

**ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF OXFORD,  
MISSISSIPPI**

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

**SECTION I. That the Land Development Code of the Code of Ordinances, Oxford, Mississippi, is hereby amended to read as follows:**

**ARTICLE 3 – Modify the Following:**

**3.6.2 Care Homes, Care Centers, and Daycare Facilities.**

**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.
- c. Daycare Facility – A facility providing care, protection, and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.

**3.6.2.2 Districts Permitted:**

- a) Care Homes are a Special use in AG, SCN, and SCO; and a Special Exception use in ER and SR;
- b) Care Centers are a Special Use in SCN and SCO; and a Special Exception use in AG, RCN, NR, SMF, and TNB;
- c) Daycare Facilities are a Special Use in the UCN, UCO, SCO, SCN and INST, and a Special Exception use in the HUCN, TNB, SMF, NR, and SR.

**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) Sufficient queueing space, as determined by the City Engineer, must be provided to safely allow for drop-off/pick-up that does not back-up into a City street. 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, although care services may be provided up to 24 hours a day.
- f) Care Home Additional Standards: The owner of a Care Home must reside in the Home and the use must be:
  - 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.
  - I. - sential residential character of the dwelling; all building and lot standards for residen- tial 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.

#### Article 5 – Modify the following:

##### 5.1.2.3 Reserved

5.3.2.5 Unless soil or topography conditions do not permit, landscaped areas shall be designed to divide and break up the expanse of paving. Each open area that is 24 square feet or larger shall be landscaped following the standards of 5.3.3.6.

##### 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:
  - i. 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
  - ii. With natural evergreen shrubs or trees which can be expected to reach six feet or a greater height within three years of planting.

#### 5.7 Landscape Standards

##### 5.7.1 The purpose of these standards are to:

- a. Provide landscaping requirements to protect the public from the effects of erosion, flooding and obstruction of vehicular and pedestrian traffic;

- b. Aid in stabilizing the environment's ecological balance by contributing to the processes of energy and soil conservation, air purification, oxygen regeneration, waster water neutral - ization, ground water discharge, and stormwater runoff retardation, while aiding in noise, glare and heat abatement by preserving the existing tree canopy;
- c. Ensure that the local stock of native trees and vegetation is maintained and replenished as necessary; and
- d. provide visual buffering and to enhance the beautification of the city.

5.7.2. 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 Section A-6 of the Appendix.

5.7.2.1 Parking lots shall be landscaped as required in the standards of Section 5.3.

5.7.2.2 Stormwater management facility areas are to be landscaped as required in Section 5.7.9.

5.7.2.3 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.

5.7.3 Compliance with Approved Landscaping Plan.

5.7.3.1 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.

5.7.3.2 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 land - scaping.

5.7.3.3 Phased development projects must have all required mitigation (See Article 6 – Tree Protec- tion) completed in the phase that has been approved before the issuance of a certificate of occupancy.

5.7.3.4 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 fol- lowing conditions exist:

- a. Except for the completion of landscaping installation, occupancy would normally be al- lowed.
- 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.

At the time the conditional temporary certificate of occupancy is requested, the develop

- c. - er/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.

#### 5.7.4 Site Landscaping Requirements.

5.7.4.1 A minimum of 15% of the pervious surface of the lot shall be landscaped with trees and shrubs.

5.7.4.2 Additional landscaped area may be in the form of green areas, foundation plantings around buildings and structures, or additional front setback landscaping.

5.7.4.3 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.

5.7.4.4 At a minimum, all additional landscaped areas shall be completely covered with live turf or ground cover, or seasonal seeding.

5.7.4.5 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.

5.7.4.6 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.

5.7.4.7 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.

5.7.4.8 A foundation planting plan must be included in the landscaping plan for any development proposal.

#### 5.7.5 Credit for Existing Material

5.7.5.1 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.

5.7.5.2 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.

