



Memorandum

To: Mayor and Board of Aldermen
From: Judy Daniel, AICP, Director of Planning
Date: June 19, 2018
Re: Modifications to the Land Development Code
Planning Commission Case 2319

Comments: As anticipated, staff has continued to discover mistakes and elements that need to be revised in the Land Development Code adopted in November. The following modifications and corrections are recommended. Most of the changes have been discussed with the Ordinance Review Committee and they have recommended approval. The Planning Commission has recommended two modifications, as discussed below. And on advice from the City Attorney, staff has made some adjustments to the section modifying Temporary Signs. Section 1 contains substantive changes; Section 2 contains minor corrections of mistakes. A summary of each set of changes is given below. The Substantive Changes include:

Article 2

Page 9 – Changes to the Traditional Neighborhood Residential District (Sec. 2.6.5)

The proposed changes modify the requirements of the Traditional Neighborhood Residential Overlay District to establish uses will be not allowed, and to allow certain uses to be considered for approval by special exception. Standards are added to make it difficult for student housing projects to be proposed; and to allow consideration of developments with more attached units. No change to density requirements is proposed. The impetus for the recommendation was the submittal of a development whose site layout would have been very much improved, with more open space provided, but no additional density added; if attached unit types could have been proposed and considered.

A mistake to 2.6.5.1 that left out the word “Traditional” is corrected. Also, the Planning Commission recommends that the term “no less than” be retained in Sec. 2.6.5.1.a. to avoid confusion, as larger lots are intended to be permitted.

Page 16 – Changes to the Historic Urban Center District (Sec. 2.6.12)

The proposed modifications clarify that no setback is required unless a use abuts attached or detached residential uses in a residential district.

Article 3

**Page 39 – Changes to the Nonconforming Uses Regulations (Sec. 3.1.1)
and**

Page 46 – Changes to the section establishing the Table of Uses (Sec. 3.3.1)

The changes clarify the nature of a “use” vs. the “potential for a use”. The impetus for the proposed change arose from the Waller property tree removals.

Page 48 – Change to the use standard for restaurants in the HUCN District in the Table of Uses (Sec. 3.3)

The proposed change establishes that restaurants with certain characteristics (related to serving alcohol and hours of operation) on and around The Square will need to be approved by special exception (see also change on page 71).

Page 51 & 52 – Change to the standards for Detached Dwellings (Sec. 3.5)

The proposed changes to detached dwellings, zero lot line dwellings, and townhomes further restrict the potential for student oriented rental housing by requiring special exception approval for developments proposing 5 or more homes with four or more bedrooms. The restriction reflects that detached dwellings and townhomes are also being proposed as primarily student oriented rental developments.

Page 57 – Changes to the Residential Common Interest Development use (Sec 3.5.8)

The change expands the definition for the RCID, to more clearly explain its potential variations; and changes the guidance for development standards to follow what is intended in the underlying zoning district rather than having universal standards.

Page 65 – Change to the parking requirement for schools (Sec. 3.6.10.3)

The proposed change reduces the parking requirements for pre-school through middle school campuses. The listed standards are oriented to high schools where students are likely to drive. Fewer spaces are needed for lower level schools.

Page 71 – Change to require special exception approval for restaurants in the HUCN district that are open late and serve alcohol (Sec. 3.8.8.5)

The proposal establishes the opportunity to more deeply consider addition late night entertainment and drinking establishments on The Square.

Page 80 – Change to the Agricultural Uses governing animals in certain districts (Sec. 3.11.2)

The change prevents owning and keeping roosters in any zoning district other than Agricultural. Keeping hens usually does not cause concerns, but roosters create noise issues in neighborhoods. We have recently had several complaints about this. The change also allows hens in ER, SR, and NR; and allows sheep as well as horses, in ER – with certain standards.

Page 85 – Additional regulations for temporary wireless facilities (Sec. 3.11.8)

The proposal provides additions to the use, as staff was approached with a request for the use on University property last month, and realized that we were likely to get approached about the use from time to time on City property other than parks.

