



AGENDA
OXFORD CITY COUNCIL REGULAR MEETING

COURTHOUSE

TUESDAY, AUGUST 20, 2024 AT 7:30 PM

William Snavelly, Mayor

Chantel Raghu, Vice-Mayor
Jason Bracken
Michael Smith

Amber Franklin
Alex French
David Prytherch

MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items not on the Agenda, and Consent Agenda items, will be heard under Public Comments – and (2) Comments on all Resolutions and Ordinances will be heard during Council consideration of said item. Please wait until you are recognized by the Mayor, state your name and address so that your comments may be properly recorded and limit your remarks to a period of five minutes or less.

1. Roll Call.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Public Participation.
 - A. Girl Scout Gold Award Presentation on Light Pollution by Ms. Addison Greene
 - B. Discussion: Progress Update on 2024 Action Items to Achieve Comprehensive Plan Goals. (Jessica Greene, Assistant City Manager)
 - C. Public Comments

The purpose of the public comments section is for members of the public to speak to the City Council on any subject not scheduled on the Agenda, except consent agenda items. To speak, you may approach the podium and wait to be addressed by the Mayor. You will need to state your name and address for the public record. City Council values your comments, and Council rules limit public comments to five minutes for each person. Presentations are not to be in the form of public debate, personal attacks on Council, City staff, or other members of the public, and Council shall not act except to direct the City Manager to take action or schedule the matter for discussion at a later date.

5. Consent Agenda.

All matters under the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion. Any City Council member may, however, remove an item from consent by request. Items removed for separate discussion will be considered after the motion to approve the Consent Agenda.

- A. Minutes from the August 6, 2024, City Council meeting. (Heather Barbour, Clerk of Council)
- B. A Report Regarding the August 7, 2024, Environmental Commission Meeting (Jessica Greene, Assistant City Manager)

6. Resolutions.

- A. A Resolution Of Council Authorizing The Acceptance Of A Donation From Steve And Susie Sadler In The Amount Of \$20,000 To Assist In Funding A Project At The Oxford Community Park. (Casey Wooddell, Parks and Recreation Director)
- B. A Resolution Authorizing The City Manager To Waive The Water And Sanitary Capacity Benefit Charges For The Cottage Community At 5234 Hester Road. (Douglas R. Elliott, Jr., City Manager)
- C. A Resolution Extending The Moratorium, Not To Extend Beyond September 30, 2024, On New Short-Term Rentals Within The City Of Oxford, Ohio. (Sam Perry, Community Development Director)

7. Ordinances.

Ordinances are adopted using a two-step procedure. First reading introduces the Ordinance and provides an opportunity for public input on the subject as well as allowing Council to request more information as needed. Second reading is to provide Council with the opportunity to consider new information and to deliberate.

- A. First Reading

B. Second Reading

1. An Ordinance Amending Section 931.12 Of Oxford Codified Ordinances Chapter 931.12 Entitled Garbage, Refuse And Recycling Service. (Michael Dreisbach, Service Director)
2. An Ordinance Approving A Conditional Use Permit Application To Allow A Dog Training Facility As A Conditional Use For The Purpose Of Allowing Training Tracks Canine Learning Center To Operate In The Existing Building At 5500 College Corner Pike, Oxford, Ohio 45056, With Conditions (Sam Perry, Community Development Director)
3. An Ordinance Approving A Preliminary And Final Planned Development Application And Preliminary Subdivision, South Farm Section IV, 25 New Single-Family Lots, Submitted By J.A. Development, 6.81 Acres, Roberts Drive, Oxford, Ohio 45056 (Sam Perry, Community Development Director)
4. An Ordinance Revising Oxford Zoning Code Section 1141.01 Accessory Regulations For The Purpose Of Adding A Primary Residence Requirement For Short-Term Rental Usage Within The R-1A, R-1B, R-2A and R-3 Zoning Districts (Sam Perry, Community Development Director)
5. An Ordinance Repealing And Replacing Ordinance No. 3758 Limiting The Number Of Non-Medical Cannabis Dispensary Licenses To Two In The City Of Oxford And Designating The Locations For These Two Non-Medical Cannabis Dispensaries At The Current Existing Locations For The Two Medical Cannabis Dispensaries. (Douglas R. Elliott, Jr., City Manager)
6. An Ordinance By Oxford City Council Authorizing The City Manager To Take All Action Necessary, Including But Not Limited To The Negotiation And Execution Of Purchase And Sale Agreement, For The Sale Of Certain Real Property Located In The City Of Oxford, Ohio, To Habitat For Humanity Of Greater Cincinnati. (Jessica Greene, Assistant City Manager)

8. Announcements & Communications.

A. Remarks from City Council and City staff.

The comments expressed by individual members of Council or City staff during this portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.

B. Future Meetings.

(Note: Meetings are held at the Court House unless otherwise indicated.)

DATE	Meeting		
1.	Aug 27 Board of Zoning Appeals	Courthouse	6:30 p.m.
	Sep 2 City Offices CLOSED - Holiday		
	Sep 3 City Council	Courthouse	7:30 p.m.
	Sep 4 Environmental Commission	Municipal Building	7:00 p.m.
	Sep 5 Housing Advisory Commission	Municipal Building	5:00 p.m.
	Sep 9 Oxford Recreation Board	Municipal Building	11:30 a.m.
	Sep 9 Public Arts Commission of Oxford	Municipal Building	4:15 p.m.
	Sep 9 City Council CIP Work Session	Courthouse	6:30 p.m.
	Sep 10 Planning Commission	Courthouse	7:00 p.m.
	Sep 11 Historic & Architectural Preservation Commission	Courthouse	6:00 p.m.
	Sep 17 City Council	Courthouse	7:30 p.m.
	Sep 24 Board of Zoning Appeals	Courthouse	6:30 p.m.
9.	Adjourn.		



MINUTES
OXFORD CITY COUNCIL REGULAR MEETING
COURTHOUSE
TUESDAY, AUGUST 6, 2024 AT 7:30 PM

MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items not on the Agenda, and Consent Agenda items, will be heard under Public Comments – and (2) Comments on all Resolutions and Ordinances will be heard during Council consideration of said item. Please wait until you are recognized by the Mayor, state your name and address so that your comments may be properly recorded and limit your remarks to a period of five minutes or less.

1. Roll Call.

Motion – To Enter Executive Session at 7:15 p.m. O.R.C. 121.22 (G)(1) To Consider Appointments to Boards and Commissions.

(Roll Call Vote) 1st Ms. Raghu 2nd Ms. Franklin

AYE # 7

Ms. Franklin, Ms. French, Mr. Bracken, Ms. Raghu, Mr. Prytherch, Mr. Smith, and Mayor Snavely

NAY # 0

ABS # 0

Motion – To Return from Executive Session at 7:20 p.m. O.R.C. 121.22 (G)(1) To Consider Appointments to Boards and Commissions.

(Voice Vote) 1st Ms. Raghu 2nd Ms. Franklin

AYE # 7

NAY # 0

ABS # 0

A regular meeting of the Oxford City Council was called to order by Mayor Snavely on Tuesday, August 6, 2024, at 7:30 p.m. Members in attendance were Michael Smith, Amber Franklin, David Prytherch, Alex French, Chantel Raghu, and Jason Bracken.

Staff Members in Attendance

Mr. Douglas R. Elliott, Jr., City Manager; Ms. Jessica Greene, Assistant City Manager; Mr.

Michael Dreisbach, Service Director; Mr. John Detherage, Fire Chief; Mr. Sam Perry, Community Development Director; Mr. John Jones, Police Chief; Ms. Heidi Ridenour, Finance Director; Mr. Ben Mazer, Assistant Law Director; and Ms. Heather Barbour, Clerk of Council.

2. Pledge of Allegiance.

3. Approval of Agenda.

Motion – To Approve the Agenda
(Voice Vote) 1st Ms. Raghu 2nd Mr. Prytherch
AYE #7
NAY #0
ABS #0

4. Public Participation.

A. Appointments to Boards and Commissions

Motion – To Appoint Alia Wegner to the Historic and Architectural Preservation Commission.
(Voice Vote) 1st Ms. Raghu 2nd Mr. Prytherch
AYE #6
NAY #0
ABS #1

B. Public Comments

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5. Consent Agenda.

All matters under the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion. Any City Council member may, however, remove an item from consent by request. Items removed for separate discussion will be considered after the motion to approve the Consent Agenda.

Motion – To Adopt the Consent Agenda.

(Voice Vote) 1st Ms. Raghu 2nd Mr. Prytherch

AYE # 7

NAY # 0

ABS # 0

- A. Minutes of the July 16, 2024, City Council Meeting. (Heather Barbour, Clerk of Council)
- B. A Resolution Approving Then And Now Certificates For Purchase Orders Issued Above \$3,000 Where An Invoice Was Received Prior To The Purchase Order Date, As A Requirement Of Ohio Revised Code 5705.41 (D). (Heidi Ridenour, Finance Director)

6. Resolutions.

- A. A Resolution Authorizing The City Manager To Sign The Subgrant Agreement Between The City Of Oxford And Habitat For Humanity of Greater Cincinnati To Award \$500,000.00 Of The Butler County American Rescue Plan Funds For Affordable Housing Infrastructure. (Jessica Greene, Assistant City Manager)

Motion – To Adopt Resolution No. 7621.

(Voice Vote) 1st Ms. Raghu 2nd Ms. Franklin

AYE # 7

NAY # 0

ABS # 0

Ms. Greene presented her staff report and addressed questions and comments from the Council.

Public Comment - Mr. Steve Schnabl, 44 Autumn Drive - Mr. Schnabl, speaking on behalf of the Housing Advisory Commission, voiced support for the Habitat for Humanity legislation being presented tonight.

- B. A Resolution Authorizing The City Manager To Sign The Subgrant Agreement Between The City Of Oxford And Habitat For Humanity To Award \$990,000.00 Of The Welcome Home Ohio Funding Through The Ohio Department Of Development. (Jessica Greene, Assistant City Manager)

Motion – To Adopt Resolution No. 7622.
(Voice Vote) 1st Ms. Raghu 2nd Ms. Franklin
AYE # 7
NAY # 0
ABS # 0

Ms. Greene presented her staff report and addressed questions and comments from the Council.

Public Comment - None.

- C. A Resolution Authorizing The City Manager To Sign And Enter Into The Development Agreement Outlining The Proposed Development To Be Constructed By Habitat For Humanity Of Greater Cincinnati At 601, 603, And 607 W. Chestnut Street. (Jessica Greene, Assistant City Manager)

Motion – To Adopt Resolution No. 7623.
(Voice Vote) 1st Ms. Raghu 2nd Mr. Prytherch
AYE # 7
NAY # 0
ABS # 0

Ms. Greene presented her staff report and addressed questions and comments from the Council. Mr. Joe Hansbauer, President and CEO of Habitat for Humanity of Greater Cincinnati, thanked the Council and addressed questions.

Public Comment - None.

- D. A Resolution Authorizing The Mayor To Execute An Economic Development (Trex) Transfer Form From The Division Of Liquor Control For Cherry Tree Marketing, LLC. (Douglas R. Elliott, Jr., City Manager)

Motion – To Adopt Resolution No. 7624.
(Voice Vote) 1st Ms. Raghu 2nd Mr. Prytherch
AYE # 7

NAY # 0
ABS # 0

Mr. Elliott presented his staff report and addressed questions and comments from the Council.

Public Comment - None.

7. Ordinances.

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A. First Reading

1. An Ordinance Amending Section 931.12 Of Oxford Codified Ordinances Chapter 931.12 Entitled Garbage, Refuse And Recycling Service. (Michael Dreisbach, Service Director)

Mr. Dreisbach presented his staff report and addressed questions and comments from the Council.

Public Comment - None.

2. An Ordinance Approving A Conditional Use Permit Application To Allow A Dog Training Facility As A Conditional Use For The Purpose Of Allowing Training Tracks Canine Learning Center To Operate In The Existing Building At 5500 College Corner Pike, Oxford, Ohio 45056, With Conditions (Sam Perry, Community Development Director)

Mr. Perry presented his staff report and addressed questions and comments from the Council.

Public Comment - Mr. Scott Webb, 103 West Walnut St. - Mr. Webb shared that the Planning Commission and City Staff were very helpful during the process. Mr. Webb expressed his happiness and willingness to meet the conditions.

Public Comment - Mr. Steve Schnabl, 44 Autumn Drive - Mr. Schnabl asked, since there was a

great deal of property, is it possible that the business would be able to use some of that land as a dog park.

3. An Ordinance Approving A Preliminary And Final Planned Development Application And Preliminary Subdivision, South Farm Section IV, 25 New Single-Family Lots, Submitted By J.A. Development, 6.81 Acres, Roberts Drive, Oxford, Ohio 45056 (Sam Perry, Community Development Director)

Mr. Perry presented his staff report and addressed questions and comments from the Council. Mr. Perry shared that Ms. Etta Reed, Bayer Becker and Mr. Joe Cristo of Cristo Homes were in attendance if the Council had questions for them.

Public Comment - Ms. Etta Reed, Bayer Becker, 110 South College Ave - Ms. Reed spoke on behalf of John Bayer. Ms. Reed stated the applicant is in agreement with all the conditions that were proposed and appreciates the Planning Commission and Staff working with us to bring this project to fruition. Ms Reed mentioned the Cristo's had made some adjustments to their normal program to make this work for all parties involved. Ms. Reed thanked the Council for their time and offered to answer any questions.

4. An Ordinance Revising Oxford Zoning Code Section 1141.01 Accessory Regulations For The Purpose Of Adding A Primary Residence Requirement For Short-Term Rental Usage Within The R-1A, R-1B, R-2A and R-3 Zoning Districts (Sam Perry, Community Development Director)

Mr. Perry presented his staff report and addressed questions and comments from the Council.

Public Comment - None.

5. An Ordinance Repealing And Replacing Ordinance No. 3758 Limiting The Number Of Non-Medical Cannabis Dispensary Licenses To Two In The City Of Oxford And Designating The Locations For These Two Non-Medical Cannabis Dispensaries At The Current Existing Locations For The Two Medical Cannabis Dispensaries. (Douglas R. Elliott, Jr., City Manager)

Mr. Elliott presented his staff report and addressed questions and comments from the Council.

Public Comment - None.

6. An Ordinance By Oxford City Council Authorizing The City Manager To Take All Action Necessary, Including But Not Limited To The Negotiation And Execution Of Purchase And Sale Agreement, For The Sale Of Certain Real Property Located

In The City Of Oxford, Ohio, To Habitat For Humanity Of Greater Cincinnati.
(Jessica Greene, Assistant City Manager)

Ms. Greene presented her staff report and addressed questions and comments from the Council.

Public Comment - None.

B. Second Reading

1. An Ordinance Amending Ordinance No. 3750 Supplemental Budget Ordinance Number 4 To Make Supplemental Appropriations For Fiscal Year 2024. (Heidi Ridenour, Finance Director)

Motion – To Adopt Ordinance No. 3770.
(Roll Call Vote) 1st Ms. Raghu 2nd Mr. Prytherch

AYE # 7

Ms. Franklin, Ms. French, Mr. Bracken, Ms. Raghu, Mr. Prytherch, Mr. Smith, and Mayor Snavely

NAY # 0

ABS # 0

Ms. Ridenour presented her staff report with the changes since the first reading and addressed questions and comments from the Council.

Public Comment - None.

8. Discussion

A. Property Maintenance Code Enforcement

Mr. Elliott began the discussion by addressing the request by Councilor Prytherch for a report and discussion about code enforcement, especially concerning the property at 101 West Church St. Mr. Elliott shared that the property owners, Mr. Terry and Ms. Kathy Dudley, were in attendance. Mr. Elliott provided a summary of the fire that damaged the property in January 2020 and the steps that were taken to apply for a certificate of appropriateness for the demolition of the existing structure and the new mixed-use structure that was not constructed. Mr. Elliott explained that the owners requested an extension of the HAPC approval to obtain a building

permit beyond the one-year deadline, which the HAPC denied. Mr. Elliott asked Mr. Perry to provide additional code enforcement issues and actions related to this property. Mr. Perry read a prepared statement focusing on general code enforcement and some challenges the City faces in obtaining compliance. (statement included in minutes) Mr. Perry offered to answer any questions. Mayor Snavelly invited Mr. Dudley to speak. Mr. Dudley addressed the extended gravel parking situation. Mr. Dudley addressed the building fire and the extensive damage to the interior. Mr. Dudley stated that people had been breaking into the house and that he had found drug paraphernalia inside. Mr. Dudley asked the Council for a permit to condemn the building so that he could tear it down. Mayor Snavelly thanked Mr. Dudley for his comments. Mr. Perry, Mr. Elliott, and Mr. Dudley addressed questions and comments from the Council. Mayor Snavelly ended the discussion and thanked everyone for their participation.

9. Announcements & Communications.

A. Remarks from City Council and City staff.

The comments expressed by individual members of Council or City staff during this portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.

B. Future Meetings.

(Note: Meetings are held at the Court House unless otherwise indicated.)

DATE	Meeting		
1. Aug 7	Environmental Commission	Municipal Building	7:00 p.m.
Aug 12	Recreation Board	Municipal Building	11:30 a.m.
Aug 12	Public Arts Commission	Miami Museum	Art 4:15 p.m.
Aug 13	Oxford Parking and Transportation Advisory Board	Municipal Building	8:30 a.m.
Aug 13	Planning Commission	Courthouse	7:00 p.m.
Aug 14	Historic and Architectural Preservation Commission	Courthouse	6:00 p.m.