5.7.5.3 Credit toward landscaping requirements may be granted at the discretion of the Planning Director

5.7.6. Landscaping in Right of way. See requirements in Article VI. Trees, Section. 98-140.

5.7.7 Edges and Buffers.

5.7.7.1 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.

5.7.7.2 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. Trees and vegetation used to enhance the buffer shall be planted sufficiently to provide year-round visual screening at maturity.
- 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 part of the required landscaped area.

5.7.7.3 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 (100%) year-round visual screening at time of the issuance of the certificate of occupancy.

### 5.7.8 Site preparation.

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

5.7.8.2 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.

### 5.7.9 Stormwater Detention Standards.

5.7.9.1 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.

5.7.9.2 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.

5.7.9.3 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.

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

5.7.9.5 Penalties. See Section 9.11.

## 6.1 Tree Preservation and Protection.

6.1.1 Purpose. The purpose of these requirements 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. The general intent is to leave as many significant, specimen, and heritage trees as possible. The number of trees required for mitigation shall be based upon the existing significant and heritage trees to be removed. 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 exempt - ed 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 fol- lowing 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 own- er 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 har- vest 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 proper- ty. 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 harvest- ing 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 Inventory and 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 (see Appendix 10.3 and 10.4);
- 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.

6.1.6 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, replac- ing, or maintaining essential public utilities.

6.1.6.6 Whether roads, utilities and building footprint are designed in relation to the existing topog- raphy, 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 stor- age 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 avoid- ed.

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 non-residential 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.

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 con

- d. - tribution 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 request for site plan approval within the 24-month time frame may be considered, how

- a. - ever, 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.

## **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 structure, desirable or useful feature or facility commonly primarily associated with the use of a building or other 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 “guard-house”, 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 sleep- ing 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 num- ber 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 assess- ment 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 Brewery (Types) As defined by the State of Mississippi:

- a. Brewery means a person having a permit to brew beer or light wine without any production limitations but is not allowed to sell directly to consumers on site. They are allowed to provide limited amounts of beer for sampling on site between 8:00 a.m. and 10:00 p.m. as part of a structured tour of the brewery. The term does not include a brewpub, micro-brewery or small craft brewery. A brewery is allowed as an Industrial Use Type under 3.10.2 Manufactured Uses.
- b. Brewpub means the premises of any location in which light wine, light spirit product or beer is manufactured or brewed, for retail sale if the total amount of light wine, light spirit product or beer produced on the premises does not exceed the production limitation imposed in Section 67-3-22, and the light wine, light spirit product or beer is produced for consumption on the premises, although without prohibition on sales for off-premises consumption. A brewpub is allowed as a Commercial Use Type under 3.8.11 Small Craft Brewery.
- c. Microbrewery means a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer in this state and who manufactures or brews not more than three thousand (3,000) barrels of light wine, light spirit product or beer at its permitted location. a microbrewery is limited to selling a maximum of 80% of their annual production on site. At least 20% of the annual productions must be distributed without any limit on the amount that can be distributed. A microbrewery is allowed as a Commercial Use Type under 3.8.11 Small Craft Brewery.
- d. Small Craft Brewery means a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer in this state and who manufactures or brews not more than sixty thousand (60,000) barrels of light wine, light spirit product or beer at all breweries that such person or its affiliates, subsidiary or parent company owns or controls or with whom such person contracts with for the manufacture of light wine, light spirit product or beer. For the purposes of this paragraph, contract-brewed beer manufactured by a person having a permit under



this chapter to manufacture or brew light wine, light spirit product or beer shall be included in the sixty-thousand-barrel limitation. A small craft brewery is allowed as a Commercial Use type under 3.8.11 Small Craft Brewery.

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 blast furnace 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 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.

10.2.110 Family Unit: See Chapter 87, Article IV, Section 87-61, of the City of Oxford Code of Ordinances.

10.2.111 Farmers Market: A food market at which local farmers sell fruit and vegetables and often meat, cheese, and bakery products directly to consumers.

