions in Article 7 in the Zoning Code when the regulations are in conflict. Where there is no conflict, the provisions of Article 7 will apply.

- a. Notwithstanding any other provisions of this ordinance, the Historic Preservation Ordinance, or the Historic Preservation Design Guidelines, all business signs located within the Historic Urban Center District or any designated Historic Preservation District are to be regulated by the standards below. All sign regulations in the Historic Preservation Districts take precedent over any provisions in this chapter when there is a conflict. Where there is no conflict, the provisions in this chapter will apply.
- b. All commercial signs must be approved by the Courthouse Square Historic Preservation Commission or the Oxford Historic Preservation Commission (as appropriate). Approval shall be based on the provisions of this section and the adopted Historic Preservation Guidelines. If a sign permit is required, a certificate of appropriateness (COA) must be obtained prior to submitting a sign permit application.
- c. Businesses are limited to one wall or projecting sign and two window or door signs for each façade that has a public entrance. A second wall or projecting sign may be requested by Special Exception. Additionally, a sign on a facade with no public entrance may be requested by Special Exception. Projecting signs will be no larger than 6 square feet in sign area (typically, a 24" x 36" sign). Each window sign may cover no more than 15% of one window or door, and each wall sign may cover no more than 15% of the façade of the building. Where only one window sign is proposed, the percentage from the second allowed sign may be aggregated to allow 30% coverage of one window.
- d. Business identification, "branding symbols", logos, product or service advertising signage, symbols, borders, decals, decorative elements, and lettering are considered cumulatively when evaluating proposed signage. All such elements shall be included in the calculation of sign coverage for any projecting, hanging, awning, window, door, wall, or marquee signs.
- e. When signage elements as described above are proposed for multiple windows or doors on a façade:
 - i. The signage elements may cover no more than 15% of one window or door. Alternatively, signage elements may be aggregated to allow up to a maximum of 30% total window and door coverage on each façade with a public entrance. Coverage shall not exceed 50% of any one window.
 - ii. For businesses located on two public right-of-ways (corner properties), aggregate window signage is restricted to windows located along the respective street frontage. Window signs exceeding 15% of aggregate window area shall be included in the overall signage calculation.
 - iii. Window signage materials shall be restricted to muted, translucent, and semi-opaque hues. Signs shall not contain flamboyant or overly large lettering or overly decorative elements.

- iv. Information that identifies the hours of operation of the business on one window or door shall be excluded from this calculation if it is no larger than approximately 10" x 15".
- v. Business signs that project over public rights-of-way shall maintain a minimum clear height of eight feet above the sidewalk; shall not project more than 42 inches from any building or be within 24 inches of any curb line or pavement edge; and shall maintain a minimum spacing of 10 feet between adjacent signs.
- f. The use of franchise or corporate signage architecture is prohibited. Buildings or structures, other than allowable signs, shall not be designed to use the building or structure itself as advertising.
- g. In instances where off-street parking is provided in the front of any building located in Historic Preservation Districts, no sign shall be erected which obstructs visibility in an area measured within 2.5 feet and nine feet from the ground line, and within 20 feet of the street, road, or highway pavement edge or curb line.
- h. Where permitted, freestanding (ground) signs (which may include post mounted signs) shall not exceed eight feet in UCO, UCN, SCO, and SCN; and six (6) feet in height in all other zoning districts; and twenty (20) square feet in sign area, and must meet all other requirements for ground signs.
- i. Only one interior illuminated business sign per business shall be located within a three-foot radius of, and visible from, any exterior window. Such sign shall not flash or move and may not exceed four square feet.
- j. In multi-story mixed-use buildings, street level commercial tenants may have all signage as outlined above. All upper story commercial tenants may display an entry sign in the building first floor directory, and may propose a sign on the upper level only if the tenant occupies the entire floor.
- k. All signs not in compliance with this ordinance shall be removed 60 days after the effective date of this ordinance.
- l. Marquee or other signage replicating historic signage in the HUCN district may be exempted from size, lighting, or other standards if authorized by the Courthouse Square Historic Preservation Commission.

7.3.2 Public service banners.

- 7.3.2.1 Pursuant to MCA § 21-17-1, if the mayor and Board of Aldermen find that certain portions of city-owned utility poles are not used for municipal purposes, the city may enter into temporary leases for the erection of public service banners upon such utility poles located on or abutting property owned by (1) a bona fide not-for-profit civic or eleemosynary corporations organized and existing under the laws of the State of Mississippi and granted tax exempt status by the Internal Revenue Service or (2) the Oxford School District. Such leases may be for less than fair market value.
- 7.3.2.2 No lease for the erection of a public service banner upon a city-owned utility pole may be for a term of greater than 90 days. No public service banner erected upon a city-owned utility pole may exceed eight square feet in total area. An applicant for any such lease must present the city with a rendering of each proposed public service banner that shows the dimensions,

design, and colors used on each banner. All such leases shall be revocable at the will of the Board of Aldermen.

- 7.3.2.3 Any such lease shall expressly reserve the city's exclusive right to maintain, repair, and service all portions of its utility poles, including the exclusive right of the city and the Oxford Electric Department to install public service banners.
- 7.3.2.4 No such lease shall be granted without prior written approval from the Oxford Electric Department.
- 7.3.2.5 In addition to the consideration paid for the lease, the lessee shall pay a fee to the Oxford Electric Department for the erection of all public service banners.
- 7.3.2.6 The amount of the fee shall be equal to the actual cost of installation to the city and/or the Oxford Electric Department.
- 7.3.2.7 The lessee shall ensure that each approved public service banner is able to withstand the elements and remain intact and suitable for public display during the term of the lease. The city may terminate any lease or order the removal of any public service banner if it determines that any such public service banner has become unsuitable for public display.
- 7.3.2.8 The Planning Director may order the removal of any public service banner that presents a danger to public welfare or safety.

7.4 Alternative Compliance by Master Sign Plan.

- 7.4.1 As an alternative to the above prescribed conditions, a Master Sign Plan for a proposed or existing development may be approved by the Planning Commission during the approval process for the proposed use.
- 7.4.2 The purpose of a Master Sign Plan is to provide for the establishment of signage criteria that are tailored to a specific development or location, and which may vary from specific ordinance provisions. The intent is to provide for flexible sign criteria that promote superior design through architectural integration of the site, buildings and signs.
- 7.4.3 A Master Sign Plan shall include the location, size, height, construction material, color, type of illumination and orientation of all proposed Signs either permanent or temporary.
- 7.4.4 A Master Sign Plan containing elements which exceed the permitted height, area and number of Signs specified in this ordinance may be approved by the Planning Commission only upon written findings that:
 - 7.4.4.1 The development site contains unique or unusual physical conditions, such as topography, proportion, size or relation to a public street that would limit or restrict normal Sign visibility; or
 - 7.4.4.2 The proposed or existing development exhibits unique characteristics of land use, architectural style, site location, physical scale, historical interest or other distinguishing features that represent a clear variation from conventional development; or
 - 7.4.4.3 The proposed signage incorporates special design features such as logos, emblems, murals or statuary that are integrated with the building architecture.
 - 7.4.4.4 The construction and placement of individual Signs contained in the approved Master Sign Plan shall be subject to the issuance of sign permits in accordance with this ordinance.

7.1 Penalty.

All persons failing to comply with the provisions of this section shall be in violation of this ordinance and shall be subject to punishment as provided in Article 9, Section 9.10 of this ordinance.

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8.0 ADMINISTRATIVE BODIES

8.1 Purpose

To define and establish the various public bodies and staff positions required for the development, maintenance and update of the city's comprehensive plan and the administration and enforcement of the land development code and to enumerate their duties, powers, limitations and scope of jurisdiction.

8.2 Mayor and Board of Aldermen.

- 8.2.1 The Mayor and Board of Aldermen of the City of Oxford shall have the final authority to approve, deny, modify or otherwise change applications for amendments (to the text or official zoning map), appeals, variances, conditional uses and any other provisions of this ordinance.
- 8.2.2 Duties. The duties of the Mayor and Board of Aldermen shall include, but not necessarily be limited to:
 - 8.2.2.1 Acting upon requests for subdivisions and zoning amendments .
 - 8.2.2.2 Hear and decide appeals as specified in this ordinance.
 - 8.2.2.3 Holding public hearings on matters related to and in keeping with the provisions of this ordinance.
 - 8.2.2.4 Appoint the members of the Planning Commission which shall consist of seven members appointed as required in Chapter 2 Article 3 of the Municipal Code.

8.3 City of Oxford Planning Commission.

- 8.3.1 Creation. The City of Oxford Planning Commission has been created by the Mayor and Board of Aldermen as an advisory committee to the City of Oxford in zoning matters and is vested with the rights and responsibilities as provided in MCA 1972, § 17-1-17, and established in the City of Oxford on March 1, 1966.
- 8.3.2 Responsibilities. The duties of the City of Oxford Planning Commission shall include but not necessarily be limited to the following:
 - 8.3.2.1 Keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failure to vote, indicating such fact; and shall keep records of its examinations and other official actions, all of which shall be a public record.
 - 8.3.2.2 Prepare periodically a comprehensive plan for the future development of the City of Oxford, including among other things, recommendations relative to all aspects of location, size and arrangement of streets, parks, public grounds, railroads, transportation, platting of public and private property, grouping of public and private buildings and housing, appearance and beauty, and financial planning of said city or any portion thereof.
 - 8.3.2.3 Make recommendations in connection with the execution and detailed interpretation of the Oxford Comprehensive Plan, and propose changes and adjustments in the plan as may be deemed desirable from time to time.
 - 8.3.2.4 Implement the statement of purpose, goals, objectives of the comprehensive plan and continuous planning process as it relates to the land development code and other city codes, ordinances and policies.

- 8.3.2.5 Make recommendations to the Mayor and Board of Aldermen upon any matter relating to zoning regulations of the city including proposals for changes to the zoning code or map to further the purposes of city planning as authorized in Article 9.
- 8.3.2.6 Make recommendations to the Mayor and Board of Alderman regarding the approval and disapproval of subdivision applications.
- 8.3.2.7 To hear and decide to approve or deny requests for special exceptions as authorized in this code in Article 9.
- 8.3.2.8 Act upon, by approval or disapproval, site plan applications, as established in Article 9.
- 8.3.2.9 To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance as authorized in Article 9.
- 8.3.2.10 Act upon, by approval or disapproval, applications for variances from the terms of this ordinance as authorized in Article 9.
- 8.3.2.11 Adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and such other times as the board may determine. The chairman, or in his absence the vice-chairman, may administer oaths and compel the attendance of witnesses.
- 8.3.2.12 Perform other related duties and responsibilities as may be required by ordinance or by the Mayor and Board of Aldermen.

8.4 Site Plan Review Committee.

- 8.4.1 Creation. The site plan review committee is hereby designated as the committee whose purpose and responsibility as related to the land development code shall be to utilize to the fullest extent possible its individual and collective technical expertise, to coordinate and expedite the review, processing, recommendation, and pre-hearing procedures, as needed.
- 8.4.2 Composition. The City of Oxford Site Plan Review Committee shall consist of the following members or designated representatives, and be chaired by the Director of Planning:
 - 8.4.2.1 Director of Public Works
 - 8.4.2.2 Fire Chief and Fire Inspector
 - 8.4.2.3 Director of Planning
 - 8.4.2.4 Director of Emergency Management
 - 8.4.2.5 Director of Building/Building Inspector
 - 8.4.2.6 Director of Solid Waste
 - 8.4.2.7 Director of Electric Department
 - 8.4.2.8 ADA Officer
 - 8.4.2.9 Director of Oxford University Transit Authority
 - 8.4.2.10 Others as deemed appropriate by the Director of Planning

8.4.2.11 One alderman shall serve as an ex-officio member

8.4.3 Responsibilities. The duties of the City of Oxford Site Plan Review Committee shall include but not necessarily be limited to the following:

8.4.3.1 Review and recommendation of pre-application development layout review, provided sufficient data to permit a responsible evaluation of all permitted development is submitted. Such review shall include any site plan for an existing structure on a lot that is reduced in size through the subdivision process.

8.4.3.2 Review and recommendation of official zoning map amendments as they impact on delivery of city services.

8.4.3.3 Review of subdivisions to complete recommendation of the preliminary plat.

8.4.3.4 Variance review and recommendation to the Planning Commission.

8.4.3.5 Recommend from time to time legislation which may be desirable to further the purposes of city planning.

8.4.3.6 Implement the statement of purpose, goals, objectives in the comprehensive plan and continuous planning process as it relates to the land development code and other city codes, ordinances and policies.

8.4.3.7 The Planning Director shall have the discretion to determine if buildings for 5,000 to 10,000 square feet shall require approval by the Planning Commission as established in Section 9.2. The developer will be advised of any discrepancies or comments made by any of the concerned departments and may appear before the site plan review committee or the appropriate commission or board.

8.4.3.8 All procedures for permits, amendments and variances shall follow the applicable requirements and procedures as established by city codes or ordinances. See Article 9, Application Procedures. The committee's report shall consist of the review of each member.

8.4.3.9 Other special cases and projects that may be brought to the committee's attention by the Mayor, Mayor and Board of Aldermen, Director of Planning, the Director of Public Works, or the City Engineer or other member of the Site Plan Committee.

8.5 Department of Planning.

8.5.1 Creation. The City of Oxford Department of Planning is hereby created and designated as the authority whose duties shall include responsibility for the implementation of all development and redevelopment, i.e., land development code, so that they relate to the development and redevelopment of land.

8.5.2 Responsibilities. The responsibilities of the City of Oxford Department of Planning shall include but not necessarily be limited to the following:

8.5.2.1 Coordinate the creation, maintenance or update of the comprehensive plan of the City of Oxford.

8.5.2.2 Develop and propose policies, projects and procedures designed to implement the comprehensive plan.

8.5.2.3 Conduct such inspections of buildings, structures and use of land as are necessary to determine compliance with the terms of this land development code. This duty shall include

complete coordination and cooperation with the department of public works, the building department, as well as other city officials and the City of Oxford Planning Commission to correct any violations found to exist.

- 8.5.2.4 Liaison, support, and coordination with all appropriate boards and commissions of the City of Oxford.
- 8.5.2.5 Liaison with and report to the Mayor and Board of Aldermen.
- 8.5.2.6 Accounting of all fees and maintenance of current fee schedule.
- 8.5.2.7 Review all requests for land development code Amendments, applications for subdivision approval, variance requests and special exceptions and other development matters and make recommendations concerning their disposition.
- 8.5.2.8 Coordination of matters before the City of Oxford Planning Commission.
- 8.5.2.9 Coordination of the subdivision approval process
- 8.5.2.10 Enforce or cause the enforcement of the land development code.

8.6 Director of Planning.

- 8.6.1 Designation. A Director of Planning is hereby designated for the purpose of facilitating city planning in the Oxford and superintending the affairs of the Department of Planning.
- 8.6.2 Responsibilities. The duties of the Director of Planning shall include, but not necessarily be limited to the following:
 - 8.6.2.1 Supervision of the creation, maintenance or update the Comprehensive Plan and provide an update the Comprehensive Plan every five years at a minimum.
 - 8.6.2.2 Manage the affairs of the Department of Planning.
 - 8.6.2.3 Supervision of the maintenance of the official zoning map in good and useful condition and properly record on the map all of the amendments to the Code that change boundaries of the zoning district.
 - 8.6.2.4 Maintain permanent and current records of documents and proceedings under this land development code.
 - 8.6.2.5 Provide and maintain a continuing program of education and public information on zoning and subdivision matters.
 - 8.6.2.6 Upon receipt from the Department of Planning and the City Clerk's office, receive, file, and transmit to the site plan review committee, the Oxford Planning Commission, board of adjustment, or the mayor and Board of Aldermen, all appeals and all applications for subdivisions, site plans, variances, amendments, and special permits and other matters on which the site plan review committee, The Oxford Planning Commission, board of adjustment or Mayor and Board of Aldermen are authorized to act under the provisions of this land development code.
 - 8.6.2.7 Issuance of land development code applications and other forms.
 - 8.6.2.8 Providing public information relating to zoning matters.
 - 8.6.2.9 Registration and maintenance of records and maps on nonconforming uses, structures and undeveloped lots.

- 8.6.2.10 Maintenance and data collection for the current land use map.
- 8.6.2.11 Appearance before the City of Oxford Planning Commission and the Mayor and Board of Aldermen to furnish information helpful in reaching decisions.
- 8.6.2.12 Define words or phrases of this Code which are not found under Article 10 or Article 3.
- 8.6.2.13 Coordination of the site plan process and the preliminary and final subdivision plat approval process.
- 8.6.2.14 Grant administrative waivers as defined and limited in this Code.
- 8.6.2.15 Issue certificates of zoning compliance.
- 8.6.2.16 Ensure that all public notice requirements are met.
- 8.6.2.17 Establish the deadlines for applications, appeals and agendas.
- 8.6.2.18 Coordination of all applications and appeals through the Department of Planning and the City Clerk's office and Mayor and Board of Aldermen agenda.

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9.0 ADMINISTRATIVE AND APPLICATION PROCEDURES

9.1 Subdivision of Land.

- 9.1.1 Adherence to the subdivision standards and process outlined in this ordinance is required for any division of land as defined in Article 10.
- 9.1.2 Exempt. For the purpose of these regulations, the following are exempted and do not require an application for subdivision approval to the Planning Commission, but may be subject to more restrictive state regulations.
 - 9.1.2.1 The sale, exchange, or combining of parcels of land between one or more owners of adjoining properties, provided additional lots are not created, and that the resulting parcels are not less than the minimum sizes required by these and the Zoning Regulations. This provision does not apply to land exchanges in existing subdivision or an action that would by default create a subdivision.
 - 9.1.2.2 Any division, partition, or sale of land by judicial decree.
 - 9.1.2.3 Division of land into two parcels provided that each parcel is greater than one acre exclusive of existing road right-of-way or major road right-of-way to be reserved, and is zoned Agricultural, Estate Residential, or Suburban Residential.
 - 9.1.2.4 The division of land solely for the purpose of deeding land to the City for the purpose of providing right of way for a public road.
- 9.1.3 Process. The subdivision of land in the City of Oxford shall occur in three steps: Preapplication Conference, Preliminary Subdivision Application, Final Subdivision Application
- 9.1.4 Official Plat Required. Before any tract or parcel of land within the city shall be considered for division into two or more building sites for residential, or any lot for non-residential, purpose of sale, said tract or parcel of land shall be surveyed and platted by a licensed land surveyor. All plans and specifications for construction of required improvements thereon shall be prepared by a registered professional engineer.
- 9.1.5 Procedures. The procedures for each step are set forth in the following sections. The Planning Commission is authorized and directed to administer and coordinate the provisions of this article. Approval of plats and other documents and plans by the Planning Commission are, however, tentative approval only. Final approval of plats is the responsibility of the Mayor and Board of Aldermen. All subdivisions that create two or more lots are to be reviewed by the site plan committee and may be referred to the Planning Commission (at the discretion of the Director of Planning) if the subdivision involves lots already containing structures. Subdivisions with three or more lots are to be reviewed by the Planning Commission.
- 9.1.6 Pre-application Conference.
 - 9.1.6.1 Sketch Plat. Prior to the filing of a subdivision application of five or more lots, an applicant shall meet with the Planning Department to discuss the subdivision review process. Applicants are advised to submit a sketch plat for informal advice as to the appropriateness of the proposed subdivision. This step does not require a formal application, fee, or filing of plat.

A pre-application sketch plat should contain the information and be presented in the form listed in Appendix Sketch Plat Standards.

9.1.6.2 The Director of Planning may waive the pre-application conference if it is determined unnecessary because the applicant has sufficient knowledge of the requirements of the Land Development Code and/or has previously submitted completed applications in the City of Oxford.

9.1.6.3 Purpose. The purpose of the conference is to:

- a. Acquaint the applicant with the requirements and procedures of this ordinance.
- b. To determine the appropriate application process as provided for in the Land Development Code.
- c. To discuss the proposed subdivision layout and design.

9.1.7 Preliminary Subdivision Application.

9.1.7.1 Submittal Requirements.

- a. An application for preliminary subdivision shall include verification as to whether the property is already part of an existing subdivision; and shall contain the information and be presented in the form listed in the Appendix A.3, Preliminary Plat Standards.
- b. Reserve tracts. Where a proposed subdivision is part of a larger tract, and the area of the un-subdivided portion is less than 50 acres, a sketch plan shall be submitted for the entire property showing the extension of future streets, storm drainage, and sewers to ensure that subsequent development of the reserve tract has adequately been addressed.