Aug 15 Civil Rights Commission	Municipal Building	4:00 p.m.
Aug 20 City Council	Courthouse	7:30 p.m.
Aug 27 Board of Zoning Appeals	Courthouse	6:30 p.m.
Sep 2 City Offices CLOSED - Holiday		
Sep 3 City Council	Courthouse	7:30 p.m.

10. Adjourn.

Motion – To Adjourn at 9:23 p.m.
 (Voice Vote) 1st Ms. Raghu 2nd Ms. Franklin
 AYE # 7
 NAY # 0
 ABS # 0

August 6, 2024 City Council comments

Re: 101 W. Church St Code Enforcement

Sam Perry, Community Development Director

Good evening Mayor and Council members. To follow up with Mr. Elliott's comments, I would like to provide some more background for Council on the topic of Code Enforcement regarding 101 West Church Street, sometimes known as the "former funeral home."

As Mr. Elliott noted there was a recent case approved by a City board, to demolish the existing building and replace it with a new building. This is called a Certificate of Appropriateness. The Historic and Architectural Preservation Commission held three meetings to review the request in 2020. Mr. Dudley and his architect prepared a very detailed rationale for demolition and new construction that was found to meet the City's requirements and was approved by a majority of the HAPC. This was the first major demolition request following the 2019 changes to the demolition criteria requirements. The 2019 code changes, also added an additional one year for construction of a new building in the historic district, for a total of three years. One year to obtain the permit after HAPC approval, and two years to build. Previously it was one year and one year.

As you can see from the brief summary, there has been code enforcement activity in City records before and after the most recent HAPC case. Issues regarding parking expansion, vegetation and building maintenance. City staff typically have very high compliance rates across the City with code enforcement, when city staff request corrective action. This is one particular property, where compliance rates have been historically low. I can attest that City staff have not pursued additional measures of gaining compliance for 101 W. Church Street beyond standard methods of voluntary compliance requests, reminders and notifications.

In 2021, some of you on City Council may recall that we began the process of moving Property Maintenance Code Enforcement from a contracted task to a direct report City staff function. This was done as part of an overall effort to gain higher rates of code compliance for primarily life safety items, such as the biennial inspections of residential rental properties. Our first year of bringing this task in-house saw compliance rates around 50-60%, which required follow-up inspections. We are now running 80-90% for our life safety inspections on the first inspection with very few follow-up inspections. We had several property managers in the first year, not consent to inspections of their rental properties, which sometimes required administrative search warrants, a very time-consuming process. We are now down to only two remaining property managers that are not consenting to full interior inspections. During this same time frame, our staff, Becky, Eni, Derick and Zach, have worked very hard to provide as much transparency as possible to the public about the status of rental properties. Through, monthly

reports and GIS maps, all available 24/7 on the city website. In 2023, in response to public feedback and the successful grant application for Assistant City Manager Jessica Greene, we are able to obtain funding from Interact for Health, for additional staffing. We are in the process of training a 2nd staff person that is part-time to assist with inspections and code enforcement. This will give us greater redundancy and allow us to spend more time on proactively seeking out code violations that are not directly related to life-safety.

The Civil citation process is our preferred process when we do not have voluntary compliance for code enforcement items. We have not done that yet on 101 W. Church Street, but we are prepared to do that if compliance is not gained. The civil citation provides a financial incentive to make corrective action. Earlier in 2024, we signed a new contract with Rossman Collections so that we can turn over unpaid civil citations for code enforcement violations to a collection agency. This will be a new step for us, and if successful, will be much more affordable than criminal prosecution. Both Civil and Criminal methods of compliance are allowed for Code Enforcement.

On July 18, we issued a new code enforcement violation notice to Mr. and Mrs. Dudley for 101 W. Church Street, regarding three items: Window/peeling paint repair, deteriorated wood trim and damaged shutters. An appeal of the order is an option for the owner or compliance by August 18. If no appeal is submitted and compliance is not determined by the city, then a 2nd and final notice is given. If that final notice is not complied with, then civil citations can be issued. The citations can then be appealed or paid. This is the 3-step process required by City Code chapter 503.

After looking at the property again today, I see that there is now an issue of overgrown vegetation and gravel parking expansion. So those will need to be addressed as well, in order to avoid code enforcement action.

Please let me know any questions you may have regarding this property or others, and the code enforcement processes.



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	City Manager
PREPARED BY:	Reena Murphy
DATE PREPARED:	8/13/2024
COUNCIL MEETING DATE:	August 20, 2024
AGENDA TITLE:	A Report Regarding the August 7, 2024, Environmental Commission Meeting (Jessica Greene, Assistant City Manager)
COUNCIL GOAL AREA:	A Sustainable Oxford
BUDGETED AMOUNT:	0
ACCOUNT CODE:	0
RECOMMENDATION:	Approval
CITY MANAGER/DEPT HEAD APPROVAL:	

DISCUSSION:

The Environmental Commission members present were Jon Ralinovsky, Chair; Chantel Raghu, Vice Chair and City Council Representative; Jason Bracken, Planning Commission Representative and City Council Member; and Peggy Branstrator. A quorum was present. Reena Murphy, Sustainability Coordinator, was the staff liaison present.

Members of the public present were David Naibei, Climate Action Fellow, and Bamidele Osamika, Regional Climate Collaborative Manager for Green Umbrella.

Approval of the Agenda

Motion: Ms. Raghu 2nd: Mrs. Branstrator Vote: Unanimous approval

Approval of Minutes

1. Approval of the June 5th, 2024 Minutes

Motion: Ms. Branstrator 2nd: Ms. Raghu Vote: Unanimous

Discussion

Climate Action Fellowship Review

Mr. Naibei shared an overview of his time as a Climate Action Fellow for the 2024 summer cohort. The Climate Action Fellowship is a new program through Green Umbrella, in which

Oxford was a host community. Mr. Naibei's projects included:

- Conducting C40's Capacity and Needs Assessment, Governance Self-Assessment, and Vertical Integration Assessment to identify areas of strengths and needs for the City of Oxford.
- Reviewing Community Engagement practices and making recommendations for increasing equity and access in our sustainability-related engagement.

- Establishing an energy usage benchmark for our Fire Station using Energy Star Portfolio

Manager. He found that the facility's source Energy Use Intensity (EUI) is 44% lower than the median source EUI for fire stations nationally.

- Developing a target metric for green space preservation and expansion in Oxford. Mr. Naibei established that Oxford has 451.5 m² per person of green space, far above the WHO's recommended value of 50 m²/capita. He also noted that Oxford's green space is not equitably distributed or accessible, so green space benchmarks moving forward should address equity.

Lastly, Mr. Naibei shared some fun moments throughout the fellowship, such as the Ribbon-Cutting Ceremony for a new segment of the Oxford Area Trails, volunteering as a griller for a Senior Center event, and generally expressed his appreciation for the fellowship and Oxford.

Deer Population Control Program

Mr. Ralinovski shared that he received some comments about the Deer Management Program and asked if it could be expanded. Staff shared a memo from the Environmental Division with summaries of the Deer Management Program from previous seasons. The commission discussed possible changes to the program (i.e. increasing the number of permits issued, etc). Mr. Ralinovski will follow up with relevant staff members.

Member Updates

Ms. Raghu reported no items from City Council but requested an update on the solar installation at the closed municipal landfill. Staff shared that the developer has until September 21st, 2024 to execute their option to lease. No reports from Planning Commission or Oxford Parking and Transportation Advisory Board. Ms. Branstrator shared that Climate Action Steering Committee met with Mike Dreisbach, Director of Public Services, at their last meeting. Mr. Dreisbach shared many project updates and highlighted the LED street light conversion, which saves the city an estimated ~\$50k per year in energy costs.

Staff Updates

Highlights from the Environmental Services Division's quarterly report include

- Since being installed in late May 2023, the methane flare at the closed landfill has reduced the landfill's emissions by 28.5%, or 384.51 MT of CO₂e.
- Since beginning in April 2019, the food scrap collection program has diverted 100 T of organic waste from the landfill.
- The average weekly collection of food scraps is 679 lbs per week for 2024. The program average is 728 lbs per week.
- Three trees were planted as part of the Memorial Tree Plaque program at Oxford Community Park. 37 trees have been planted as part of this program.

Other staff updates include:

- The City and Miami's Institute for Environment and Sustainability were selected to host two Campus Climate Action Corp Members.
- Hike-a-Thon is on Sept. 21st this year
- The EPA announced the awardees of the Climate Pollution Reduction Grant, and the Cincinnati Metropolitan Statistical Area were not selected.

Adjournment

Motion to adjourn: Ms. Raghu 2nd: Ms. Branstrator Vote: Unanimous approval

The Environmental Commission meeting adjourned at 8:34pm. The next meeting will be September 4th, 2024.



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Parks & Recreation
PREPARED BY:	Casey Wooddell
DATE PREPARED:	8/13/2024
COUNCIL MEETING DATE:	August 20, 2024
AGENDA TITLE:	A Resolution Of Council Authorizing The Acceptance Of A Donation From Steve And Susie Sadler In The Amount Of \$20,000 To Assist In Funding A Project At The Oxford Community Park. (Casey Wooddell, Parks and Recreation Director)
COUNCIL GOAL AREA:	A Connected, Livable, and Equitable Community for All
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approval
CITY MANAGER/DEPT HEAD APPROVAL:	DRE/CDW

DISCUSSION:

In July 2023, the Sadler Family offered to make a donation to the Oxford Parks and Recreation Department to assist in completing a facility project. The Parks and Recreation Department identified potential projects and discussed those with the Sadler family.

In 2023, the Oxford Parks and Recreation Department completed renovations to the large playground at Oxford Community Park, making that area more inclusive and accessible for all users. In that process, the existing shade structure was utilized for new play equipment, which created the need for a new canopy area.

In 2024, the City received grant funding to purchase a new canopy structure to be installed adjacent to the playground, but the funding was not enough to both purchase and install the canopy.

The Sadler family agreed to apply this donation towards the professional installation of the new canopy structure located adjacent to the large playground at Oxford Community Park. This installation is scheduled to be completed in fall 2024. This canopy will provide the shaded area necessary to keep families covered and protected while their children play on the playground area. It will also provide an ideal location for birthday parties as well as summer camps and other social gatherings.

RESOLUTION NO.

A RESOLUTION OF COUNCIL AUTHORIZING THE ACCEPTANCE OF A DONATION FROM STEVE AND SUSIE SADLER IN THE AMOUNT OF \$20,000 TO ASSIST IN FUNDING A PROJECT AT THE OXFORD AQUATIC CENTER.

WHEREAS, the Oxford Parks and Recreation Department is seeking to have an outdoor shelter area constructed at and attached to the Oxford Aquatic Center; and

WHEREAS, this outdoor area will serve the Oxford Parks and Recreation Department's summer camp participants as well as the general park and aquatic center users; and

WHEREAS, Steve and Susie Sadler have agreed to provide a donation through the Oxford Community Foundation to assist in funding this project.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: Council hereby authorizes the acceptance of this donation to assist in funding a project at the Oxford Aquatic Center.

SECTION 2: This Resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: WILLIAM SNAVELY
PREPARED BY: LAW (STAFF)



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	City Manager
PREPARED BY:	Douglas Elliott
DATE PREPARED:	8/14/2024
COUNCIL MEETING DATE:	August 20, 2024
AGENDA TITLE:	A Resolution Authorizing The City Manager To Waive The Water And Sanitary Capacity Benefit Charges For The Cottage Community At 5234 Hester Road. (Douglas R. Elliott, Jr., City Manager)
COUNCIL GOAL AREA:	
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approval
CITY MANAGER/DEPT HEAD APPROVAL:	DRE

DISCUSSION:

Community Development Professionals, LLC (CDP) is planning to construct up to 12 cottage homes at 5234 Hester Rd. This cottage community will provide affordable housing for low income and homeless residents. It will address the critical need of affordable rental housing for those residents. I recommend that City Council waive the water and sanitary capacity benefit charges for this project since it will provide a public benefit to the community. CDP will still be liable for water meter, tap, and inspection fees.

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO WAIVE THE WATER AND SANITARY CAPACITY BENEFIT CHARGES FOR THE COTTAGE COMMUNITY AT 5234 HESTER ROAD.

WHEREAS, Community Development Professionals, LLC (CDP) is planning to construct up to twelve (12) cottages at 5234 Hester Road; an

WHEREAS, this “Cottage Community” will provide affordable housing for low income and homeless residents; and

WHEREAS, the Cottage Community will address the critical need of affordable rental housing for low income and homeless residents.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: Council accepts the recommendation of the City Manager and hereby authorizes the City Manager to waive the water and sanitary capacity benefit charges for the Cottage Community at 5234 Hester Road.

SECTION 2: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Sam Perry
DATE PREPARED:	8/14/2024
COUNCIL MEETING DATE:	August 20, 2024
AGENDA TITLE:	A Resolution Extending The Moratorium, Not To Extend Beyond September 30, 2024, On New Short-Term Rentals Within The City Of Oxford, Ohio. (Sam Perry, Community Development Director)
COUNCIL GOAL AREA:	
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approve as presented
CITY MANAGER/DEPT HEAD APPROVAL:	SP DRE

DISCUSSION:

On March 5, 2024, the City Council adopted Resolution Number 7577, creating a 6-month moratorium, preventing the licensing of new short-term rentals in the City of Oxford. As was discussed at the August 6th meeting, the zoning code amendments would not be in effect before the moratorium ending because of the 30 day period following the ordinance adoption. Therefore, extending the moratorium until after the effective date is established is consistent with the intentions of the City. If the code amendment is adopted on August 20, the new code effective date is automatically September 20. The moratorium could end on September 30, making October 1, the logical first day of new short-term rental applications being processed under the newly revised and "in-effect" code.

RESOLUTION NO.

A RESOLUTION EXTENDING THE MORATORIUM, NOT TO EXTEND BEYOND SEPTEMBER 30, 2024, ON NEW SHORT-TERM RENTALS WITHIN THE CITY OF OXFORD, OHIO.

WHEREAS, pursuant to the Ohio Constitution and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort, and peace of the citizens of the municipality; and

WHEREAS, the City of Oxford (“City”) has set goals to increase the supply of housing units within the City of Oxford; and

WHEREAS, on March 5, 2024, the City Council adopted Resolution Number 7577, a 6-month moratorium on new short-term rentals; and

WHEREAS, the Planning Commission reviewed short-term rental data and recommended a zoning code text amendment; and

WHEREAS, the City Council held a first reading of the zoning code text amendment on August 6, 2024; and

WHEREAS, the effective date of the newly adopted code would be after the expiration of the March 5, 2024 Resolution; and

WHEREAS, an extension of the same moratorium until the end of September 2024 would accomplish the intent and purpose of the City to have updated and effective regulations; and

WHEREAS, the Moratorium will expire on September 30, 2024 unless extended for good cause by Council.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Oxford City Council hereby approves the moratorium extension, not to extend beyond September 30, 2024.

SECTION 2: No new short-term rentals shall be permitted or licensed within the City of Oxford.

SECTION 3: It is hereby found and determined that all formal actions of this Council relating to the adoption of this Resolution have been taken at an open meeting of this Council; and that any and all deliberations of this Council and of any of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4: This Resolution is hereby declared to be a measure immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Oxford and shall be in full force and effect immediately upon adoption.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: COUNCILOR DAVID PRYTHERCH

PREPARED BY: COMMUNITY DEVELOPMENT (STAFF)

CHECKED BY: LAW (STAFF)



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Service
PREPARED BY:	Mike Dreisbach
DATE PREPARED:	7/23/2024
COUNCIL MEETING DATE:	August 20, 2024
AGENDA TITLE:	An Ordinance Amending Section 931.12 Of Oxford Codified Ordinances Chapter 931.12 Entitled Garbage, Refuse And Recycling Service. (Michael Dreisbach, Service Director)
COUNCIL GOAL AREA:	Accessible, High-Quality Infrastructure
BUDGETED AMOUNT:	N/A
ACCOUNT CODE:	N/A
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	DRE MBD

DISCUSSION:

Section 931.12(a) of the Oxford Codified Ordinances currently states:

931.12 GARBAGE, REFUSE AND RECYCLING SERVICE.

(a) All persons within the City of Oxford shall be required to pay for garbage and refuse disposal service and recycling service provided by the City or the waste contractor except vacant or unused properties where waste disposal service is not used and where City water service has been disconnected.

Since the passage of this Ordinance on March 19, 2013, the City has implemented new standards for the accounting of water resources used during construction projects.

Section 921.30 of the Oxford Codified Ordinances currently states:

921.30 WATER FOR CONSTRUCTION.

When water is requested for temporary construction or for another special purpose, a Special Service Request application shall be made to the Service Director or his designee. Upon approval of written applications provided for that purpose, payment of applicable fees for the water for construction shall be made in advance and consumption will be charged at the scheduled rate. (Ord. 3260. Passed 12-17-13.)

Staff recommends the following text be added to Section 931.12(a): *"The Finance Director or Service Director, or their designee, is authorized to waive solid waste and recycling charges for temporary water accounts used during construction. Solid waste and recycling charges shall resume as appropriate at the termination of the construction water account for the property."*

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 931.12 OF OXFORD CODIFIED ORDINANCES CHAPTER 931.12 ENTITLED GARBAGE, REFUSE AND RECYCLING SERVICE.