10.2.112 Fence: An enclosure or barrier intended to mark a boundary, screen a view, or prevent intrusion. (See also, Wall)

10.2.113 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.

10.2.114 Financial Institution: See Bank or Credit Union

10.2.115 Fire code: The current standard fire prevention code, International Building Code, as adopted by the governing authorities.

10.2.116 Firing Range: See Section 3.7.

10.2.117 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.

10.2.118 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.

10.2.119 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 geo- morphic writings.)

10.2.120 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.

10.2.121 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.

10.2.122 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)

10.2.123 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.

10.2.124 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.

10.2.125 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.

10.2.126 Forestry: See Section 3.11.

10.2.127 Franchise architecture: A building design that is trademarked, branded, or easily identified with a particular chain or corporation and is ubiquitous in nature.

10.2.128 Fraternal Facility: A fraternity or sorority house that may or may not provide lodging and/or meals, but which does include meeting facilities.

10.2.129 Freestanding Self-Serve Structures: See Accessory Uses or Structures.

10.2.130 Front building line: See Building line, front.

10.2.131 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.

10.2.132 Funeral Homes: See Section 3.9.

10.2.133 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.

10.2.134 Garage apartment: An accessory dwelling unit above a private garage. See Dwelling, Accessory.

10.2.135 Garage, private: An accessory building or part of a main building intended primarily for storage of one or more vehicles. See also carports.

10.2.136 Garage, public: Any building, other than a private garage, available to the public where vehicles are parked or stored for remuneration.

10.2.137 Gas code: The current standard gas code, International Building Code, as adopted by the governing authorities.

10.2.138 Gasoline, service or filling station: See Service Station.

10.2.139 Gated Entries: See Section 3.11.

10.2.140 Golf Course: A recreational facility used for the game of golf. See Open Space, Active.

10.2.141 Governing authorities: Mayor and Board of Aldermen of the City of Oxford, Mississippi.

10.2.142 Grade or grade level: The finished elevation of land either horizontal or sloping, after completion of site preparation for the construction of structures.

10.2.143 Grading code: See erosion control code, Appendix D Erosion Control, located in code Chapter 98, art. IV, of this document.

10.2.144 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.

10.2.145 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.

10.2.146 Grocery Store: See Section 3.8.

10.2.147 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.

10.2.148 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.

10.2.149 Ground elevation: The height of the ground above sea level expressed in terms of mean sea level or the City of Oxford datum.

10.2.150 Group care home or group care facility: See Section 3.6.

10.2.151 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.

10.2.152 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.

10.2.153 Heliports: See Section 3.11.

10.2.154 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.

10.2.155 Home care center: See Care center.

10.2.156 Home occupation: See Section 3.11.

10.2.157 Hospital: See Medical Facilities

10.2.158 Hotel, motel, or inn: See Section 3.8.

10.2.159 Housing code: The current standard housing code, International Building Code, as adopted by the governing authorities.

10.2.160 Ice Dispensing Machines: See Freestanding Self-Serve Structures

10.2.161 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.

10.2.162 Junk: Abandoned personal property.

10.2.163 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.

10.2.164 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.)

10.2.165 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.

10.2.166 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.

10.2.167 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.

10.2.168 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.

10.2.169 Landscaped area: That area within the boundaries of a given site, which is permeable, and primarily devoted to and consists of live landscape material.

10.2.170 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.

10.2.171 Legal nonconforming use, building or yard: See Nonconforming Use, legal.

10.2.172 Level of the 100-year flood: See Flood, Level of the 100 Year.

10.2.173 Life Care Community: See Section 3.6.

10.2.174 Livestock: A domestic animal normally raised on a farm such as poultry, swine, cattle, horses, sheep, goats, or similar animals, but not wildlife.

10.2.175 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. (see fig. 1)

10.2.176 Lot area: The total area included within the front, side and rear lot lines.

10.2.177 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.