9.1.7.2 Public Works Requirements.

- a. Plans. A complete set of plans and specifications shall be submitted to the Planning Department for study and recommendation by the Planning Department and City Engineer. Written approval of the City Engineer must be noted on all copies of plans and specifications so submitted before the preliminary plat will be considered by the Planning Commission.
- b. Utility plan. A utilities plan shall be submitted showing existing and proposed utilities on and adjacent to the tract. Location, size and invert elevation of sanitary and storm sewers; location and size of water mains, and fire hydrants. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, showing invert elevation of sewers. Also, electric, gas, and cable utilities and any required retention/detention shall be shown. This plan shall include, in residential developments with underground utilities, a designated location (preferably in a rear yard area or on common space) for a Telecommunications Facility Support Structure. The location shall be identified and approved as a part of the approval of a final plat for the subdivision. When proposed for installation, the maximum overall height of new Telecommunications Facility Support Structure in a residential development, including Antennas, lighting rods, or other extensions shall be determined through a Special Exception approval.
- c. Grading and drainage plan. An overall grading plan shall be prepared showing existing and proposed contours at two-foot intervals. Both existing and proposed contours shall be shown on the same drawing. An erosion control plan for the subdivision shall be prepared and submitted as part of the overall grading and drainage plan.
- d. Title and certificates. Present tract designation according to official records in the office of the appropriate recorder, the title under which proposed subdivision is to be recorded,

with names and addresses of owners, notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered civil engineer or surveyor, date of survey.

- e. Traffic impact analysis. At the discretion of the Public Works Department or when any proposed subdivision is expected to generate over 100 peak trips 500 trips in an average day. (See Traffic Generation Threshold Table in in Appendix.)

9.1.7.3 Planning Commission Review. During its review of any plat, preliminary or final, the Planning Commission shall consider the proposed subdivision in the context of its intended use and the relation of that use to the public welfare and neighborhood development of the area in which it is located.

- a. All plats shall be reviewed in the context of existing plans, including the City of Oxford Comprehensive Plan, zoning ordinance, major street plans, major utility plans, other public facility plans; and the character of the local community.
- b. Attention shall be given to the need for parks, play areas, schools, public building sites, major streets, the efficiency of the street pattern, and the suitability of the land development.
- c. Due regard will be shown for the preservation of outstanding natural and cultural features such as scenic spots, watercourses, and historic sites.
- d. The Planning Commission shall consult other agencies and confer with the developer from time to time during the course of its examination, in order to ensure carrying out the purposes of the subdivision regulations and the orderly growth and development of the city.

9.1.7.4 Review Timeframe.

- a. Application for preliminary subdivision shall be filed with the Department of Planning for review and hearing before the City of Oxford Planning Commission at least 45 calendar days prior to the meeting at which it is to be considered.
- b. The Planning Commission shall, within 45 calendar days, act thereon as submitted by approving the application, approving with conditions, or denying the application. The Planning Commission shall state the reasons for its actions.

9.1.7.5 Approval Conditions.

- a. Conditional approval of a preliminary plat does not constitute approval of the final plat (subdivision plat). It is instead an expression of approval for the layout submitted on the preliminary plat that is to serve as a guide to the preparation of the final plat.
- b. Preliminary plans are approved for a two-year period of time. Recording of final plats within the approval period shall constitute compliance with this provision. If a final plat(s) has not been recorded within the approval period, the preliminary plan approval shall be null and void.
- c. Phased Plans. If the preliminary plan contains a sequence of phases, preliminary plans should only be submitted for phases that are to be initiated within two years, and all phases that have received preliminary plat approval shall have a final plat recorded within the approval period.
- d. The applicant may request an extension of time for the approval period. Requests for extensions shall be submitted in writing to the Planning Commission prior to the expiration date. The sub-divider shall indicate the reasons for the extension and the estimated time for finalizing the development. When granted, extensions shall be for no more than two year periods.

9.1.8 Final Subdivision Approval.

- 9.1.8.1 An application for final subdivision approval shall conform substantially to the preliminary plat as approved, and, if desired by the applicant, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.
- 9.1.8.2 Application for approval of the final plat shall be submitted in writing to the Planning Commission at least 45 calendar days prior to the meeting at which it is to be considered. The Planning Director may authorize a submittal 30 days prior to the meeting. An application for final approval shall contain the information and be presented in the form given in the Appendix A4 Final Plat Standards
- 9.1.8.3 An application for final subdivision approval shall be submitted to the Planning Commission within 18 months after approval of the preliminary plat; otherwise, such approval shall become null and void unless an extension of time is applied for and granted by the Planning Commission.
- 9.1.8.4 The City Engineer shall certify that the sub-divider has complied with one of the following alternatives:
- a. All improvements have been installed by the sub-divider or another party in accordance with the requirements of these regulations and with the action of the Board of Aldermen, giving approval of the preliminary plat, receiving a warranty bond, and accepting maintenance of utilities and streets; or
 - b. A bond or certified check equivalent to one hundred fifty percent (150%) of the approved construction cost estimate has been posted by the sub-divider, which is available to the city in a sufficient amount to ensure completion of all required improvements.
- 9.1.8.5 After the final plat has been approved by the Planning Commission, it shall be submitted to the Board of Aldermen and, if approved, shall include the certificates signed by the Mayor and the City Engineer.
- 9.1.8.6 A duplicate original of the final plat on mylar shall be submitted to the City Clerk and recorded in the city plat book of subdivisions as specified below.
- 9.1.8.7 A digital copy shall be submitted in a both Autocad and PDF formats.

9.1.9 Recordation of Final Subdivision Plat.

- 9.1.9.1 Upon approval of the final plat by the Mayor and Board of Aldermen, the submission of any required bond, and the recording of the final plat in the office of the Chancery Clerk of Lafayette County, building, and related permits may be issued, and lots may be conveyed by the owner. Prior to such approval and submission of the required bond, no building or related permits shall be issued and no lots shall be conveyed by the owner.
- 9.1.9.2 Within 10 days following approval of a final plat by the Mayor and Board of Aldermen, such plat must be recorded in the office of the clerk of the chancery court and a copy of the recorded plat submitted to the Director of Planning. Failure to record such plat within the time specified will result in revocation of all building and related permits then outstanding, and no building or related permits will be issued for any building to be erected within the subdivision until such time as the final plat is recorded.

- 9.1.9.3 No bond shall be released by the city until such time as all improvements have been accepted for maintenance and the final plat recorded in the office of the clerk of the chancery court.
- 9.1.9.4 The provisions of this section are applicable to all subdivisions previously approved and accepted by the Mayor and Board of Aldermen. Final subdivision plats for such subdivisions shall be recorded as provided by this section within 10 days following the effective date of this ordinance.
- 9.1.9.5 Digital records. The subdivision developer must provide to the city, at the time of acceptance of the subdivision improvements, a digital representation of the final subdivision plat and all improvements to be accepted by the city. Digital record drawings shall consist of one file for each sheet of "as built" plans and one file for each sheet of the final plat. All digital files shall be in a format as required by the City Engineer.
- 9.1.10 Modification of Final Subdivision Plat. In addition to satisfying all other applicable requirements of this Code, any amendment, alteration, or vacation of a previously-approved final subdivision plat, or any part thereof, must comply with this section and applicable state law. Any party seeking such an amendment shall submit a petition including (1) a description of the nature of and reason for the amendment; (2) an accurate description of the property, including a copy of the plat to be amended and a copy of the proposed amended plat; and (3) the written consent of all persons adversely affected by or directly interested in the proposed change. The applicant shall be responsible for contacting and obtaining consent from all such persons. Before approving any such change, the Mayor and Board of Aldermen shall make a finding that all such persons have given written consent to the proposed change. If the Mayor and Board of Aldermen find that all such persons have not given written consent, the amendment shall not be allowed. See Miss. Code Ann. § 17-1-23.
- 9.1.11 Subdivision Design Standards.
- 9.1.11.1 General design objectives. The subdivision of land within the City of Oxford shall provide for the efficient and orderly development of the site within the context of the general area in which it is located and adhere to the following principles:
- a. Provide a safe and convenient circulation system minimizing pedestrian and vehicle conflicts, and traffic congestion.
 - b. Provide lots and parcels which are suitable for the type of development anticipated and are in conformance with the zoning regulations.
 - c. Encourage the protection of the natural environment such as topography, mature vegetation, highly erodible soils, and the area prone to periodic inundation due to flooding and wetlands.
 - d. In addition to the requirements established in this ordinance, all subdivision plats must comply with the following plans, rules, and regulations:
 - i. All applicable local and state statutory provisions.
 - ii. The zoning regulations and building and safety codes, where applicable.
 - iii. The requirements of the county and state health departments
 - iv. The rules of the Mississippi Department of Transportation if the subdivision abuts a state highway.
- 9.1.11.2 Subdivision and street names. The proposed names of subdivisions and streets must not duplicate, nor too closely approximate phonetically, the name of any street or subdivision covered by these regulations. The Planning Commission shall have final authority to designate street and subdivision names where conflicts exist with other established streets and subdivisions within the county. Proposed streets, which are in alignment with others already existing

and named, shall bear the names of the existing streets. Street names must also be approved by the City of Oxford emergency management director.

9.1.11.3 Phasing of development.

- a. Purpose of phasing. The phasing of development permits incremental development. Additionally, when a subdivider intends to develop a portion of a larger tract of land and leaves the balance for future development as a reserve tract, a phasing system may be permitted.
- b. Review criteria. The review of a phasing plan shall incorporate the following considerations:
 - i. Circulation. A phase plan shall provide for proper circulation and access indicating potential new streets and potential for connections to adjoining properties.
 - ii. Facilities/Utilities. A phase plan shall provide for the logical and orderly improvement of public infrastructure and facilities and extension of utilities within the development.

9.1.11.4 Lots and blocks – General lot design.

- a. Zoning requirements. All lots shall meet the minimum requirements of the Zoning Ordinance and be of sufficient size and shape to accommodate a structure that conforms to appropriate city building and construction codes, housing, and public health codes.
- b. Lot shape. Wherever possible, lots shall be regular in shape and not have a projection extending from the main body of the lot, if such projection is not functionally needed for the staff of a flag lot or to meet the required side or rear yard of a structure on the lot.
- c. Side lot lines. Side lot lines shall be at approximately right angles or radial to the street line unless a variation would yield a better street and lot layout.
- d. Corner Lot Yards. All buildings to be constructed, and all existing buildings to be enlarged, when located on a corner lot, shall maintain the required front yard setback from all streets upon which such lot has frontage.

9.1.11.5 Flag lots. The staff or strip of land providing access from the building site to the street shall be wide enough to accommodate a curb cut or driveway width meeting the design standards of the City Engineer. Flag lots where the access staff exceeds 150 feet in length may be approved after determining that service by fire and emergency vehicles can be accommodated. Up to two lots may have adjoining flag lots and share a driveway easement.

9.1.11.6 Lots abutting highways or arterial roads. Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

9.1.11.7 Lots with easements.

- a. Limit. No more than four lots shall be served by a private access easement which shall be no longer than 150 feet without a turnaround, and no longer than 300 feet with a turnaround.
- b. Encroachment. No structure shall encroach upon an easement.
- c. Residential developments. There shall be sufficient lot depth and width to provide a reasonable buildable area for the primary structure, and sufficient depth for accessory uses in addition to an access easement or easements.

- d. Non-residential developments. Sufficient buildable area, parking, and landscaping areas shall be provided in addition to an easement or easements.
- 9.1.11.8 Lots not served by public sewer and water. Any such lot developed or occupied after July 1, 1992, shall require Mississippi State Department of Health approval of any individual on-site wastewater disposal system planned on any residential lot. Whenever the applicant submits a preliminary plan containing more than 34 lots, a feasibility study on wastewater disposal shall be sent to the Mississippi Department of Environmental Quality and a copy of their response shall be submitted with the preliminary plan application to the Planning Commission. All lots must be of sufficient size to allow the installation of an individual wastewater disposal system.
- 9.1.11.9 Building Setbacks.
- a. Building setback lines shall be shown on all lots intended for residential use and on commercial and industrial lots adjacent to residential areas. Such setback lines shall not be less than the requirements of the official Zoning Ordinance.
 - b. Restrictions requiring buildings to be set back to such building setback lines shall either be shown on the plat or shall be contained in a separate recorded document or site plan and referred to on the plat.
- 9.1.11.10 Lot numbering. All lots established for building and common area shall be designated by numbers listed consecutively within a block. Lot numbering may be cumulative throughout the subdivision if the numbering system continues from block to block in a uniform manner.
- 9.1.11.11 Blocks.
- a. The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - i. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - ii. Zoning requirements as to lot sizes and dimensions.
 - iii. Needs for convenient access, circulation, control, and safety of street traffic.
 - b. Block lengths shall not exceed 1,200 feet or be less than 400 feet.
 - c. Block widths shall not be less than 200 feet.
 - d. Pedestrian crosswalks, not less than 10 feet wide shall be required where deemed essential to provide safety, as required by the Planning Commission. Crosswalks shall be designed to connect external pedestrian circulation to a site and safely convey pedestrians to the site destination. Crosswalks shall be striped in conformance with Sec. 4.8.6.6.
 - e. Required open spaces, playgrounds, parks, schools or other public facilities shall be provided according to requirements of the zoning district in which the subdivision is located.

9.2 Site Plan Approval.

- 9.2.1 Purpose of site plan review. Site plan review shall be required to ensure compliance with land development code and other ordinances as they apply to designated projects, to expedite procedures necessary for obtaining building permits; to provide the developer with one central review of his development proposal; to conserve the time and efforts of city employees in various departments; and to provide for a speedy processing of applications for building permits on large scale and other projects. A Site Plan Review fee shall be charged in accordance with the adopted fee schedule.

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- 9.2.2 Applicability. Unless determined otherwise by the Director of Planning, a site plan review shall be required for proposed development including, but not limited to, any subdivision of property, any residential development of five or more dwelling units except individual building lots already approved, any structures with more than two stories, any commercial development adjacent to property zoned for primarily residential use, any development requiring special use or special exception approval, any development located within a flood plain, any commercial development requiring the services of a licensed engineer or architect, or any commercial development within 200 feet of a street intersection, any open parking area to be constructed or enlarged. A site plan review by the Planning Commission shall be required for all development except the following:
- 9.2.2.1 Any residential development of less than five dwelling units.
- 9.2.2.2 Any residential, business, or industrial development of one acre or less proposing structures with a cumulative size (within all structures and accessory buildings on the site) of less than 5,000 square feet. Site plans for structures of 5,000 to 10,000 square feet may require approval by the Planning Commission if determined by the Planning Director to be a site of interest to the public. Applications for site plans in this size range will be noticed and posted to allow public input which will inform the Planning Director as to the level of public interest in the site plan.
- 9.2.2.3 Any parking area of three or less spaces.
- 9.2.3 Pre-application Conference Sketch Plat. Prior to the submittal of any site plan of an applicant may meet with the Planning Department to discuss the site plan review process. Applicants are advised to submit a sketch plan for informal advice as to the appropriateness of the proposed site plan. This step does not require a formal application, fee, or filing of plat. A pre-application sketch plan should contain the information and be presented in the form listed in the Appendix Sketch Plan Standards.
- 9.2.4 Procedure: Site plans shall be filed with the Director of Planning who shall submit the plan to the site plan review committee to determine if all required information has been correctly and sufficiently submitted. No site plan shall be deemed filed and accepted for official review until the Director of Planning determines that all information required by this section, in Appendix A-7, or in any other required ordinance of the City of Oxford has been fully submitted. In all zoning districts other than TND and PUD, a site plan review shall be approvable by the Site Plan Committee (and Planning Commission when appropriate) as a single review process. For TNDs and PUDs with multiple phases and sub-phases a two-step approval process may be requested allowing approval of a Preliminary Site Plan for each Phase independently, and subsequent Final Site Plan approval for sub-phases, following the procedure in Sec. 9.2.10 below.
- 9.2.5 Compliance. Once the submitted site plan has been accepted for review, the site plan review committee shall complete their evaluation of the site plan and certify to the Director of Planning that said site plan does or does not comply with all ordinances of Oxford, Mississippi.
- 9.2.5.1 If the site plan does comply and there is no rezoning or other consideration pending, the Director of Planning shall approve the site plan or forward the approved site plan to the Planning Commission for approval (as applicable), and so notify the applicant in writing.
- 9.2.5.2 If a rezoning application or other consideration is pending, the Director of Planning shall forward such approved site plan to the Planning Commission and the appropriate city departments as applicable along with a written statement that such action is pending, and so notify the applicant in writing.
- 9.2.5.3 If it is determined that the site plan does not comply, the site plan review committee shall so specify in what respects it does not comply and what additional information is needed

to complete the review of the site plan application. This shall be conveyed in writing by the Director of Planning to the applicant. Correction of all specified items will be required before further processing of the site plan application.

- 9.2.6 Time period for review. In all cases, the site plan review committee shall have up to or a maximum of 45 calendar days from the date the application is determined to be complete to review and recommend either approval, approval with specific conditions, or disapproval of any site plan. The Director of Planning may, however, extend the time for the site plan review committee's consideration to allow time for the applicant to submit additional information that is needed to complete the site plan application. If the site plan application requires approval by the Planning Commission, such extension may require that the application not be heard at the originally scheduled review date before the Planning Commission.
- 9.2.7 For an application verified as complete, should the 45-day period expire without action by the Committee, the Director of Planning shall add the application to the agenda of the Planning Commission for resolution at their next regularly scheduled meeting.
- 9.2.8 Validity. A site plan approval is valid for 18 months. If any permits have been issued within that time-frame, the permit is voided unless extended by the Planning Director. The Planning Director may extend the site plan approval for twelve month increments annually if the request is made before expiration of the site plan.
- 9.2.9 Site Plan Amendment Procedure. Should the developer of an approved site plan wish to modify any element of the approved site plan; the Director of Planning shall determine if the modification is significant enough to require approval by the Planning Commission. Minor waivers, as authorized in this article, may be approved by the Director of Planning. Appeals of such decisions would be to the Planning Commission.
- 9.2.10 Site Plan Review Conditions and Approval.
- 9.2.10.1 The site plan submitted for such development as defined in this section shall provide that the:
- a. Proposed lot sizes, lot coverage, density, setback provisions, key map showing entire project and its relation to surrounding areas, roads, and water courses, and other factors are in conformity with the requirements of this section and other applicable ordinances and laws.
 - b. It must be determined to have fully complied with the following: Use standards of Article 3, Mobility and Infrastructure standards of Article 4, Site Design and Landscaping Plan requirements of Article 5, Tree Preservation requirements of Article 6, and the Signage requirements of Article 7, and the requirements for a Certificate of Zoning Compliance in Section 9.8.
- 9.2.10.2 In addition to such general considerations, said plan shall be approved only after a consideration of the following factors:
- a. Ingress and egress to the property and any proposed structures with particular reference to vehicular, bicycle and pedestrian safety, traffic flow and control, provision of services and servicing for utilities, and access in case of fire or catastrophe. The routing of vehicle traffic to and through minor residential streets is discouraged.
 - b. Stormwater management plan in accordance with the requirements of Chapter 98, Article V. – Stormwater Management ordinance for the City of Oxford.
 - i. Proposed development should provide for proper surface drainage so that removal of surface waters will not adversely affect neighboring properties or public storm drain-

- age systems and will, so far as practical, conserve the water resources of the area and avoid flooding, erosion, and detrimental depositing of sediments of any kind. No water shall be impounded on roofs, canopies, or paved areas.
- ii. Surface water shall be disposed of in a manner consistent with sound engineering and ecological practices.
 - iii. The drainage system will be designed so that, except in unusual circumstances, the rate of runoff of surface water from the site in the condition in which it is proposed to be developed will not exceed the rate of runoff from the site in its undeveloped or existing condition.
 - iv. Drainage shall be in compliance with the requirements for stormwater in Chapter 98, Article V of the City of Oxford Code of Ordinances.
- c. Conditions on ownership, control and use generally, and conditions on ownership, control, use, and maintenance of open space or common lands to ensure preservation of such lands for their intended purposes.
 - d. All utility connections shall be indicated and shall be in conformity with the standards and requirements for connection to utility companies proposed to serve the property whether said utility companies are public or private.
 - e. Off-street parking and loading areas, with attention to automotive and pedestrian safety, traffic flow and control, access in case of fire and catastrophe, and screening and landscaping.
 - f. Recreation and open spaces, with attention to the location, size, and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties, and relationship to community-wide open spaces and recreation facilities.
 - g. General site arrangement, amenities, and convenience, with particular reference to ensuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause a substantial negative impact on such property values.
 - h. Disposal of waste: Adequate provision for the disposal of all solid, liquid and gaseous wastes and for the avoidance of odor and other air pollutants that may be generated at the site. All applicable pollution control standards shall be observed.
 - i. Noise: All applicable regulations dealing with control of outside noise expected to be generated at the site shall be complied with.
 - j. All setbacks, parking areas, and accessory structures shall be landscaped, located and constructed so as not to interfere with the use of the surrounding property.
 - k. Outside storage areas, service, and machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to setbacks, screen plantings, or other screening methods as required to prevent adverse effect to the environment or nearby property.
 - l. Traffic impact analysis. At the discretion of the Public Works Department or when any proposed site plan is expected to generate over 100 peak trips, 500 trips in an average day. (See Traffic Generation Threshold Table in Appendix.)
 - m. Complete Street Plan. A Complete Street Plan shall be submitted for consideration by Public Works that includes all existing and proposed infrastructure as it relates to the balancing of bicycle and pedestrian access within the proposed development and the connecting roadways. The plan should address how users on foot or bicycle will navigate

into, around, and through the development in compliance with the alternative transportation goals stated in the Vision 2037 Comprehensive Plan.