Article 4

Page 92 – Changes to the criteria for requiring two emergency access roads (Sec. 4.4.1)

The language changes the criteria be pertinent to any residential development (not just those with detached homes), delete language that establishes a “bedroom” threshold only for attached or multi-family development. This is proposed to address the reality that the number of bedrooms is a better indicator of need for access than type of dwelling, since we are now seeing student housing taking the form of single family detached dwellings.

Article 5

Page 125 – Change to setback requirement for taller buildings (Sec. 5.6.1.3)

The modification allows a special exception request for relief from this requirement as it has been observed in practice that a partial setback can accomplish the desired visual effect intended in some situations.

Page 126 – Expansion of materials that may be used for structures (Sec. 5.6.1.8)

The proposal provided added flexibility in the type of building materials that may be submitted for consideration.

Page 129 – Changes to the “Edge” and “Buffer” requirements to better explain their intent (Sec. 5.7.6)

The proposed changes improve the original intent of establishing a difference between “edges” (along a street perimeter), and “buffers” (along interior property lines); and to establish a lesser buffer for smaller properties.

Article 6

Page 135 – Change to the Tree Mitigation applicability standards to provide flexibility for affordable housing development (Sec. 6.1.3.1)

The proposed changes allow flexibility in the imposition of Tree Mitigation requirements for affordable housing development proposals. The change allows the Mayor and Aldermen to reduce the Tree Mitigation requirements by any percentage up to 100%.

The Planning Commission did not support this change and said they would prefer that the applicant request a variance to provide relief from a portion of the requirement. Staff has not yet devised a way to modify the Tree Escrow Fund requirements to allow its use for Affordable Housing support.

Article 7

Page 144 – Change to the sign lighting requirements (Sec. 7.2.6)

The proposed change refines the intent for illuminated signs, reflecting what is already allowed in the commercial areas of historic districts to be applicable for other commercial districts.

Page 145 - Change to regulations for Temporary Signs (Sec. 7.2.9.1)

The proposals adjust the signage regulations by:

- Expanding the regulations for Temporary signs, and corrects mistakes. The number of non-permitted temporary signs that are allowed on property in residential districts is limited to three, except during an “election season”, when two additional signs can be posted. A deadline for removal of temporary signs posted during an election season is established, and the term “election season” is defined. Also, the height limit for temporary signs has been reduced.

This language has been somewhat modified after further consultation with the City Attorney. It now better complies with the restriction on governing signage content.

- Modifying the method for permitting Temporary business signs to provide more flexibility for business owners. They are allowed up to thirty days per year with permits issued in five day increments.
- A height limit is established for on-site directional signs.
- Standards for monument and wall signs for certain types of residential developments are established.

Article 9

Page 159 – Clarification that donation for road rights-of-way is not a subdivision (Sec. 9.1.2)

The proposed change related to a recent question about how the change to the definition of subdivision affected land to be used for public roads.

Page 160 – Change to require subdivision status of proposed subdivisions (Sec. 9.1.7.1)

The modification is proposed to prevent unintended “resubdivisions”.

Page 165 – Change to clearly specify what type of development will require Site Plan Review (Sec. 9.2.2)

The proposed change adds language from the prior Code that better clarifies the intent of what type of applications will require Site Plan review. There has been some confusion without this language, but it is couched as a guide only.

Page 167 – Change to clarify the validity standard for Site Plans (Sec. 9.2.8)

The proposed change better explains the rational that will be used to determine if a Site Plan has expired. This relates to the amount of progress that has been made toward completion of the approved project.

Page 168 – Change to expand the requirements for submittals for development will commonly owned areas. (Sec. 9.2.10.2)

The most substantive change adds language related to submittal requirements for developments with common areas.