10.2.178 Lot, corner: A lot located at the intersection of and abutting on two or more streets. (see fig. 1)

10.2.179 Lot Coverage: The area of a lot covered by impervious surfaces including the building footprint, drive-ways, impervious patios or terraces, parking pads, and sidewalks.

10.2.180 Lot depth: The average horizontal distance between the front lot line and the rear lot line.



10.2.181 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.

10.2.182 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. (see fig. 1)

10.2.183 Lot, interior: A lot other than a corner lot. (see fig. 1)

10.2.184 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.

10.2.185 Lot line, side: The side lot line is the property boundary line between the front and rear lot lines.

10.2.186 Lot, nonconforming: See Nonconforming lot.

10.2.187 Lot lines: The lines bounding a lot as defined herein.

10.2.188 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.

10.2.189 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.

10.2.190 Lot width: The width of a lot at the front building setback line.

10.2.191 Lounge: See Tavern.

10.2.192 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.

10.2.193 Manufacturing: See Section 3.10.

10.2.194 Manufactured home development: See Section 3.5.

10.2.195 Mayor: Mayor (chief executive) of the City of Oxford.

10.2.196 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.

10.2.197 Medical Cannabis

- a. Medical Cannabis Establishment means a cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity or cannabis research facility licensed and registered by the appropriate agency.

- i. Cannabis Cultivation Facility means a business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area.
  - ii. Cannabis Dispensary or “dispensary” means an entity licensed and registered with the MDOR that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.
  - iii. Cannabis Disposal Entity means a business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.
  - iv. Cannabis Processing Facility means a business entity that is licensed and registered by the Mississippi Department of Health that: ‘Acquires or intends to acquire cannabis from a cannabis cultivation facility; Possesses cannabis with the intent to manufacture a cannabis product; Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract’;
  - v. Cannabis Research Facility or “research facility” means a research facility at any university or college in this state or an independent entity licensed and registered by the Mississippi Department of Health pursuant to this chapter that acquires cannabis from cannabis cultivation facilities and cannabis processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.
  - vi. Cannabis Testing Facility or “testing facility” means an independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.
  - vii. Cannabis Transportation Entity means an independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis.
- b. Canopy means the total surface area within a cultivation area that is dedicated to the cultivation of flowering cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured and must include all of the area within the boundaries where the cultivation of the flowering cannabis plants occurs. If the surface area of the plant canopy consists of noncontiguous area.

10.2.198 Mobile home: Mobile homes are not allowed in Oxford. See Dwelling, manufactured home.

10.2.199 Monastery or Convent: See Religious Assembly Uses.

10.2.200 Mortuary and Funeral Home: See Section 3.9.

10.2.201 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.

10.2.202 Municipal Public Buildings and Facilities: See Section 3.6.

10.2.203 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.

10.2.204 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

10.2.205 Nightclub: See Restaurant.

10.2.206 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.

10.2.207 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.

10.2.208 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.

10.2.209 Nursing home: See 3.6.

10.2.210 Offices, Professional: See Section 3.8.

10.2.211 Old Town Conservation Overlay District: Neighborhood conservation district as defined in the Land Development Code.

10.2.212 Old Town Oxford: The boundaries of the Courthouse Square Historic Preservation District.

10.2.213 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).

10.2.214 Open space, active: See Section 3.7.

10.2.215 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.

10.2.216 Open space, passive: See Section 3.7.

10.2.217 Open storage: A depository or place for storing goods related to the establishment on the same premises and not located within a building.

10.2.218 Orphanage: See Group Care Home or Facility.

10.2.219 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.

10.2.220 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.

10.2.221 Park or Playground: See Open Space, Active or Passive.

10.2.222 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.

10.2.223 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.

10.2.224 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.

10.2.225 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.

10.2.226 Passive Open Space: See Open Space, Passive

10.2.227 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.

10.2.228 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.