- n. For any development proposing commons ownership of any elements, common ownership documents, with provision for a property owner’s association must be provided before final approval. These must include:
 - i. Projected date of organization
 - ii. Organizations structure, included planned timeline for transfer of control from the developer to the Association.
 - iii. Diagram of areas to be held in common.
 - iv. Initial estimated fees for the property function of the Association.
 - v. Plan for collective shared maintenance of commons areas, including stormwater detention facilities.

9.2.10.3 Site Restoration Performance Bonding. Prior to the issuance of any development permits for all developments requiring site plan approval and exceeding \$250,000 in estimated construction costs, the developer/owner shall post and maintain a site restoration performance bond or certified check with no less than three years’ expiration date to the City of Oxford for an amount not less than 20% of the estimated cost of tree mitigation of all significant trees as shown on the tree inventory and 150 percent of the estimated cost to solid sod all disturbed areas as approved by the Director of Planning and Development.

- a. The site restoration performance bond, or letter of credit, or certified check with a notarized statement of intent, shall be provided to guarantee to the city that should the city declare the site or a portion of the site abandoned the site will be restored in accordance with the minimum requirements. If a performance bond is provided, the developer and/or the surety company will become obligated to restore the site in accordance with the stated minimum requirements.

If a certified check is provided, the notarized statement of intent shall guarantee the right of the city to access the property to restore the site, or have the site restored, in accordance with the minimum requirements. The notarized statement of intent to allow access which shall accompany the certified check shall include the following language:

Statement of Intent to Authorize Access to Perform Site Restoration

I NAME, developer/owner of and on behalf of NAME OF DEVELOPMENT, approved for SITE PLAN/SUBDIVISION on DATE by the City of Oxford Planning Commission and/or Mayor and Board of Aldermen; agree that if the City of Oxford should declare the site or a portion of the site where NAME OF DEVELOPMENT is abandoned , the City shall have the right to utilize the attached check #NUMBER and to access this property to restore the site, or to have the site restored, in accordance with the minimum requirements as outlined in Sec. 9.2.102. of the City of Oxford Land Development Code. This right shall be extended to any future owner of this development.

NAME
 ADDRESS
 PHONE

- b. The minimum work required to restore the site shall be solid sodding of all disturbed areas and trees planted in accordance with the tree mitigation requirements as required by the

- landscape ordinance and approved by the Director of Planning, but not to exceed the amount of the site restoration bond, certified check, or letter of credit.
- c. Factors that are evidence of site abandonment, or portions of a site abandonment, include but are not limited to the following. All factors do not have to be present for the city to declare the site or a portion of the site abandoned; however, "i" and "ii" must apply:
 - i. 18 months have elapsed since final site plan, development plan or subdivision plat approval with no building permits issued;
 - ii. Six months have elapsed since issuance of a building permit without construction activity underway on the site;
 - iii. No documented substantial work is being performed on the site and/or structures based on three separate visual site inspections by city staff occurring weekly for three consecutive weeks;
 - iv. Within 45 days for a single-family structure and within six months for all other structures from the issuance of a building permit and the foundation and slab are not completed;
 - v. Within six months for a single-family residential structure and within 12 months for all other structures after the issuance of a building permit and the framing, electrical, and plumbing are not completed;
 - vi. Within 12 months for a single-family residential structure and within 18 months for all other structures after the issuance of a building permit and the certificate of occupancy has not been issued.
 - vii. Abandonment. After a determination has been made by the Planning Director that a site has been abandoned, a certified letter will be sent by the city to the developer/owner/surety company notifying them that they have the opportunity to request, within 30 days from the date of the certified letter, one six-month extension from the Planning Director before the city initiates site restoration activities by contacting the surety company. The Director of Planning will consider the factors listed above when considering if a six-month extension is warranted and the extension is solely at the discretion of the Director of Planning.
 - d. Site restoration activities may also include, at the discretion of the Director of Planning debris removal, seeding, sodding, tree and vegetation installation, correction of public safety hazards (including but not limited to structures open to the elements, incomplete infrastructure improvements that pose a public safety hazard, and incomplete streets that cannot accommodate public safety vehicles), and as much as possible, re-establishment of the site's original topography. The site restoration performance bond, certified check, or letter of credit shall be in effect until a certificate of occupancy is issued by the City of Oxford. The developer/owner shall notify the Director of Planning and development in writing within 15 days of any proposed changes in the status of the bond, certified check, or letter of credit. The Director of Planning and development must approve any changes of the bond, certified check, or letter of credit.

9.2.11 Procedure for Preliminary and Final Site Plans for TND and PUD districts.

- 9.2.11.1 Compliance. Once the submitted preliminary or final site plan has been accepted for review, (as outlined in Section 9.2.3) the site plan review committee shall complete their evaluation of the site plan and certify to the Director of Planning that said site plan does or does not comply with all applicable ordinances of Oxford, Mississippi.
 - a. If the preliminary or final site plan does comply and there is no rezoning or other consideration pending, the Director of Planning shall approve the site plan or forward the

- approved site plan to the Planning Commission for approval and so notify the applicant in writing.
- b. If a rezoning application or other consideration is pending, the Director of Planning shall forward such approved preliminary or final site plan to the Planning Commission and the appropriate city departments along with a written statement that such action is pending, and so notify the applicant in writing.
 - c. If it is determined that the preliminary or final site plan does not comply, the site plan review committee shall so specify in what respects it does not comply and what additional information is needed to complete the review of the site plan application. The Director of Planning shall give this information to the applicant in written form; and all specified items must be corrected before further processing of the site plan application.
- 9.2.11.2 Time period for review. In all cases, the site plan review committee shall have up to or a maximum of 45 days from the date of filing to review and recommend either approval, approval with specific conditions, or disapproval of the preliminary or final site plan being evaluated. The Director of Planning may, however, extend the time for the site plan review committee's consideration to allow time for the applicant to submit additional information that is needed to complete the site plan application. If the preliminary or final site plan application requires approval by the Planning Commission, such extension may require that the application not be heard at the originally scheduled review date before the Planning Commission.
- 9.2.11.3 Action of the committee binding. Subject to approval by the Planning Commission and the Mayor and Board of Aldermen (if required), action of the site plan review committee shall be binding on all city departments as far as final site plan approval for obtaining a building permit is concerned. For an application verified as complete, should the 45-day period expire without action by the committee, the Director of Planning shall immediately forward the application to the Planning Commission for resolution at their next regularly scheduled meeting.
- 9.2.11.4 Validity. A preliminary site plan approval shall be valid for 12 months before a final site plan must be submitted for review for the established sub-phases of the development. A final site plan approval shall be valid for 18 months before permits must be issued to the developer. If permits are not issued as required, the site plan is then voided subject to the annual review of the Director of Planning.
- 9.2.11.5 Site Plan Amendment Procedure. Should a developer with an approved preliminary or final site plan wish to modify any element of the approved site plan; the Director of Planning shall determine if the modification is significant enough to require approval by the Planning Commission. Minor waivers, as authorized in this article, may be approved by the Director of Planning in consultation with applicable members of the Site Plan Committee. Appeals of such decisions shall be to the Planning Commission.
- 9.2.11.6 Preliminary Site Plan Review Factors for Approval. Site plans shall provide sufficient information to ensure:
- a. That the proposed lot sizes, lot coverage, density, setback provisions, and (on the map showing the entire project and its relation to surrounding areas) that roads, and water courses, and other factors are in conformity with the requirements of this section and other applicable ordinances and laws; and
 - b. That the Preliminary Site Plan substantially complies with the following: Use standards of Article 3, Mobility and Infrastructure standards of Article 4, Site Design and Landscaping Plan requirements of Article 5, Tree Preservation requirements of Article 6, and the Signage requirements of Article 7.

- c. That proposed ingress and egress to the property and any proposed structures with particular reference to vehicular bicycle, and pedestrian safety, traffic flow and control, provision of services and servicing for utilities, and access in case of fire or catastrophe meet city standards. The routing of substantial vehicle traffic through minor residential streets is discouraged.
 - d. Stormwater management plan in accordance with the requirements of Chapter 98, Article V– Stormwater Management ordinance for the City of Oxford.
 - i. Proposed development should provide for proper surface drainage so that removal of surface waters will not adversely affect neighboring properties or public storm drainage systems and will, so far as practical, conserve the water resources of the area and avoid flooding, erosion, and detrimental depositing of sediments of any kind. No water shall be impounded on roofs, canopies, or paved areas.
 - ii. Surface water shall be disposed of in a manner consistent with sound engineering and ecological practices.
 - iii. The drainage system will be designed so that, except in unusual circumstances, the rate of runoff of surface water from the site in the condition in which it is proposed to be developed will not exceed the rate of runoff from the site in its undeveloped or existing condition.
 - iv. Drainage shall be in compliance with the requirements for stormwater per Chapter 98, Article V of the City of Oxford Code of Ordinances.
 - e. That all proposed utility connections shall be indicated and shall be in conformity with the standards and requirements for connection to utility companies proposed to serve the property whether said utility companies are public or private.
 - f. That the preliminary proposals for off-street parking and loading areas reflect attention to automotive and pedestrian safety, traffic flow and control, access in case of fire and catastrophe, and initial concepts for required screening and landscaping.
 - g. That the preliminary proposals for recreation and open spaces, reflect attention to the impact of the proposed location, size, and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties, and relationship to community-wide open spaces and recreation facilities.
 - h. That the proposed density, design, and/or purpose of the development reflect attention to its relationship to adjacent and nearby properties; and result in minimal degradation of unique or irreplaceable land types.
 - i. That adequate provision is made for the disposal of all solid, liquid and gaseous wastes and for the avoidance of odor and other air pollutants that may be generated at the site. All applicable pollution control standards shall be observed.
 - j. That all setbacks, parking areas, and proposed accessory structures are located where they do not interfere with the use of the surrounding property.
 - k. That all infrastructure has been planned and provided for to address how users entering on foot or bicycle will navigate into, around, and through the development in compliance with the alternative transportation goals in the Vision 2037 Comprehensive Plan.
- 9.2.11.7 Final Site Plan Review Factors for Approval. Site plans shall provide sufficient information to determine:
- a. That the Final Site Plan has fully complied with the following: Use standards of Article 3, Mobility and Infrastructure standards of Article 4, Site Design and Landscaping Plan requirements of Article 5, Tree Preservation requirements of Article 6, and the Signage requirements of Article 7.

- b. That all required conditions on ownership; control and use generally; and conditions on ownership, control, use, and maintenance of open space or common lands to ensure preservation of such lands for their intended purposes have been submitted and approved.
- c. That all off-street parking and loading areas meet all screening and landscaping requirements.
- d. That all proposed recreation and open spaces; considering their location, size, and facilities; adequately provide privacy for adjacent and nearby properties, and have a relationship to any community-wide open spaces and recreation facilities.
- e. That the proposed site plan reflects compliance with all applicable regulations dealing with control of outside noise expected to be generated at the site.
- f. That all setbacks, parking areas, and accessory structures meet the landscaping and screening requirements of this ordinance.
- g. That all proposed outside storage areas, service, and machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures meet all requirements for setbacks, screen plantings, or other screening methods as required to prevent adverse effect to the environment or nearby property, as required in this ordinance.
- h. That all infrastructure has been planned and provided to address how users on foot or bicycle will navigate into, around, and through the development in compliance with the alternative transportation goals stated in the Vision 2037 Comprehensive Plan.

9.2.12 Construction staging plan. As the city desires all construction projects to minimize the impact on neighboring properties and the general public a construction staging plan will be required for all commercial building projects, large subdivisions, master planned developments, multi-family projects and other projects as required by the site plan review committee. A construction staging plan shall include:

9.2.12.1 Information required. A construction staging plan shall include:

- a. Information regarding the site layout of temporary construction measures that will be used to protect the general public in the vicinity of the work site.
- b. Where materials are to be staged on or off the site.
- c. The timeline of the construction project.
- d. Plans to ensure that access to any meter or equipment used by the city for utility service shall not be blocked.
- e. Walkways: Shall be provided in accordance with current building code adopted by the City of Oxford.
- f. Directional barricades: Shall be provided in accordance with current building code adopted by the City of Oxford. Jersey barricade or similar protections shall be installed as directed by the City Engineer.
- g. Barriers: Provide in accordance with current building code adopted by the City of Oxford and as follows:
- h. Openings in barriers shall be protected by lockable doors with key(s) placed into the Knox box (see below). Indicate the location of all doors. Doors shall be locked at all times construction workmen are not on the site.
- i. Covered walkways: Shall be provided in accordance with current building code adopted by the City of Oxford. Covered walkways shall be installed where walkways open to pe-

destrian traffic are located within 15 feet horizontally of any construction work occurring higher than 15 feet above grade.

- j. Temporary construction fence: Temporary construction fence may be installed in lieu of a barrier along portions of the perimeter of a construction site as follows:
 - i. The fence shall be a minimum eight feet high chain link fence with opaque fabric installed full height on the inside surface to reduce view into the site and control dust.
 - ii. The fence shall be secured with posts driven into the ground at eight feet on center maximum spacing to maintain the fence in a plumb condition at all times.
 - iii. Openings in fence shall be protected by lockable gates with key(s) placed into the Knox box (see below). Indicate location of all gates. Gates shall be locked at all times construction workmen are not on the site.
- k. Protection of adjoining property.
 - i. Provide protection in accordance with IBC 3307.1.
 - ii. All physical means of protection shall be indicated on the construction staging plan
 - iii. A construction staging plan shall indicate directional routes for constructions vehicles away from adjoining residential streets to the greatest possible extent.
 - iv. Litter and construction debris shall be disposed of daily. .
- l. Construction sign: Indicate the location of the sign which shall be secured to a barrier or temporary construction fence. The sign shall display the following verbiage:
 - i. "CONSTRUCTION SITE-NO TRESPASSING";
 - ii. The contractor's name and 24-hour emergency contact telephone number; and
 - iii. The barrier and/or fence contractor's name and 24-hour emergency contact telephone number.
 - iv. Knox box: Indicate location of a Knox box containing keys to allow the fire department ready access to the construction site and locked structures thereon. The Knox box style and mounting location shall be approved by the fire department.
 - v. Pedestrian traffic control devices: Indicate location and verbiage for sidewalk closure signage, i.e. "SIDEWALK CLOSED AHEAD-USE SIDEWALK ACROSS STREET;" etc.
 - vi. Vehicular traffic control devices: Indicate location of Jersey Barriers or other devices to be used for sectioning off roadways for material movement activities or placement of crane. Jersey barriers shall be fitted with flashing lights at each end and at 50 foot intervals in between.
- m. Traffic: Directional routes for constructions vehicles shall be established that direct construction traffic away from adjoining residential streets to the greatest possible extent.
- n. Dumpster: Indicate size and location of the dumpster to be used for construction debris.
- o. Construction staging area: Indicate location of construction staging areas, including the location of construction hoists, cranes, delivery areas and fabrication areas.
- p. Material storage: Indicate location of the area to be used for storage of construction materials to be incorporated into the work.
- q. Fire Extinguishers: Provide in accordance with current building code adopted by the City of Oxford and as directed by the fire department.
- r. Porta-potty: Indicate the location of portable or temporary toilet facilities.
- s. Traffic plan: Provide drawing or written narrative indicating proposed street paths to be used for movement of equipment and debris.
- t. Parking plan: Provide drawing or written narrative indicating proposed parking areas to be used for parking for construction workers. Parking permits may be required.

- u. Temporary water: Indicate location of temporary water source or public hydrant to be used for construction water. A hydrant meter deposit is required for the use of all city hydrants for construction purposes.
- v. Operation of sidewalks and bicycle lanes. Provide a narrative detailing how existing sidewalks and bicycle lanes will be kept free of signs, debris, or other obstructions in order to remain open and accessible at all times. If there are known times that the sidewalk or bicycle lane must be blocked, provide detailed explanation of the reason, time period, and alternate route to be made available to the public to the City Engineer for approval. Narrative should also include the name and contact information for the person responsible for daily checks of all sidewalks and bicycle lanes for compliance with the construction staging plan.

9.2.12.2 Modification to a construction staging plan. Modification to the staging plan will not require a formal amendment to site plan provide the modification is approved by the Director of Planning, chief of police, chief of the fire department, Director of Planning, and director of public works or their designated representative.

9.3 Special Exceptions.

9.3.1 Conditions governing applications, procedures. The Planning Commission is authorized to hear and decide special exceptions as specifically authorized in this ordinance; to decide such questions as are involved in determining whether special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. A special exception shall not be granted by the Planning Commission unless and until:

9.3.1.1 A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds for which it is requested.

9.3.1.2 Notice shall be given at least 15 days in advance of the public hearing. The owner of the property for which exception is sought or his agent shall be notified by mail. Notice of such hearing shall be posted on the property for which special exception is sought in the same manner as required in section 9.7, at the City Hall.

9.3.1.3 The public hearing shall be held. Any party may appear in person or by agent or attorney;

9.3.2 Special exceptions approval.

9.3.2.1 Every special exception authorized shall not be personal to the applicant but shall be transferable and shall run with the land so long as the conditions under which the exception was granted continue. The special exception shall expire if the use granted ceases for more than 12 months.

9.3.2.2 In granting any special exception, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance and punishable under Section 9.1.1 of this ordinance.

9.3.2.3 The Planning Commission may prescribe a time limit within which the action for which the special exception is required shall be begun or completed or both. Failure to begin or complete or both, such action within the time limit set shall void the special exception approval.

If a specific time is not set, the special exception shall expire within 18 months if no building permit has been issued.

9.3.2.4 The Planning Commission may make a finding that it is empowered under the section of this ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest. If a specific time is not set, the special exception shall expire within 18 months if no building permit has been issued.

9.3.2.5 When considering any special exception, the Planning Commission must determine whether a to approve a requested special exception, with any conditions and safeguards determined to be appropriate under this ordinance; or to deny the special exception when determined to be not in the public interest.

9.4 Variances.

9.4.1 Variance Application and Criteria. A variance from the terms of this ordinance shall not be granted by the Planning Commission unless and until written application for a variance is submitted demonstrating:

9.4.1.1 That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

9.4.1.2 That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

9.4.1.3 That the special conditions and circumstances do not result from the actions of the applicant; and

9.4.1.4 That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

9.4.1.5 Notice of public hearings shall be given as in section 9.9.

9.4.2 Public Hearing and Findings.

9.4.2.1 A public hearing shall be held. Any party may appear in person, or by an agent or by an attorney.

9.4.2.2 The Planning Commission shall make findings that the situation described in the application meets the conditions required by section 9.4.2.3 and section 9.4.2.4 below.

9.4.2.3 The Planning Commission shall further make a finding that the reasons stated in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

9.4.2.4 The Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious or otherwise detrimental to the public welfare.

9.4.2.5 In granting any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under section 9.10. No nonconforming use of

neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

- 9.4.2.6 Under no circumstances shall the Planning Commission grant a variance to allow a use not permissible under the terms of this ordinance in the zoning district involved, or any use expressly or by implication prohibited by the terms of this ordinance in that zoning district.
- 9.4.3 Decisions of the Planning Commission. Whenever application for a variance or has been heard or finally acted upon by the Planning Commission, then the Planning Commission shall not consider any further petition requesting the same or substantially the same change or amendment for the same property within six months from the date of the Planning Commission's final legal action on that petition or from the date of the Planning Commission's hearing of that petition. For the purpose of this section, any petition withdrawn prior to the hearing by the Planning Commission may be resubmitted without regard to the six-month limitation.

9.5 Interpretations and Appeals.

9.5.1 Administrative Interpretations

9.5.1.1 In the event there is a question concerning the general intent or meaning of any provision of this ordinance, or the positioning of district boundaries, or of district designation, or other matters relating to the official zoning map, the Director of Planning shall have the right to make such administrative decisions and interpretations.

9.5.1.2 Administrative interpretation shall in no manner be construed as permitting or granting a variance to the provisions of this land development code. An administrative interpretation may be appealed to the Planning Commission.

9.5.1.3 Waivers from Standards. The Planning Director may authorize waivers from the strict application of certain standards which derive from unusual situations that create practical difficulty but do not substantially change the intent of the standards in this ordinance, up to 10 percent more than the applicable standard. Standards appropriate for such waivers are limited to lot frontage, parking, setbacks, height, retaining wall height or length, required lot area, lot coverage, or modifications to address life safety requirements. Also, for corner residential lots, the Director may make a determination as to placement of accessory structures, parking, based on the orientation of the structure.

If a waiver is granted, a sign shall be posted for a minimum of two weeks noting that a waiver has been granted; and providing contact information for questions about the nature of the waiver. In addition, notice of the waiver shall be noted on the agenda of the next meeting of the Planning Commission. Any decision of the Director is appealable by the applicant or any aggrieved party to the Planning Commission; and such party may make such appeal for up to two weeks after the Planning Commission meeting where the waiver is noted on the published agenda.