WHEREAS, Section 931.12(a) of the Oxford Codified Ordinances currently states:

931.12 GARBAGE, REFUSE AND RECYCLING SERVICE.

- (a) All persons within the City of Oxford shall be required to pay for garbage and refuse disposal service and recycling service provided by the City or the waste contractor except vacant or unused properties where waste disposal service is not used and where City water service has been disconnected; and***

WHEREAS, since the passage of this Ordinance on March 19, 2013, the City has implemented new standards for the accounting of water resources used during construction projects; and

WHEREAS, Section 921.30 of the Oxford Codified Ordinances currently states:

921.30 WATER FOR CONSTRUCTION.

When water is requested for temporary construction or for another special purpose, a Special Service Request application shall be made to the Service Director or his designee. Upon approval of written applications provided for that purpose, payment of applicable fees for the water for construction shall be made in advance and consumption will be charged at the scheduled rate. (Ord. 3260. Passed 12-17-13.); and

WHEREAS, Staff recommends the following text be added to Section 931.12(a): ***"The Finance Director or Service Director, or their designee, is authorized to waive solid waste and recycling charges for temporary water accounts used during construction. Solid waste and recycling charges shall resume as appropriate at the termination of the construction water account for the property."***

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The City Manager and the Service Director recommend Oxford Codified Ordinance Chapter 931.12 entitled Garbage, Refuse, and Recycling Service be amended and new Oxford Codified Ordinance Chapter 931.12 section (a) entitled Garbage, Refuse, and Recycling Service be adopted to provide necessary updates and clarifications within the code.

SECTION 2: Council accepts the recommendation of the City Manager and the Service Director and hereby repeals Oxford Codified Ordinance Chapter 931.12 entitled Garbage, Refuse, and Recycling Service, and adopts new Oxford Codified Ordinance Chapter 931.12 (a) entitled Garbage, Refuse, and Recycling Service and incorporated herein by reference.

SECTION 3: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:
ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: WILLIAM SNAVELY
PREPARED BY: LAW (STAFF)



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Sam Perry
DATE PREPARED:	7/26/2024
COUNCIL MEETING DATE:	August 20, 2024
AGENDA TITLE:	An Ordinance Approving A Conditional Use Permit Application To Allow A Dog Training Facility As A Conditional Use For The Purpose Of Allowing Training Tracks Canine Learning Center To Operate In The Existing Building At 5500 College Corner Pike, Oxford, Ohio 45056, With Conditions (Sam Perry, Community Development Director)
COUNCIL GOAL AREA:	Economic Development
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approve as revised
CITY MANAGER/DEPT HEAD APPROVAL:	SP DRE

DISCUSSION:

Architect Scott Webb is assisting Jeff Silverman in relocating his business from College Corner to Oxford. The location is the former "Planning Forum" or "Daycare" brick building at 5500 College Corner Pike.

The proposed new business would provide on-site one-on-one private canine learning lessons, a drop-off day school where the team trains dogs for clients in the facility, and group classes where 4-5 dogs come with their owners for instruction. Full details of the scope are included in the Planning Commission staff report.

Authorizing the proposed use would allow for what is otherwise a currently underutilized and vacant property to generate economic return once again. The purpose of the Conditional Use process is to mitigate any negative consequences or external effects that a particular land use could have on its surrounding context. The property at hand is positioned perfectly so as to result in minimal negative effects to surrounding properties. With its inherent characteristics, the rear yard is shielded by dense

vegetation on three sides and the rear side of a retail strip center on the other. The closest residential property is greater than 1,000 feet away, across College Corner Pike toward the south (Reagh's Way), and thus should not be impacted. The proposed re-use would result in minimal physical changes to the property itself, inclusive of the building itself and accompanying parking facility. There were no public comments at the Planning Commission meeting. There was one written comment regarding potential property line encroachment unrelated to the proposal at hand. The applicant requested that two recommended conditions be removed. The condition regarding lot consolidation was found to be non-essential. The condition regarding the walkway was removed and re-worded for the ordinance. The three recommended conditions are as follows in the proposed ordinance:

1. New fencing installed on-site shall be of an aesthetically pleasing variety, such as Kentucky 3-board wooden fence with black wire mesh, or any other variety proposed by the applicant and found acceptable to the Zoning Administrator.
2. On-site overnight boarding shall be allowed indoors only, limited to eight (8) dogs at a time, and contingent on staff supervision at all times.
3. A new concrete walkway with an integral 6-inch raised curb be installed abutting the driveway to the point that it connects with the existing walkway to the front building entrance. The raised walkway is for the safety of pedestrians accessing the property.

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT APPLICATION TO ALLOW A DOG TRAINING FACILITY AS A CONDITIONAL USE FOR THE PURPOSE OF ALLOWING TRAINING TRACKS CANINE LEARNING CENTER TO OPERATE IN THE EXISTING BUILDING AT 5500 COLLEGE CORNER PIKE, OXFORD, OHIO 45056, WITH CONDITIONS.

WHEREAS, the Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on July 9, 2024 for the purpose of considering the request of applicant Architect Scott Webb, for a Conditional Use permit to allow for the establishment of a dog training facility at 5500 College Corner Pike, Oxford, Ohio 45056; and

WHEREAS, at the request of the applicant, two of the four conditions recommended by staff were requested to be removed during the Planning Commission discussion; and

WHEREAS, one condition regarding the walkway needed additional research on wording and would be added to the ordinance; and

WHEREAS, the condition regarding lot consolidation was found to be non-essential; and

WHEREAS, the Planning Commission, after a public hearing and discussion, voted and approved a motion recommending approval of the Conditional Use permit application to allow for a Conditional Use permit to allow for the establishment of a dog training facility in the General Business District at 5500 College Corner Pike, Oxford, Ohio 45056 with the following conditions:

1. New fencing installed on-site shall be of an aesthetically pleasing variety, such as Kentucky 3-board wooden fence with black wire mesh, or any other variety proposed by the applicant and found acceptable to the Zoning Administrator.
2. On-site overnight boarding shall be allowed indoors only, limited to eight (8) dogs at a time, and contingent on staff supervision at all times.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION 1: Council hereby accepts the action of the Planning Commission, and further grants the Conditional Use permit application to allow for a Conditional Use permit to allow for the establishment of a dog training facility in the General Business District at 5500 College Corner Pike, Oxford, Ohio 45056 with the following conditions:

1. New fencing installed on-site shall be of an aesthetically pleasing variety, such as Kentucky 3-board wooden fence with black wire mesh, or any other variety proposed by the applicant and found acceptable to the Zoning Administrator.
2. On-site overnight boarding shall be allowed indoors only, limited to eight (8) dogs at a time, and contingent on staff supervision at all times.
3. A new concrete walkway with an integral 6-inch raised curb be installed abutting the driveway to the point that it connects with the existing walkway to the front building entrance. The raised walkway is for the safety of pedestrians accessing the property.

SECTION 2: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: DAVID PRYTHERCH

PREPARED BY: PLANNING STAFF

CHECKED BY: LAW

Case No:
PC-2024-05



Meeting Date:
July 9, 2024

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant	Scott Webb, Architect
Location	5500 College Corner Pike (Parcel IDs H4100028000001 & H4100028000008)
Action Request	Conditional Use
Requested Use	Dog Training Facility
Property Owner	Zuess Apartment Buildings Inc., c/o Argeri A. Lagos
Business Owner	Training Tracks Canine Learning Center, c/o Jeff Silverman
Current Use	Vacant Structure (formerly a daycare)
Current Zoning	GB General Business District
Site Area	1.05 acres
Site Frontage	Approx. 333 feet along US 27 / College Corner Pike
Surrounding Land Uses	Retail (strip center + Walmart) to the north; Undeveloped/woods to the east (owned by AP Church); future hotel (Holiday Inn Express) to the south; auto repair shop (S & S) and manufacturing (Schneider Electric) to the west
Staff Recommendation	Approval , subject to recommended conditions

PROPOSAL SUMMARY

Architect Scott Webb is requesting Conditional Use approval for the purpose of enabling establishment of a new dog training facility at 5500 College Corner Pike. The building on the site, last occupied by a daycare facility, is currently unoccupied/vacant. The prospective tenant is Jeff Silverman, who currently runs the Training Tracks Canine Learning Center at 39 Main Street in the Village of College Corner. Silverman is looking to relocate to Oxford and is interested in leasing the space at 5500 College Corner Pike.

The proposed new business would provide on-site one-on-one private lessons, a drop-off day school where the team trains dogs for clients in the facility, and group classes where 4-5 dogs come with their owners for instruction. Additionally, dog daycare is planned to be available for a maximum of 8 dogs. In addition to the expected obedience training, the facility is expected to provide mock residential settings, including a living

room, dining room, & kitchen for special training of companion dogs. Training Tracks currently offers a “board and train” program for 6 to 10 dogs at a time, where the dogs stay in trainers’ homes and come to the facility during the day. Although not expressly stated in the application, Mr. Silverman has indicated a desire to eventually have the option of moving the boarding program into the new facility at some point; if this was the case, a staff member would be present throughout the night to supervise the dogs.

CASE HISTORY

A summary of relevant past planning & zoning cases is provided below:

Case No.	Application	Decision
PC-1988-36	Additional Use	Council approved Jan 24, 1989 by Ord No. 2038
At the time, the property was zoned M-1 Light Industrial District. Within this district, the Zoning Code did not allow for any new principal use or accessory use without “Additional Use” approval by Council, even if the use otherwise complied with applicable Code requirements. This approval granted the ability to construct a storage shed immediately north of the principal structure, which remains to this day.		
PC-2005-09	Zoning Map Amendment	Council approved May 17, 2005 by Ord No. 2849
A request to rezone the property from LI Light Industrial to GB General Business was sought by Coe Potter, as agent to the property owner at the time, JGR Inc. The LI zoning in place was likely a carryover from the prior M-1 zoning, as a substantial Code rewrite and re-districting had occurred circa 2003. By this time, Walmart had opened up along US 27 to the north. Council ultimately approved the request to rezone the property to GB.		
PC-2017-14	Conditional Use	Council approved August 1, 2017 by Ord No 3418
This Conditional Use request for a daycare facility was sought by Mr. Phil Young, representing Kid Camp Learning Center LLC. Prior to the daycare, the building on-site had been occupied by Bill’s Art Store as well as another prior office tenant. Much like the present application now being considered in 2024, no new significant construction of any kind was proposed. The request was approved by Council, and a Building Permit enabling reuse of the property was issued in February 2018 and later finalized by December 2019.		

PUBLIC COMMENTS

Public notices were mailed to surrounding owners within 200 feet of the subject property, and a sign was posted on the site. No comments have been received from the public as of the writing of this report.

DEPARTMENT COMMENTS

Below are comments received from City departments:

Department	Respondent	Response
Economic Development	Seth Copenbaker Economic Development Specialist	Not Returned
Engineering	Scott Otto City Engineer	Returned without Comments
Fire	John Detherage Fire Chief	Returned without Comments
Police	John Jones Police Chief	Returned without Comments

COMMENTARY

Authorizing the proposed use would allow for what is otherwise a currently underutilized and vacant property to generate economic return once again. The purpose of the Conditional Use process is to mitigate any negative consequences or external effects that a particular land use could have on its surrounding context. The property at hand is positioned perfectly so as to result in minimal negative effects to surrounding properties. With its inherent characteristics, the rear yard is shielded by dense vegetation on three sides and the rear side of a retail strip center on the other. The closest residential property is greater than 1,000 feet away, across College Corner Pike toward the south (Reagh's Way), and thus should not be impacted.

The proposed re-use would result in minimal physical changes to the property itself, inclusive of the building itself and accompanying parking facility. The submitted site plan from Mr. Webb indicates that there are 11 existing parking spaces; Mr. Silverman has indicated in the past that this should adequately accommodate expected parking demand generated by both staff and clients. Since the request involves no substantial changes/expansions to either the structure or parking lot, the Code does not require any additional landscaping or tree planting.

Below is a summary of all proposed material changes to the site:

- **Fence:** A new dog run area is proposed behind the building, which would enclose a little over 1,600 square feet of area. The application does not indicate the style of fencing anticipated. The Zoning Code restricts commercial fencing to a maximum height of 12 feet in side and rear yards, though a 4 foot fence would probably be sufficient for containing dogs within the area.
- **Sign:** The applicant intends to construct a new freestanding sign immediately north of the driveway entrance, in the same vicinity as an existing sign which had supported the previous tenant (Young Leaders Learning Center). The new sign would be required to meet usual zoning standards,

including a max height of 6 feet, max width of 12 feet, and minimum setback of 6 feet from the public right-of-way.

- **Walkway:** Due to a change in use, the Code requires a new 5-foot-wide pedestrian walkway be constructed between the public entrance and the public walk/bike path along College Corner Pike. The Code also specifies that when any walkway is installed in a location adjoining a vehicular paved area, it must be raised with a curb at least 6 inches high. Staff is recommending the walkway instead be re-positioned toward the center of the front yard, creating a separate intersection with the existing multi-use path along College Corner Pike and thus being better protected from vehicular traffic and less of a “pedestrian gutter.”

Lastly, the roughly 1-acre site currently consists of 2 separate parcels; one is 0.67 acres in size, and the other is 0.39 acres. As a result, the existing off-street parking area straddles the property boundary between the two parcels, which is a non-conformity with respect to the Oxford Zoning Code (any paved area must be set back at least 6 feet from any property line). Staff recommends this be corrected through the recording of a Consolidation Plat to effectively combine the two parcels to form one single parcel.

DECISION CRITERIA

- A. The proposed use is in fact a Conditional Use appropriate in the zoning district in which it is proposed.**
A dog training facility is not explicitly listed as an allowable land use in the Oxford Zoning Code. The Code does however specify that in the GB District, “animal hospitals or kennels” are potentially allowable through the Conditional Use process. The Code further provides in *Section 1133.02* that *a use not provided for in a zoning district shall be prohibited unless the activity is deemed to be like in kind and similar to the uses allowed in the district and consistent with the intent of the district as interpreted by the Zoning Administrator*. The interpretation has already been made that a dog training facility is “like in kind and similar” to either a veterinary clinic or kennel, such that it can be potentially accommodated through a Conditional Use review.
- B. The use and site will satisfy the general intent of the Zoning Code.**
The Code provides in *Section 1143.12(a)* that the intent of the GB District is *to provide for a variety of retail, service and administrative establishments required to satisfy the needs of the overall community. This district is also intended to accommodate retail trade establishments in the community that cannot be practically provided for in a neighborhood commercial district development*. While not specifically a “retail trade” establishment, a dog training facility would be useful in fulfilling community needs, and this particular location is quite appropriate for the given use as opposed to a more established residential or mixed use neighborhood setting.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.**
The site is found within the “Employment Corridor” character area, defined by the Plan as being *more auto-oriented than other employment character types, but efforts should be made to transform these corridors into more connected, walkable places*. The proposed land use is found to be generally compatible with the Plan vision, provided pedestrian connectivity is enhanced in correspondence to both the Plan and the requirements of the Zoning Code.
- D. The use and shape of the site are sufficient for the proposed use.**
This criterion is generally not applicable to the given situation since the site is already developed and no significant construction-related changes are planned. The proposal at hand is more or less only a re-occupancy by another tenant.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.**

As a facility where multiple dogs are expected to be on the premises at any given time, the potential for increased noise (barking) is expected. Staff believes the setting is shielded enough by its physical and natural characteristics, that these anticipated external effects should not pose too much of a disturbance to anyone within the immediate vicinity.

- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.**
This criterion is written to apply mainly to industrial-type operations, and thus does not have much applicability to the given situation.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.**
Accessory/supportive features are to include off-street parking and fencing enclosures. The shed in the rear yard is to remain in place. No other new accessory structures or uses are proposed.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.**
The structure is already connected to City water and sewer utilities. There is no overall change to the site layout, therefore service provisions are expected to be relatively the same.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**
All expenditures are expected to be borne by private parties, which may include both the prospective business owner as well as the property owner. These types of financial agreements can be worked out privately, without involvement by the City.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.**
The overall character of the site and area will remain relatively the same.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.**
No changes are proposed to the way cars/traffic will access the site from the curb cut on College Corner Pike.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.**
The minimal degree of construction expected (fencing, signage, etc.) is not expected to result in any further environmental destruction to the area.
- M. Proposed construction will not result in the complete elimination of existing mature trees on the site. Effort shall be made to direct disturbance and construction around or away from the existing mature trees without completely taking away use of the site or connectivity to existing infrastructure.**
The minimal degree of construction expected (fencing, signage, etc.) is not expected to result in the depletion or clear-cutting of existing tree cover.

N. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

Should the Conditional Use be approved by City Council, the applicant would then need to apply for appropriate permits from the City including a Use Change/Verification Permit, Sign Permit, Fence Permit, and a Curb/Gutter/Sidewalk Permit. All applicable inspections would need to pass before the business could become operational.

STAFF RECOMMENDATION

Based upon a review of the relevant Decision Standards, staff recommends **approval** of the Conditional Use request subject to the following conditions:

1. The two parcels comprising the subject site shall be consolidated through the submission of a Lot Split/Consolidation application and the recording of a Consolidation Plat, prior to approval of any Permit or the opening of the business.
2. New fencing installed on-site shall be of an aesthetically pleasing variety, such as Kentucky 3-board wooden fence with black wire mesh, or any other variety proposed by the applicant and found acceptable to the Zoning Administrator.
3. The pedestrian walkway shall be re-routed through the center of the front yard (away from the vehicular driveway), and shall otherwise demonstrate compliance with the standards of the Oxford Zoning Code as well as connect to the multi-use path in a way that is satisfactory to the City Engineer.
4. On-site overnight boarding shall be allowed indoors only, limited to eight (8) dogs at a time, and contingent on staff supervision at all times.