10.2.229 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.

10.2.230 Planning Commission: The Oxford Planning Commission as established and appointed by the governing authorities of the City of Oxford, MS.

10.2.231 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.

10.2.232 Planning department: The staff of the Oxford planning department.

10.2.233 Planned unit development (PUD): A zoning district in which a mix of land uses may be permitted as authorized and defined in Article 2.

10.2.234 Plat: A map, plan or layout showing land subdivision information required by the land development code for developing a subdivision or site plan.

10.2.235 Plumbing code: The current standard plumbing code, International Council of Codes (ICC), as adopted by the governing authorities.

10.2.236 Premises: Land together with a structure or structures occupying it.

10.2.237 Private Club, Recreational: See recreational club.

10.2.238 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.

10.2.239 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.)

10.2.240 Pub: See Tavern.

10.2.241 Public building and Facilities: See Section 3.6.

10.2.242 Public facility: See Section 3.6.

10.2.243 Public use: A use owned and/or operated by a government authority (city, county, state, and federal) for the benefit of the general public.

10.2.244 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.

10.2.245 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.

10.2.246 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.

10.2.247 Recreational Club or Facility: See Section 3.7.

10.2.248 Recreational uses, indoor and outdoor: See Section 3.8.

10.2.249 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.

10.2.250 Recreational vehicle park: See Section 3.8

10.2.251 Refuse storage: See Dumpster Enclosure.

10.2.252 Religious assembly use: See Section 3.6.

10.2.253 Rest Home, See Section 3.6.

10.2.254 Restaurant: See Section 3.8.

10.2.255 Retail Indoor Sales Business. See Section 3.8.

10.2.256 Retail Outdoor Sales Business. See Section 3.8.

10.2.257 Retaining Wall: See Walls, Retaining

10.2.258 Schools: See Section 3.6.

10.2.259 Screening: Landscaping, berms, fences, walls, or any combination thereof used to block or significant- ly obscure, in a continuous manner, the view from one area to another.

10.2.260 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).

10.2.261 Service Station: See Section 3.8.

10.2.262 Service Uses, indoor: See Section 3.9.

10.2.263 Setback line. See Lot, Setback line.

10.2.264 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 Busi- ness Overlay District 2.6.20 for regulations.

- a. Arcade: An establishment where, for any form of consideration, one or more motion picture pro- jectors, 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 char- acterized 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:
  - viii. Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by em- phasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”
  - i. Instruments, devices, or paraphernalia which are designed for use in connection with “speci- fied 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 ana- tomical 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 char- acterized by the exposure of “specified anatomical areas” or where any employee, operator or own- er 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, of- fering public accommodations for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photograph- ic 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.”

10.2.265 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.

10.2.266 Shrub: Woody or semi-woody perennial plants that are customarily included in landscape designs to provide for lower scale buffering and visual interest.

10.2.267 Shrubber: A merchant who sells shrubs.

10.2.268 Sidewalk: A paved, surfaced or leveled area, usually paralleling and separated from the street, used as a pedestrian walkway.

10.2.269 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.

10.2.270 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. Rope Lighting: Rope lighting, also known as fiber-optic cable lighting, is made up of tiny lights, available in either incandescent or LED bulbs, spaced about an inch apart and surrounded by clear, flexible PVC tubing but also include LED strip lighting that are protected by a waterproof coating.
- v. 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.



- w. Temporary signs: Any sign not intended to be permanently located on the premises, usually notifying 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.
- x. 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.
- y. 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.
- z. Site plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the land development code regulations.

10.2.271 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.

10.2.272 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)

10.2.273 Special use: See definition in Section 3.3.

10.2.274 Special exception use: See definition in Section 3.3.

10.2.275 Stable or Riding Academy: See Open Space, Active – Section 3.4.

10.2.276 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.

10.2.277 Street: Rights-of-way, dedicated to public use, which provide vehicular and/or pedestrian access to adjacent properties.