9.5.2 Appeals to the Planning Commission or Mayor and Board of Aldermen. An appeal to the Planning Commission concerning interpretation or administration of this ordinance may be taken by any persons aggrieved by any decision of the applicable administrative official. Notice of any such interpretation shall be noted by means of publishing it on the next available agenda of the Planning Commission. Such appeals shall be made within 14 days after the interpretation is noted on the agenda of the Planning Commission.

An appeal of a decision by the Planning Commission to the Mayor and Board of Aldermen must be

made within 14 days after the decision of the Planning Commission. Once such appeal is made, the designated administrative official will transmit to the Commission or Mayor and Board of Aldermen, as appropriate, all papers constituting the record upon which the action appealed from was taken.

9.5.2.1 The date for hearing. The administrative official shall set the date of public hearing for an appeal to the Planning Commission at their next regular meeting, provided that sufficient time is available for the required public notice as well as due notice to the parties in interest. The Planning Commission shall decide the matter within 60 days following the date of hearing. At the hearing, any party may appeal in person or by agent or attorney.

Should any party of interest wish to appeal the decision of the Planning Commission to the Mayor and Board of Aldermen, the City Clerk will set the date of the appeal.

9.5.2.2 Stay of proceedings. If an appeal is filed, the underlying application will not be heard by the Planning Commission or Mayor and Board of Aldermen until the appeal is resolved.

9.5.2.3 In exercising the above mentioned powers the Planning Commission or Mayor and Board of Aldermen may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

9.5.2.4 The concurring vote of a majority of members of the Commission or of the Mayor and Board of Aldermen present and voting shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variance in the administration of this ordinance.

9.5.3 Duties of administrative officials, Planning Commission, Mayor and Board of Aldermen, and courts on matters of appeal. All questions of interpretation and enforcement are to be first presented to the appropriate administrative official, and any such questions will be presented to the Planning Commission only on appeal from the decision of that administrative official, and that recourse from decisions of the Planning Commission regarding interpretations and enforcement, including any decision concerning variances and special exceptions, are to the Mayor and Board of Aldermen and then to the courts as provided by law.

9.6 Land Development Code Amendments.

9.6.1 Amendment authority. The Mayor and Board of Aldermen may, from time to time, on its motion or on petition from a property owner, or on recommendation of the Oxford Planning Commission amend the regulations and districts herein established. No change in regulations, restrictions or district boundaries shall become effective until after a public hearing has been held in relation thereto by the Oxford Planning Commission at which parties in interest and citizens shall have an opportunity to be heard. Every proposed amendment shall be referred to the Oxford Planning Commission for recommendation. When an application has been made to the Planning Commission for the change in regulations or district boundaries, the applicant shall, prior to the holding of a public hearing on such application, fully comply with the procedures set out in Section 9.7.

9.6.2 Amendment procedure.

9.6.2.1 Declaration of public policy. For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of Oxford, this ordinance, of which the zoning map is a part, shall not be amended except to correct a manifest error in the ordinance

or, because of changed or changing conditions in a particular area or in the municipality generally, to further the goals of the adopted Comprehensive Plan, to rezone an area or to extend the boundary of an existing district, or to change the regulations and restrictions thereof, only as reasonably necessary to the promotion of the public health, safety or general welfare.

9.6.2.2 Subject to the Amending Authority established in Sec. 9.6.1., and the declaration of public policy (9.6.2.1), an amendment to the official zoning map may be initiated as noted in Sec. 9.6.3.1; and amendments to the zoning code may be initiated by the Board of Aldermen on its own motion or upon a recommendation by the Planning Director or the Planning Commission, or upon the written request of the owner(s) of the property proposed for change, or the owner's authorized representative.

9.6.2.3 Limitations on all proposed amendments. All proposed amendments to this ordinance, regardless of how or by whom initiated, shall be subject to the following limitations:

- a. Administrative examination. No amendment to this ordinance shall be adopted until the amendment has been examined by the city Planning Commission as hereinafter set forth and the recommendation of the city Planning Commission obtained.
- b. Uniformity of district regulations and restrictions. No amendment to this ordinance shall be adopted whereby the regulations and restrictions established thereby are not uniform for each District having the same classification and bearing the same symbol or designation on the official zoning map.
- c. Compatibility of new districts with surrounding districts. No amendment to this ordinance shall be adopted which establishes a new District, regardless of size, which permits uses not compatible with the uses of surrounding Districts or which violates the purpose of this ordinance as stated in section 110.
- d. Effect of protest to an amendment of zoning map. In case of a protest against such change signed by the owners of 20 percent or more, either of the area the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending 160 feet therefrom or of those directly opposite thereto, extending 160 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of two-thirds of all the members of the Board of Aldermen.

9.6.3 Applications for amendments.

9.6.3.1 By whom made. Amendments may be initiated as authorized in 9.6.2.2.

9.6.3.2 Filing of applications. All applications for amendments to this ordinance shall be filed with the Director of Planning

9.6.3.3 Contents of applications. Without in any way limiting the right to file additional material, no application for an amendment to this ordinance will be considered unless it contains:

- a. The applicant's name, address and interest in the application, and the name, address, and interest of every person, firm, corporation or political subdivision represented by the applicant interested in the application.
- b. A description of the proposed amendment to the text of the ordinance or the zoning map.
- c. For a map amendment, a plat showing the land area which would be affected by the proposed amendment, the present zoning classification of the area and of all abutting properties, all public and private rights-of-way and easements bounding and intersecting the designated area and abutting properties.

- d. The error in the Ordinance that would be corrected by the proposed amendment or changed or changing conditions in the applicable area or in the municipality generally that make the proposed amendment reasonably necessary to the promotion of the public health, safety or general welfare.

9.6.4 Procedure for Review.

- 9.6.4.1 Application Processed by Planning Director. Upon receipt of an application for an amendment, supplement, change, modification or repeal, of the zoning regulations, restrictions or boundaries properly and completely made as required, the Director of Planning shall set the date of the hearing before the Planning Commission and notice the hearing as required. The Director of Planning will then transmit copies of the application to the Oxford Planning Commission with staff evaluation for review prior to the hearing. The Planning Commission may, after examination of the application, and if considered necessary, require that the applicant furnish additional reasonable and pertinent information.
- 9.6.4.2 Disposition by Planning Commission Upon receipt of an application for an amendment, supplement, change, modification or repeal of the zoning regulations, restrictions or boundaries from the Director of Planning, the Oxford Planning Commission shall hold a public hearing on the matter after publication of notice as required by law. Upon conclusion of the public hearing, the Director of Planning shall forward to the Mayor and Board of Aldermen the recommendation of the Oxford Planning Commission, and its findings in the matter, if any.
- 9.6.4.3 Final Disposition by Mayor and Board of Aldermen Within 90 days after the date set in the case, advertisement, receipt of the Planning Commission minutes and conclusion of a public hearing, the Mayor and Board of Aldermen shall either approve or deny, in whole or in part, the decision and recommendation of the Oxford Planning Commission. Where there is a need for additional information, the Board of Aldermen may remand the case to the Oxford Planning Commission for further consideration, in accordance with the provisions of the Mississippi Code Annotated, section 17-1-17 (1972) [MCA 1972, § 17-1-17].

9.7 Public Notice Requirements.

- 9.7.1 Public Hearing Required. No change in regulations, restrictions or district boundaries or to the land development code shall become effective until after a public hearing has been held regarding such by the Oxford Planning Commission; and no variance, site plan, or subdivision, special exception or appeals heard regarding interpretations of the Director of Planning until after a public hearing has been held regarding by the appropriate administrative body, at which parties in interest and citizens shall have an opportunity to be heard.
- 9.7.2 Exemption. These provisions do not apply when there is a proposal to enact an entire new ordinance to change the text as a whole or to change all or part of the zoning district map or multiple parceled areas, or both, in which event the procedure set out in section 17-1-3 through 17-1-21 inclusive of the Mississippi Code of 1972 as amended [MCA 1972, §§ 17-1-3—17-1-21] and supplemented shall be followed.
- 9.7.3 Application. Wherever in this ordinance reference is made to this section regarding procedures for public hearings and application for hearings, an application shall be made in the department of planning office and shall include the following:
 - 9.7.3.1 Name and address of the applicant.
 - 9.7.3.2 For a proposal to amend the text of the ordinance, the proposed amended language.
 - 9.7.3.3 For a change related to property:

- 9.7.3.4 the name and address of the owner of the property or person who has have legal authority to act for the owner;
 - 9.7.3.5 The present zoning classification;
 - 9.7.3.6 The proposed zoning classification and/or use permit requested, or variance requested;
 - 9.7.3.7 A legal description of the property
 - 9.7.3.8 A sketch plan showing the location and intended use of the site;
 - 9.7.3.9 Any fees or charges established; and
 - 9.7.3.10 Any other reasonable material that the Oxford Planning Commission may determine pertinent to the application.
- 9.7.4 Noticing Requirement. Public hearings shall be noticed in print when required, on the City of Oxford website, and where applicable, on-site as noted below:
- 9.7.4.1 Published Notice. At least 15 days in advance of the public hearing date for a request for modification to the Land Development Code or Zoning Map, notice of the time and place of such hearing shall be published in an official newspaper of general circulation in Oxford, Mississippi, in the manner prescribed by state law. Such print notice may be placed in such newspaper for other public hearings, but website notice may also be used.
 - 9.7.4.2 Posted Notice. Notice of such hearing shall be posted on the property for which a special exception, variance, site plan or zone change is requested at least 15 days prior to the date of said hearing which shall show the time, date and place of said hearing, the date of the notice and the name of the Director of Planning and contacts for information.
 - 9.7.4.3 Website Notice. At least 15 days in advance of the public hearing date for a request for any public hearing other than a modification to the Land Development Code or Zoning Map, notice of the time and place of such hearing shall be posted on the City of Oxford Website. Such notice may also be published as noted in 9.7.4.1.
- 9.7.5 Public Hearing Procedure.
- 9.7.5.1 The Planning Commission shall hold a public hearing within 60 days after the later of (a) the date of filing of the application or (b) receipt of the site plan review committee's recommendation, if site plan review is required.
 - 9.7.5.2 If scheduling such public hearing would extend the meeting agenda of the Planning Commission beyond the maximum length set by Commission policy, the public hearing shall be held at the next regularly scheduled meeting.
 - 9.7.5.3 Applications requiring approval by the Planning Commission shall not be heard before a submittal determined to be complete has been on file with the Director of Planning for at least 45 days, to allow sufficient time for review and evaluation by all applicable departments; the Director of Planning may allow applications to proceed within a shorter time of review.
 - 9.7.5.4 When applicable, the Oxford Planning Commission shall, per the adopted public hearing rules, within 10 days of the final hearing, transmit to the Mayor and Board of Aldermen for action its findings and recommendations or actions.
- 9.7.6 Limitation on Rehearing. Whenever a petition is filed requesting a change or amendment to the zoning map, and said petition has been finally acted upon by the Mayor and Board of Aldermen, then the

Mayor and Board of Aldermen shall not consider any further petition requesting or proposing the same or similar change or amendment for the same property within six months from the date of the final action of the Mayor and Board of Aldermen on said petition, provided, however, that said petition has been officially advertised. For the purpose of this section, a withdrawal shall be considered valid only if the matter is withdrawn by the applicant before it is presented.

9.8 Certificate of Zoning Compliance.

- 9.8.1 Existing, new, altered uses. It shall be unlawful to use or occupy or permit the occupancy of any building or premises, or both, or part thereof hereinafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance has been issued by the Director of Planning stating that the proposed use of the building or land conforms to the requirements of this ordinance. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this ordinance.
- 9.8.2 Nonconforming uses. No nonconforming structure, use, lot, or feature shall be maintained, renewed, changed, or extended until a Certificate of Zoning Compliance has been issued by the Director of Planning. The Certificate of Zoning Compliance shall specifically state how the existing condition creating the nonconformity differs from the provisions of this ordinance. The burden of proof, based on public records, as to the legality of the nonconforming use rests with the property owner and may require a notarized affidavit submitted by the owner stating such as part of the application in the absence of satisfactory records).
- 9.8.3 No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made, and the certificate shall be issued, in conformity with the provisions of this ordinance upon completion of the work prior to the issuance of the certificate of zoning compliance.
- 9.8.3.1 Prior to the issuance of a building permit, and prior to the installation of a building slab or conventional foundation, property lines, setback lines (front, side and rear yards), and building footprints shall be staked by a licensed surveyor or engineer. Once setbacks are staked, the City of Oxford Planning Department must be given adequate notice and staff will perform an inspection to confirm compliance with the zoning district setback regulations. Once confirmed, the Planning Department will notify the Building Department with a letter of compliance for setbacks for the issuance of a building permit.
- 9.8.4 The Director of Planning shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person, in compliance with the public records act.
- 9.8.5 Moving Permits. The moving or relocation of any building or structure shall require a moving permit from the Building Department and a certificate of appropriateness from the Oxford Historic Preservation Commission or the Courthouse Square Historic Preservation Commission as pertinent.

9.9 Administration of Neighborhood Conservation Districts.

- 9.9.1 Establishment of a Neighborhood Conservation District.
- 9.9.1.1 Zoning designation.
- a. Neighborhood Conservation Districts are designed as overlays to the regular zoning districts. Property designated within these districts must also be designated as being within one of the General Use Districts.

- b. Neighborhood Conservation Overlay Districts may also lie within a Historic Overlay District. In such case, Historic District Standards take precedence.
 - c. Authorized uses must be permitted in both the General Use District and the overlay district. Property designated as a Neighborhood Conservation District may have additional designations. Such property shall comply with all applicable use restrictions.
 - d. Separate ordinances are required to designate each district. Ordinances designating each Neighborhood Conservation District shall identify the designated district boundaries, and specify the individual purposes and standards for that district.
 - e. The zoning designation for property located within a Neighborhood Conservation District shall consist of the base zone symbol and the overlay district symbol (CD) as a suffix. Neighborhood Conservation Districts shall be numbered sequentially to distinguish among different districts, i.e., ER (CD-1), SR(CD-2), etc.
 - f. The designation of property within a Neighborhood Conservation District places such property in a new zoning district classification, and all procedures and requirements for zoning and rezoning must be followed.
 - g. In the event of a conflict between the provisions of a specific Neighborhood Conservation District ordinance and the General Use District regulations, the provisions of the stricter requirement shall control except for individual single-family homes. (This should be reversed. Overlay should take precedence).
- 9.9.1.2 Designation criteria. To be designated a Neighborhood Conservation District, the area must meet the following criteria; but any designated Historic Overlay District shall be deemed to satisfy the criteria above:
- a. The area must contain a minimum of one block face (all the lots on one side of a block);
 - b. The area must have been platted or developed at least 25 years ago;
 - c. At least 75 percent of the land area in the proposed district is presently improved; and
 - d. The area must possess one or more of the following distinctive features that create a cohesive identifiable setting, character or association:
 - i. scale, size, type of construction, or distinctive building materials;
 - ii. lot layouts, setbacks, street layouts, alleys or sidewalks;
 - iii. special natural or streetscape characteristics, such as creek beds, parks, gardens or street landscaping;
 - iv. land use patterns, including mixed or unique uses or activities; or
 - v. abuts or links designated historic landmarks and/or districts.
- 9.9.1.3 Designation procedures.
- a. A proposal for designation as a Neighborhood Conservation District may be initiated:
 - i. At the direction of the Mayor and Board of Aldermen;
 - ii. At the request of owners representing 51 percent of the land area of the proposed district; or
 - iii. At the request of 51 percent of the owners in a proposed district.
 - b. Following initiation for designation of a Neighborhood Conservation District, the Planning Commission department shall develop a neighborhood conservation plan for the proposed district that includes:
 - i. Maps indicating the boundaries, age of structures and land use of the proposed district;

- ii. Maps and other graphic and written materials identifying and describing the distinctive neighborhood and building characteristics of the proposed district; and
 - iii. Design standards for new construction, additions or alterations to the street facades of existing buildings or structures within the proposed district.
- c. All property owners within the proposed district shall be afforded the opportunity to participate in drafting the conservation plan. A conservation plan shall be approved as part of a zoning map creating a Neighborhood Conservation District.

9.9.1.4 Administration.

- a. No building permit shall be issued for new construction or an alteration or addition to the street facade of an existing building or structure within a designated Neighborhood Conservation District without the submission and approval of design plans and the issuance of a Certificate of Zoning Compliance by the Director of Planning.
- b. The Director of Planning shall review the design plans to determine compliance with the design standards contained in the neighborhood conservation plan adopted for the district.
- c. If the Director of Planning determines that the design plans are in conformance with the design standards adopted for the district, the Director of Planning and development shall approve the plans and issue a Certificate of Zoning Compliance and a building permit.
- d. If the Director of Planning determines that the design plans are not in conformance with the design standards adopted for the district, the director shall not approve the plans and will issue notification of non-compliance, identifying the specific design standards violated.
- e. The applicant may appeal the Director of Planning's determination to the Planning Commission for a final determination.

9.10 Administration of a Sex Entertainment District

9.10.1 Sexually Oriented Entertainment Businesses.

9.10.1.1 General requirements. Each sexually oriented business and its employees, agents or other representatives shall observe the general requirements, regulations, and standards of conduct noted in Appendix A10.

9.10.1.2 Special Requirements. Each sexually oriented business and its employees, agents or other representatives shall observe the special requirements, regulations, and standards of conduct noted in Appendix A10.

9.10.1.3 Location Restrictions.

- a. Special Exception in Industrial Zone The sexually oriented business may not be operated within 1,000 feet of any of the following uses.
- b. A church, synagogue or regular place of public assembly.
- c. A public or private elementary or secondary school.
- d. A boundary of any single family residential district.
- e. A public park.
- f. A licensed day care center.
- g. Another sexually oriented business.

- h. Measurement. For this article, all measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of a restricted use.
- i. A sexually oriented business may not be operated in the same building, structure or portion thereof containing another sexually oriented business.

9.10.1.4 Short Term Rental Motels. See Appendix A10.

3.10.1.5 Exhibition of sexually explicit films or videos. See Appendix A10.

9.10.1.6 Exterior portion of sexually oriented businesses.

- j. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
- k. It shall be unlawful for any owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this article.
- l. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if all the following conditions are met.
- m. The establishment is a part of a commercial multi-unit center.
- n. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way to be a component of the overall architectural style or pattern of the commercial multi-unit center.
- o. Nothing in this section shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.

9.10.1.7 Exemptions. It is a defense to prosecution under this article that a person appearing in a state of nudity did so in a modeling class operated in by either of the following.

- a. By a propriety school, licensed by the State of Mississippi; a college, junior college or university supported entirely or partly by taxation.
- b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation

9.11 Enforcement.

9.11.1 Notice. If the Director of Planning determines that any of the provisions of this code are being violated, the person responsible for such violations will be notified in writing indicating the nature of the violation and the action needed to correct it.

9.11.2 Remedies. 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

re-platting, 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 occupancy of said building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Specific remedies include the following as well as any other remedies permitted under Mississippi State Law.

9.11.3 Specific Remedies. Specific remedies for the violation of any provision of this ordinance include the following:

9.11.3.1 Permit Revocation. The Director of Planning may revoke any zoning 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.

9.11.3.2 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 Director of Planning 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, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.

9.11.3.3 Criminal Penalties. Any person violating any provision of this ordinance shall upon conviction be guilty of a misdemeanor and shall be fined \$500, or an amount as otherwise determined by the court, for each offense.

9.11.3.4 Civil Penalties. The city may establish and pursue civil penalties against any person violating any provision of this ordinance.

9.11.3.5 Injunction. The City may, either before or after the institution of other authorize action, seek injunction relief from any appropriate court, commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

9.11.3.6 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:

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

9.11.3.7 Withholding Approvals. Any violation of this ordinance shall constitute grounds for withholding new building permits that are directly related to the violation until the violation has been corrected, including the payment of all fines and fees and the planting of all trees and vegetation required as mitigation.

9.11.3.8 Subdivision Violations. The owner 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 Lafayette

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.

9.11.3.9 Recording Violations. The Chancery Clerk of Lafayette County, Mississippi shall not receive, file or record a plat of a subdivision within the jurisdiction of this Land 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.

9.11.3.10 Continuing Violations. If a violation is repeated within a two-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.

9.11.3.11 Enforcement Related to Landscaping. If the approved landscape plan is not being complied with in a timely manner or as approved, the Director of Planning or the Director of Planning may issue a stop work order directing all work on the project to cease until a corrective action plan is submitted and approved and any applicable penalties are paid. Any person who removes or damages a significant tree shown on an approved landscape plan shall be required to replace the tree on a one-to-two basis (e.g. one removed or damaged 16-inch DBH tree shall be replaced by one, eight-inch caliper tree) within six months from the date of written notification by the Director of Planning.

9.11.3.12 In addition to enforcement remedies specified in this Article, any person who removes or damages a significant tree shown on an approved landscape plan shall be required to replace the tree on a one-to-two basis (e.g. one removed or damaged 16-inch DBH (diameter at breast height) tree shall be replaced by one, eight-inch caliper tree within six months from the date of written notification by the Director of Planning.

9.11.4 Enforcement of Americans With Disabilities Act

9.11.4.1 Violation by any person of the provisions of this article or failure to comply with any of its requirements, after written notification including e-mail by the city's ADA coordinator, building official, or City Engineer of this article, shall, upon conviction thereof, constitute a misdemeanor.