SUBMITTED BY:



Zachary Moore, AICP
City Planner / GIS Coordinator

DATE: June 21, 2024

APPENDIX A

RELEVANT ZONING CODE PROVISIONS

Within the Oxford Zoning Code, *Section 1143.12* provides the base zoning standards for the GB General Business District. *Section 1147.02(c)-(d)* governs the Planning Commission's decision making process on Conditional Uses. *Section 1147.03(b)(3)* provides guidance specific to "animal hospitals, veterinary clinics, and kennels."

1143.12 – GB General Business District.

(a) Purpose.

This district is intended to provide for a variety of retail, service and administrative establishments required to satisfy the needs of the overall community. This district is also intended to accommodate retail trade establishments in the community that cannot be practically provided for in a neighborhood commercial district development. This district is only appropriate within areas that are presently served, or will be served upon development, with both central water and sewer.

(b) Uses.

(1) Permitted uses.

- A. Retail services. (Not to exceed 15,000 square feet of total gross floor area)
 - 1. Apparel and jewelry.
 - 2. Books, stationery, newspapers, magazines, office equipment and office supply stores.
 - 3. Department stores.
 - 4. Drug stores selling health and personal care aids.
 - 5. Food products, including groceries, meat, fish, baked goods, confectionary, and beverages.
 - 6. Flowers, potted plants, and garden supplies.
 - 7. Hardware, paint, home furnishings, and other home improvement products.
 - 8. Optical aids.
 - 9. Photography, bicycles, gifts and toys, pets, music, sporting goods, and other hobby and craft supplies.
 - 10. Restaurants, not including drive-in or fast food.
 - 11. Sales of new and used motor vehicles by dealerships holding franchises authorized by manufacturers for the sale of new vehicles.
- B. Personal and professional services. (Not to exceed 15,000 square feet of total gross floor area)
 - 1. Accounting, advertising, architectural, auditing, bookkeeping, legal, and medical offices, and offices for other similar professional service providers.
 - 2. Banks, credit agencies, investment firms, real estate, insurance offices, and other similar establishments engaged primarily in financial services.
 - 3. Barber and beauty shops.
 - 4. Cleaners, including dry cleaning and Laundromats.
 - 5. Home improvement services, including carpentry, electrical, heating, plumbing, and decorating.
 - 6. Offices for nonprofit, charitable, labor, and other service organizations.
 - 7. Repair establishments for bicycles, household appliances, locksmiths, shoes, and motor vehicles (if no gasoline is sold and repair work is done inside).
 - 8. Theaters, not including drive-ins.
 - 9. Other similar personal and professional services, such as employment agencies, travel bureaus, and ticket offices.
- C. Accessory buildings incidental to the principal use.

(2) Conditional uses.

The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.

- A. Retail services.
 - 1. Automobile service stations selling gasoline.
 - 2. Bars and establishments serving alcohol.
 - 3. Banks with drive-through facilities.
 - 4. Building supplies, garden supplies.
 - 5. Drive-in and fast-food restaurants.
 - 6. Sales of motorcycles and used motor vehicles, rental and service of motor vehicles, sales and rental of boats and marine equipment, and sales and rental of trailers.
 - 7. Temporary or outdoor sales of plants and garden supplies.
- B. Personal and public services.
 - 1. Animal hospitals or kennels.
 - 2. Bowling alleys.
 - 3. Cultural institutions, including libraries, art galleries and museums.
 - 4. Hotels and motels.
 - 5. Places of worship.
 - 6. Funeral homes.
 - 7. Indoor skating rinks, arcades, and similar recreational uses.
 - 8. Instructional studios.
 - 9. Night clubs, discotheques, and other entertainment facilities.
- C. Other uses.
 - 1. Community-Oriented Residential Social-Service Facilities (CORSSF's).
 - 2. Shared Housing and Congregate Housing for the elderly.
 - 3. Government owned and/or operated parks and recreational facilities.
 - 4. Bed & Breakfasts.
 - 5. Publicly owned and operated neighborhood recreation centers.
 - 6. Day care facilities, including Day Care for child, Day Care Center for child, Day Care Home Type A family, and Day Care Home Type B family.
 - 7. Schools: primary, intermediate, and secondary, both public and private.
 - 8. Mini-warehouse (Self-Storage Units)
 - 9. Business Incubator
 - 10. Any permitted or combination of any retail, personal or public services that exceed 15,000 square feet of gross floor area

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)

(1) Lot requirements.

- A. Minimum lot frontage and width: 100 feet
- B. No minimum lot size is specified; however, the lot size shall be adequate to provide for parking, access drive spacing, yard space and screening requirements.

(2) Yard requirements.

- A. Minimum setbacks.

Front yard	Rear yard	Side yard
35 feet	25 feet	0 feet

When a side or rear lot line abuts residential district lot lines, the minimum side or rear transitional setback distance shall be 25 feet in depth and shall be screened from the residential district by a dense evergreen hedge a minimum of 6 feet tall at planting and that will maintain at least 90 percent opacity over time. Existing vegetation may be considered as long as the anticipated overall opacity effect can be achieved. Alternatively, different types of screenings may be utilized subject to review and approval by the Zoning Administrator if the alternative material can achieve the overall 90% opacity effect.

- B. Maximum front yard setback.
A maximum front yard setback of 150 feet; and at least 75% of the façade of the principal building must be setback no more than 150 feet from the front lot line.

(3) Structural requirements.

- Maximum building height 45 feet
- (d) Supplementary Regulations.
- (1) All merchandise, new and used, with the exception of boat, automobile, truck or farm implements and plants and garden supplies, shall be stored within a completely enclosed building. Displays of boats, automobiles, tractors, recreational trailers and/or mobile homes shall conform to the requirements as defined in Section 1141.03 (e)
 - (2) Landscaping:
Landscaping of the site shall comply with the requirements of Chapter 1148.
 - (3) The building should be oriented so that the principal building entrance faces the principal street or the street providing main access to the site. The entrance must be connected to the street and adjacent parking with clearly marked sidewalks/walkways. The building façades facing the street must adhere to the façade treatment as outlined in the following sections. In no instance, shall the rear of the building face the public right-of-way.
 - (4) Building facades that are oriented toward a right-of-way shall be provided for visual relief as follows:
 - A. Windows and transparent doors must occupy a minimum of 60% of the entire building wall area measured between 2.5 and 7 feet in height above grade along the entire front façade. Glass block, opaque or darkly tinted glass is not considered to be transparent.
 - B. Building façades must have different articulation in height and setback. Different horizontal articulations with material, color and opening shall also be utilized when building elevation is higher than 14 feet. Preferred materials include brick, stone, glass or wood.
 - (5) Each development is required; where appropriate, to provide adequate space (including easements) for alternative modes of transportation such as bike paths, multi-use paths, bus stops and turnarounds. Each development is also required to provide bicycle rack space at a rate of 3 per 10,000 square feet of gross floor area.
 - (6) The front façade of the principal structure shall be finished, utilizing at least 50% natural materials including brick, stone, masonry, glass, or wood. No aluminum or vinyl siding shall be used in finishing or utilized on the front façade of the building.
 - (7)
 - A. All utility boxes must be screened with appropriate landscaping material such that they are not visible from a right-of-way or other publicly accessible area.
 - B. All refuse collection and recycling containers must be enclosed or screened so as not to be visible from a right-of-way or other publicly accessible area. The structure surrounding the container(s) must be enclosed on all sides, one of which includes a gate or door that can be secured. The enclosure may consist of wood or masonry walls. Containers shall not be located in any front yard. The exterior perimeter of the enclosure(s) must be landscaped, excluding the access point.

1147.02(c) – Planning Commission Review.

The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible testimony presented during the public hearing.

If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (1) Burden of Proof.
 - A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.
- (2) General Decision Standards.
All Conditional Uses shall satisfy these General Decision Standards.
- A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
 - B. The use and site will satisfy the general intent of this Zoning Code.
 - C. The use and site will be compatible with the general intent of the Comprehensive Plan.
 - D. The size and shape of the site are sufficient for the proposed use.
 - E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
 - F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
 - G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
 - H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
 - I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
 - J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
 - K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
 - L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
 - M. Proposed construction will not result in the complete elimination of existing mature trees on the site. Effort shall be made to direct disturbance and construction around or away from existing mature trees without completely taking away use of the site or connectivity to existing infrastructure.
 - N. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

1147.02(d) – Action by Planning Commission.

- (1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) The Planning Commission shall base its recommendation to Council upon how well the application satisfies the General Decision Standards and the Decision Standards for the proposed use. In its recommendation, Planning Commission may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.

1147.03(b)(3) – Animal Hospitals, Veterinary Clinics, and Kennels

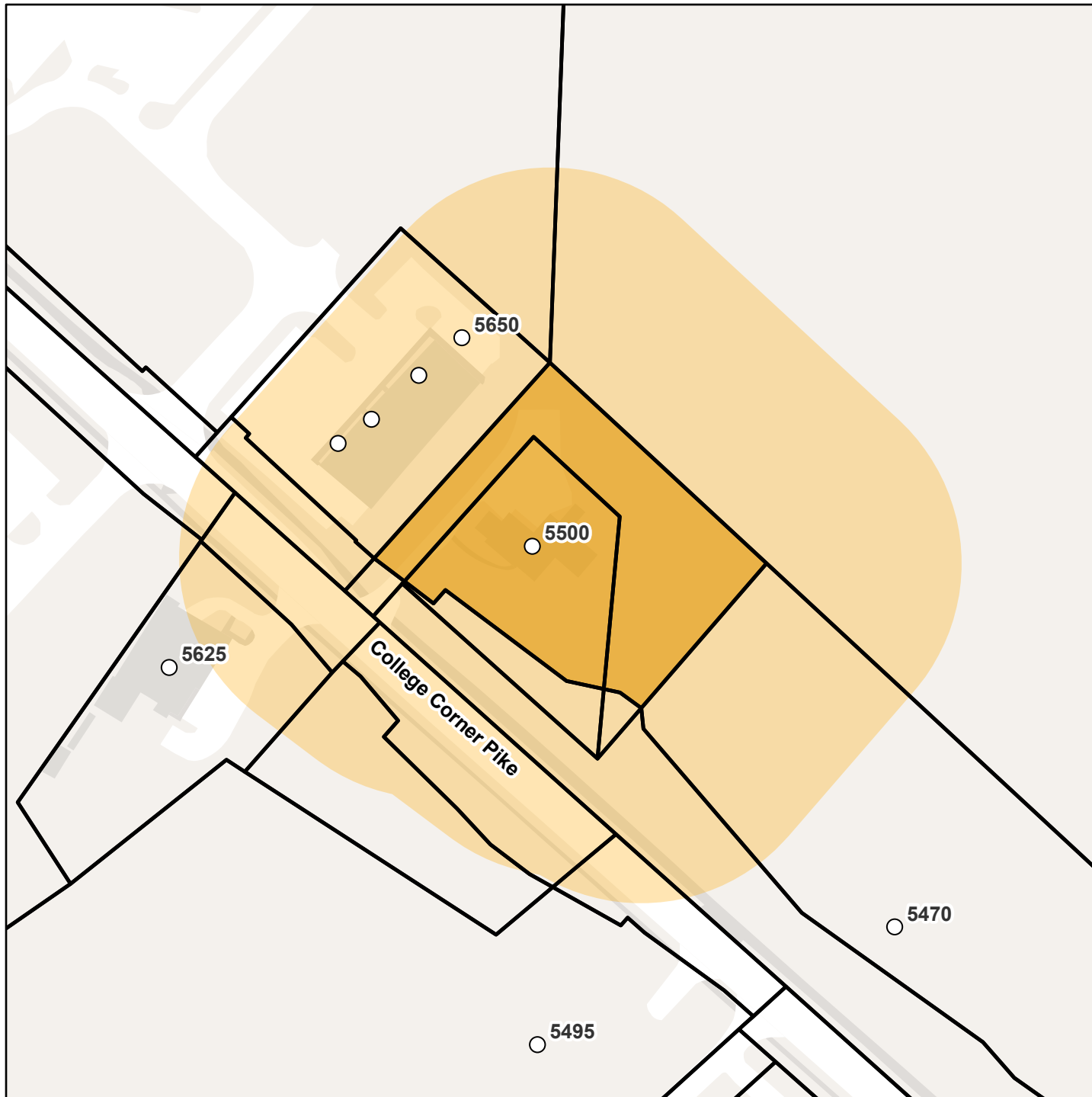
- A. Potential Concerns

1. Traffic generation from associated retail sales
 2. Location of diagnosis and outdoor activity areas relative public streets and residential zoning district.
 3. Design of facilities that will help ensure humane conditions and treatment of animals.
 4. Animal noise and odor.
- B. Regulations
1. Outdoor pens are not permitted.
 2. Outdoor activity shall be limited to diagnosis and temporary outdoor activity for boarded animals.

PC-2024-05

Surrounding Property
Owners Map

-  Oxford Corporate Boundary
-  Parcels
-  Case Boundary
-  200 Foot Buffer



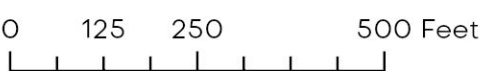
150
 Feet

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The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats, or a professional survey.

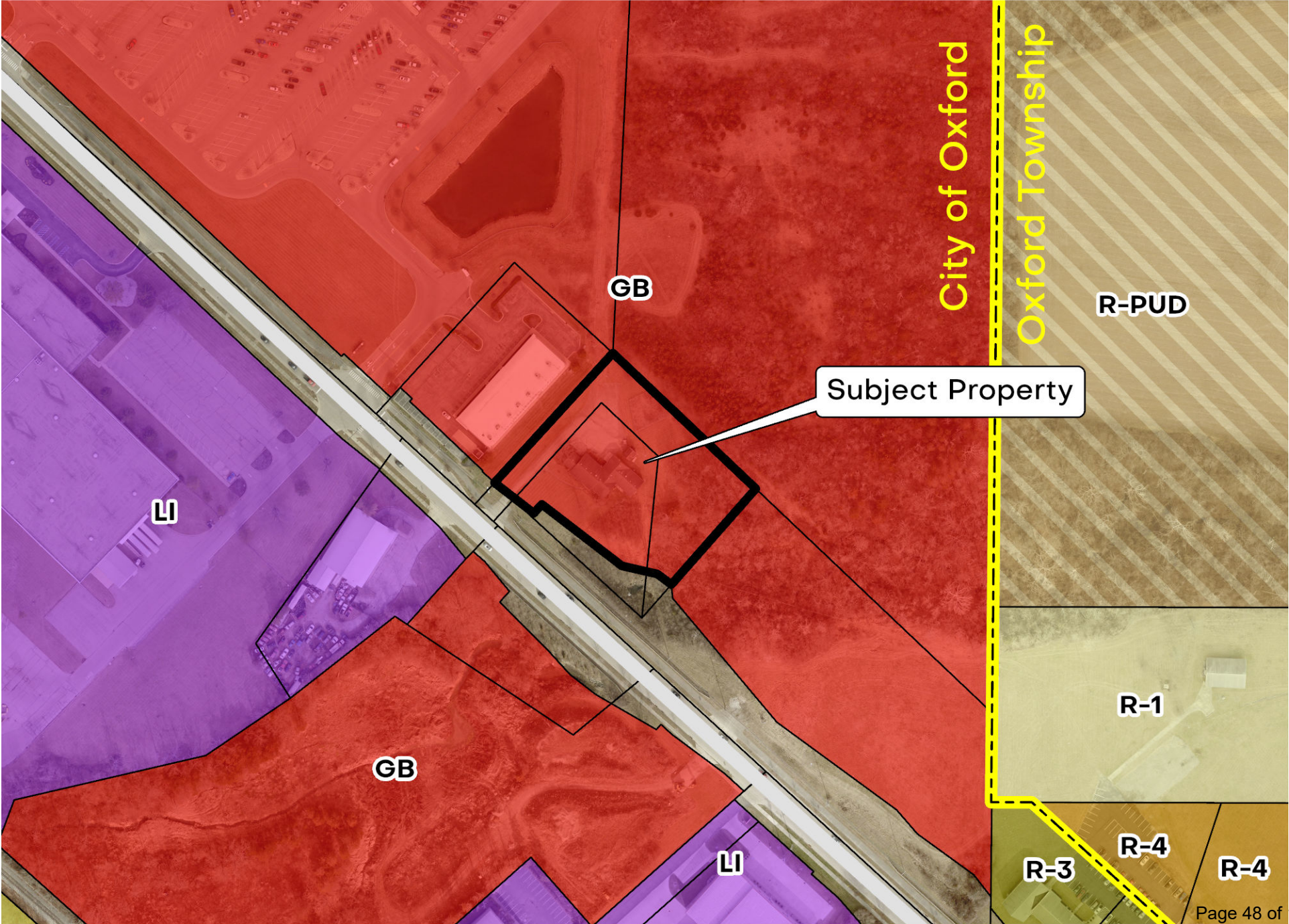
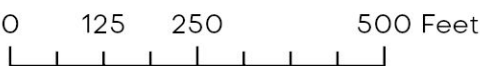
Aerial Map