Page 180

Changes to the noticing requirements for some public hearings (Sec. 9.7.4)

A substantial change allows alternate means of notice of certain public hearings other than publication in a newspaper. The 15-day newspaper notice is only legally required for Code or Map changes. We have had problems from time to time in recent years when deadlines were earlier than published, and applicants had to wait an extra month for their hearing. While we will continue to publish in the newspaper, the alternative method will allow a way to meet the noticing requirement when these occasional unexpected early deadlines occur.

The Planning Commission has recommended that this language be modified to more clearly specify where to look on the City website for this information. Staff has not modified the language but we have spoken to the Information Technology Director about a modification to the front page of the City Website to take anyone looking directly to a “Public Notices” page where any such information will be listed.

Changes to the review time required for Site Plans (Sec. 9.7.5.3)

The modification provides added flexibility, allowing staff to proceed with uncomplicated applications before 45 days, and to clarify that applications deemed to be incomplete (on the first or fourth submittal) to be held for as long as required to ensure a complete application.

Page 181 – Modification better insures proper placement of structures as approved (Sec. 9.8)

The proposal establishes a method to better ensure that structures are placed on lots as intended when approved through Site Plan review. It was only recently discovered that the Building Inspectors do not check the setbacks, so the Planning Department will provide this review to ensure compliance.

Article 10**Page 199 – Modifications to the definition of a nonconforming use (Sec. 10.2.205)**

The modifications clarify the difference between an operating use, and the potential to operate a use. They also provide separate definitions for Legal vs. Illegal Nonconforming uses. These change also arose from the Waller tree removal situation.

Page 205 – Modifications to the definition of Temporary Signs (Sec. 10.2.269.u)

As discussed in the Temporary Sign language above, the changes are intended to better define the nature of temporary signs, and include the type of small signs that tend to proliferate along streets, in shopping centers, and in front of businesses. These will be governed within the limits established for temporary signs.

This definition has been expanded on advice from the City Attorney, to more clearly identify the scope of the type of signs intended to be governed by these regulations. It should be noted that such signs put up on rights-of-way are already not allowed.

SECTION 2 - The remainder of the changes are technical in nature.

Recommendation: Approval of the proposed changes is recommended.



Case 2319

To: Oxford Planning Commission
From: Judy Daniel, AICP, Director
Date: June 11, 2018
Applicant: City of Oxford Planning Department
Request: Amendments to Certain Elements of the Land Development Code

Planners Comments: As anticipated, staff has continued to discover mistakes and elements that need to be revised in the Land Development Code adopted in November. The following modifications and corrections are recommended. The changes have been discussed with the Ordinance Review Committee and approval is recommended. Section 1 contains substantive changes; Section 2 contains minor corrections of mistakes. Annotated notes are provided for each proposed modification.

SECTION 1 – Substantive Changes

Article 2

Page 9 - *The proposed changes modify the requirements of the Traditional Neighborhood Residential overlay to allow certain uses that were banned to be proposed by special exception. The impetus for the recommendation was the submittal of a development whose site layout would have been very much improved, with more open space provided, but no additional density added; if attached unit types could have been proposed and considered. Mistakes are also corrected.*

2.6.5.1. Traditional Neighborhood Residential. The district shall consist....are ~~not~~ **allowed only by special exception:** ~~Zero Lot Line Development,~~ Townhomes, Attached Triplexes and Quadplexes. In addition:

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. ~~When duplexes are proposed, they~~ 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 TNR shall require a minimum of 50% detached units, and a development of more than four structures shall require a minimum of 25% detached units.

Page 16 - *The proposed modifications clarify that no setback is required unless a use abuts the stated residential uses in a residential district.*

Sec. 2.6.12. Historic Urban Center.

- Side yard built-to line, minimum – 0 (zero) unless abuts attached or detached residential uses in a residential district.
- Rear yard build-to line, minimum– 0 (zero) unless abuts attached or detached residential uses in a residential district.