10.2.278 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.

10.2.279 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.

10.2.280 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.

10.2.281 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.

10.2.282 Street, curb line radius: The radius used to join two intersecting streets or the curve of a street.

10.2.283 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.

10.2.284 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.

10.2.285 Street, half: One half of the right-of-way of a street.

10.2.286 Street, intersection: The place where a street joins or crosses another street at an angle.

10.2.287 Street, line: Public right-of-way line of a street.

10.2.288 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.

10.2.289 Street, minor: See street, local.

10.2.290 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.

10.2.291 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.

10.2.292 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.

10.2.293 Storage, Self- Storage Facility: See Section 3.10.

10.2.294 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.

10.2.295 Structural alterations: Any change in the roof, exterior walls or supporting members of a building.

10.2.296 Studio, Artistic or Teaching. See Section 3.9.

10.2.297 Sub-divider: Any person, firm, partnership, corporation or other entity acting as a unit, and subdividing or proposing to subdivide land as herein defined.

10.2.298 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.

10.2.299 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.

10.2.300 Surveyor, registered land: Shall mean a registered land surveyor licensed in the State of Mississippi.

10.2.301 Swimming pool code: The Standard Swimming Pool Code of the International Building Code, as adopted by the governing authorities.

10.2.302 Tavern: See Restaurant.

10.2.303 Temporary Use: See Section 3.11.

10.2.304 Terrace: See Patio.

10.2.305 Theater: See Section 3.8.

10.2.306 Townhouse: See Dwelling, Townhouse.

10.2.307 Travel trailer: See Recreational Vehicle

10.2.308 Travel trailer parking area: See Recreational Vehicle Park

10.2.309 Tree or shrub, Evergreen: A plant which tends to retain its leaves all year round.

10.2.310 Tree, Existing: Any tree on a building site before development is proposed, indicated on an approved site plan to be retained.

10.2.311 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.

10.2.312 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.

10.2.313 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.

10.2.314 Tree, Native: A tree that is indigenous to the area.

10.2.315 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.

10.2.316 Tree, Significant: Plant materials which meet the following requirements: 10.2.316.1 Healthy hardwood and evergreen trees, except pines, with a DBH of 15 inches or greater;

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

10.2.317 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.

10.2.318 Tree, Specimen: Any tree identified in the Oxford Master Tree List (see Appendix A.10.1) 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.

10.2.319 Truck Terminal: See Section 3.10.

10.2.320 Turf: See grass.

10.2.321 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.

10.2.322 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.

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

10.2.324 Vehicle Repair and Maintenance Facility: See Section 3.8.

10.2.325 Veterinary clinic/hospital: See Medical Facilities

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

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

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

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

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

10.2.331 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.

10.2.332 Warehouse: See Section 3.10.

10.2.333 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.

10.2.334 Wholesale Use: See Section 3.10.

10.2.335 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 may be 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.

10.2.336 Wireless Communication Facility: Antenna: Any apparatus designed for the transmitting and/or receiving "electromagnetic waves".

10.2.337 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.

10.2.338 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.

10.2.339 Wireless Communication Facility: Distributed Antenna System (DAS): A system consisting of (1) a number of remote communications nodes deployed through a desired coverage 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 located at the hub site (radio transceivers located at the hub site rather than at each individual node as is used for small cells) to process or control the communications signals transmitted and received through the Antennas.

10.2.340 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.

10.2.341 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.

10.2.342 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.

10.2.342.1 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.

10.2.342.2 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.

10.2.342.3 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.

10.2.343 Wireless Communication Facility: Small Cell Network: A collection of interrelated Small Cell Facilities designed to deliver wireless service.

10.2.344 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.

10.2.345 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.

10.2.346 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.

10.2.347 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.