 Site



Zoning Map

 Site



Zachary Moore

From: Steve Ramsey <sramsey486@aol.com>
Sent: Wednesday, June 26, 2024 10:22 AM
To: Zachary Moore; Sam Perry; Rodney White
Subject: Case PC-2024-05
Attachments: Scan_20240626.pdf

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing on behalf of AP Church at 5450 College Corner Pike in Oxford concerning the proposed Dog Training Facility. We have no objections to the change of use for the property, however, we are questioning the location of the fence. According to the survey we had completed in 2021 by Bayer and Becker, the existing fence is on our property. We want the fence moved or anything else used by the facility to be removed from our property lines. Due to insurance issues and other potential legal issues this needs to be corrected. Please see the attached survey for specific lines. Please let me know how to move forward on this issue. Thank you. Judy Ramsey, Board Member of AP Church (513) 616-6340



CONDITIONAL USE APPLICATION

Please print legibly. To apply, email completed form and plans in PDF format to commdev@cityofoxford.org

BOX 1 | APPLICATION DETAILS

Property Address/Location 5500 College Corner Pike	
Total Site Acreage 1.05 Acres	Total Building Square Footage 3,400
Existing Use Description Vacant, Former Daycare Facility	
Proposed Use Description Dog Training Facility	

BOX 2 | APPLICANT INFORMATION

Is the applicant also the current property owner?	
☐ Yes (You may skip Box 3) ☐ No (Do not skip Box 3, and include a Letter of Agency with your submittal)	
Applicant Name Scott Webb	
Applicant Company Name Scott Webb, Architect	
Mailing Address 103 W Walnut Street, Oxford Ohio 45056	
Email Address scott@scottwebbarchitect.com	
Telephone Number (513) 523-3838	

BOX 3 | PROPERTY OWNER INFORMATION ☐ Check if same as Applicant

Property Owner Name Argeri A. Lagos
Property Owner Company Name Zuess Apartment Buildings Inc., an Ohio Company
Mailing Address 750 Shrine Road, Springfield Ohio 45504
Email Address argeri@lagosco.com
Telephone Number (937) 925-3670

BOX 4 | ARCHITECT/ENGINEER INFORMATION ☐ Check if same as Applicant

Architect/Engineer Name Scott Webb
Company Name Scott Webb, Architect
Mailing Address 103 W Walnut Street, Oxford, Ohio 45056
Email Address scott@scottwebbarchitect.com
Telephone Number (513) 523-3838

BOX 5 | ATTACHMENT CHECKLIST Submit all contents in PDF format. **No printed copies are necessary.**

☒ Narrative/Cover Letter addressing all components required by Section 1147.02(a)(1)(B) – more information on Page 3
☒ Site Plan(s) including all details and information required by Section 1147.02(a)(1)(C) – more information on Page 3
☒ Building Elevations of any proposed or modified structures, including dimensions and exterior material details
☒ Floor Plans of building interior(s), and/or typical floor plans if the project involves multiple residential units
☒ Photos of existing site conditions and surroundings

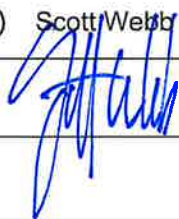
Note: Upon checking an application for completeness, staff may require additional information and/or materials above and beyond the items listed above in order to perform a complete evaluation for compliance with relevant Code provisions. You are welcome to contact Community Development at 513-524-5204 ahead of submission to determine whether additional items may be required.

BOX 6 | APPLICANT SIGNATURE

As the owner or owner's agent, I hereby agree all information contained in this application is true, accurate, and complete to the best of my knowledge. I acknowledge the application will first be checked by City staff for completeness prior to determining a first meeting date with the Planning Commission. I also acknowledge that one or more signs may be placed on the subject property advertising scheduled public hearings for this application, and assume responsibility for removing signs at the completion of the hearing(s).

Applicant Name (Print) Scott Webb

Applicant Signature



Date 5/22/2024

Processing Fee

The appropriate processing fee amount will be determined during a completeness check by Community Development staff. It may take 1-2 business days for a completeness check to be performed. The applicant will receive a digital copy of a processing fee invoice via email once it is ready. Fees may be paid in-person by check or credit card at the Finance Department window on the first floor of the Oxford Municipal Building, 15 S College Avenue, Oxford OH 45056. For credit card payments, the City accepts Visa, MasterCard, or Discover, and such payments may also be taken over the phone by calling our Finance Department Utilities line at 513-524-5221, Option 1.

Narrative/Cover Letter Requirements For source text see Oxford Zoning Code [Section 1147.02\(a\)\(1\)\(B\)](#)

- A description of the existing uses on the site.
- The zoning district in which the site is located.
- A description of the proposed use, including hours of operation, type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.
- A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties.
- A statement about why the location proposed is more appropriate for the use than other locations.
- A statement of the necessity or desirability of the proposed use to the neighborhood or community.
- Separate, detailed statements that individually address each of the items listed as potential concerns for the proposed use. See Oxford Zoning Code [Section 1147.03](#) for use-specific regulations.
- Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the request. It is recommended the applicant also address each of the Decision Standards as listed in the box below, and also specify any waivers to Zoning Code requirements being requested.

Site Plan Requirements For source text see Oxford Zoning Code [Section 1147.02\(a\)\(1\)\(C\)](#)

- North arrow, scale, and vicinity map
- All existing and proposed lot lines within the site
- Dimensions of all lots and the entire site and any adjacent rights-of-way
- Location, height, and use of all proposed and existing structures
- Location and design of all proposed vehicle management areas
- Location, size, and type of all proposed signs
- Location, height and type of all proposed screening and landscaping
- Distances to residential zoning districts if within 1,000 feet
- The use of land and location of structures on adjacent property and across adjacent rights-of-way
- Other information as may be required by the Planning Commission

Decision Standards All Conditional Uses shall satisfy these decision standards, per [Section 1147.02\(c\)\(2\)](#)

- A. The proposed use is in fact a Conditional Use appropriate for the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature or major importance.
- M. Proposed construction will not result in the complete elimination of existing mature trees on the site. Effort shall be made to direct disturbance and construction around or away from existing mature trees without completely taking away use of the site or connectivity to existing infrastructure.
- N. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that

Scott Webb, Architect

(Applicant Name)

has permission to represent our interest with the City of Oxford regarding

A Conditional Use Application for a Dog Training facility

(Application Description)

located at

5500 College corner Pike

(Property Address/Location)

Thank you,

Argeri A. Lagos

(Property Owner Printed Name – must be a person)

Zeus Apartment Buildings Inc., an Ohio company

(Property Owner Company Name – if applicable)

_____
(Property Owner Signature – must correspond to printed name above)

5-13-2024
(Date)

Sam Perry
Community Development Director
City of Oxford
Municipal Building
15 South College Ave.
Oxford, Ohio 45056



SCOTT
WEBB

A R C H I T E C T

103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838

www.scottwebbarchitect.com

Re: Application for Conditional Use
Proposed Canine Training Facility
5500 College Corner Pike

May 22, 2024

Dear Mr. Perry,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Conditional Use for a Canine Training Facility. The vacant building at 5500 College Corner Pike was last occupied by a Daycare Facility.

The proposed new business provides on-site one-on-one private lessons, a drop-off day school where the team trains dogs for clients in the facility, and group classes where 4-5 dogs come with their owners for instruction. Additionally, dog daycare will be available for a maximum of (8) dogs. In addition to the expected obedience training, the facility will provide mock residential settings, including a living room, dining room, & kitchen for special training of companion dogs.

In response to the items listed in 1147.02, we offer the following:

A. *A description of the proposed use.*

B. *Description of Use and Site*

A written, detailed description shall include the following information. A separate response is required for each subsection.

1. *Description of Use and Site*

The name, mailing address, and telephone number of the applicant and the property owner.

Property Owners:

Zuess Apartment Buildings Inc., An Ohio Company
750 Shrine Drive
Springfield, Ohio 45504

Business Owner:

Jeff Silverman,
Training Tracks Canine Learning Center
39 Main Street
College Corner, Ohio 45003

Architect:

Scott Webb, Architect
103 West Walnut Street
Oxford, Ohio 45056

2. *A statement from the owner that the applicant is entitled to apply on his or her behalf.*

A letter of Agency has been provided from the property owners.

3. *A legal description of the site, including all separate lots.*

Parcel Number: H4100028000001 & H4100028000008

4. *A description of the existing uses of the site.*

The site is currently occupied by a single story building, built in 1971. While currently vacant, it was last occupied by a daycare center.

5. *The zoning district in which the site is located.*

The site is zoned GB – General Business Zoning District.

6. *A description of the proposed use.*

The proposal at hand is to allow the adaptive reuse of the existing building as a canine training facility.

- a. *A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery & service vehicles*

Neither a Veterinary Care nor a Kennel, the proposed Canine Training Facility provides daycare for dogs and on-site training of dogs in various environments.

As shown in the attached drawings, the existing building will provide training rooms for dogs in small group settings, as well as a mock kitchen, dining room, & living room where special behavior training will occur.

Additionally, the facility will provide overnight training for a limited number of dogs, with a maximum number of 5.

- b. *Hours of operation*

Hours are Monday-Saturday, 7:00 AM-9:00 PM and Sundays from 7:00 AM-6:00PM. The building will operate an overnight shift when dogs are present, so the building is always occupied when dogs are in the facility.

7. *A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties;*

- a. *How is the use similar to or different from existing area uses and if there will be any interaction between the proposed and existing uses.*

The property is surrounded by other GB uses and undeveloped land. As a relatively large parcel, isolated by its location, interaction between existing nearby uses would be negligible.

- b. *How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.*

The proposed location/site is ideal for the proposed business. Set back over 135' from College Corner Pike, the building is isolated from neighboring properties. The commercial property to the west presents a windowless rear elevation to the western side of the property. The property is separated from adjacent development to the east by a wooded ravine, with undeveloped land to the north.

- c. *If the use will involve any operations that create potential nuisances, such as excessive noise, lighting, odor, fumes, vibration, or emissions.*

The proposed use will provide some outdoor training and comfort breaks for the dogs, but will not produce potential nuisances. This dog training business has been serving the Oxford area from the Village of College corner since 1998. They have conducted the business in the center of town with apartments above and adjacent to the classroom facility. They operate a clean, quiet, business, respectful to the neighbors since well-behaved dogs is their business.

d. How any potential negative effects on adjacent land will be mitigated.

All outdoor training with the dogs will be behind the building, out of the public view and buffered by vegetation and the built environment.

8. A statement about why the location proposed is more appropriate for use than other locations;

The size of the lot and its surrounding uses make this an appropriate location for this business.

9. A statement of the necessity or desirability of the proposed use to the neighborhood or community.

Dog training of this type is not currently offered in Oxford, though dogs are a huge part of life in our pedestrian friendly community.

10. Separate detailed statements that individually address each of the items listed as potential concerns for the proposed use.

1147.03 (3) Animal Hospitals, Veterinary Clinics, and Kennels

A. Potential Concerns:

1. Traffic generation from associated retail sales.

No retail sales will be provided at this location. The existing site provides ample space for drop off and pick up of dogs as well as parking for the attendees of training classes.

2. Location of diagnosis and outdoor activity areas relative public streets and residential zoning district

Outdoor activity areas are limited and shielded from public view.

3. Design of facilities that will help ensure humane conditions and treatment of animals

While providing daycare for dogs, the proposed business is not a kennel where dogs are caged. Dogs are engaged with staff throughout the day in training and other activities.

4. Animal noise and odor

The number of dogs is restricted and trained within the facility with an average staff to animal ratio of 1/6.

B. Regulations:

1. Outdoor pens are not permitted.

Outdoor pens are not part of this proposal.

2. Outdoor activity shall be limited to diagnosis and temporary outdoor activity for boarded animals.

Outdoor activity is limited to some outdoor training and comfort breaks for the dogs.

11. A list of the names and mailing addresses of all land owners within 200 feet of the site.

List of adjacent property owners is attached.

12. Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by Planning Commission.

The proposal at hand is exactly the type of building and adaptive reuse model envisioned by the Planning Commission when this conditional use was added to the R3MS district.

C. Site Plan

A Site Plan with the required information is included with this application.

D. Elevations of proposed structures, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.

Photographs of the existing buildings are provided with no changes proposed.

E. Other. Photographs of the existing use and its surroundings

Photos are included with this application.

In response to the Decision Standards outlined in 1147.2(c), we offer the following:

A. The proposed use is in fact a Conditional Use appropriate for the Zoning District in which it is proposed;

While dog training facilities are not specifically listed, 1143.12(b)(2)B1. lists Animal hospitals or kennels under Personal and public services. Staff has advised the business owner that a conditional use is required based on the similarity of the use to that described in the Zoning Code

B. The use and site will satisfy the general intent of the Zoning Code;

Animal related occupancies are limited to the GB and Agricultural Open Space District. As a conditional use, Planning Commission has the opportunity to review the potential concerns and mitigation.

C. The use and site will be compatible with general intent of the Comprehensive Plan;

The Comprehensive Plan encourages new business along the College Corner Pike Corridor as well as the adaptive reuse of underused buildings and sites.

D. The size and shape of the site are sufficient for the proposed use.

The size and shape of the lot and existing building provides large setbacks from adjacent sites and uses. All buildings, drives, and parking areas are existing to remain.

E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

Large setbacks & buffers coupled with the primary activity happening indoors eliminate the potential disturbing neighboring uses.

- F. *The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.*

The proposed use will not be detrimental to people, property, or the general welfare of the area.

- G. *The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.*

No accessory uses are proposed with is application.

- H. *The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal or adequate provisions will be made to provide the same services privately.*

All utilities are available at the proposed location. No special provisions are required.

- I. *Development of the site and operation of the use will not require substantial public expenditure for infrastructure or services.*

No public expense is anticipated by this project.

- J. *The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district*

The new use will not change the essential character of the area.

- K. *The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.*

The site currently provides off-street parking. No change is necessary or required.

- L. *Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.*

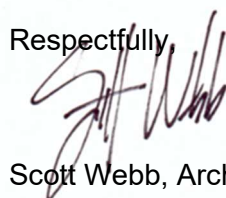
No construction is proposed and there are no scenic or natural resources in this area

- M. *All Necessary permits and licenses for the Conditional Use and its operation have been obtained or can be obtained for the use at the proposed location.*

All permits will be secured for the adaptive reuse of this building.

Thank you for your consideration of this proposal. If you have any questions or need any additional information, please call.

Respectfully,



Scott Webb, Architect

5500 College Corner Pike Property Photos



Existing Building Facing College Corner Pike



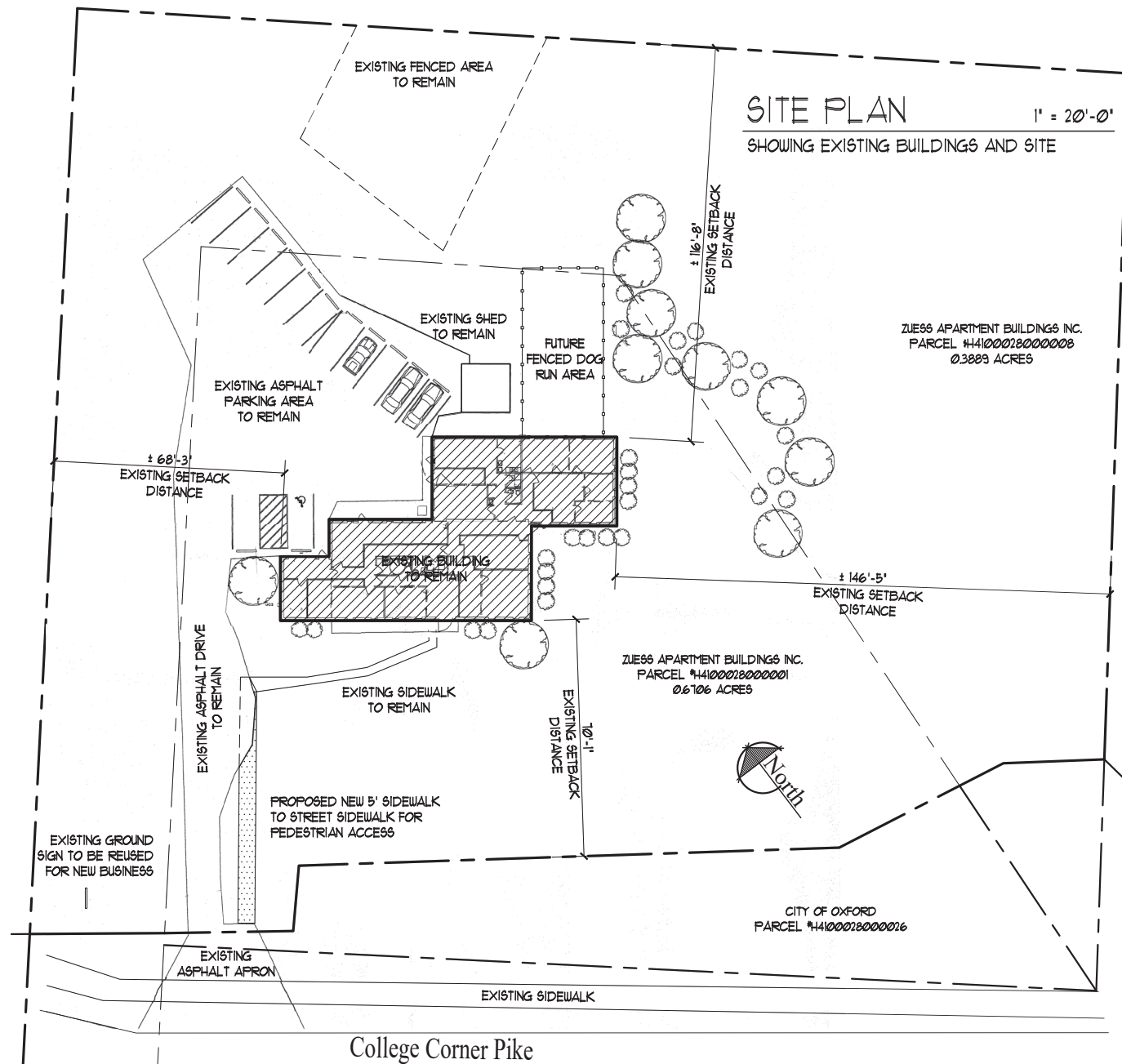
Existing Building Rear (Parking Lot Entrance)