Article 3

Page 39 - *The discussions arising from the Waller property tree removals led to these proposals to clarify the nature of a “use” vs. the potential for a “use”.*

Sec. 3.1. Nonconforming Uses.

Sec. 3.1.1. Generally. Any parcel of land, any existing use (but not a potential use), easement, structure...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.

Sec. 3.1.2. Certificate of Zoning Compliance Required. No nonconforming structure, existing use, lot or feature shall be...

Page 46 Table of Uses

Sec. 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.

Page 48 - *The proposed change establishes that restaurants with certain characteristics on and around The Square will need to be approved by special exception, further discussed on page 71.*

Table 3.3. Table of Uses

Commercial Uses: Restaurants from S to S/SE in HUCN

Page 51 & 52 - *The proposed changes to detached dwellings, zero lot line dwellings, and townhomes further restrict the potential for student oriented rental housing. The restriction is expanded to developments of detached dwellings, as these can also be proposed as primarily student oriented rental developments.*

Sec. 3.5.1. Dwellings, Detached

3.5.1.2. Districts Permitted:

a. Detached dwellings are permitted uses in 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 exception uses in SMF, TNB, SCN, SCO; and in NR when proposed with four or more bedrooms.

Sec. 3.5.2. Dwellings – Zero Lot Line

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

Page 52

Sec. 3.5.3. Dwellings – Townhouse -

Sec. 3.5.3.2.b. Townhouses are Special Exception uses in NR, SMF, TNB, SCN, SCO, UCO, UCN, and HUCN when more than 25% of dwellings proposed are to have four or more bedrooms; or if any are proposed to have five or more bedrooms.

Page 57 - *The change expands the definition for the RCID, to more clearly explain its potential variations; and changes the guidance for development standards to follow what is intended in the underlying zoning district.*

Sec. 3.5.8. Residential Common Interest Developments (RCID)

Sec. 3.5.8.1. Definition: A development of residential dwellings whether detached freestanding 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, clubhouses and other amenities, parks, green spaces, and conservation land.

Sec. 3.5.8.5. Additional Standards

3.5.8.5.c. Development Standards: Shall follow the standards of the underlying zoning district.

Page 65 - *The proposed change reduces the parking requirements for pre-school through middle school. The listed standards were to be for high schools where students are likely to drive. Few spaces are needed for lower level schools.*

Sec. 3.6.10. Schools.

Sec. 3.6.10.3. Parking

- a. Preschools and Kindergartens – ~~One space is required for every four students~~ **One and one-half spaces are required for every classroom**, one space for each faculty....
- b. Elementary and Middle Schools – ~~One space is required for every four students~~ **One and one-half spaces are required for every classroom**, one space for each faculty....

Page 71 - *The proposal establishes the opportunity to more deeply consider addition late night entertainment and drinking establishments on The Square.*

Sec. 3.8.8. Restaurants.

Sec. 3.8.8.2.b. Restaurants are special exception uses in the RCN.....development; **and in the HUCN district when they are open later than 11pm and serve alcoholic beverages.**

Page 80 - *The change prevents owning and keeping roosters in any zoning district other than Agricultural. Keeping hens usually does not cause concerns, but roosters create noise issues in neighborhoods. We have recently had several complaints about this. The change also allows hens in ER, SR, and NR; and allows sheep as well as horses, in ER – with certain standards.*

3.11.2. Agriculture and Forestry.

3.11.2.2. Districts Permitted:

- a. ...
- b. Agriculture is a Special use in the ER, SE, **and NR** districts.