9.11.4.2 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, from the city's ADA coordinator, building official, or City Engineer, shall, upon conviction, thereof, be fined not more than \$1,000. 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.

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10.0 DEFINITIONS

10.1 Rules of Construction and Interpretation.

Except as specifically defined in this section or elsewhere in the code, all words and phrases used in the Land Development Code shall be interpreted to have their customary meanings as defined in a standard dictionary. To help interpret and apply this Code, the following rules shall apply:

- 10.1.1 The particular controls the general.
- 10.1.2 The words "shall" or "must" are always mandatory and not permissive. The words "may" and "should" are permissive not mandatory and are at the discretion of the decision-makers.
- 10.1.3 Words used in the present tense include the future tense; words used in the future tense include the present tense.
- 10.1.4 Words in the singular include the plural; words used in the plural include the singular.
- 10.1.5 Words of one gender include the other gender, unless the context clearly indicates otherwise.
- 10.1.6 Unless otherwise indicated, the term "days" means days the city is open for business.
- 10.1.7 In computing any period of time prescribed or allowed by this Code, the day of the notice or final application, after which the designated period of time begins to run, is not to be included. Further, the last day is to be included unless it is not a working day, in which event the period runs until the next working day.
- 10.1.8 The word "structure" includes the words "building" and "accessory structure."
- 10.1.9 The word "street" includes the words "road" and "highway."
- 10.1.10 The word "person" includes an individual, firm, association, organization, partnership, corporation, company, trust, governmental unit, and any combination thereof.
- 10.1.11 The words "Land Development Code," "Code," and "LDC" shall mean the Official Land Development Code of the City of Oxford.
- 10.1.12 The words "zoning map" or "Official Zoning Map" shall mean the Official Zoning Map of the City of Oxford.
- 10.1.13 Use of words like "City Council," "Planning Commission," "Director of Planning," "Administrator," and "Engineer" indicates City of Oxford officials and staff as well as their designees.
- 10.1.14 The word "city" capitalized or not means the City of Oxford, MS.
- 10.1.15 The words "code" or "this code" mean the Land Development Code unless otherwise specified or implied in the context of the reference.
- 10.1.16 Within the LDC, sections prefaced "purpose and findings" are intended as official statements of legislative finding or purpose. These "purpose and findings" statements are legislatively adopted, together with the formal text of the LDC. They are intended as a guide to the administration and interpretation of the LDC and shall be treated in the same manner as other aspects of legislative history; however, they are not binding standards.
- 10.1.17 Any term not herein defined shall be as defined elsewhere in the Municipal Code or, if not defined there, shall have their customary dictionary meaning.

10.2 Definitions.

- 10.2.1 Abandoned vehicle or junked vehicle: Any vehicle which is without [a] current license tag and/or which is (a) wrecked, (b) dismantled, (c) partially dismantled, or (d) inoperative. Storage shall mean being on or occupying the premises for 30 days or more.
- 10.2.2 Abandoned personal property or junk: Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.
- 10.2.3 Access way: An area intended to provide entrance or exit for vehicular traffic from a public or private right-of-way to an off-street parking or loading area.
- 10.2.4 Accessory Amenity. A desirable or useful feature or facility commonly associated with the use of a building or structure (such as a firepit or deck); or commonly associated with the entry into or at a central point in a development with no specific use (such as an unmanned "guardhouse", covered arbor, or fountain), that may or may not require a building permit for installation. (See Sec. 3.2)
- 10.2.5 Accessory structure: Any structure on the same lot with and customarily incidental and secondary to (but not attached to) the main structure or use, including swimming pools (and pool houses), garden or storage sheds (over 160 square feet), and liquid petroleum gas storage tanks. (See also Structure.)
- 10.2.6 Accessory use: See Section 3.11.
- 10.2.7 Administrative Official: City staff charged with duties and responsibilities under the terms of this ordinance.
- 10.2.8 Adult (Sexually Oriented) Uses – See Sexually oriented businesses
- 10.2.9 Agriculture: See Section 3.11.
- 10.2.10 Alley: See Street, Alley
- 10.2.11 Alcoholic beverage: Any inebriating liquid such as beer, wine, spirits, light wine.
- 10.2.12 Apartment house or multi-unit dwelling: See Dwelling, multi-family.
- 10.2.13 Arborist: A professional in the practice of arboriculture, which is the cultivation, management, and study of individual trees, shrubs, vines, and other perennial woody plants. See Qualified Professional.
- 10.2.14 Assisted Living Facility: See Section 3.6.
- 10.2.15 Automatic Teller Machine (ATM): See Freestanding Self-Serve Structures
- 10.2.16 Automobile-junk area or automobile graveyard: See Junkyard.
- 10.2.17 Auto wrecking: The collecting, dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or inoperative or wrecked motor vehicles, wheeled or track laying equipment or trailers or their parts.
- 10.2.18 Bank: See Section 3.4
- 10.2.19 Bar: See Tavern.

- 10.2.20 **Basement:** A floor level below the first story of a building. (See the City of Oxford Building Code for all standards; defined as being when 50% or more of the finished square feet of a floor is less than six feet above ground level.
- 10.2.21 **Bed and breakfast:** See Section 3.8
- 10.2.22 **Bedroom:** A bedroom, as intended in zoning districts that limit density by bedrooms per acre, or that limit the number of bedrooms in a dwelling unit; is defined as a room that can easily be used as a sleeping room. Such a room may or may not have a closet or attached bathroom, and must meet building code requirements for light and ventilation.
- 10.2.23 **Berm:** Mounds or walls of earth that are molded into landforms in a landscaped area. When berms are used for screening, buffering or any other purpose, the berm shall be constructed such that soil erosion is prevented and sight triangles are unobstructed. Berms shall be constructed with 4:1 or flatter slopes. The surface of the berms shall be completely covered with plant material or durable mulch so that the bare soil is not visible. Allowance for soil settlement shall be calculated at ten percent after the berms are compacted. (See also Wall, exterior)
- 10.2.24 **Blighted area:** Blighted area shall mean an area which by reason of the presence of a substantial number of slums; deteriorated or deteriorating structures; predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions; deterioration of site or other improvements; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use. If such blighted area consists of open land the conditions contained in the provision in subsection (d) of section 43-35-13 of the Mississippi State Code, 1972, as amended [MCA 1972, § 43-35-13(d)], shall apply. Any disaster area referred to in subsection (g) of section 43-35-13 [MCA 1972, § 43-35-13(g)] shall constitute a "blighted area." State law 43-35-3.
- 10.2.25 **Block:** A parcel of land intended to be used for urban purposes which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels, or a combination thereof.
- 10.2.26 **Blue-line stream.** A stream that appears as a broken or solid blue line (or a purple line) on a USGS topographic map.
- 10.2.27 **Board of Adjustment:** The Oxford Board of Adjustment has been dissolved and its duties (variances, special exceptions, and appeals of decisions of the Director of Planning) have been transferred to the Planning Commission.
- 10.2.28 **Board of Aldermen:** As defined in the MS Code of 1972, as amended.
- 10.2.29 **Breezeway:** An open structure with roof but no walls, connecting an accessory structure (such as a garage or carport) to a primary structure (such as a dwelling); or connecting two primary structures to each other (such as separate buildings on a school campus).

- 10.2.30 Brewpub: An establishment selling beer brewed on the premises, see, Tavern
- 10.2.31 Buffer: The use of landscaping, berms, walls, fences or any combination thereof, that at least partially blocks, in a continuous manner, the view from one area to another.
- 10.2.32 Buffer area/strip: An area with sufficient planting and/or structural screening which acts as a separation area between two or more incompatible uses and/or districts.
- 10.2.33 Building: Any enclosed structure having a roof and intended for shelter, housing or enclosure of persons, animals or personal possessions. The main building is that building which contains the principal use of a lot.
- 10.2.34 Build-to Line: See Lot Build-to line.
- 10.2.35 Building area: That portion of a lot remaining after required yards have been provided.
- 10.2.36 Buildable width: Width of the building site left after the required yards have been provided.
- 10.2.37 Building, alteration of: Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, any addition to a building or movement of a building from one location to another.
- 10.2.38 Building footprint: The area of the ground floor of a building included within the surrounding exterior walls and under roof.
- 10.2.39 Building code: The current building code as adopted by the Governing Authority.
- 10.2.40 Building, front line of: A line intersecting the foremost portion of a building and parallel and/or concentric to the right-of-way line.
- 10.2.41 Building height: The vertical distance measured from the average grade plane to the average height of the highest roof surface.
- 10.2.42 Building official: The official appointed by the administration and charged with the responsibility of enforcing the city building codes and issuance of building permits.
- 10.2.43 Building line, front: The building wall fronting on the street. Such building wall line shall follow and include the irregular indentations of the building. Steps and unenclosed porches shall be excluded for the purpose of this article.
- 10.2.44 Building, main: A building in which is conducted the principal use of the lot on which it is situated.
- 10.2.45 Building permit: A permit, which a person shall obtain from the building official granting permission to said person to construct or build any structure.
- 10.2.46 Building setback line: The distance required by this Code to be maintained between a given lot line, easement or right-of-way line and any structure foundation: front, rear, or side, as specified.
- 10.2.47 Building site: A single parcel of land occupied or intended to be occupied by a building or structure, and appropriate accessory building or uses.
- 10.2.48 Care center, Day Care or Home Care: See Section 3.6.
- 10.2.49 Care Home or Care Facility: See Group Care Home or Facility

- 10.2.50 Carport: A roofed structure, fully enclosed on less than three sides, either attached to or detached from a main building, intended for the primary purpose of providing shelter for one or more motor vehicles. Items stored in a carport shall be subject to the requirements of Section 87-46 of the City of Oxford Code of Ordinances.
- 10.2.51 Cementitious Stucco. Exterior coating material include traditional Portland cement and other cementitious materials, such as fly ash, ground granulated blastfurnace slag (GGBS), limestone fines and silica fume.
- 10.2.52 Cemetery, animal: See Section 3.6.
- 10.2.53 Cemetery, human: See Section 3.6.
- 10.2.54 Certificate of Appropriateness" (COA). The approval granted by a Historic Preservation Commission.
- 10.2.55 Certificate of zoning compliance: A permit issued by the Director of Planning indicating that the use of the building or land in question is in conformity with this Code, is a use permitted by right or a use permitted by review, or is a legal nonconforming use, or that there has been a legal variance granted, as provided by the Code. This is a check and balance system on the zoning procedure. It means that an inspection has indicated that the use is being carried on at the time of occupancy and the condition of the structure or lot at the time of occupation meets all the requirements and legitimately can continue. No structure or lot shall be occupied until a certificate of zoning compliance has been issued when such is required in the land development code.
- 10.2.56 Certified sanitary sewer: A public sewage disposal system of a type approved by the Mississippi Air and Water Pollution Control Commission, or individual sewage disposal systems of a type approved by the State.
- 10.2.57 Church: See Religious Assembly.
- 10.2.58 City: The City of Oxford, Mississippi.
- 10.2.59 City Clerk: As defined in the Mississippi Code of 1972, as amended.
- 10.2.60 City Engineer: The administrative head of the City of Oxford's engineering staff and the chief technical engineering advisor to the Mayor and Board of Aldermen and other city related officer, or the designated representative of the City Engineer.
- 10.2.61 Clearing: The removal of vegetation, including tree stumps, or the material damage of landscape materials by disturbing, excavating or removing the underlying soil.
- 10.2.62 Club, Recreational. See recreational club
- 10.2.63 Cluster development: See Section conservation development.
- 10.2.64 Columbarium: See Section 3.4.
- 10.2.65 Commercial Use of Unenclosed Rooftop: See Sec. 3.11.
- 10.2.66 Comprehensive plan and planning process: The officially adopted plan and comprehensive planning process that contains the elements that provide long range development policies for the City of Oxford and the area subject to urbanization in and around Oxford, Mississippi.
- 10.2.67 Common Area: The areas or facilities of a subdivision, condominium development, or other form of development that is owned jointly and/or fractionally by all owners in the governing association.

These may include, but are not limited to, green space, stormwater management facilities, recreational facilities, and parking areas.

- 10.2.68 Common Interest Development (CID): See Residential CID (3.5.) or Nonresidential or Mixed Use CID (3.11).
- 10.2.69 Conservation development: See Section 3.5.
- 10.2.70 Conforming use: Any lawful use of a building or lot, which complies, with the provisions of this Code.
- 10.2.71 Convalescent, Rest, or Nursing Home: See Section 3.6.
- 10.2.72 Country Club: See recreational club, See Section 3.7.
- 10.2.73 Crematorium: See Section 3.10.
- 10.2.74 Cul-de-sac: See Street, Cul-de-sac.
- 10.2.75 Day care center: See Care Center.
- 10.2.76 Deck: A roofless, floored, horizontal accessory structure that abuts a principle structure. (See the City of Oxford Building Code for all standards.)
- 10.2.77 DBH (diameter breast height): The diameter of a tree as measured four and one-half feet above grade level.
- 10.2.78 Deciduous: Of or referring to a plant which tends to shed its leaves each year.
- 10.2.79 Demolition permit: A permit, which a person shall obtain from the Building Official granting permission to said person to demolish a building or structure.
- 10.2.80 Density: The intensity of the use of land observing all yard, height and lot coverage provisions of this Code.
- 10.2.81 Developer: Any person engaging in developing or improving a lot or group of lots or placing structures thereon for use or occupancy.
- 10.2.82 Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or a drilling operation.
- 10.2.83 Director of Planning: See Planning, Director.
- 10.2.84 District: Any zoning district established by this Code.
- 10.2.85 Drainage, storm: The minor (active) and major (passive) components that function to remove excess runoff produced by precipitation and convey it offsite and/or to a stormwater management facility with minimum inconvenience, life hazard, and property damage.
- 10.2.86 Dripline: The periphery of the area underneath a tree, which would be encompassed by perpendicular lines, dropped from the farthest edges of the crown of the tree.
- 10.2.87 Drive-in eating establishment: See Restaurant.
- 10.2.88 Driveway: A type of private road for local access to one or a small group of structures, owned and maintained by an individual or group. See also Street, Private.

- 10.2.89 Dumpster Enclosure: Any area used for the storage of trash or garbage. No refuse storage shall be permitted as part of the landscaped area, but refuse storage is otherwise permitted adjacent to parking areas.
- 10.2.90 Dwelling: Any building, or portion thereof, which is designed or used as living quarters for human occupancy for 30 days or longer that includes facilities for cooking and a full bathroom (with toilet and bathing facilities). A dwelling may be freestanding (detached) or attached horizontally or vertically to other dwellings.
- 10.2.91 Dwelling, Accessory: See Section 3.5.
- 10.2.92 Dwelling, Attached: See Section 3.5.
- 10.2.93 Dwelling, Detached: See Section 3.5.
- 10.2.94 Dwelling, Duplex: See Dwelling, Attached.
- 10.2.95 Dwelling, manufactured home: A transportable residence in one or more sections, meeting HUD standards, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. (See Table of Uses Sec. 3.3)
- 10.2.96 Dwelling, mobile home: A manufactured home built before 1976 that does not meet HUD Building Code standards. These structures are not allowed in Oxford, and existing such homes or structures are nonconforming uses.
- 10.2.97 Dwelling, modular home: A structure built to be a residence or residences constructed and delivered to a site in two or more sections, meeting IBC Building Codes, when connected to the required utilities.
- 10.2.98 Dwelling, multi-family: See Section 3.5.
- 10.2.99 Dwelling, single family: See Dwelling, detached.
- 10.2.100 Dwelling, townhouse: See Section 3.5.
- 10.2.101 Dwelling, two-unit: See Dwelling, attached
- 10.2.102 Dwelling unit: See Dwelling.
- 10.2.103 Dwelling unit occupancy standard: See Chapter 87, Article IV, Section 87-61, of the City of Oxford Code of Ordinances.
- 10.2.104 Dwelling, zero lot line: See Section 3.5.
- 10.2.105 Easement: A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.
- 10.2.106 Eating Establishment: See Restaurant.
- 10.2.107 Electrical code: The current electric code, National Electrical Code, as adopted by the governing authority.
- 10.2.108 Engineer, registered: Shall mean a professional engineer registered with the State of Mississippi.
- 10.2.109 Evergreen tree or shrub: A plant which tends to retain its leaves all year round.
- 10.2.110 Existing tree: Any tree on a building site before development is proposed, indicated on an approved site plan to be retained.

- 10.2.111 Excavate: To dig out, scoop out, hollow out, or otherwise make a hole or cavity by removing soil, sand, gravel, or other material from any property so as to change the grade of such property.
- 10.2.112 Family Unit: See Chapter 87, Article IV, Section 87-61, of the City of Oxford Code of Ordinances.
- 10.2.113 Farmers Market: A food market at which local farmers sell fruit and vegetables and often meat, cheese, and bakery products directly to consumers.
- 10.2.114 Fence: An enclosure or barrier intended to mark a boundary, screen a view, or prevent intrusion. (See also, Wall)
- 10.2.115 Fill: The placing, storing or dumping of any materials such as earth, clay, sand, concrete, rubble or non-decomposable waste of any kind upon the surface of the ground which results in increasing the natural surface elevation.
- 10.2.116 Financial Institution: See Bank or Credit Union
- 10.2.117 Fire code: The current standard fire prevention code, International Building Code, as adopted by the governing authorities.
- 10.2.118 Firing Range: See Section 3.7.
- 10.2.119 Flammable liquids: Any liquid which gives off flammable vapors, as determined by the flash point from an open cup tester as used for the testing of burning oils, at or below a temperature of 80 degrees Fahrenheit, is flammable.
- 10.2.120 Flood, Level of the 100 Year: The highest level of flooding that has a one percent chance of occurring each year. Note: See current flood damage prevention code.
- 10.2.121 Flood plain: The land area adjoining a river, stream, watercourse, or lake that has been or may be covered by floodwater. (This definition of flood plain may differ from that used in geologic and geomorphic writings.)
- 10.2.122 Flood damage prevention code: An overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and land use and control measures, and flood damage prevention code.
- 10.2.123 Flood-proofing: Structural and/or nonstructural adjustments to a building which make it watertight below the base flood level and which enable the building to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood level. Said adjustments are to be certified by a registered professional engineer or architect.
- 10.2.124 Floodway: The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (See Flood, Level of 100 Year)
- 10.2.125 Floor area: The square footage of all floor space within the outside line of walls and including the total of all space on all floors of a building.
- 10.2.126 Floor area ratio (FAR): A term that expresses the relationship between the amount of usable floor area permitted in a building (or buildings) and the area of the lot on which the building stands. It is obtained by dividing the gross floor area of a building by the total area of the lot.
- 10.2.127 Foot candle: A unit of illumination on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

- 10.2.128 Forestry: See Section 3.11.
- 10.2.129 Franchise architecture: A building design that is trademarked, branded, or easily identified with a particular chain or corporation and is ubiquitous in nature.
- 10.2.130 Fraternal Facility: A fraternity or sorority house that may or may not provide lodging and/or meals, but which does include meeting facilities.
- 10.2.131 Freestanding Self-Serve Structures: See Accessory Uses or Structures.
- 10.2.132 Front building line: See Building line, front.
- 10.2.133 Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street. If the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
- 10.2.134 Funeral Homes: See Section 3.9.
- 10.2.135 Future land use plan: That part of the adopted comprehensive plan that identifies the location, area and classifications of proposed land uses both inside the city and out to a designated future urban growth planning area boundary.
- 10.2.136 Garage apartment: An accessory dwelling unit above a private garage. See Dwelling, Accessory.
- 10.2.137 Garage, private: An accessory building or part of a main building intended primarily for storage of one or more vehicles. See also carports.
- 10.2.138 Garage, public: Any building, other than a private garage, available to the public where vehicles are parked or stored for remuneration.
- 10.2.139 Gas code: The current standard gas code, International Building Code, as adopted by the governing authorities.
- 10.2.140 Gasoline, service or filling station: See Service Station.
- 10.2.141 Gated Entries: See Section 3.11.
- 10.2.142 Golf Course: A recreational facility used for the game of golf. See Open Space, Active.
- 10.2.143 Governing authorities: Mayor and Board of Aldermen of the City of Oxford, Mississippi.
- 10.2.144 Grade or grade level: The finished elevation of land either horizontal or sloping, after completion of site preparation for the construction of structures.
- 10.2.145 Grading code: See erosion control code, Appendix D Erosion Control, located in code Chapter 98, art. IV, of this document.
- 10.2.146 Grass: Low growing plants which grow in a spreading fashion to form a solid mat or lawn. Only perennial grasses (those which live for more than one growing season) shall qualify to satisfy the requirements of this Code.
- 10.2.147 Green Space: An area of grass, trees, or other vegetation with no impervious surfaces, set apart for recreational or aesthetic purposes in an otherwise urban environment.
- 10.2.148 Grocery Store: See Section 3.8.