Existing Site Entrance from College Corner Pike showing rear face of Building to the West facing the Proposed Site



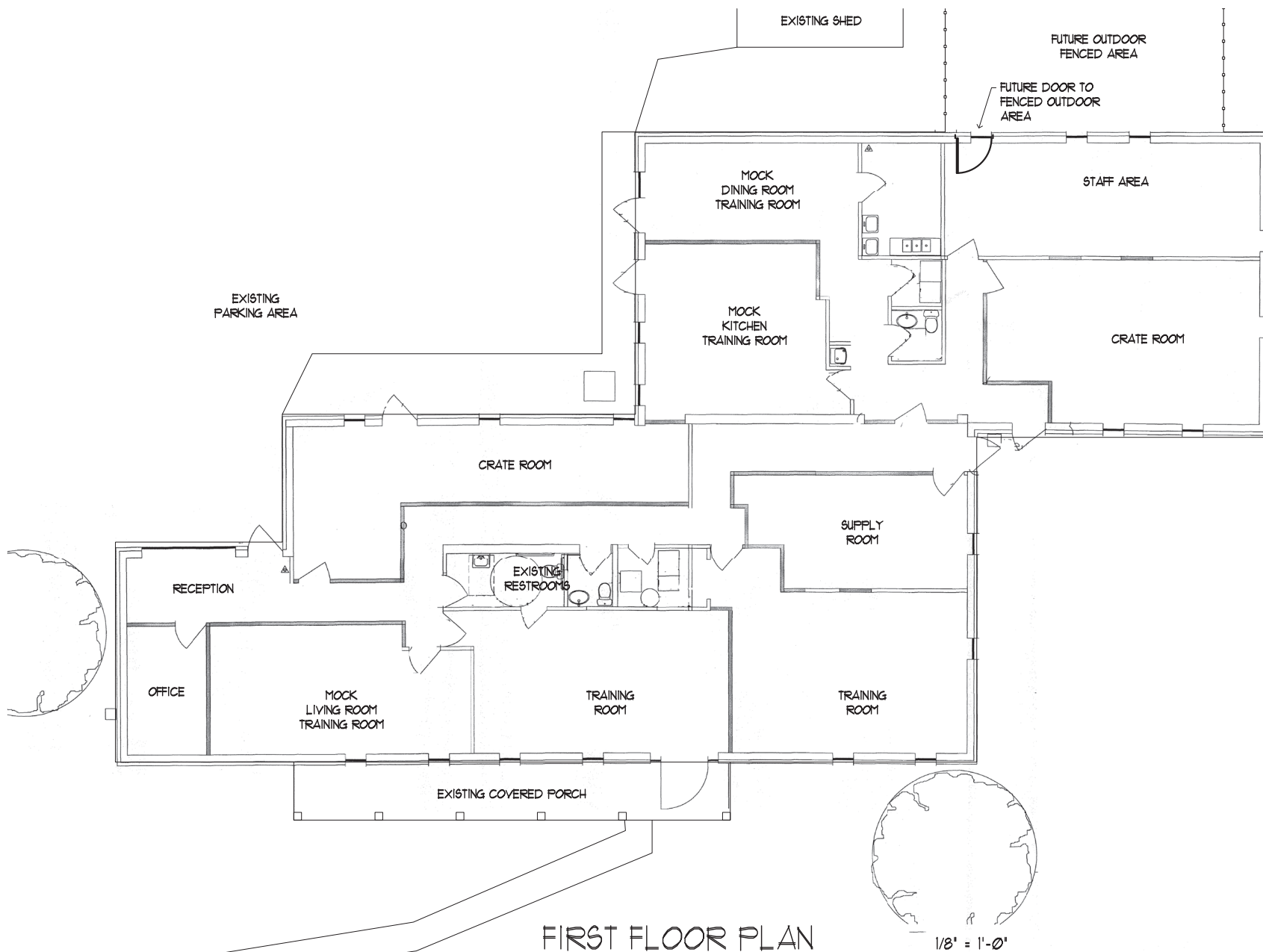
Existing Building Facing College Corner Pike showing undeveloped land to the East



PROPOSED ADAPTIVE REUSE
Training Tracks
Canine Learning Center
5500 COLLEGE CORNER PIKE
OXFORD, OHIO 45056

DATE	May 22, 2024
REVISIONS	

A-1



FIRST FLOOR PLAN

1/8" = 1'-0"



PROPOSED ADAPTIVE REUSE
Training Tracks
 Canine Learning Center
 5500 COLLEGE CORNER PIKE
 OXFORD, OHIO 45056

DATE	
May 22, 2024	
REVISIONS	

A-2



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Sam Perry
DATE PREPARED:	7/26/2024
COUNCIL MEETING DATE:	August 20, 2024
AGENDA TITLE:	An Ordinance Approving A Preliminary And Final Planned Development Application And Preliminary Subdivision, South Farm Section IV, 25 New Single-Family Lots, Submitted By J.A. Development, 6.81 Acres, Roberts Drive, Oxford, Ohio 45056 (Sam Perry, Community Development Director)
COUNCIL GOAL AREA:	Housing For All
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approve as recommended by Planning
CITY MANAGER/DEPT HEAD APPROVAL:	SP DRE

DISCUSSION:

Engineer John Bayer with Bayer Becker Engineers is assisting J.A. Development (Joe Cristo, et al) with the latest proposal for a new 25 home development within the South Farm subdivision. The property is currently owned by the previous applicant from 2019, Michael Shea, et al. Due to the similar design of the current proposal, it was decided to combine the Preliminary and Final Planned Development review into one application, as well as combine the associated staff report and ordinance into one.

The overall lot size and dwelling unit density is identical to the previously reviewed and approved plans from 2019-2021. Some highlights of interest are: 1.93 Acres will be preserved as conservation easement. 46 new trees will be planted along the streets. The new street will be called Hoover Drive. The complete details are included in the Planning Commission staff report. The major differences between the current proposal and the previously approved/expired plans from 2019-2021, are:

- No rear alley access in order to streamline home production/consistency
- Reduced setback between homes, from 10 feet to 6 feet
- Turn-around incorporated into a new future stub street instead of on-site turn-around

- Street width reduced from 30 feet to 28 feet, identical to South Forest Edge Subdivision

At the Planning Commission hearing there were no new public comments. Mr. Michael Rudolph has served as a neighborhood contact for the City staff and for the proposed developers. Mr. Rudolph has attended meetings and communicated with staff and the applicant team.

Engineer John Bayer requested revisions to 2 of the 14 conditions recommended by staff. Mr. Bayer requested that the garage restriction be clarified to ensure that 2-car tandem garages were not intended to be prohibited. Mr. Bayer also requested that additional funding timing flexibility be added regarding the extension of the Oxford Area Trail Phase 5. These changes were accepted as requested, with the final list of recommended conditions being:

1. Any home constructed within the subdivision shall have, at most, a 1-car width garage. Tandem 2-car garages are permitted. No home shall have a garage width of 2 car or greater.
2. No home on either side of the subject houses or on the opposing lot directly across the street shall utilize the same exterior elevation. One or more of the following options shall be incorporated into the exterior design:
 - a. A different style of roof is utilized.
 - b. Different exterior wall materials or colors are used on the front elevation.
 - c. Different style of trim around windows, doors, eaves, gables or corners is used.
 - d. Different architectural features are incorporated such as:
 1. Varied window & door arrangements and sizes.
 2. Varied column style or arrangement.
 3. Varied porch size or configuration.
3. All light fixtures shall be 3000K color temperature to match City of Oxford standards.
4. A stop sign and street sign shall be erected at the corner of Hoover Drive and Booth Road, for the purpose of indicating to passerby that Booth Road may eventually be extended to join with Kehr Road in the future.
5. The installation of all bike path and sidewalk segments in conjunction with dwelling unit construction shall be per the discretion of the Service Department. The City may utilize the developer's financial security to construct any segments not in place within 5 years of Final Plat approval. If construction of OATS Phase 5 does not occur prior to this 5 year deadline, the developer shall be given the opportunity to complete the path segment at their expense, contribute funding for its eventual construction, allow the City to utilize financial securities in place to fund construction of the path, or the path shall be funded in an alternative manner that is acceptable to both the developer and the Service Department.
6. The area to be conserved as permanent protected open space shall be shown on the final record plat, together with a set of covenants and restrictions outlining how the area is to be maintained over time.
7. The proposed water quality basin in the open space north of Roberts Drive shall be maintained by the future HOA, not the City of Oxford.
8. A waiver is hereby granted to **Section 1145.12(f)(2)** to increase the maximum allowable coverage per lot from 40% to 65%. Maximum front yard coverage is also hereby set at 50% and does not require a waiver, being integral to the proposed Planned Development.

9. A waiver hereby granted to ***Section 1145.12(e)(2)*** to accept the proposed reduction in minimum front yard setbacks from 30 feet to 20 feet. Side and rear yard setbacks do not require waivers, as the proposed 3-foot and 5-foot minimums respectively are integral to the proposed Planned Development.

10. For emergency service access to rear, if any fences are installed, rear yard access gates shall be provided on both sides of each home.

11. For emergency service access to rear, physical obstructions such as but not limited to: A/C units, gas meters, electric meters and hose bibbs, shall be placed on the same sides of adjacent homes such that every other opening between homes has minimal permanent physical obstructions.

12. A waiver is hereby granted to ***Section 1101.4(404)(C)(8)*** to allow for only one (1) entrance to an existing street system as opposed to the minimum of two (2); this waiver is being approved due to the minor size/scale of the proposed subdivision, and the potential for secondary means of access to be provided via a possible extension of Booth Road in the future.

13. HOA documents shall be reviewed and approved by the City Law Director prior to being recorded.

14. Planned Development approval shall be valid for 5 years, with an opportunity for the Planning Commission to grant an additional 1 year extension per the Zoning Code.

Following the Planning Commission meeting, it occurred to staff that it may become unclear when establishing a threshold between a "1-car" and a "2-car" garage, in allowing the former but prohibiting the latter. The applicant has since agreed to establish a numerical standard of 14 feet as being the maximum garage width allowable; staff has revised Condition #1 in the proposed Ordinance accordingly.

ORDINANCE NO.

AN ORDINANCE APPROVING A PRELIMINARY AND FINAL PLANNED DEVELOPMENT APPLICATION AND PRELIMINARY SUBDIVISION, SOUTH FARM SECTION IV, 25 NEW SINGLE-FAMILY LOTS, SUBMITTED BY J.A. DEVELOPMENT, 6.81 ACRES, ROBERTS DRIVE, OHIO 45056, WITH CONDITIONS.

WHEREAS, the Planning Commission met pursuant to Oxford Codified Ordinance Sections 1143.02, 1145 and 1101.4 on July 9, 2024 for the purpose of considering a Preliminary and Final Planned Development Application and Preliminary Subdivision, South Farm Section IV, 25 new single-family lots, submitted by J.A. Development, 6.81 acres, Roberts Drive, Oxford, Ohio 45056; and

WHEREAS, at the request of the applicant, two of the fourteen conditions recommended by staff were requested to be revised during the Planning Commission discussion; and

WHEREAS, Condition #1 regarding the garage widths was revised as requested; and

WHEREAS, Condition #5 regarding timing and funding of the extension of the Oxford Area Trail Phase 5, was revised as requested; and

WHEREAS, the Planning Commission, after a public hearing and discussion, voted and approved a motion recommending approval of a Preliminary and Final Planned Development Application and Preliminary Subdivision, South Farm Section IV, 25 new single-family lots, submitted by J.A. Development, 6.81 acres, Roberts Drive, Oxford, Ohio 45056 with the following conditions:

1. Any home constructed within the subdivision shall have, at most, a 1-car width garage. Tandem 2-car garages are permitted. No home shall have a garage width of 2 car or greater.
2. No home on either side of the subject houses or on the opposing lot directly across the street shall utilize the same exterior elevation. One or more of the following options shall be incorporated into the exterior design:
 - a. A different style of roof is utilized.
 - b. Different exterior wall materials or colors are used on the front elevation.
 - c. Different style of trim around windows, doors, eaves, gables or corners is used.
 - d. Different architectural features are incorporated such as:
 - (1) Varied window & door arrangements and sizes.
 - (2) Varied column style or arrangement.
 - (3) Varied porch size or configuration.
3. All light fixtures shall be 3000K color temperature to match City of Oxford standards.
4. A stop sign and street sign shall be erected at the corner of Hoover Drive and Booth Road, for the purpose of indicating to passerby that Booth Road may eventually be extended to join with Kehr Road in the future.
5. The installation of all bike path and sidewalk segments in conjunction with dwelling unit construction shall be per the discretion of the Service Department. The City may utilize

the developer's financial security to construct any segments not in place within 5 years of Final Plat approval. If construction of OATS Phase 5 does not occur prior to this 5 year deadline, the developer shall be given the opportunity to complete the path segment at their expense, contribute funding for its eventual construction, allow the City to utilize financial securities in place to fund construction of the path, or the path shall be funded in an alternative manner that is acceptable to both the developer and the Service Department.

6. The area to be conserved as permanent protected open space shall be shown on the final record plat, together with a set of covenants and restrictions outlining how the area is to be maintained over time.
7. The proposed water quality basin in the open space north of Roberts Drive shall be maintained by the future HOA, not the City of Oxford.
8. A waiver is hereby granted to **Section 1145.12(f)(2)** to increase the maximum allowable coverage per lot from 40% to 65%. Maximum front yard coverage is also hereby set at 50% and does not require a waiver, being integral to the proposed Planned Development.
9. A waiver hereby granted to **Section 1145.12(e)(2)** to accept the proposed reduction in minimum front yard setbacks from 30 feet to 20 feet. Side and rear yard setbacks do not require waivers, as the proposed 3-foot and 5-foot minimums respectively are integral to the proposed Planned Development.
10. For emergency service access to rear, if any fences are installed, rear yard access gates shall be provided on both sides of each home.
11. For emergency service access to rear, physical obstructions such as but not limited to: A/C units, gas meters, electric meters and hose bibbs, shall be placed on the same sides of adjacent homes such that every other opening between homes has minimal permanent physical obstructions.
12. A waiver is hereby granted to **Section 1101.4(404)(C)(8)** to allow for only one (1) entrance to an existing street system as opposed to the minimum of two (2); this waiver is being approved due to the minor size/scale of the proposed subdivision, and the potential for secondary means of access to be provided via a possible extension of Booth Road in the future.
13. HOA documents shall be reviewed and approved by the City Law Director prior to being recorded.
14. Planned Development approval shall be valid for 5 years, with an opportunity for the Planning Commission to grant an additional 1 year extension per the Zoning Code.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION 1: Council hereby accepts the action of the Planning Commission, and further grants the approval of a Preliminary and Final Planned Development Application and Preliminary Subdivision, South Farm Section IV, 25 new single-family lots, submitted by J.A. Development, 6.81 acres, Roberts Drive, Oxford, Ohio 45056 with the following conditions:

1. Any home constructed within the subdivision shall have, at most, a 1-car garage where

the maximum door width is 14 feet. Tandem 2-car garages are permitted. No home shall have an overall garage width of 2 car or greater (exceeding 14 feet).

2. No home on either side of the subject houses or on the opposing lot directly across the street shall utilize the same exterior elevation. One or more of the following options shall be incorporated into the exterior design:
 - a. A different style of roof is utilized.
 - b. Different exterior wall materials or colors are used on the front elevation.
 - c. Different style of trim around windows, doors, eaves, gables or corners is used.
 - d. Different architectural features are incorporated such as:
 - (1) Varied window & door arrangements and sizes.
 - (2) Varied column style or arrangement.
 - (3) Varied porch size or configuration.
3. All light fixtures shall be 3000K color temperature to match City of Oxford standards.
4. A stop sign and street sign shall be erected at the corner of Hoover Drive and Booth Road, for the purpose of indicating to passerby that Booth Road may eventually be extended to join with Kehr Road in the future.
5. The installation of all bike path and sidewalk segments in conjunction with dwelling unit construction shall be per the discretion of the Service Department. The City may utilize the developer's financial security to construct any segments not in place within 5 years of Final Plat approval. If construction of OATS Phase 5 does not occur prior to this 5 year deadline, the developer shall be given the opportunity to complete the path segment at their expense, contribute funding for its eventual construction, allow the City to utilize financial securities in place to fund construction of the path, or the path shall be funded in an alternative manner that is acceptable to both the developer and the Service Department.
6. The area to be conserved as permanent protected open space shall be shown on the final record plat, together with a set of covenants and restrictions outlining how the area is to be maintained over time.
7. The proposed water quality basin in the open space north of Roberts Drive shall be maintained by the future HOA, not the City of Oxford.
8. A waiver is hereby granted to Section 1145.12(f)(2) to increase the maximum allowable coverage per lot from 40% to 65%. Maximum front yard coverage is also hereby set at 50% and does not require a waiver, being integral to the proposed Planned Development.
9. A waiver hereby granted to Section 1145.12(e)(2) to accept the proposed reduction in minimum front yard setbacks from 30 feet to 20 feet. Side and rear yard setbacks do not require waivers, as the proposed 3-foot and 5-foot minimums respectively are integral to the proposed Planned Development.
10. For emergency service access to rear, if any fences are installed, rear yard access gates shall be provided on both sides of each home.
11. For emergency service access to rear, physical obstructions such as but not limited to: A/C units, gas meters, electric meters and hose bibbs, shall be placed on the same sides of

adjacent homes such that every other opening between homes has minimal permanent physical obstructions.