3.11.2.5. Additional Standards:

a. Where designated as a Special use, ~~in the ER, SR, and NR districts, Where designated as a Special use,~~ **agricultural uses are limited to crops or animals raised for the use and/or enjoyment by occupants of the premises. ~~No livestock or poultry except horses for pleasure~~**

i. Horses **and sheep are allowed only in ER.** A minimum of one acre of pasture per animal must be available for horses **or sheep.**

ii. **In the ER, SR, and NR districts, poultry is limited to hens. Roosters are not allowed.**

Page 85 - *The proposal provides corrections to the use, as we were approached with a request for the use on University property last month, and realized that we could get approached about the use on City property other than parks.*

Sec. 3.11.8. Wireless Communications Facilities

3.11.8.4. Additional Standards

3.11.8.4.e. Telecommunications Facilities Located Within Public Rights-of-Way **or on Public Land.**

3.11.8.4.e.x. Cellular on Wheels Permit. A temporary use permit for a “Cellular on Wheels (COW **or COLT**) shall require a permit from the **Parks 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 Parks and the applicable city department or entity/university.**

Article 4

Page 92 - *The language change is proposed to address the reality that the number of bedrooms is a better indicator of need for access than type of dwelling.*

Sec. 4.4. Emergency Roads.

Sec. 4.4.1. ~~Any Detached residential development with 80 or more homes, and Attached dwelling residential development or Multi-family developments with~~ more than 250 bedrooms shall have at least two separate emergency access roads.

Article 5

Page 125 - *The modification is proposed as it has been observed in practice, that a partial setback will accomplish the desired visual effect intended.*

Sec. 5.6.1. Form.

Sec. 5.6.1.3. A portion of the facade of any building over 3 stories in height shall step back or recess an additional 1.2 feet for every 1 foot of height above 3 stories. ~~Buildings in the SCO and SCN districts may request~~ Exemption from this requirement may be requested by special exception.

Page 126 - *The proposal provided added flexibility in the type of building materials that may be submitted for consideration.*

Sec. 5.6.1.8. Materials. Building materials must suit...among the following: brick, tile, cementitious stucco...or other materials if authorized by the Planning Director.

Page 129 - *The proposed changes better reflect the original intent of establishing a difference between “edges” (along a street perimeter), and “buffers” (along interior property lines).*

Sec. 5.7.6. Edges and Buffers.

5.7.6.1. Edges. A landscape edge shall be provided along the street 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, ~~exclusive of street right of way, but for any non-residential parcel that is adjacent to a property in residential use it shall be a minimum of ten feet wide.~~

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 edges, 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 groups 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 landscaped edge shall be provided along the perimeter of all lots that are adjacent to streets and entrances.~~

a. A 50-foot buffer (to include the applicable setback requirement) is required between industrial or ~~commercial or~~ manufacturing uses, ~~properties or any commercial use on a site of more than one acre; that adjoins and any detached or attached property zoned primarily for residential properties~~ 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 uses.

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 of the required minimum width shall be located parallel to the abutting property line.

d. All buffers must include...or fences.

e. All easements including utilities, may be included in the buffer area...landscaped area.

Article 6

Page 135 – *The proposed changes allows flexibility in the imposition of Tree Mitigation requirements for affordable housing development proposals.*

6.1.3.1. ~~Except as noted herein, requirements apply to all land located in 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. For development offering a minimum of 40% of housing units affordable for people making at or below 60% of the Area Median Gross Income (AMGI), Tree Mitigation requirements may be reduced by the percentage of affordable dwelling units offered, up to 100% at the discretion of the Mayor and Board of Aldermen. Trees may not be cleared from any applicable site for any purpose without a site plan approval and land disturbance permit.~~

Article 7

Page 143 - *The proposed change refines the intent for illuminated signs, reflecting what is already allowed in the HUCN district.*

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.** ~~provided, however, that~~ Signs providing noncommercial public service information such as “time and temperature” are permitted.

Page 145 *The proposals adjust the signage regulations by:*

- *Expanding the regulations for Temporary signs, and corrects mistakes. The number of non-permitted temporary signs that are allowed on property in residential districts is limited, except during elections. A deadline for removal of election related signs is established.*
- *Modifying the method for permitting Temporary business signs to provide more flexibility for business owners.*
- *Establishing standards for monument signs for certain types of residential developments.*

Sec. 7.2.9. Regulations for Specific Sign Types.