- 10.2.149 Gross floor area: The sum of the gross horizontal areas of the several floors of a structure, including interior balconies and means; all horizontal measurements to be made between the exterior faces or walls, including the walls of roofed porches having more than two walls.
- 10.2.150 Groundcover: Low growing plants and ornamental grasses which grow in a spreading fashion to form a more or less solid mat of vegetation, and which are generally included in landscaped areas to prevent soil erosion by providing permeable cover for bare earth.
- 10.2.151 Ground elevation: The height of the ground above sea level expressed in terms of mean sea level or the City of Oxford datum.
- 10.2.152 Group care home or group care facility: See Section 3.6.
- 10.2.153 Habitable floor: A space in the conditioned space (heated and/or cooled) of a building for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.
- 10.2.154 Hardship: An unusual situation on the part of an individual property owner that will not permit the full utilization of their property as is allowed others within the community. A hardship exists only when it is not self-created or when it is not economic in nature. In other words, a true hardship exists only when the literal interpretation of the requirements of the Code would place an individual in an unusual circumstance and would deny the right to use property for any purpose, or create an unnecessary burden, unless relief is granted.
- 10.2.155 Heliports: See Section 3.11.
- 10.2.156 Historic preservation code: An overall program of protection, enhancement and perpetuation of landmarks, landmark sites and historic districts which represent distinctive elements of the city's cultural, social, economic, political and architectural history; to safeguard, stabilize, promote the city's historic aesthetic and cultural heritage through the Oxford Historic Preservation Commission and the Courthouse Square Historic Preservation Commission. Standards and requirements established by the Oxford Historic Preservation Code. Note: See current Oxford Historic Preservation Code, Appendix B, of this document.
- 10.2.157 Home care center: See Care center.
- 10.2.158 Home occupation: See Section 3.11.
- 10.2.159 Hospital: See Medical Facilities
- 10.2.160 Hotel, motel, or inn: See Section 3.8.
- 10.2.161 Housing code: The current standard housing code, International Building Code, as adopted by the governing authorities.
- 10.2.162 Ice Dispensing Machines: See Freestanding Self-Serve Structures
- 10.2.163 Irrigation: An adequate supply of water, which can be made available to landscape plant materials including, but not limited to, underground sprinkler systems or hose bibs.
- 10.2.164 Junk: Abandoned personal property.
- 10.2.165 Junk yard: Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or wrecked, dismantled, partially dismantled or inoperative motor vehicles or other type of junk. Also, an area of land used for the dismantling or wrecking of

used automobiles or the storage, sale or dumping of dismantled, partially dismantled, inoperative, or wrecked automobiles or their parts. Junk yards are not permitted in Oxford.

- 10.2.166 Kennel: An establishment in which more than three domesticated animals more than six months old are housed, groomed, bred, boarded or trained for compensation or offered for sale. (See Services Uses.)
- 10.2.167 Land development code: The Code regulating zoning and land subdivision within the corporate limits of Oxford, MS. Also referred to as the Code in the text.
- 10.2.168 Land development code checklist: Is a checklist of required actions which is required for all new, or renovation development or redevelopment projects of land or buildings. Note: See Historic Preservation Code.
- 10.2.169 Landscape Architect: A person who is educated in the field of landscape architecture. See Qualified Professional. The practice of landscape architecture includes: site analysis, site inventory, land planning, planting design, grading, storm water management, sustainable design, construction specification, and insuring that all plans meet the current building codes and local and federal ordinances.
- 10.2.170 Landscape Designer: A person educated in the profession of designing decorative and functional alteration and planting of grounds, especially at or around a building site. See Qualified Professional.
- 10.2.171 Landscaped area: That area within the boundaries of a given site, which is permeable, and primarily devoted to and consists of live landscape material.
- 10.2.172 Landscape material: Plant materials including, but not limited to, live trees, shrubs, ground covers, grass, flowers, and native landscape materials; also including, but not limited to, inorganic features such as planters, stone, brick, and aggregate forms, water, and other landscape elements when used to enhance live plant materials; provided, however, that the use of inorganic materials or grass in combination with inorganic materials shall not predominate over the use of live, organic plants. Artificial plants do not qualify as landscape material.
- 10.2.173 Legal nonconforming use, building or yard: See Nonconforming Use, legal.
- 10.2.174 Level of the 100-year flood: See Flood, Level of the 100 Year.
- 10.2.175 Life Care Community: See Section 3.6.
- 10.2.176 Livestock: A domestic animal normally raised on a farm such as poultry, swine, cattle, horses, sheep, goats, or similar animals, but not wildlife.
- 10.2.177 Lot: For the purpose of this Code, a lot is a buildable parcel of land of at least sufficient size to meet minimum zoning and yard requirements for uses allowed in its zoning district. Such lot shall have frontage on an improved public or private street that has been approved by the Mayor and Board of Aldermen, advised by the site plan review committee. Lots may consist of single lots of record, portions of a lot of record, a combination of complete lots of record, or a parcel of land described by metes and bounds. In the case of division or combination, however, no lot or parcel shall be created which does not meet the requirements of the land development code.
- 10.2.178 Lot area: The total area included within the front, side and rear lot lines.
- 10.2.179 Lot build-to line: The line at which construction of a building facade is to occur on a lot, running parallel to the front property line without setback, and thus ensuring a generally uniform (or more or less even) building facade line on the street.

- 10.2.180 Lot, corner: A lot located at the intersection of and abutting on two or more streets.
- 10.2.181 Lot Coverage: The area of a lot covered by impervious surfaces including the building footprint, driveways, impervious patios or terraces, parking pads, and sidewalks.
- 10.2.182 Lot depth: The average horizontal distance between the front lot line and the rear lot line.
- 10.2.183 Lot frontage: The front of a lot shall be construed to be the portion nearest the street right of way extending from lot line to lot line. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated in this land development code.
- 10.2.184 Lot, frontage, double: A lot, other than a corner lot, which has frontage on more than one street. Also referred to as a through lot.
- 10.2.185 Lot, interior: A lot other than a corner lot.
- 10.2.186 Lot line, front: In the case of an interior lot, the line separating said lot from the street. In the case of a corner or through lot, the line separating said lot from the street which the house will face, to be determined from the request for a building permit. Front lot line is synonymous with street right-of-way line.
- 10.2.187 Lot line, side: The side lot line is the property boundary line between the front and rear lot lines.
- 10.2.188 Lot, nonconforming: See Nonconforming lot.
- 10.2.189 Lot lines: The lines bounding a lot as defined herein.
- 10.2.190 Lot of record: A lot which is part of a subdivision recorded in the office of the county chancery clerk, or a lot or parcel of land described by metes and bounds, the description of which has been recorded in the office of the county chancery clerk and that at the time of recording was a legal, conforming use.
- 10.2.191 Lot setback line: The line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.
- 10.2.192 Lot width: The width of a lot at the front building setback line.
- 10.2.193 Lounge: See Tavern.
- 10.2.194 Major thoroughfare plan: That part of the comprehensive plan now or hereafter adopted which includes the adopted major thoroughfare plan, and which sets forth identification, location, dimensions and classifications of existing and proposed public streets, major arterials, minor arterials, collectors, highways and parkways.
- 10.2.195 Manufacturing: See Section 3.10.
- 10.2.196 Manufactured home development: See Section 3.5.
- 10.2.197 Mayor: Mayor (chief executive) of the City of Oxford.
- 10.2.198 Medical facilities: Facilities that offer a range of health services (for humans or animals) to the public, including out-patient and in-patient care, and including long term medical care such as, but not limited to: nursing homes, convalescent home, rest home, medical clinic, dental clinic, public health facility, veterinary clinic or hospital. See Section 3.9.
- 10.2.199 Mobile home: Mobile homes are not allowed in Oxford. See Dwelling, manufactured home.

- 10.2.200 Monastery or Convent: See Religious Assembly Uses.
- 10.2.201 Mortuary and Funeral Home: See Section 3.9.
- 10.2.202 Moving permit: A permit, which a person shall obtain from the building official, granting permission to that person to move or relocate a building or structure. Such permit requires a certificate of appropriateness from a Historic Preservation Commission if in a Historic District.
- 10.2.203 Municipal Public Buildings and Facilities: See Section 3.6.
- 10.2.204 Natural disaster: A natural occurrence such as an earthquake, flood, fire, straight line winds, hurricane, or tornado weather event which causes great damage to property.
- 10.2.205 New construction: The first placement of permanent construction on a site, such as the pouring of slabs or footings, or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof or its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basements, footings, piers or foundations, erection of temporary forms, installation of sewer, gas and water pipes, or electric or other service lines from the street, or existence on the property of accessory buildings such as garages or sheds, not occupied as dwelling units or not a part of the main structure
- 10.2.206 Nightclub: See Restaurant.
- 10.2.207 Nonconforming lot: A lot, the area, width, or other characteristic of which fails to meet requirements of the zoning district in which it is located and which was conforming ("of record") prior to enactment of the land development code.
- 10.2.208 Nonconforming use: A structure and/or parcel of land lawfully occupied by an operating use that does not conform to the regulations of the district in which it is situated at the time of the passage of this Code.
- 10.2.209 Nonconforming use, building or yard, Legal: An operating use, building or yard existing legally at the time of the passage of this Code which does not by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. A use, building or yard established after the passage of this Code, which does not conform to regulations of the district in which it is situated, shall be considered an illegal nonconforming use. Certificate of zoning compliance required.
- 10.2.210 Nursing home: See 3.6.
- 10.2.211 Offices, Professional: See Section 3.8.
- 10.2.212 Old Town Conservation Overlay District: Neighborhood conservation district as defined in the Land Development Code.
- 10.2.213 Old Town Oxford: The boundaries of the Courthouse Square Historic Preservation District.
- 10.2.214 Open space: An area of land that is undeveloped other than recreational uses (which may include some structures) and Green space (land with no impervious surfaces, that is partly or completely covered with grass, trees, shrubs, or other vegetation).

- 10.2.215 Open space, active: See Section 3.7.
- 10.2.216 Open space, common: A parcel or parcels of land not occupied by dwellings or other buildings, drive-ways, or parking areas, which is available to, accessible to, and maintained in a suitable state for the shared use and enjoyment by the owners and/or occupants of individual dwelling units within a particular development. See also, Common Area.
- 10.2.217 Open space, passive: See Section 3.7.
- 10.2.218 Open storage: A depository or place for storing goods related to the establishment on the same premises and not located within a building.
- 10.2.219 Orphanage: See Group Care Home or Facility.
- 10.2.220 Overlay district: A set of zoning requirements that is described in the Code text, is mapped, and is imposed in addition to those of the underlying district. Developments within an overlay district must conform to the requirements of both districts or the more restrictive of the two.
- 10.2.221 Owner: Any person having a sufficient proprietary interest in the land sought to be developed, subdivided, or rezoned to commence and maintain proceedings to develop, subdivide, or rezone the property according to the provisions specified in this Code.
- 10.2.222 Park or Playground: See Open Space, Active or Passive.
- 10.2.223 Parking lot: The area and/or parking spaces required by this Code in a specific district designed and used for parking automobiles, vehicles, and loading. The parking area shall exclude fire lanes, as defined in the standard fire prevention code. A parking lot is accessory to a principle use.
- 10.2.224 Parking lot encroachment barrier: Protective barriers which shall be provided, positioned, and secured to prevent any part of an automobile or other vehicle from extending into live landscaping, fences, or walls. Curbing, wheel stops, landscape timbers, railroad ties or bumper rails shall provide protection for all landscaping from vehicular encroachment.
- 10.2.225 Parking space: A space located on private or public property sufficient in size to store one automobile and meeting the requirements of this Code and the disabled persons parking code. The size of parking spaces, which shall include the parking stall and circulation area, are defined in Article 6 of this Code.
- 10.2.226 Parking lot perimeter landscape area: That area surrounding a parking lot which is devoted to and consists of landscape materials, fences, or other means of screening the parking lot from the view of the street.
- 10.2.227 Passive Open Space: See Open Space, Passive
- 10.2.228 Patio or Terrace: A roofless flat area located used for recreational purposes, that may or may not abut a principle structure, usually a dwelling. A patio or terrace with a roof is considered a porch for the purposes of this code.
- 10.2.229 Permit: Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.
- 10.2.230 Permitted use: That use of a lot, which is among the uses as a matter of right under the zoning classification. See 3.3.2.
- 10.2.231 Planning Commission: The Oxford Planning Commission as established and appointed by the governing authorities of the City of Oxford, MS.

- 10.2.232 Planning, director of: The person designated by the mayor who is responsible for the activities and functions of the department of planning, or their designated representative. The Director is designated to administer the land development code, issues Certificates of Zoning Compliance, and to serve as the chief technical planning advisor to the Oxford Planning Commission, the Oxford Historic Preservation Commissions, and to the Mayor and Board of Aldermen.
- 10.2.233 Planning department: The staff of the Oxford planning department.
- 10.2.234 Planned unit development (PUD): A zoning district in which a mix of land uses may be permitted as authorized and defined in Article 2.
- 10.2.235 Plat: A map, plan or layout showing land subdivision information required by the land development code for developing a subdivision or site plan.
- 10.2.236 Plumbing code: The current standard plumbing code, International Council of Codes (ICC), as adopted by the governing authorities.
- 10.2.237 Premises: Land together with a structure or structures occupying it.
- 10.2.238 Private Club, Recreational: See recreational club.
- 10.2.239 Private drive: A driveway located on a lot which serves only that lot, and which shall not be a private street. See also Driveway and Street, Private.
- 10.2.240 Porch: A roofed appendage to a main building (accessible from the front, rear, or side) that may be enclosed by latticework, screening, or temporary seasonal windows. (See the City of Oxford Building Code for all standards.)
- 10.2.241 Pub: See Tavern.
- 10.2.242 Public building and Facilities: See Section 3.6.
- 10.2.243 Public facility: See Section 3.6.
- 10.2.244 Public use: A use owned and/or operated by a government authority (city, county, state, and federal) for the benefit of the general public.
- 10.2.245 Public works, director of: That person designated by the mayor and ratified by the mayor and Board of Aldermen who is responsible for the activities and functions of the department of public works, or their designated representative.
- 10.2.246 Public or private utility: Any person, firm, corporation, municipal department or board duly authorized under State or municipal regulations to furnish such public services as electricity, gas, water, sewer, telephone, television cable, telegraph, transportation or other public services to its subscribers or customers.
- 10.2.247 Qualified professional. A professional licensed and registered in the state of Mississippi performing services only in their areas of licensure, certification, or registration. This term shall include only registered arborists, land surveyors, landscape designer, registered engineers, registered architects, and registered landscape architects.
- 10.2.248 Recreational Club or Facility: See Section 3.7.
- 10.2.249 Recreational uses, indoor and outdoor: See Section 3.8.

- 10.2.250 Recreational vehicle: A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use. For the purpose of this ordinance, these include but are not limited to travel trailers pulled behind a vehicle, truck campers, camping trailers, and self-propelled motor homes.
- 10.2.251 Recreational vehicle park: See Section 3.8
- 10.2.252 Refuse storage: See Dumpster Enclosure.
- 10.2.253 Religious assembly use: See Section 3.6.
- 10.2.254 Rest Home, See Section 3.6.
- 10.2.255 Restaurant: See Section 3.8.
- 10.2.256 Retail Indoor Sales Business. See Section 3.8.
- 10.2.257 Retail Outdoor Sales Business. See Section 3.8.
- 10.2.258 Retaining Wall: See Walls, Retaining
- 10.2.259 Schools: See Section 3.6.
- 10.2.260 Screening: Landscaping, berms, fences, walls, or any combination thereof used to block or significantly obscure, in a continuous manner, the view from one area to another.
- 10.2.261 Semi-public use: A use owned, operated and/or maintained by a private, eleemosynary institute or other group generally for the benefit of a selected public group and the community (i.e. religious group).
- 10.2.262 Service Station: See Section 3.8.
- 10.2.263 Service Uses, indoor: See Section 3.9.
- 10.2.264 Setback line. See Lot, Setback line.
- 10.2.265 Sex Entertainment Businesses. A business which provides various forms of entertainment related to sexual activities. See Appendix A-11 for specific uses and terminology. See Sex Entertainment Business Overlay District 2.6.20 for regulations.
- a. Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
 - b. Bookstore (Sexually oriented): An establishment which has a substantial portion of its stock-in-trade and offers for sale for any form of consideration, any one or more of the following:
 - i. Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
 - ii. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

- c. Cabaret (Sexually oriented): A nightclub, bar, restaurant, theater, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
 - d. Entertainment Establishment (Sexually oriented): An arcade, books store, cabaret, motel, motion picture theater, or similar establishment which regularly features or depicts behavior which is characterized by the exposure of "specified anatomical areas" or where any employee, operator or owner exposes his/her "specified anatomical area" for viewing by patrons
 - e. Motel (Sexually oriented): A motel or similar establishment which includes the word "adult" in any name it uses or otherwise advertises the presentation of "adult" or "sexually oriented" material, offering public accommodations for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
 - f. Motion picture theater (Sexually oriented): An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities or "specified anatomical areas."
- 10.2.266 Shopping center: A group of retail businesses in attached or detached structures (usually one story) that may include retail stores, offices, restaurants and other businesses having a common parking area, and common ownership and/or management.
- 10.2.267 Shrub: Woody or semi-woody perennial plants that are customarily included in landscape designs to provide for lower scale buffering and visual interest.
- 10.2.268 Shrubber: A merchant who sells shrubs.
- 10.2.269 Sidewalk: A paved, surfaced or leveled area, usually paralleling and separated from the street, used as a pedestrian walkway.
- 10.2.270 Sight triangle: An area in the shape of a right triangle at the intersection of streets within which clear visibility of traffic, bicyclists, and pedestrians must be maintained..
- 10.2.271 Signs: Any outdoor display, device, figure, painting, drawing, message, plaque, poster, billboard, or other display surface and its supporting structure which is designed, intended to be used to advertise or inform, any part of the advertising or information contents of which is designed to be primarily viewed from any place on the traveled way of a street or highway. These may include (but not be limited to):
- a. Awning – A building mounted sign that provides additional functionality as a shelter. Lettering or symbols can be incorporated into the drop or valance or the awning surface. Awning signs may be illuminated, but internal illumination is not permitted.
 - b. Banner, commercial: Any type of cloth, fabric or other material normally displayed between poles, attached to buildings or other supports which advertises any business, product, goods or service, but not to include "public service" banners.
 - c. Banner, public service: Temporary banners(s) used to promote the civic, social, educational, cultural, moral, economic or industrial welfare of the community which are of a general public interest and not for the purpose of private financial gain.

- d. **Business sign:** A sign, which directs the attention of the general public to a business, product, service or activity, conducted upon the premises where such sign is located. Business signs shall be classified as an accessory business use and shall be permitted in all commercial and industrial zones. Business signs shall only be allowed on the premises upon which such business is located and any other type of "off-premises" business sign, other than shopping center entrance signs and outdoor advertising signs, is prohibited.
- e. **Construction Sign.** The signage to be included on each site requiring a land disturbance permit. Signage shall include at a minimum "Construction Site – No Trespassing", the contractor's name, 24-hour emergency contact number for the contractor, the name of the QCP, and a 24-hour emergency contact number for the QCP. Signage shall be visible from the street, public right of way, or proposed public right of way. Signage shall not be larger than 3 square feet and shall be considered a temporary sign in accordance with the City of Oxford's Land Development Code.
- f. **Digital billboard:** Any billboard which electronically changes the fixed display screen composed of a series of lights, including light emitting diodes, fiber optics, or other similar technology. Digital billboards include computer programmable, microprocessor controlled electronic, or digital displays that display electronic images, graphics, or pictures, with or without textual information.
- g. **Flashing sign:** A sign, the illumination of which is not constant in intensity when in use, except that illuminated signs which indicate time, date, temperature or other public service information, shall not be considered to be flashing signs. This shall include traveling messages, or any other electronic or mechanical movement of the message.
- h. **Foot candle:** See Section 10.2.11.5.
- i. **Freestanding sign:** Any sign (such as a monument or post sign) mounted on a support structure and placed on or anchored in the ground and which is independent from any building or other structure.
- j. **Ground sign.** See monument sign.
- k. **Illuminated sign:** A sign in which light is incorporated.
- l. **Incidental signs:** Business signs customary and incidental to the business conducted on premises such as "self-service," "Master Charge," "Visa," or any other type of sign erected within any building.
- m. **Marquee:** A sign that is mounted to a permanent canopy. Commercial buildings in the 20th century, particularly hotels and theaters, commonly featured suspended canopies of metal, glass, and/or wood over entrances. These signs generally included lights or changeable messages.
- n. **Monument sign:** A freestanding sign that has a solid support structure with a base that is at least the width of the sign structure.
- o. **Nonconforming sign.** See section 3.1.6.
- p. **Outdoor advertising sign:** A sign which directs the attention of the general public to a business, product, service or activity not conducted upon the premises where such sign is located, and commonly known as "billboards."
- q. **Pennant:** Any type of cloth, fabric or other material normally displayed on poles, strings, wires or by other means which contains distinctive colors, patterns or shapes and contains no business name, logo or other type of commercial message.
- r. **Portable signs:** Any business sign or outdoor advertising sign not permanently attached to a building, post, or other type of foundation and which is capable of being moved by means of lifting or rolling on wheels with a minimum of difficulty by disconnection of wiring, bolts, or other anchors.