12. A waiver is hereby granted to Section 1101.4(404)(C)(8) to allow for only one (1) entrance to an existing street system as opposed to the minimum of two (2); this waiver is being approved due to the minor size/scale of the proposed subdivision, and the potential for secondary means of access to be provided via a possible extension of Booth Road in the future.
13. HOA documents shall be reviewed and approved by the City Law Director prior to being recorded.
14. Planned Development approval shall be valid for 5 years, with an opportunity for the Planning Commission to grant an additional 1 year extension per the Zoning Code.

SECTION 2: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: DAVID PRYTHERCH

PREPARED BY: PLANNING STAFF

CHECKED BY: LAW

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant	J.A. Development, c/o Joe Cristo
Location	West end of Roberts Drive, adjoining South Farm Section I
Action Request	Preliminary & Final Planned Development (PD) + Preliminary Subdivision
Engineer	Bayer Becker, c/o John Bayer, PE
Owner	John L Boyle IV et al. + South Farm Development LLC, c/o Mike Shea
Current Use	Vacant / Undeveloped Land
Current Zoning	R-1B Single-Family Medium Density Residential District
Site Area	6.81 acres
Proposal	25 single-family residential lots, accessed from new public streets
Surrounding Land Uses	Cobblestone Church to the northwest, single-family residential dwellings to the east, vacant/undeveloped land to the west and south
Staff Recommendation	Approval , subject to recommended conditions

PROPOSAL SUMMARY

The requests at hand pertain to an anticipated *second* phase of the South Farm neighborhood, which has since 2020 been referred to as “South Farm Section *IV*” due to two (2) prior plats which took place following the recording of the original Section I plat focused on Morgan Circle. J.A. Development LLC is represented by Adam and Joe Cristo, who are executives for Cristo Homes, a regional homebuilder. Cristo Homes is interested in developing 25 single-family homes on 6.8 acres immediately west of the existing South Farm phase, and has retained Bayer Becker (c/o John Bayer, PE) to engineer plans for the subdivision.

A previous developer, South Farm Development LLC (represented by Michael Shea and John Boyle), had also retained Bayer Becker to develop plans for the same 6.8-acre site. This “original” development proposal for South Farm Section IV began review in 2019, and while over the coming years the team was eventually successful in securing all necessary planning & zoning approvals to proceed, ultimately the project did not move forward to execution. The previous developer still owns the property comprising what would have been land devoted to their future development. Cristo Homes is now interested in purchasing the property to develop a single-family community with an identical level of density and substantially similar layout.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a sign was posted at the front of the property on Roberts Drive. The President of the South Farm Owners Association, Michael Rudolph, was also contacted separately by staff. Mr. Rudolph expressed that he had met with the Cristo team about the proposal, and that some South Farm residents were concerned with the level of density anticipated after having seen the Owl's Landing development. Staff have met with Mr. Rudolph to discuss neighbor concerns as well as community goals for housing supply. Some South Farm residents are also concerned about the addition of the required storm water quality basin. No written public comments from the South Farm Association have been received as of the writing of this report.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Seth Cropsenbaker, Economic Development Specialist	Not Returned
Engineering	Scott Otto, City Engineer	Returned with Comments
• <i>Further review of detailed construction plans may result in additional comments.</i> • <i>Proposed street widths will result in on street parking restricted to one side of the road.</i> • <i>A Public Improvement Bond will be required for infrastructure improvements.</i> • <i>The light fixtures should be 3000K color temperature to match current City of Oxford standards.</i> • <i>The proposed development will have low volume, low speed, local roads that should not discourage bicyclists. Sidewalks are proposed along all streets for pedestrian connectivity. A multi-use trail is planned along Roberts Drive that will connect users to the Oxford Area Trails system. The proposed development follows the vision of the Complete Streets Policy and provides safe alternatives for all road users.</i>		
Fire	John Detherage, Fire Chief	Returned with Comments
• <i>The requested waivers seem excessive. For example, with a three feet setback, these houses could only have six feet between them. This width would create a narrow passage way between the structures to access the rear of the buildings, including ground ladder access to the second floor bedroom windows. The addition of landscaping would further reduce this distance.</i> • <i>The proposed width of the street would require both sides to be posted "Fire Lane No Parking" to meet the required twenty feet width.</i> • <i>This project would be a perfect candidate for residential fire sprinklers. With the narrow separation and the limited access to the rear of the structures sprinklers would help to contain any interior fire to the inside of the building.</i>		
Police	John Jones, Police Chief	Returned without Comments

CASE HISTORY

A summary of past case history for this site is provided below:

Case No.	Application	Decision
PC-1991-19	Preliminary Plan/PUD	Council approves in August 1991 by Ord. No. 2181
City Council approves a preliminary subdivision plan comprising 186 single-family lots and 220 multi-family units on 94 acres west of Kehr Road. The applicant for this submittal was COGO Co. A condominium owners association was to be established for the common areas within the development.		
PC-1991-28	Final Plat/PUD	Council approves in March 1992 by Ord. No. 2221
City Council approves the first section of the approved development comprising a total of 11 lots on Morgan Circle. The final plat was recorded with the County Recorder on January 1, 1993. All homes within this plat have since been constructed.		
PC-1994-08	Final Plat/PUD	Council approves in October 1998 by Ord. No. 2609
City Council approves the second section of the overall development, comprising a total of 18 lots. Six (6) of the new lots were situated on an extension of Roberts Drive to the west, while the other twelve (12) were along a street to the south also named Roberts Drive at the time. A "Y"-shaped intersection was platted on the southernmost end of the plat, with a new stub street called Hoover Lane veering to the east. The final plat was recorded with the County Recorder on March 22, 1999.		
N/A	Lot Split	Administratively approved in December 2002
A 32-acre tract comprising the southern third of the original overall planned development is administratively approved and sold to the Talawanda School District, which still owns the property to this day.		
PC-2005-14	Conditional Use	Council approves in August 2005 by Ord. No. 2858
City Council approves a conditional use request to allow for the development of Cobblestone Community Church. The site plan approved at the time reserved 39 acres for the church site and pond, as well as 19 acres for a reduced number of single-family lots including the 11 developed lots on Morgan Circle, plus 34 undeveloped lots of which 13 were already platted as part of South Farm Section 2. The ordinance also established phasing requirements for the residential component, mandating the final phase of necessary construction permits be submitted by 2014 with everything being substantially operational within 2 years; however, this portion of the project ultimately never come to fruition.		
PC-2005-27	Replat	Council approves in February 2006 by Ord. No. 2893
City Council approves a replat of 5 lots at the end of Roberts Drive South into 6 lots. Council also requires the street to be renamed Hoover Drive, and by separate Ord. No. 2894 vacates the original right-of-way supporting these lots to make way for the new right-of-way configuration. The final plat was recorded with the County Recorder on August 22, 2006. Following the replat, in 2007 Cobblestone Community Church sells a small triangle-shaped piece of land not contained within the "new" South Farm Section 2 to Talawanda School District.		

Case No.	Application	Decision
PC-2007-08	Conditional Use Minor Amendment	Planning Commission approves in May 2007
Planning Commission approves a minor amendment to the Cobblestone Church Plan to allow for a larger building and modified parking layout.		
PC-2007-18	Replat	Council approves in September 2007 by Ord. No. 2972
City Council approves the replat of 6 lots along Roberts Drive West into 1 lot. Council also approves Ord. No. to vacate the western Roberts Drive right-of-way, as well as Ord. No. 2974 which approves South Farm Section 3. Section 3 effectively consolidated a series of parcels into one 42 acre lot, amassed for the purpose of supporting the church use. The final plat was recorded with the County Recorder on October 16, 2007.		
PC-2007-22	Replat	Council approves in October 2007 by Ord. No. 2979
City Council approves a replat of all 13 lots along Hoover Drive in order to increase the right-of-way width from 50 feet to 60 feet. The staff report indicates that the prior recorded plat had a provision requiring all streets to be constructed within 1 year from the original approval date in February 2006; however this did not happen and the standard right-of-way width had since changed. The final plat was recorded with the County Recorder on November 9, 2007. Ultimately, the full-scale development of this subdivision never came to fruition.		
PC-2019-16	Preliminary Subdivision + Planned Development	Council approves in September 2019 by Ord. No. 3535
This subdivision request came from development partners John Boyle and Michael Shea (i.e., South Farm Development LLC). The proposal included 25 single-family lots accessed by new public streets, with 12 of the lots consisting of housing products possessing rear-loaded garages and the remaining 13 possessing front-loaded garages. The rear-loaded product was to have been supported by a private alleyway to the rear of the units, which in turn would have also provided necessary turnaround access mandated in the interim by the Fire Department.		
PC-2020-04	Final Planned Development	Council approves in May 2020 by Ord. No. 3566
The Final PD was not too substantially different from the previously approved Preliminary PD. The final plan accounted for some minor adjustments to lot & right-of-way configurations, a slightly increased alleyway width, and cluster mailbox unit (CBU) locations.		
PC-2020-07	Final Subdivision	Council approves in May 2020 by Ord. No. 3568
Council actually approved two ordinances at this time: (1) Ord. No. 3567 was passed in order to officially vacate right-of-way as had been previously laid out by prior subdivisions in 1990s and 2000s; and (2) Ord. No. 3568 was passed to approve the new subdivision layout, inclusive of all new right-of-way and easements necessary to support the future development.		

Case No.	Application	Decision
PC-2021-30	Final Subdivision	Council approves in August 1991 by Ord. No. 2181
The previous Final Subdivision approval was set to expire in May of 2021. Due to difficulties experienced resulting from the COVID-19 pandemic, the developer was not able to post bonds, record the plat, and begin building infrastructure in time for this deadline. The developer reapplied for the Final Subdivision in order to seek a fresh approval and thereby “reboot” the timeline allowed for completion. A subsequent 6-month extension was later granted on November 1, 2022. Thereafter, the Preliminary approval expired in March 2023; therefore, the entire project is now considered fully expired.		
None	Concept Plan	Council approves in March 1992 by Ord. No. 2221
The Planning Commission expressed some hesitation over the prevalence of 2-car garages making up a significant degree of the streetscape façade, as well as the number of proposed curb cuts within close proximity to one another. Following the meeting, staff shared with the development team an example with similar density from Carmel, Indiana, and offered design suggestions that would help improve the overall proposal and bring it more in line with the sentiments that had been expressed by the Commission.		

COMMENTARY

Staff comments on site conditions and a number of key development aspects are provided below:

- Density:** The gross density of the proposed development is 3.68 dwelling units/acre (25 units ÷ 6.8 acres). The allowable density of the R-1B district is 5.81 dwelling units/acre (43,560 square feet in one acre ÷ 7,500 square foot minimum lot size). The Zoning Code in **Section 1145.12(d)** specifies that residential density in any Planned Development cannot *exceed 110 percent of the density permitted in the underlying district*. Therefore, it can confidently be said that the proposed development complies with the Code from a density standpoint. It is true that the density “impression” will be greater, as individual lots will be sized smaller and with lesser setbacks than what is typical in the R-1B District.
- Landscaping & Tree Preservation:** The submitted landscape plan shows a total of 46 new deciduous trees to be planted, including 41 street trees along Roberts Drive and Hoover Drive, plus 5 trees within the open space area along the southern border of the subdivision. The southern open space is adjacent to a roughly 82-foot wide easement held by the City, wherein Booth Road could potentially be extended in the future. Additional evergreen trees and deciduous shrubs are also planned in the southern open space to help enhance screening between the subdivision lots and potential future roadway. Street trees are to be positioned in such a way as to steer clear of future driveway curb cuts. Thankfully, the number of overall cuts will be reduced by pairing driveways together into a series of shared aprons; this adjustment to curb cuts had been made in response to feedback received from the Planning Commission during the Concept review in February. Lastly, while the Code normally requires a tree survey for major subdivisions, an exception is expressly provided for situations where the developer agrees to designate a conservation easement over areas not exempted from surveying. The proposed plan offers to dedicate 1.93 acres of the site as conservation easements, thus staff finds that the developer is exempt from needing to provide a tree survey.
- Lot Coverage:** Oxford Zoning Code **Section 1145.12(f)(2)** provides that *lot coverage for the residential portion of any planned development shall not exceed 40%*. The applicant has asked for a waiver to this standard in order to boost maximum lot coverage to 65%. The exact same waiver had been granted

for the prior South Farm Development LLC proposal, so staff sees no reason not to approve the same request again.

- **Lot Dimensions:** The table below compares Cristo’s proposed lot dimensions alongside the usual R-1B standards as well as those from the prior South Farm Development LLC proposal:

	MIN LOT SIZE	MIN LOT WIDTH
R-1B District Standards	7,500 square feet	65 feet
South Farm Development LLC Proposal		
Front-Loaded Garages	3,620 square feet	40 feet
Rear-Loaded Garages	3,800 square feet	40 feet
J.A. Development LLC (Cristo) Proposal		
Front-Loaded Garages	3,620 square feet	40 feet

- **Lighting:** A total of four (4) street lights are proposed to be installed along the two new public streets in accordance with the Subdivision Regulations, which requires lights be installed at every intersection, at the end of every cul-de-sac/stub, and in-between at intervals of no more than 400 feet. The City Engineer has requested that the color temperatures of these light fixtures be 3000K to match current City specifications.
- **Natural Resources:** Roughly 67% of the site (4.5 acres) is wooded, while the rest is occupied by tall grasses in a prairie-like setting. The prairie section of the site resulted from previous clearing of trees/vegetation in the early 2000s in anticipation of future development which ultimately did not occur. According to Butler County Soil & Water during the prior Preliminary review in 2019, the site is confirmed to have been part of a larger row crop and pasture farm as far back as the 1930s; the woods seen today are recognized as successional growth that has taken place since farming operations ceased. Though there are smaller-sized native trees scattered throughout the wooded areas, there are also invasive species including Honeysuckle present as well. Topographically, the site slopes from south to north, leading all stormwater to drain down into the existing pond located on land owned by the South Farm Owners Association. A water quality basin is proposed in a section of open space north of Roberts Drive to capture and filter stormwater prior to being released into the pond. According to official sources, there are no wetlands or floodplain present on the site.
- **Non-Vehicular Mobility:** Sidewalks are proposed on both sides of Hoover Drive as well as along the south side of Roberts Drive. Sidewalks will be five feet in width and consist of concrete material, in accordance with City specifications. The north side of Roberts Drive is planned to support the construction of a future phase of the Oxford Area Trails System (O.A.T.S.); at this time, the plan notes that the trail is to be installed “by others.” Aside from the fact that this O.A.T.S. phase has been awarded \$2.76 million in federal funding with the City anticipated to begin construction in 2025, normally a developer is responsible for constructing any segments needed within the subdivision boundary. This type of situation involving overlapped timing on what are ultimately two distinct construction projects – one public (trail) and one private (subdivision) – has been encountered in the recent past with examples such as Heron Pond and Owl’s Landing. Staff recommends a condition similar to the one crafted for Heron Pond be applied in this case.
- **Open Space:** The Zoning Code requires a minimum of **20%** of any Planned Development site area to be devoted to open space; this area must be calculated exclusive of the 25-foot setback required around the site perimeter. The proposed subdivision layout provides a total of **1.84 acres** of open space when calculating via this method, which constitutes **27%** of the overall site area.

- **Setbacks:** The table below compares Cristo’s proposed minimum setback distances alongside the usual R-1B standards as well as the prior standards approved for South Farm Development LLC. The applicant is requesting a waiver for the front yard setbacks, due to the Planned Development Code specifically calling for adherence to these setbacks in **Section 1145.12(e)(12)**. In response to Fire Chief concerns for access between buildings, staff has included conditions requiring access gates to rear yards and mirroring utility obstructions to every other opening between homes. Staff did not include a condition regarding the suggestion for residential fire sprinklers. The separation between homes and property lines are required to meet Ohio Residential Code, which mandates a one hour fire rating for any building wall that is less than 5 feet from a property line. This means that side windows are unlikely. Enforcing this requirement will be handled as part of the Building Permit review.