Sec. 7.2.9.1. 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 Sec. 7.3).

Sec. 7.2.9.1.a. Except as provided below, no temporary sign shall exceed six (6) square feet in surface area and four (4) feet in height in the ER, SR, and ~~TNB~~ NR districts; in areas of a PUD or TND designated for detached **or attached** dwelling residential development; or in any historic district. **No more than three temporary signs may be placed on a lot, or in front of a dwelling, in a residential district other than during an election season. Temporary signs may not be placed on a vacant lot in the districts noted above. Signs related to elections must be removed within five days after the election is held.**

Temporary signs in other areas shall not exceed 32 square feet in surface area and eight (8) feet in height.

Sec. 7.2.9.2.a. One commercial banner per business may be erected for ~~a period not to exceed 15 days on three occasions~~ no more than ~~fifteen (15)~~ thirty (30) days per calendar year ~~with permits issued in five day increments.~~

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

Sec. 7.2.9.8. Freestanding business signs, monument.

e. Residential subdivisions and developments containing multi-unit dwellings may display one (1) monument sign not to exceed eight (8) feet in height and twenty-four (24) square feet in sign area. In addition, developments containing multi-unit dwellings may have one (1) wall sign not to exceed twenty (20) square feet in sign area.

Article 9

Page 159 - *The proposed change related to a recent question about how the change to the definition of subdivision affected land to be used for public roads.*

Sec. 9.1. Subdivision of Land.

9.1.2. Exempt. For the purpose of these regulations.....state regulations.

9.1.2.1.

.....

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.

Page 160 – *The modification is proposed to prevent unintended “resubdivisions”.*

Sec. 9.1.7. Preliminary Subdivision Application.

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.

Page 165 - *The proposed change adds back language from the prior Code that better clarifies the intent of what type of applications will require Site Plan review. There has been some confusion without this language, but it is couched as a guide only.*

Sec. 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 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:

Page 167 - *The proposed change better explains the rationale that will be used to determine if a Site Plan has expired.*

Sec. 9.2. Site Plan Approvals.

Sec. 9.2.8. Validity. A site plan approval is valid for 18 months. If permits have not been issued within the timeframe, the ~~permit~~ site plan is voided unless extended by the Planning Director. The Director may extend the site plan approval for twelve month increments, annually. *In considering the extension of any site plan, the Director may take into account whether any significant progress has been made toward the completion of all elements of the approved site plan. Any site plan which has not been completed, with occupancy permits issued, within five years shall become subject to any applicable modifications to the Land Development Code.*

Page 168 - *The most substantive change adds language related to submittal requirements for developments with common areas.*

Sec. 9.2.10. Site Plan Review Conditions and Approval.

9.2.10.1.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, 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:

- n. For any development proposing common ownership of any elements, common ownership documents, with provision for a property owners' association must be provided before final approval. These must include:*
 - 1. Projected date of organization.*
 - 2. Organizations structure, included planned timeline for transfer of control from the developer to the Association.*
 - 3. Diagram of areas to be held in common.*
 - 4. Initial estimated fees for the property function of the Association.*
 - 5. Plan for collective shared maintenance of common areas, including Stormwater detention facilities.*

Sec. 9.2.10.3.c.vii. Abandonment. After a determination has been made...building official.

Page 180 - *A substantial change is proposed to Sec. 9.7.4, allowing alternate means of notice of certain public hearings other than publication in a newspaper. The 15-day newspaper notice is only legally required for Code or Map changes. We have had problems from time to time in recent years when deadlines were earlier than published, and applicants had to wait an extra month for their hearing. While we will continue to publish in the newspaper, the alternative method will allow a way to meet the noticing requirement when these occasional unexpected early deadlines occur.*

The modification to Sec. 9.7.5.3. provides added flexibility, allowing staff to proceed with uncomplicated applications before 45 days, and to clarify that applications deemed to be incomplete (on the first or fourth submittal) to be held for as long as required to ensure a complete application.