10.2.348 Yard: An open space at grade between a building and the adjoining lot lines. (see fig.1)

10.2.349 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. (see fig. 1)

10.2.350 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 interior lots the rear yard shall be at the opposite end of the lot from the front yard. (see fig. 1)

10.2.351 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. On corner lots the side yard shall be at the opposite end of the lot from the front yard. (see fig. 1)

10.2.352 Zero lot line project: See Dwelling, zero lot line.

10.2.353 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.

#### **A.10 Tree Lists**

A.10.1 Preferred Frontage Trees. The following Master Tree List 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. Other species may be proposed, but consideration must be given to the suitability of such species to Oxford's climate, the location where such trees are to be planted, and the probability of survival. Planting materials suitable for use in a city right-of-way or sewer easement are noted in Sec. 98.136.C of the City Code of Ordinances.

A. Small trees; up to 20 feet in height:

B. Medium trees; 20 to 40 feet in height:

C. Large trees; 40 feet or above in height:

Master Tree List.

a) Small tree; up to 20 feet in height

Japanese Maple

Acer Palmatum

Star Magnolia

Magnolia Stellata

Chaste Tree

Vitex Agnus-Castus

Serviceberry

Amelanchier

Common Sassafras

Sassaras Albidum

Korean Stewartia

Stewartia Koreana

Chinese Quince

Pseudocydonia Sinensis

Weeping Japanese Cherry

Prunus Pendula

b) Medium Trees; 20 to 40 feet in height:

Chinese Pistache

Pistacia Chinensis

Flowering Dogwood

Cornus Florida (Benthamidia  
Florida)

Sourwood

Oxydendrum Arboreum

Sweetbay Magnolia

Magnolia Virginiana

Common Pawpaw

Asimina Triloba

Golden Rain Tree

Koelreuteria Paniculata

Common Persimmon

Diospyros Virginiana

Washington Hawthorn

Crataegus Phaenopyrum

Chinese Dogwood

Kousa Dogwood - Cornus Kousa

River Birch

Betula Nigra

Fringe Tree

Chionanthus Virginicus and

Chionanthus Retusus

Sugarberry

Celtis Laevigata

Eastern Red Bud

Cercis Canadensis

Flowering Crabapple

Malus

Saucer Magnolia

Magnolia x Soulangeana

Southern Catalpa

Catalpa Bignonioides

Shining Sumac

Rhus Copallinum

Bottle Buckeye

Bottlebrush Buckeye

Aesculus Parvifolia

Eastern Hornbeam

Carpinus Caroliniana

Winged Sumac

Rhus Copallinum

American Holly

Ilex Opaca

c) Large Trees; 40 feet or above in height:

Japanese Cryptomeria	Little Leaf Linden	Eastern Red Cedar
Cryptomeria Japonica	Tilia Cordata	Juniperus Virginiana
Ginko	Yellow Poplar (Tulip Tree)	Willow Oak
Ginko Bilboa	Liriodendron Tulipifera	Quercus Phellos
Nuttall Oak	Shumard Oak	Cherrybark Oak
Quercus Nuttallii	Quercus Shumardii	Quercus Pagodafolia
Chesnut Oak	Scarlet Oak	Post Oak
Quercus Prinus	Quercus Coccinea	Quercus Stellata
Disease Resistant	Sugar Maple	White Oak
American Elm	Acer Saccharum	Quercus Alba
Ulmus Americana Cultivars		
Mockernut Hickory	Shellbark Hickory	Shagbark Hickory
Carya Tomentosa	Carya Laciniosa	Carya Ovata
Butternut Hickory	Red Maple	Pond Cypress
Carya Cordiformis	Acer Rubrum	Taxodium Ascendens
Bald Cypress	Dawn Redwood	Burr Oak
Taxodium Distichum	Metasequoia	Quercus Macrocarpa
	Glyptostrobodies	
Overcup Oak	Southern Magnolia	American Beech
Quercus Lyrata	Magnolia Grandiflora	Fagus Grandifolia
Black Tupelo Gum	American Sycamore	Southern Red Oak
Nyssa Sylvatica	Platanus Occidentalis	Quercus Falcata
Water Oak	Black Walnut	Red Mulberry
Quercus Nigra	Juglans Nigra	Morus Rubra
Swamp Chestnut Oak		
Quercus Michauxii		

d) The master tree list is a recommended list of trees suitable for planting within the city. Other species may be planted, but consideration should be given to suitability of such species to Oxford's climate, the location where such trees are to be planted and the probability of survival.