- s. Post Sign: A freestanding sign that is mounted on one or two support posts.
 - t. Projecting sign: Any sign attached to a building, which projects outward from the building, normally at a 90-degree angle.
 - u. Sign area: The entire width within a single, continuous perimeter inclosing the outer dimensions of the actual message or copy area. It does not include decorative trim, customary extensions or embellishments nor any structural elements outside the limits of such display surface and not forming an integral part of the display. For double-face or V-type sign structures, only one display face shall be counted in computing the actual sign area.
 - v. Temporary signs: Any sign not intended to be permanently located on the premises, usually noticing property for sale or rent, announcing a new business or new construction activity, or election related messages. Temporary signs are intended to be displayed for a limited time period, and they are not permanently affixed to the ground or any structure. They include, but are not limited to, signage methods such as banners or posters; and may take the form of "spike signs" that are affixed into the ground with metal spikes or stakes, or affixed to other solid objects with nails or staples or by other means. Such signs shall not be construed to be a "portable sign" as defined above.
 - w. Wall Sign. Lettering, symbols, and decorative elements that are intended to draw attention to, identify or brand a business that are painted on, applied to, or attached to the wall of a building.
 - x. Window Sign: Signage, including lettering, symbols, and decorative elements that are intended to draw attention to, identify, or brand a business, that are painted on, applied to (decals), or attached to the front or back of a window or on the glass portion of a door.
 - y. Site plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the land development code regulations.
- 10.2.272 Site Plan review committee: As established by the land development code, its purpose shall be to utilize to the fullest extent possible its individual and collective technical expertise, to coordinate and expedite the review, processing and pre-hearing procedures as they may apply to the land development code, and all development and building codes and all applicable city codes.
- 10.2.273 Slum area: Slum area shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such facts or conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare. Mississippi State Law 43-35-3, as amended [MCA 1972, § 43-35-3].
- 10.2.274 Special use: See definition in Section 3.3.
- 10.2.275 Special exception use: See definition in Section 3.3.
- 10.2.276 Stable or Riding Academy: See Open Space, Active – Section 3.4.
- 10.2.277 Story: That portion of a building, other than a basement, included between the surface of any floor and the ceiling next above it. A second story shall consist of a minimum of 51% of the building footprint as functional space.
- 10.2.278 Street: Rights-of-way, dedicated to public use, which provide vehicular and/or pedestrian access to adjacent properties.

- 10.2.279 Street, alley: A minimal street available for public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a public street.
- 10.2.280 Street, arterial: Streets, roads, or highways having the primary purpose of carrying through traffic (pedestrian, bicycle, transit, and vehicular), and the secondary purpose of providing access to abutting properties.
- 10.2.281 Street, collector: Streets or roads with the dual purpose of providing access to properties and carrying local traffic (pedestrian, bicycle, transit, and vehicular) within residential, mixed-use, and commercial, and industrial areas. There may be through traffic, but the system primarily provides service access.
- 10.2.282 Street, cul-de-sac, court, or dead-end street: A short street having one end open to traffic and the other permanently or temporarily terminated by a vehicular turn-around.
- 10.2.283 Street, curb line radius: The radius used to join two intersecting streets or the curve of a street.
- 10.2.284 Street, dedicated: A street with its right-of-way which has been given by the owner for public use and has been accepted by the City of Oxford.
- 10.2.285 Street grade: The combination of slope and elevation of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street at the center of the street shall be considered the street grade.
- 10.2.286 Street, half: One half of the right-of-way of a street.
- 10.2.287 Street, intersection: The place where a street joins or crosses another street at an angle.
- 10.2.288 Street, line: Public right-of-way line of a street.
- 10.2.289 Street local: Residential or rural roads not classified in a higher system, primarily providing direct access to abutting land and to collector streets. They offer the lowest level of mobility and usually carry very little commercial truck traffic.
- 10.2.290 Street, minor: See street, local.
- 10.2.291 Street, private: Any private way which is platted as a principal means of access for abutting properties but which is not dedicated for public use. Maintenance shall be the responsibility of the adjoining property owners.
- 10.2.292 Street, public: Any way or place, which is dedicated and accepted for public use, which provides the principal means of access for abutting properties. A public street shall be constructed to city specifications and accepted by the city prior to dedication.
- 10.2.293 Street or alley, vacated: A dedicated right-of-way which has been officially closed and abandoned by Ordinance by the Governing Authority, and said right-of-way is divided equally between adjacent properties.
- 10.2.294 Storage, Self- Storage Facility: See Section 3.10.
- 10.2.295 Structure: Anything constructed or erected, the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground, structures include billboards, manufactured homes, walls, swimming pools, and fences, but do not include marquees, canopies, service or dispensing facilities, whether free standing or attached.

- 10.2.296 Structural alterations: Any change in the roof, exterior walls or supporting members of a building.
- 10.2.297 Studio, Artistic or Teaching. See Section 3.9.
- 10.2.298 Sub-divider: Any person, firm, partnership, corporation or other entity acting as a unit, and subdividing or proposing to subdivide land as herein defined.
- 10.2.299 Subdivision: The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development by means of an appropriately recorded legal document. A subdivision which reduces the size of an existing lot may require approval of a new site plan for any existing development on that lot.
- 10.2.300 Substantial improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the actual cash value of the structure either (1) before the improvement is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.
- 10.2.301 Surveyor, registered land: Shall mean a registered land surveyor licensed in the State of Mississippi.
- 10.2.302 Swimming pool code: The Standard Swimming Pool Code of the International Building Code, as adopted by the governing authorities.
- 10.2.303 Tavern: See Restaurant.
- 10.2.304 Temporary Use: See Section 3.11.
- 10.2.305 Terrace: See Patio.
- 10.2.306 Theater: See Section 3.8.
- 10.2.307 Townhouse: See Dwelling, Townhouse.
- 10.2.308 Travel trailer: See Recreational Vehicle
- 10.2.309 Travel trailer parking area: See Recreational Vehicle Park
- 10.2.310 Tree grove: A stand of native significant and/or specimen trees with understory vegetation cover intact, drainage conditions unchanged, and general slope and grades unaltered. The extent of a grove shall extend three feet beyond the dripline of the perimeter trees in the grove.
- 10.2.311 Tree, Heritage: Any tree by virtue of its species and/or size included in the heritage tree list (See Appendix) approved by the Oxford Tree Board. The listed trees are predominantly species native to Lafayette County and of size and maturity important to the health and conservation of Oxford's urban forest. In addition, any hardwood and/or evergreen tree 36 inches or greater at DBH shall be considered as a heritage tree.
- 10.2.312 Tree, large: An evergreen or deciduous upright woody perennial plant having a single main stem or several main stems, which is a minimum of two-inch caliper, 12 to 14 foot with the maximum of 16 feet in height at the time of planting and which attains generally more than 30 feet in height at maturity.
- 10.2.313 Tree, Native: A tree that is indigenous to the area.
- 10.2.314 Tree, Protected: Any tree which meets the requirements of being classified as a "significant tree" or is declared by the developer, or required by the Oxford Planning Commission, as to be preserved and protected from clearing or infringement by development.

10.2.315 Tree, Significant: Plant materials which meet the following requirements:

10.2.315.1 Healthy hardwood and evergreen trees, except pines, with a DBH of 15 inches or greater;

10.2.315.2 Healthy pines with a DBH of 24 inches or greater measured at four and one-half feet above grade level.

10.2.316 Tree, Small : An evergreen or deciduous upright woody perennial plant having a single main stem or several main stems, which is a minimum of six to eight feet overall height at the time of planting and which attains a minimum height of 15 feet and a maximum height of 30 feet.

10.2.317 Tree, Specimen: Any tree identified by the Oxford Tree Ordinances' Master Tree List at least four inches or more DBH that exemplifies a unique color, texture, scent, growth habit, outstanding size, or other distinguishing characteristic that makes it unique compared to other trees found on the site in question.

10.2.318 Truck Terminal: See Section 3.10.

10.2.319 Turf: See grass.

10.2.320 University/college/business school: An institution at which persons are instructed in vocational, career and academic learning for preparation for employment and education after completion of high school. Example: University of Mississippi, Northwest Community College, or private business college.

10.2.321 Variance: A modification of the literal provisions of this Code which the Planning Commission and/or the Mayor and Board of Aldermen are permitted to grant when strict enforcement of said provisions would cause undue hardship (such hardship cannot be self-created or of an economic nature) owing to circumstances unique to the individual property on which the variance is sought.

10.2.322 Vegetation, Significant: Any large shrub meeting or exceeding eight feet in height at maturity.

10.2.323 Vehicle Repair and Maintenance Facility: See Section 3.8.

10.2.324 Veterinary clinic/hospital: See Medical Facilities

10.2.325 Vicinity map: A map of the general surrounding area indicating the location of the property being subdivided.

10.2.326 Vines: Herbaceous or semi-woody plants requiring support upon which to grow and used to provide some screening or buffering effects.

10.2.327 Wavier: A grant of relief from the strict interpretation of a provision of this Code. See Sec. 10.2.3.10. Interpretations and Appeals.

10.2.328 Walkway: A hard-surface, all-weather area intended for pedestrian circulation within a development. See also Sidewalk.

10.2.329 Wall, exterior: An enclosing structure made of brick, stone, earth or other materials intended to mark a boundary, screen a view, or prevent intrusion.

10.2.330 Wall, retaining: A structure designed to restrain soil to a slope that it would not naturally keep to (typically a steep, near-vertical or vertical slope). They are used to bound soils between two different elevations often in areas of terrain possessing substantial slopes and /or unstable soil, or in areas where the landscape needs to be shaped and engineered for specific purposes.

10.2.331 Warehouse: See Section 3.10.

- 10.2.332 Water supply system: Any system approved by the State Health Department and City of Oxford which provides a source, means or process of supplying potable water.
- 10.2.333 Wholesale Use: See Section 3.10.
- 10.2.334 Wireless Communication Facility: Alternative Structure: A structure that is not primarily constructed for the purpose of holding wireless communication facility antennas but on which one or more Antennas maybe mounted, including but not limited to, buildings, water tanks, pole signs, billboards, church steeples or towers, electric power transmission poles/towers, streetlights, or utility structures.
- 10.2.335 Wireless Communication Facility: Antenna: Any apparatus designed for the transmitting and/or receiving "electromagnetic waves".
- 10.2.336 Wireless Communication Facility: Base Station: Equipment and non-Tower supporting structure at a fixed location that enables wireless telecommunications between user equipment and a communications network. The term does not encompass a Tower or equipment associated with a Tower.
- 10.2.337 Wireless Communication Facility: Co-location: The mounting or installation of Transmission Equipment of more than one wireless communications provider on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- 10.2.338 Wireless Communication Facility: Distributed Antenna System (DAS): A system consisting of (1) a number of remote communications nodes deployed through a desired coverages area, each including at least one Antenna for transmission and reception; (2) a high capacity signal transport medium (currently typically fiber optic cable) connecting each node to a central communications hub site; and (3) radio transceivers locate at the hub site (radio transceivers located at the hub site (rather than at each individual node as is use for small cells) to process or control the communications signals transmitted and received though the Antennas.
- 10.2.339 Wireless Communication Facility: Provider: Any entity who owns, leases, operates, installs, purchases capacity in or maintains any telecommunications network or equipment within the City of Oxford.
- 10.2.340 Wireless Communication Facility: Smart Pole: Any pole, which consists of a design pre-approved by the City of Oxford, for the purpose of also serving as a Telecommunications Facility Support Structure.
- 10.2.341 Wireless Communication Facility: Small Cell Facility: A wireless service facility that meets the following qualifications or is within a stealth design that is consistent with the guidelines below: Each Antenna shall be located inside an enclosure of no more than five (5) cubic feet in volume or, for Antennas with exposed elements, the Antenna and all of its exposed elements shall fit within an enclosure of no more than five (5) cubic feet.
- 10.2.341.1 Primary equipment enclosures are allowed provided that they are shrouded and concealed from view. Primary equipment enclosures larger than seventeen (17) cubic feet in volume shall be located underground. Equipment within a primary equipment enclosure may be no larger than seventeen (17) cubic feet in volume, located adjacent to an Eligible Support Structure or an Alternative Structure.
- 10.2.341.2 No equipment, other than an electric meter and disconnect switch, may be installed on a pole within the first fourteen (14) feet above the ground level.
- 10.2.341.3 Only the following associated equipment may be located outside of the primary equipment enclosure of any Small Cell Facility other than a Smart Pole design, and if so located, will not be included in the calculation of equipment volume: electric meter, concealment material,

underground enclosures, and grounding equipment. All other equipment shall be within the volumes specified or located in an underground vault.

- 10.2.342 Sec. Wireless Communication Facility: Small Cell Network: A collection of interrelated Small Cell Facilities designed to deliver wireless service.
- 10.2.343 Sec. 10.2.332(j) Wireless Communication Facility: Stealth Design: Any telecommunications Transmission Equipment that is integrated as an architectural feature of a Support Structure so that the purpose of the facility for providing wireless services is less readily apparent to a casual observer.
- 10.2.344 Wireless Communication Facility: Support Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.
- 10.2.345 Wireless Communication Facility: Telecommunications Facility: One or more Antenna or utility structures housing either fiber, cable, or wire, Tower, Base Station, Mechanical and/or electronic equipment, conduit, cable, fiber, wire, and associated structures, enclosures, assemblages, devices and supporting elements that generate, transmit, or produce a signal used for communication that is proposed by a Provider, including but not limited to radio/tv/satellite and broadcast Towers, telephone service, including new microwave or cellular Towers, or small cell facilities.
- 10.2.346 Wireless Communication Facility: Tower: Any Support Structure built for the primary purpose of supporting any Antennas and associated facilities for commercial, private, broadcast, microwave, public safety, licensed or unlicensed, and/or fixed or wireless services. A Tower may be concealed or non-concealed. Non-concealed Towers include: Guyed, Lattice, or Monopole.
- 10.2.347 Yard: An open space at grade between a building and the adjoining lot lines.
- 10.2.348 Yard, front: A yard located in front of the front elevation of a building unoccupied and unobstructed by any portion of a structure from the ground upward and extended across a lot between the side lot lines and being the minimum distance between the front property line and the outside wall of the main building
- 10.2.349 Yard, rear: A yard extending across the rear of a lot measured between inner side yard lines and being the minimum distance between the rear lot line and the rear of the main building. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.
- 10.2.350 Yard, side: A yard between the building (from the building foundation line) and the side line of the lot and extending from the front building line to the rear building line and being the minimum distance between a side lot line and the outside wall of the side of the main buildings.
- 10.2.351 Zero lot line project: See Dwelling, zero lot line.
- 10.2.352 Zoning map: The official zoning map or maps which are a part of the land development code and delineate the boundaries of the zoning districts.

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APPENDIX

A.1 Fees and Expenses

- A.1.1 Schedule of fees established: The governing authorities shall by resolution establish a schedule of fixed fees and a collection procedure covering the processing of code enforcement, public hearings and notices, applications and other related expenses. The fixed fee schedule shall cover the reviewing of applications for permits, amendments, and variances, and any other matters pertaining to this land development code. The fixed schedule may be amended from time to time as needed by the governing authorities.
- A.1.2 Collection of fees: The schedule of fees shall be available to the public in the, department of planning. Until all applicable fees have been paid in full, no action will be taken on any application, appeal or other processing of land use matters.
- A.1.3 Other fees and license: The list of applicable development fees shall be available to the public in the department of planning and development.

A.2 Sketch Plat or Site Plan Standards

- A.2.1 General subdivision or site plan information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required by Article 9. This information may include data on existing covenants, land characteristics; and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, price range, and description of proposed protective covenants and proposed utilities and street improvements or other items as required by the Planning Department.
- A.2.2 A location map shall show the relationship of the proposed subdivision or site plan to existing community facilities, or properties, which serve or influence it. Include development name and location; main traffic arteries; title; scale; north arrow and date and other items as may be required by the Planning Department.
- A.2.3 A topographic survey shall show in simple sketch form the proposed layout of streets, lots, structures and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey. In any event the sketch plan shall include either the existing topographic data at two-foot intervals or such of these data as the Director of Planning determines is necessary for its consideration of the proposed sketch. All sketches and data required by this section shall be submitted at least 30 days prior to the meeting at which such information is to be considered.

A.3 Preliminary Plat Standards

The following standards, which may from time to time be modified by the Planning Department, are required for any Preliminary Plat submittal.

- A.3.1 Lot layout. Dimensions of lot lines, lot numbers and lot area in square feet.
 - A.3.1.1 Streets. Names, rights-of-way and roadway widths of existing streets and the location and proposed right-of-way width of existing and proposed street dedications.
 - A.3.1.2 Location and type of existing utilities.
 - A.3.1.3 Boundary lines. Bearing and distances from deed records or survey.
 - A.3.1.4 Easements. Locations, width and purpose.

- A.3.1.5 Public sites. If any, to be reserved or dedicated for parks, playgrounds, or other public uses.
- A.3.1.6 Nonpublic sites. If any, for Multi-Unit dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.
- A.3.1.7 Topographic information showing contour data at one (1) foot intervals.
- A.3.1.8 Other conditions on the tract. Watercourses, flood plain and floodway boundaries and the 100-year flood elevation, marshes, wetlands, rock outcrops, wooded areas, isolated preservable trees two feet or more in diameter, groups of large (eight-inch dbh and greater) trees, and other significant features.
- A.3.1.9 Subsurface conditions on the tract. (if required by the City Engineer) location and results of tests made to ascertain subsurface soil, rock and groundwater conditions; depth to groundwater unless test pits are dry at a depth of five feet.
- A.3.1.10 Other conditions on adjacent land. Approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings located within 300 feet, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences; owner of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, recordation date, and number, and show approximately percent built-up, typical lot size, dwelling type.
- A.3.1.11 Minimum building setback lines.
- A.3.1.12 Zoning. on and adjacent to the tract.
- A.3.1.13 Vicinity Map. Showing location of the tract.
- A.3.1.14 Site data. Number of residential lots, site area, typical lot size, proposed uses and size of common open areas, parks, etc.
- A.3.1.15 Title, scale, north arrow and date.
- A.3.1.16 Subdivision name, name and address of owner, and name and address of individual or firm responsible for preparation of the plat.
- A.3.1.17 Where division of the property into phases or sections is contemplated, the proposed boundaries of such sections shall be shown and labeled and the sequence of development listed in alphabetic or numerical order.
- A.3.1.18 Traffic impact study/analysis will be required at the discretion of the Public Works Department or when any proposed subdivision is expected to generate over 100 peak trips 500 trips in an average day. See Traffic Study Thresholds Table below.
- A.3.1.19 When required by the Planning Commission, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalk, and preliminary plan of proposed sanitary and storm sewers with grades and sizes indicated. All elevations shall be based on a datum plane approved by the City Engineer. A copy of all plans and specifications so submitted and approved by the City Engineer shall be maintained on file in the engineering department.

- A.3.1.20 Utility plan. Existing and proposed utilities on and adjacent to the tract. Location, size and invert elevation of sanitary and storm sewers; location and size of water mains, and fire hydrants. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, showing invert elevation of sewers. Also, electric, gas, and cable utilities and any required retention/detention shall be shown.
- A.3.1.21 Grading and drainage plan. An overall grading plan shall be prepared showing existing and proposed contours at one (1) foot intervals. Both existing and proposed contours shall be shown on the same drawing. An erosion control plan for the subdivision shall be prepared and submitted as part of the overall grading and drainage plan.
- A.3.1.22 Title and certificates. Present tract designation according to official records in office of appropriate recorder, title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, bench marks, certification of registered civil engineer or surveyor, date of survey.
- A.3.1.23 Draft of protective covenants if the sub-divider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

Traffic Study Thresholds		
Land Use	100 Peak Trips	500 Daily Trips
Residential: Single Family	100 Units	50 Units
Apartments	200 units	100 Units
Condos/Townhouses	200 Units	100 Units
Mobile Home Park	300 Units	100 Units
Shopping Center	15,500 sq. ft.	2,700 sq. ft.
Fast Food Restaurant (GFA)	5,200 sq. ft.	1,200 sq. ft.
Convenience Store w/gas (GFA)	1,200 sq. ft. or 5 pumps	
Bank w/Drive-In	4,400 sq. ft.	2,800 sq. ft.
Hotel/Motel	250 rooms	90 rooms
General Office	55,000 sq. ft.	45,000 sq. ft.
Medical/Dental Office	37,000 sq. ft.	26,000 sq. ft.
Research & Development	85,000 sq. ft. or 4.5 acres	70,000 sq. ft. or 4 acres
Light Industrial	115,000 sq. ft. or 8 acres	115,000 sq. ft. or 11.5 acres
Manufacturing	250,000 sq. ft.	195,000 sq. ft.
This table provides guidance on the type and scale of development that may generate 100 peak or 500 daily trips but is not intended to be a conclusive list.		

A.4 Final Plat Standards

The following standards, which may from time to time be modified by the Planning Department, are required for any Final Plat submittal.