Sec. 9.7.4. Noticing Requirements. 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... 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.

Sec. 9.7.5.3. ~~No~~ Applications requiring approval by the Planning Commission shall **not** be heard before a ~~complete~~ 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 Planning Director may allow applications to proceed within a shorter time of review.

Page 181 - *The proposal establishes a method to better ensure that structures are placed on lots as intended when approved through Site Plan review. It was only recently discovered that the Building Inspectors do not check the setbacks.*

Sec. 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, setbacks 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.

Article 10

Page 199 - *The modifications clarify the difference between an operating use, and the potential to operate a use. These change arose from the Waller tree removal situation.*

Sec. 10.2.206. 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.

Sec. 10.2.207. Nonconforming use, building, or yard.

- **Legal Nonconforming use.** An **operating** use (**not the potential to be a 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.
- **Illegal Nonconforming use.** A use, building or yard established or begun after the passages of this Code (**such an initiating Forestry**), which does not conform to the regulation of the district in which it is situated, shall be considered an illegal nonconforming use. Certificate of zoning compliance required.

Page 205 - *As discussed in the Temporary Sign language above, the changes are intended to better define the nature of temporary signs.*

10.2.269.u. Temporary signs: Any ~~business sign or outdoor advertising sign~~ not intended to be permanently located on the premises and usually **noticing property for sale or rent, announcing a new business or new construction activity, election related messages.** ~~advertising property "for sale", "for lease", "for rent", and including construction signs advertising the nature of new construction or remodeling of buildings, structures, or other facilities.~~ **Temporary signs are intended to be displayed for a limited time period, and they are not permanently affixed to the ground or any structure.** Such signs shall not be construed to be a "portable sign" as defined above.

SECTION 2 – TECHNICAL CORRECTIONS

Page 7 **Sec. 2.6.3. ER- Estate Residential.**

Correct footnote 3: See Section 3.2.10.

Page 8 **Sec. 2.6.4. Suburban Residential District:**

Correct footnote 2: See Section 3.2.6.

Page 9 **Sec. 2.6.5. Neighborhood Residential District.** *Correct Min/Max allocation. A minimum of 25% detached was intended to allow up to 75% of either attached or townhomes for the remainder of the development.*

2.6.5. Min/Max land allocation for development when more than one structure is proposed.

Detached: 25% / 100%

Attached: 0% / 75% 50%

Townhouse: 0% / 75% 50%

Page 11 – *Correct to match intent.*

Sec. 2.6.7. TNB

Front Yard ~~build-to~~ line, min/max (without ~~on-street~~ parking, w. front yard parking ~~or on-street~~ parking.)

2.6.7.1. Legacy Traditional Neighborhood Business (~~LTND~~ LTNB). The LTNB Overlay shall....beverages, Liquor stores, Vehicle Repair ~~or Maintenance~~ Businesses,....

Page 24 - *Corrections*

Sec. 2.6.13.14. TND

- Indent “a” and “b”.
- Change “e” to: For modifications that the Planning Director determines to be ~~are more~~ technical than substantial....

Page 48 – *Correct to match use descriptions.*

Table 3.3. Table of Uses - ~~Change Residential Uses:~~

Detached Dwellings ~~from P to S/SE in NR~~

Residential CID ~~from SE to S in AG, ER, SR, NR, SMF~~

Page 54 – *Correct misspelling.*

Dwellings, Multi-family.

Sec. 3.5.5.2.a. Multi-Family Dwellings are special uses in the SMF ~~distinct~~ district.

Page 69 – *Correct to match use description.*

Sec. 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.

Page 165 – *Grammar simplification.*

Sec. 9.2.1. Purpose of site plan review. Site plan review shall be required to endure compliance with land development code and other ordinances as they apply to designated projects, to expedite procedures necessary for ~~the~~ obtaining ~~of~~ building permits; to provide...adopted fee schedule.