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)	Bald Cypress (N)	Black Tupelo Gum (N)
Fagus Grandiflora	Taxodium Distichum	Nyssa Sylvatica
Burr Oak	Cherrybark Oak	Chestnut Oak
Quercus Macrocarpa	Quercus Pagodifolia	Quercus Prinus
Dawn Redwood	Ginkgo	Hackberry (N)
Metasequoia	Ginko Bilboa	Celtis Occidentalis
Glyptostrobodies		
London Planetree	Nuttall Oak	Overcup Oak
Platanus x Acerifolia	Quercus Nuttallii	Quercus Lyrata
Scarlet Oak (N)	Southern Red Oak (N)	Sugar Maple (N)
Quercus Coccinea	Quercus Falcata	Acer Saccharum
Swamp White Oak	Swamp Chestnut Oak	Sweet Gum (N)
Quercus Bicolor	Quercus Michauxii	Liquidambar Styraciflua
Sycamore (N)	Water Oak (N)	White Oak (N)
Platanus Occidentalis	Quercus Nigra	Quercus Alba
Willow Oak (N)		Yellow Poplar (N)
Quercus Phellos		Liriodendron Tulipifera



### A.10.3 Do Not Plant List

A.10.3.1 Callery Pear (including cultivars like 'Bradford' and 'Cleveland') - *Pyrus Calleryana* species and cultivars.

A.10.3.2 Chinese Elm (Lacebark Elm) - *Ulmus Parvifolia* species and cultivars.

A.10.3.3 Green and White Ash - *Fraxinus Americana* and *Fraxinus Pennsylvanica* species and cultivars.

A.10.3.4 Japanese Zelkova - *Zelkova Serrata* species and cultivars.

A.10.3.5 Narrow Maturing Cultivars in parking lots or other areas where a narrow cultivar is not import- ant; these include, but are not limited to:

- a. 'Slender Silhouette' Sweetgum - *Liquidambar Styraciflua* 'Slender Silhouette'
- b. 'Arnold' or 'Emerald City' Tulip Poplar - *Liriodendron Tulipifera* 'Arnold' or 'Emerald City'
- c. 'Beacon' Swamp White Oak - *Quercus Bicolor* 'Bonnie and Mike'
- d. 'Shawnee Brave' Bald Cypress - *Taxodium Distichum* 'Shawnee Brave'
- e. Any of the English Oak Cultivars or English Oak hybrid cultivars - *Quercus Robur* species and cultivars

### A.10.4 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		

#### 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.

### **SECTION II. REPEALING CLAUSE**

All ordinances or parts of ordinances in conflict herein shall be, and the same are hereby repealed.

### **SECTION III. EFFECTIVE DATE**

All ordinances shall take effect and be in force as provided by law.

The above ordinance having being first reduced to writing and read and considered section by section at a public meeting or the governing authorities of the City of Oxford Mississippi on motion of Alderman Bailey, seconded by Alderman Hyneman, and the roll being called, the same by the following votes:

Alderman Addy	voted aye
Alderman Huelse	voted aye
Alderman Hyneman	voted aye
Alderman Howell-Atkinson	voted aye
Alderman Taylor	voted aye
Alderman Bailey	voted aye
Alderman Morgan	voted aye

Approved, this the 5<sup>th</sup> day of July, 2023.

/s/Robyn Tannehill  
Robyn Tannehill, Mayor

/s/Ashley Atkinson  
Ashley Atkinson, City Clerk