- A.4.1 Final plat shall be drawn on mylar or other suitable material on sheets 18 inches wide by 24 inches long and shall be at a scale of 100 feet to one inch. Where necessary, the plat may be on several

sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Planning Commission. The final plat shall show the following:

- A.4.1.1 Primary control points, approved by the City Engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- A.4.1.2 Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves.
- A.4.1.3 Name and right-of-way width of each street or other right-of-way.
- A.4.1.4 Location, dimensions and purpose of any easements.
- A.4.1.5 Number to identify each lot or site.
- A.4.1.6 Purpose for which sites, other than residential lots, are dedicated or reserved.
- A.4.1.7 Minimum building setback line on all lots and other sites.
- A.4.1.8 Location and description of monuments
- A.4.1.9 Names of record owners of adjoining unplatted land.
- A.4.1.10 Reference to recorded subdivision plats or adjoining platted land by record name, date and number.
- A.4.1.11 Certification by surveyor or engineer certifying to accuracy of survey and plat.
- A.4.1.12 Certification of title showing that applicant is the owner.
- A.4.1.13 Statement by owner dedicating streets, rights-of-way and any sites for public uses.
- A.4.1.14 Title, scale, north arrow, and date.
- A.4.1.15 A certificate to be signed by the City Engineer certifying that the subdivider has complied with one of the following alternatives:
 - a. All improvements have been installed by the subdivider in accord with the requirements of these regulations and with the action of the Planning Commission and Board of Aldermen giving conditional approval of the preliminary plat; or
 - b. A bond, or a certified check has been posted by the subdivider which is available to the city in a sufficient amount (as determined by the City Engineer) to ensure completion of all required improvements.
 - c. Protective covenants in proper form for recording. Where possible these should be included on the subdivision plat.
 - d. Other data such as certificates, affidavits, endorsements, or deductions as may be required by the City Engineer in the enforcement of these regulations.

A.5 Final Plat Standard Forms

A.5.1 Surveyor’s certificate.

I certify that the within plat of _____ in Lafayette County, Mississippi, is a true and correct representation of said subdivision and that I signed and delivered it as my own act and deed.

Witness my hand and signature on this, the _____ day of _____, 20____.

Surveyor’s Name

License #

A.5.2 Engineer’s certificate.

I certify that _____, is in conformance with the design requirements of the subdivision regulations and specific conditions imposed on this development, and takes into account all applicable federal, state and local laws and regulations.

Witness my hand and signature on this, the _____ day of _____, 20_____.

Engineer’s Name

License #

A.5.3 City of Oxford Planning Commission approval.

CITY OF OXFORD

STATE OF MISSISSIPPI

Approved and recommended for acceptance by the CITY OF OXFORD Planning Commission, this the _____ day of _____, 20_____.

Name, CHAIRMAN

CITY OF OXFORD Planning Commission

A.5.4 City Engineer’s certificate.

I certify that (developer) has complied with one of the following alternatives for (subdivision name) All improvements have been installed by the sub-divider in accordance with the requirements of these regulations and with the action of the Board of Aldermen, giving approval of the preliminary plat, and accepting maintenance of utilities and streets.

A bond, certified check or irrevocable letter of credit has been posted by the sub-divider which is available to the city in a sufficient amount to ensure completion of all required improvements,

As of this the _____ day of _____, 20_____.

City Engineer Name

City Engineer, CITY OF OXFORD

A.5.5 City of Oxford Board of Aldermen approval.

CITY OF OXFORD

COUNTY OF LAFAYETTE

STATE OF MISSISSIPPI

Approved and recommended for acceptance by the City of Oxford, Board of Aldermen, this the _____ day of _____ / _____, 20_____.

Mayor Name

MAYOR, CITY OF OXFORD

A.5.6 Restrictive covenants.

Recorded in Instrument number _____, of Land Records in the Chancery Clerk's Office of Lafayette County, Mississippi.

A.5.7 Owner's certificate.

We, _____, as members of _____, and as owners of the tract of land herein described, certify that we did cause said land to be subdivided and platted, as shown on the attached plat of _____, and the streets are dedicated to the use of the public forever. Streets are hereby dedicated to the use by the public and/or private utility companies which serve this subdivision, subject to the regulations of and approval by the Board of Supervisors of Lafayette County. Utility easements are also dedicated to the public and/or private utility companies which serve this subdivision. Such subdivision and dedication is the owner's own act and deed of their own free will.

Witness my hand and signature this the _____ day of _____, 20_____.

Owner Name

Notary Public

Company Name: _____

Address: _____

City, State Zip: _____

A.5.8 Filing and recordation.

COUNTY OF LAFAYETTE

STATE OF MISSISSIPPI

Personally appeared before me, _____, CHANCERY CLERK, in and for Lafayette County, Mississippi, Owner Name, who executed the attached owner's certificate that was signed and delivered of their own free act and deed, and also appeared _____, PROFESSIONAL SURVEYOR, who executed the attached surveyor's certificate and acknowledged that it was signed and delivered as his own free act and deed.

Witness my hand and signature this the _____ day of _____, 20_____.

CLERK'S NAME

CHANCERY CLERK

COUNTY OF LAFAYETTE

STATE OF MISSISSIPPI

I, _____, CHANCERY CLERK in and for said county and state, hereby certify that this instrument was filed for record in my office at _____ o'clock on the _____ day of _____, 20_____, and was duly recorded in Plat Cabinet _____, Slide _____.

Witness my hand and signature this the _____ day of _____, 20_____.

CLERK'S NAME

CHANCERY CLERK

A.6 Landscape Plan Contents

The following, which may from time to time be modified by the Planning Department, are required for any Landscape Plan submittal.

- A.6.1 The date, scale, north arrow, title and name of the property owners;
- A.6.2 The approximate location of existing boundary lines, setback lines and rights-of-way;
- A.6.3 Existing and proposed building foot prints and dimensions of the building coverage, and location of existing and proposed streets, parking spaces and driveways;
- A.6.4 The location and size of paved and landscape areas, in square feet;
- A.6.5 The center-line of adjacent streets;
- A.6.6 The zoning of the site and adjacent properties;
- A.6.7 Location of available water for irrigation;
- A.6.8 Existing and proposed utilities overhead and underground (gas, telephone, water, sewer, cable, etc.);
- A.6.9 General location and labels for all proposed plants;
- A.6.10 Plant lists or schedules with the botanical and common name, quantity, and spacing of all proposed landscape materials at the time of planting, and planting and installation details, as necessary, to ensure conformance with all required standards;
- A.6.11 The location, size, species, and health of all significant and specimen trees and significant vegetation to be retained;
- A.6.12 The location size, species and health of all tree groves to be retained;
- A.6.13 The location, size, species, and health of all significant trees to be removed;
- A.6.14 Proposed retention walls;
- A.6.15 Floodplains and floodways;
- A.6.16 The species, size, and location of new trees to be planted;
- A.6.17 Clear depiction of the limits of soil disturbance to include all areas to be graded;
- A.6.18 All credit and mitigation calculations; and
- A.6.19 The measures to be implemented during construction for the protection of trees and vegetation to be retained that shall include, but not be limited to, fencing, limits of root pruning and restriction on traffic and materials storage.

A.7 Site Plan Standards.

- A.7.1 Contents. The site development plan required to be submitted under section 9.2 above and the requirement of these land development code regulations shall include the elements below. The contents for Preliminary and Final Site Plans in TND and PUD districts are given in Section A.7.2 below. These elements may be altered from time to time by the Planning Director.
 - A.7.1.1 Statement of ownership and control of the proposed development.
 - A.7.1.2 Statement describing in detail the character and intended use of the development.

- A.7.1.3 A dimensioned site plan based on exact survey and or properly recorded plat(s) of the property drawn to scale of sufficient size to show:
 - a. Exact location of all buildings and structures.
 - b. All means of ingress and egress.
 - c. A detailed landscape plan.
 - d. Off-street parking and loading areas.
 - e. Refuse collection areas.
 - f. Access to utilities and points of utilities hookup.
 - g. Natural features such as streams, lakes or other topographic features.
- A.7.1.4 Grading plan, including existing and proposed topographic features on 1 (one) foot contours.
- A.7.1.5 Location of all utility poles, storm drains and transformers, both on the property or on adjacent rights-of-way.
- A.7.1.6 Storm drainage and sanitary sewer plans.
- A.7.1.7 Architectural definitions for buildings in the development; location, size and types.
 - a. All building elevations shall be provided for sites zoned HUCN, sites located in the Neighborhood Conservation Overlay District and/or require Planning Commission approval. Elevations to include human scale perspectives and line of visions from all public spaces and adjacent properties so the proposed project can be reviewed within the context of the existing built environment. In the instance that a site is located in an area undeveloped or primarily undeveloped, this requirement may be waived by the Director of Planning.
 - b. Exterior materials and descriptions shall be provided for sites zoned HUCN, all sites located in the Neighborhood Conservation Overlay District and/or require Planning Commission approval.
- A.7.1.8 Plans for recreation facilities, if any, including buildings for such use.
- A.7.1.9 Such additional data, maps, plans, or statements as may be required for the particular use or activity involved.
- A.7.1.10 Such additional data as the applicant may believe is pertinent to the site development plan.
- A.7.1.11 Design professional certification stating that the site development plan is in compliance with all applicable city ordinances except as noted, and standard acceptable practice.
- A.7.1.12 A traffic impact study/analysis at the discretion of the public works department or when any proposed site plan is expected to generate over 100 peak trips or 500 trips in an average day
- A.7.1.13 Items A.7.1.3, A.7.1.4, A.7.1.5, A.7.1.9 and A.7.1.10, .7.1.11, and A.7.1.12 above shall be prepared by a registered surveyor, engineer, or architect as may be appropriate to the particular item.
- A.7.1.14 Staging plan to be utilized during construction.

A.7.1.15 A signage plan for all proposed uses.

A.8 Contents for Preliminary and Final Site Plan Applications.

The site development plan required to be submitted under section 9.2 and the requirement of these land development code regulations shall include the elements below. These elements may be altered from time to time by the Planning Director.

A.8.1 Preliminary Site Plan Contents.

A.8.1.1 Statement of ownership and control of the proposed development.

A.8.1.2 Statement describing in detail the character and intended use of the development.

A.8.1.3 A dimensioned site plan prepared by a registered surveyor, engineer, or architect as may be appropriate to the particular item. The site plan shall be based on exact survey and/or properly recorded plat(s) of the property drawn to scale of sufficient size to show:

- a. Proposed general location of all buildings and structures; including height, stories, and proposed use of each floor.
- b. All means of ingress and egress.
- c. A general landscape plan.
- d. Proposed Off-street parking and loading areas.
- e. Refuse collection areas.
- f. Access to utilities and points of utilities hookup.
- g. Natural features such as streams, lakes or other topographic feature.
- h. Grading plan, including existing and proposed topographic features on two foot contours.
- i. Proposed location of all utility poles, storm drains and transformers, both on the property or on adjacent rights-of-way.
- j. Grading plan, including existing and proposed topographic features on one (1) foot contours.

A.8.1.4 Storm drainage and sanitary sewer plans.

A.8.1.5 Plans for recreation facilities, if any, including buildings for such use

A.8.1.6 Any additional data, maps, plans, or statements as may be required for the particular use or activity involved.

A.8.1.7 Additional data as the applicant may believe is pertinent to the site development plan.

A.8.1.8 Design professional certification stating that the site development plan is in compliance with all applicable city ordinances except as noted, and standard acceptable practice.

A.8.1.9 A traffic impact study/analysis at the discretion of the public works department or when any proposed site plan is expected to generate over 100 peak trips 500 trips in an average day.

A.8.2 Contents for Final Site Plan

A.8.2.1 Exact location of all buildings and structures, including height, stories, number of dwelling units and bedrooms (when applicable), intended specific uses on each floor.

A.8.2.2 Final specific landscaping plans for open spaces, public spaces, and parking areas.

- A.8.2.3 Architectural definitions for all buildings in the development; including their location, size, and types as authorized in any approving documents.
- A.8.2.4 All building elevations to include human scale perspectives and line of visions from all public spaces and adjacent properties so the proposed project can be reviewed within the context of the existing built environment. In the instance that a site is located in an area undeveloped or primarily undeveloped, this requirement may be waived by the Director of Planning.
- A.8.2.5 Exterior materials and descriptions shall be provided to indicate compliance with approved architectural covenants or city standards.
- A.8.2.6 Staging plan to be utilized during construction.

A.9 Technical Standards for Installation of Required Landscaping.

The following, which may from time to time be modified by the Planning Department, are required for any Landscape Plan submittal.

- A.9.1 Trees and large shrubs must be adequately supported, when necessary, to insure proper growth; and support removed when the trees and shrubs are established, at the direction of the Planning Department.
- A.9.2 Appropriate measures shall be taken to ensure that any landscaped area required by this article shall not be encroached upon by any type of vehicle. All landscaped areas must be protected by an approved encroachment barrier, or bumper stop. A vehicle may overhang a landscaped area, provided that a minimum width of three feet in landscaped area remains.
- A.9.3 The maximum growth height of any landscaping within a corner sight triangle shall be limited to three feet.
- A.9.4 All landscaping soil and fill must be maintained and reasonably free from weeds, refuse, and debris at all times.
- A.9.5 Landscaping elements such as walls and fences shall be constructed in a sound workman-like manner with adequate support or footings and shall be repaired or replaced, as needed, to preserve an attractive appearance and to function as intended.
- A.9.6 Any dead plant material or material which fails to show healthy growth during a three-year period following installation which the Director of Planning determines has failed to show healthy growth must be removed within 60 days, dependent upon seasonal variations, after being identified.
- A.9.7 Replacement of removed plant material must take place within 90 days of removal or notification by the city, whichever occurs first unless an alternative plan for replacement is worked out with the Director of Planning.
- A.9.8 Any replacement plant material must meet the size and other characteristics of newly planted material as required in this ordinance.
- A.9.9 Maintenance of all landscaping is the responsibility of the owners, jointly and severally.
- A.9.10 Trees and large shrubs shall be adequately supported, when necessary, to insure proper insulation.
- A.9.11 Care During Construction
 - A.9.11.1 All existing trees and shrubs to remain on the site as required landscaping shall be protected from vehicular movement and material storage over root spaces.

- A.9.11.2 Trees designated for protection must be completely enclosed by a fence. Fencing must be in place prior to any clearing or site work. Fencing must remain in place until all construction has been completed
- A.9.11.3 All plant material that dies within one year after planting shall be replaced with plant material of the required size within thirty days of the plant material's death. This period may be extended if weather conditions inhibit installation of new plant materials.

A.9.12 Maintenance After Construction

- A.9.12.1 All plant materials shall be maintained in an attractive and healthy condition by watering, mulching, fertilizing, pest management, mowing, weeding, removal of litter and dead plant material, and pruning as necessary.
- A.9.12.2 Dead or diseased plant materials shall be removed and replacement plant materials provided for any required trees or shrubs that die or are removed for any reason.
- A.9.12.3 Landscaping must coordinate with the landscaping of adjacent properties.
- A.9.12.4 Planting must be made so that at maturity service lines, traffic sight lines and adjacent properties are not interfered with.

A.10 Tree Lists

- A.10.1 Preferred Frontage Trees. The Master Tree List in the Oxford Code of Ordinances (Sec. 98-142) contains a recommended list of trees suitable for planting within the city in locations other than in a city right-of-way or water or sewer easement. Planting materials suitable for use in a city right-of-way are noted in Sec. 98.137 of the City Code of Ordinances.
- A.10.2 Preferred Parking Lot Canopy Trees. The Department of Planning maintains (and may modify from time to time) the detailed list of specifications for preferred canopy trees for use in parking lots.

American Beech (N)	Pin Oak
Bald Cypress (N)	Red Maple (N)
Black Tupelo Gum (N)	Scarlet Oak (N)
Burr Oak	Southern Red Oak (N)
Cedar Elm	Sweet Gum (N)
Chinese Elm	Sugar Maple (N)
Chestnut Oak	Sycamore (N)

Dawn Redwood	Water Oak (N)
Ginkgo	White Oak (N)
Green Ash (N)	White Ash (N)
Hackberry (N)	Willow Oak (N)
Japanese Zelkova	Yellow Poplar (N)
London Planetree	

A.10.3 Heritage Trees

The list of Heritage Trees for Oxford may be modified from time to time by the Tree Board for the City of Oxford.

Heritage Trees			
Common Name	Minimum Diameter at Breast Height (DBH)	Common Name	Minimum Diameter at Breast Height (DBH)
American holly	12 inches	Oak	20 inches
Ash	18 inches	Osage orange	18 inches
Beech	18 inches	Pecan	24 inches
Black cherry	18 inches	Poplar	20 inches
Black gum	18 inches	River birch	16 inches
Black walnut	18 inches	Shortleaf Pine	12 inches
Chestnut	20 inches	Southern catalpa	18 inches
Cotton wood	18 inches	Southern magnolia	20 inches
Cypress	24 inches	Sweetgum	18 inches
Eastern red cedar	12 inches	Sycamore	24 inches
Elm	24 inches	Water tupelo	18 inches
Hickory	12 inches	Winged elm	12 inches
Maple	18 inches		

A.11 Sex Entertainment District Requirements

A.11.1 General requirements. Each sexually oriented business and its employees, agents or other representatives shall observe the following general requirements, regulations, and standards of conduct.

- a. Conform to all applicable building codes, statutes, ordinances and regulations, whether federal, state or local.
- b. Conform to all applicable fire statutes, codes, ordinances and regulations, whether federal, state or local.
- c. Conform to all applicable health statutes, codes, ordinances and regulations, whether federal, state or local.
- d. Conform to all applicable zoning regulations and land use laws.
- e. Keep the sexually oriented business license and the name of the manager on duty posted in a conspicuous place at the establishment at all times, which license and the name of the manager on duty shall be available for inspection upon request at all times by the public.
- f. Opaquely cover each non-opaque area through which a person outside the establishment may otherwise see inside the establishment.

- g. No employee, entertainer or another person shall at any time engage in any exhibition, performance or dance, except upon a stage at least 18 inches above the immediate floor level and removed at least six feet from the nearest patron.
- h. No employee or entertainer shall knowingly permit any person upon the premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.
- i. No employee or entertainer shall touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.
- j. No employee or entertainer shall wear or use any device or cover exposed to view which simulates the breast below the top of the areola, vulva or genitals, anus, buttocks or any portion of the pubic region.
- k. No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this subsection.
- l. No entertainer shall solicit, demand or receive any payment or gratuity from any patron for any act prohibited by this article.
- m. No entertainer shall demand or collect any payment or gratuity from any patron for entertainment before its completion.
- n. No person shall touch, caress or fondle the breasts, buttocks, anus or genitals of any employee, entertainer or manager while on the premises of the sexually oriented business.
- o. No person under the age of 21 shall be allowed or permitted on the premises of a sexually oriented business.
- p. No employee or entertainer mingling with the patrons shall be unclothed or in less than opaque and complete attire, costume or clothing to expose to view any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals.
- q. No sexually oriented business shall operate or conduct business or remain open to the public between the hours of 12:00 midnight and 10:00 a.m.
- r. No person shall engage in any specified sexual activities while on the premises of any sexually oriented business.

A.11.2 Special Requirements. Each sexually oriented business and its employees, agents or other representatives shall observe the following special requirements, regulations, and standards of conduct:

- a. No person or employee shall expose to public view his specified anatomical areas or any simulation thereof in any sexually oriented business or another business establishment.
- b. No person owning, maintaining or operating a sexually oriented business or another business establishment shall suffer or permit any person or employee to expose to public view his specified anatomical areas or any simulation thereof within the establishment.
- c. No person shall cause and no person maintaining, owning or operating a sexually oriented business or another business establishment shall suffer or permit the exposition of any graphic representation, including pictures or projection of film, which depict specified anatomical areas, any specified sexual activities or any other sexual act prohibited by law, or any simulation thereof.
- d. No sexually oriented business shall serve or allow the consumption of alcoholic beverages.

ages on its premises. For this article, alcoholic beverages include, but are not limited to, light wine or beer.

A.11.3 Short Term Rental Motels.

- a. Evidence that a sleeping room in a hotel, motel or a similar commercial establishment has been rented and vacated two or more times in a period that is less than ten hours, creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this article.
- b. It is unlawful if a person, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit, rents, or sub-rents a sleeping room to a person, and within ten hours from the time the room is rented, he/she rents or sub-rents the same sleeping room again.
- c. For purposes of subsection (b) of this section, the terms "rent" or "sub-rent" mean the act of permitting a room to be occupied for any form of consideration.

A.11.4 Exhibition of sexually explicit films or videos.

- a. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises a viewing room of less than 150 square feet of floor space, a film, video cassettes, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with all the following requirements.
- b. Upon application for a sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures, and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Director of Planning may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
- c. The application shall be sworn to be true and correct by the applicant.
- d. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Director of Planning or his designee.
- e. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- f. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in

this subsection must be by direct line of sight from the manager's station.

- g. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area remains unobstructed by any doors, walls, merchandise, display racks, or other materials, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed.
- h. No viewing room may be occupied by more than one person at any time.
- i. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one foot-candle, as measured at the floor level.
- j. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the businesses

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