MINIMUM SETBACKS			
	FRONT	SIDE	REAR
R-1B District Standards	30 feet	8 feet each side	35 feet
South Farm Development LLC Proposal			
Front-Loaded Garages	20 feet	5 feet each side	5 feet
Rear-Loaded Garages	15 feet	5 feet each side	20 feet
J.A. Development LLC (Cristo) Proposal			
Front-Loaded Garages	20 feet	3 feet each side	5 feet

- **Signage:** The applicant’s proposal does not contain any information on gateway signage or any other new “zoning applicable” types of signage to be installed on or near the site. Two gateway signs for South Farm are currently located at the intersection between Kehr Road and Roberts Drive.
- **Stormwater Management:** Like the previous South Farm Development LLC proposal, the Cristo proposal includes a water quality basin on the north end of the subdivision to meet the requirements of the Ohio EPA National Pollutant Discharge Elimination System (NPDES) Permit. Cristo plans to create a separate HOA to support this development; dues paid into the new HOA will also help contribute toward maintenance of the surface water pond to the north that is owned by the existing South Farm Owners Association serving the 11 homes on Morgan Circle.
- **Streets & Traffic Circulation:** Relevant topics are discussed below:
 - **Connectivity Index:** Oxford Subdivision Regulations **Section 404(D)(1)(a)** mandates a minimum Connectivity Index of 1.25 for all major subdivisions. The index is determined by dividing the number of street links (i.e., road sections between intersections and cul-de-sacs) by the number of street nodes (i.e., intersections and cul-de-sac heads). The index resulting from the applicant’s proposed development layout is 2.5 (2 links on Roberts Dr., 1 link on Hoover Dr., 2 links on Booth, 1 node at Hoover/Roberts intersection, and 1 node at Hoover/Booth intersection; $5 \text{ links} \div 2 \text{ nodes} = 2.5$), which is in compliance.
 - **Entrances:** Oxford Subdivision Regulations **Section 404(C)(8)** requires all subdivisions to have at least two (2) entrances to an existing street system unless otherwise determined by the Planning Commission. Staff recommends a waiver to this provision since only 1 street stub currently exists, with no other way to access another existing street or road. It should additionally be noted that an 82-foot wide easement is currently on the books for a future extension of Booth Road directly to the south of the development site, on land owned by the Talawanda School District. The easement was recorded in 2014 to satisfy the City’s reversionary rights to the old high school property, which then later transferred to Miami

University and is now Chestnut Fields. This means there is another possible access point into the subdivision from the south, if and when a road is built. The 2007 Thoroughfare Plan shows a future major collector road in this location.

- **Street Width:** The City Engineer has agreed to a reduction in street pavement width from 30 feet to 28 feet, as measured from back-of-curb to back-of-curb. South Forest Edge, a previously approved development adjacent to U.S. 27 South and Southpointe Parkway, was also approved for 28 foot wide streets. Per City Charter, the City Manager has full authority to issue and rescind parking restrictions on public streets without Planning Commission or City Council action. The City Manager works with city departments to analyze localized conditions and make adjustments when necessary. Based on these circumstances, a condition regarding on-street parking is unnecessary.
- **Utilities:** The applicant proposes tapping into existing sanitary and water lines in proximity to the proposed development, which are currently serving the existing South Farm section to the east. Public streets and associated infrastructure are to be built according to City specifications, including a network of storm sewers which will feed stormwater into a water quality basin at the north end of the site. **Section 1145.12(j)** of the Zoning Code requires electric and telephone facilities, street light wiring, and other wiring circuits and similar facilities to be located underground.

DECISION CRITERIA

All Planned Developments shall satisfy the General Decision Standards provided in **Section 1145.06(b)**. Additional Decision Standards also apply to Final Planned Developments, per **Section 1145.06(c)**. The standards found within these sections are below with staff analysis provided for each:

General Decision Standards

1. **The proposed planned development is in fact permitted in the zoning districts in which it is proposed.**
Yes, this is a single-family residential subdivision and single-family dwellings are a permitted use in the underlying R-1B zoning district.
2. **If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.**
Not applicable.
3. **The uses and site plan will satisfy the general intent of this Zoning Code.**
Yes. The general purpose of the R-1B District per the Zoning Code is to *preserve and encourage single family residential development of a moderately low density character within and adjacent to areas of similar development*. The overall density will stay within the usual R-1B limits, though the “impression” will be greater than normal and more akin to the Owl’s Landing development, which originally received PD approval in 2022 and also has an underlying R-1B zoning designation.
4. **The uses and site plan will be compatible with the general intent of the Comprehensive Plan.**
Yes. In fact, it could probably be said the proposed development is even more in sync with the Plan than the Zoning Code (note: the City plans to work on modernizing the Zoning Code over the next year or so to bring it into greater adherence to the Comp Plan). The property is classified as Urban Neighborhood, which the Plan describes as being *characterized by a variety of housing types, mixture of land uses, walkable design, and meaningful green and open spaces. Streets in Urban Neighborhood should be well-connected and be accompanied by a network of sidewalks and/or trails*. In staff’s view, the site is small enough that a mixture of uses and a true embrace of New Urbanist principles is less crucial than if the size/scale of the development were more significant. The applicant has demonstrated a

willingness to offer home products with less emphasis on vehicular orientation and more emphasis on community-focused design principles, with more pronounced front porches being chief among them.

5. **The size and shape of the site are sufficient for the proposed planned development.**
Yes, the size and shape of the site has not changed since the prior South Farm Development LLC proposal, and the unit count (25) remains the same as before.
6. **The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.**
No, the proposed development will not be hazardous or disturbing to neighboring uses. The proposed development consists of single-family homes which will be adjacent to other single-family homes, albeit on smaller lots than the existing.
7. **The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.**
This criterion is generally meant for business and/or industrial scale operations, and therefore has little applicability to the matter at hand. As with the prior proposal, the City Engineer has not requested completion of a Traffic Impact Study due to the minimal extra traffic impact anticipated by adding 25 additional homes to the site.
8. **Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.**
Any future accessory uses such as fences and sheds will be regulated by underlying zoning standards specific to the R-1B District and the rest of the City of Oxford as a whole. Accessory uses of any other type are not proposed or anticipated at this time.
9. **The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.**
Yes. New public and private infrastructure will be funded at the developer's expense. Private drainage and open space is to be maintained over time by the future HOA. The T-intersection between Hoover Drive and the future Booth Road at the southernmost end of the development will allow for emergency & service vehicles the ability to turn around in the interim. The Fire Chief noted in his review a reservation over the proposed side yard setback distance decreasing from 5 feet to 3 feet, thus resulting in a decrease of spacing between homes from 10 feet to 6 feet. The applicant has responded to this observation as follows: *Increasing the side setbacks would impact the home products that are planned for the neighborhood. The side yard setbacks are requested at 3 ft in order to allow a greater percentage of the front façade to be non-garage. This adjustment came as a result of feedback received from the Planning Commission during the Concept Plan review. Additionally, the wider building pad allows for a greater degree of flexibility in setting garages back from the front façade. This creates a more desirable view of the homes from the street.* Furthermore, the developer is aware of requirements specified in the Residential Code of Ohio (RCO) that require walls be constructed of more fire-resistant material when structures are located less than 5 feet away from any interior lot line.
10. **Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**
No. All expenses are to be borne by the developer. The lone exception may end up being the O.A.T.S. Phase 5 extension, which if the City of Oxford ends up constructing at public expense, would serve the wider community and not just the residents of South Farm Section IV.

11. **The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.**
Though the housing units proposed in this “revised” South Farm section would differ in size and character in comparison to those currently located on Morgan Circle, the development would likely stand as its own unique enclave serving a specific market segment that is believed to have a short supply of available housing products at this point in time.
12. **The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.**
The City Engineer previously expressed that a Traffic Impact Study will not be necessary for this development, as the existing configuration between Roberts Drive and Kehr Road is expected to be able to handle the additional traffic load from the 25 new lots in combination with the 11 existing lots on Morgan Circle.
13. **Proposed construction will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.**
Staff believes the applicant has designed their planned lots in such a way as to reduce the impacts to existing natural wooded areas on site. The protection of vegetation within open space areas should be ensured, at a minimum, through means of conservation restrictions on the future plat to be recorded.
14. **Proposed construction will not result in the complete elimination of existing mature tree canopy. Effort shall be made to direct disturbance and construction around or away from existing mature tree canopy without completely taking away use of the site or connectivity to existing infrastructure.**
The proposed development follows the same design as previously approved, with the future main street (Hoover Drive) aligned in such a way as to best avoid existing vegetation.

Additional Final Plan Decision Standards

1. **The final planned development shall substantially conform to the preliminary plan.**
Preliminary and final approvals are being considered together, so this criterion is met.
2. **Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as part of the preliminary plan approval process.**
Preliminary and final approvals are being considered together, so this criterion does not apply.
3. **If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.**
Preliminary and final approvals are being considered together, and the development will be constructed as one single phase, so this criterion does not apply.

STAFF RECOMMENDATION

Based upon a review of the relevant Decision Standards, staff recommends **approval** of both the Preliminary Subdivision application AND the combined Preliminary/Final Planned Development application subject to the following conditions:

1. Any home constructed within the subdivision shall have, at most, a 1-car sized garage. No home shall have a 2-car garage or greater.
2. No home on either side of the subject house or on the opposing lot directly across the street shall utilize the same exterior elevation. One or more of the following options shall be incorporated into the exterior design:
 - a. A different style of roof is utilized.
 - b. Different exterior wall materials or colors are used on the front elevation.
 - c. Different style of trim around windows, doors, eaves, gables or corners is used.
 - d. Different architectural features are incorporated such as:
 - (1) Varied window & door arrangements and sizes.
 - (2) Varied column style or arrangement.
 - (3) Varied porch size or configuration.
3. All light fixtures shall be 3000K color temperature to match City of Oxford standards.
4. A stop sign and street sign shall be erected at the corner of Hoover Drive and Booth Road, for the purpose of indicating to passerby that Booth Road may eventually be extended to join with Kehr Road in the future.
5. The installation of all bike path and sidewalk segments in conjunction with dwelling unit construction shall be per the discretion of the Service Department. The City may utilize the developer's financial security to construct any segments not in place within 5 years of Final Plat approval. If construction of OATS Phase 5 does not occur prior to this 5 year deadline, the developer shall be given the opportunity to complete the path segment at their expense, contribute funding for its eventual construction, or allow the City to utilize financial securities in place to fund construction of the path.
6. The area to be conserved as permanent protected open space shall be shown on the final record plat, together with a set of covenants and restrictions outlining how the area is to be maintained over time.
7. The proposed water quality basin in the open space north of Roberts Drive shall be maintained by the future HOA, not the City of Oxford.
8. A waiver is hereby granted to **Section 1145.12(f)(2)** to increase the maximum allowable coverage per lot from 40% to 65%. Maximum front yard coverage is also hereby set at 50% and does not require a waiver, being integral to the proposed Planned Development.
9. A waiver is hereby granted to **Section 1145.12(e)(2)** to accept the proposed reduction in minimum front yard setbacks from 30 feet to 20 feet. Side and rear setbacks do not require waivers, as the proposed 3-foot and 5-foot minimums respectively are integral to the proposed Planned Development.
10. For emergency service access to rear, if any fences are installed, rear yard access gates shall be provided on both sides of each home.

11. For emergency service access to rear, physical obstructions such as but not limited to: A/C units, gas meters, electric meters and hose bibbs, shall be placed on the same sides of adjacent homes such that every other opening between homes has minimal permanent physical obstructions.
12. A waiver is hereby granted to **Section 1101.4(404)(C)(8)** to allow for only one (1) entrance to an existing street system as opposed to the minimum of two (2); this waiver is being approved due to the minor size/scale of the proposed subdivision, and the potential for secondary means of access to be provided via a possible extension of Booth Road in the future.
13. HOA documents shall be reviewed and approved by the City Law Director prior to being recorded.
14. Planned Development approval shall be valid for 5 years, with an opportunity for the Planning Commission to grant an additional 1 year extension per the Zoning Code.

SUBMITTED BY:



Zachary Moore, AICP
City Planner / GIS Coordinator



Sam Perry, AICP
Community Development Director

DATE: July 3, 2024

APPENDIX A

RELEVANT PROVISIONS FROM THE PLANNING & ZONING CODE

Within the Oxford Zoning Code, **Section 1143.02** provides the base zoning standards for the R-1B zoning district, **Chapter 1145** governs Planned Development applications, and **Section 1101.4** in the Subdivision Regulations sets forth design and construction standards for subdivisions.

1143.02 – R-1B Single-Family Medium Density Residential District.

- (a) Purpose.
This district is designed to provide and preserve single family residential development of a moderately low density character within and adjacent to areas of similar development.
- (b) Uses.
 - (1) Permitted uses.
 - A. Single-family dwellings.
 - B. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
 - C. Day Care Home Type B family.
 - (2) Conditional uses.
The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.
 - A. Community-Oriented Residential Social Service Facilities (CORSSF's).
 - B. Shared Housing for the elderly.
 - C. Government owned and/or operated parks and recreation facilities.
 - D. Bed & Breakfasts.
 - E. Open space recreation areas that are privately or publicly owned, such as golf courses, tennis courts, parks, forests, or wildlife preserves.
 - F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
 - G. Schools: primary, intermediate, and secondary, both public and private.
 - H. Places of worship.
- (c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)
 - (1) Lot requirements.
 - A. Minimum lot area 7,500 sq. feet
 - B. Minimum lot width 65 feet
 - C. Minimum lot frontage 65 feet (not applicable to cul-de-sac lots)
 - (2) Yard requirements.
 - A. Minimum front yard depth 30 feet
 - B. Minimum rear yard depth 35 feet
 - C. Minimum side yard width 8 feet on each side
 - (3) Structural requirements.
 - A. Maximum building height 35 feet
 - (4) Lot coverage.
 - A. Lots with vehicular access from a public street
 - 1. Lot total – Maximum 35 percent
 - 2. All enclosed buildings – Maximum 25 percent of lot
 - 3. Front yard – Maximum 25 percent of front yard
 - B. Lots with vehicular access from a rear or side alley, and no access from a public street
 - 1. Lot total – Maximum 40 percent
 - 2. All enclosed buildings – Maximum 25 percent of lot
 - 3. Front yard – Maximum 15 percent of front yard

1145.06 Planning Commission and Council review.

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

The Planning Commission shall base its review of a proposed planned development upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

The general decision standards for approval of a preliminary and final planned development are substantially similar. The final plan requires greater detail and is subject to additional decision standards.

If, at any time, the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

(a) **Burden of Proof.**

Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. This Zoning Code assumes that a planned development is appropriate only if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

(b) **General Decision Standards.**

All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.
- (3) The uses and site plan will satisfy the general intent of this Zoning Code.
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.
- (5) The size and shape of the site are sufficient for the proposed planned development.
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- (7) The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.
- (9) The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse

disposal, or adequate provisions will be made to provide the same services privately.

- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (11) The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- (12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.
- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- (14) Proposed construction will not result in the complete elimination of existing mature tree canopy. Effort shall be made to direct disturbance and construction around or away from existing mature tree canopy without completely taking away use of the site or connectivity to existing infrastructure.

1145.07 Action by Planning Commission

- (a) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (b) The Planning Commission shall base its recommendation and Council its decision upon how well the application satisfies the Decision Standards. Planning Commission, in its recommendation, and Council in its decision may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code. Dwelling unit density cannot be waived.
- (c) Council may require the developer to file performance bonds with the City to guarantee completion of any public utilities associated with the planned development and any elements of the plan that are necessary to its success, if abandoned by the developer.

1145.12 Design.

- (a) Arrangement.

The physical arrangement of a planned development is not subject to the specific dimensional regulations that apply in the underlying zoning district, except as specifically noted in this Chapter. Land uses may be distributed throughout the site and throughout individual buildings in whatever manner is best suited to a particular planned development. Structures, vehicle management areas, open spaces, landscaping, and other elements may be distributed throughout the site in whatever manner is best suited to a particular planned development and the surrounding area.

- (b) Land Area.

A planned development shall be a minimum of 1 (one) contiguous acre or more.

- (c) Land Use.

- (1) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing residential zoning district:
 - A. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.
 - B. Institutional, public, and semi-public land uses that serve the planned development or the general public.
 - C. Commercial land uses, if the total land area of the planned development is greater than 10 acres and if the commercial land use is intended to serve the planned development only. Such commercial land uses shall be limited as follows:
 1. No signs that are visible from outside of the development.
 2. No direct vehicular access to a public thoroughfare.
 3. No less than 95 percent of the total land area shall be devoted to residential land uses.
 4. No separate structure intended to be used, in whole or part, for commercial land uses shall be constructed prior to the construction of not less than 50 percent of the dwelling units.
- (2) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing commercial zoning district:
 - A. Any land use permitted in the underlying zoning district.
 - B. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.
- (3) The following land uses are permitted only in the portions of a planned development that overlay an existing industrial zoning district:
 - A. Any land use permitted in the underlying zoning district.
- (4) The land uses permitted in a planned development may be distributed as follows:
 - A. If a single planned development overlays more than one zoning district, then the land uses permitted according to this Section may be distributed throughout the entire planned development site.
 - B. If a planned development includes land uses permitted only in an industrial zoning district, then those land uses may only be located in that portion of the planned development that overlays the industrially zoned land.

(d) Residential Density.

Residential density shall not exceed 110 percent of the density permitted in the underlying zoning district. Residential land uses in a planned development that overlays a commercial zoning district shall not exceed the density of the R1B Single-Family Medium-Density Residential Zoning District. Area devoted entirely to non-residential land uses, including buildings, vehicle management areas, and other associated land use elements shall be excluded from the area used to calculate residential density.

(e) Dimensional Regulations.

- (1) Building Heights shall be limited as in the underlying zoning district, regardless of land use.
- (2) Front setbacks shall be limited as in the underlying zoning district.

- (3) All buildings and vehicle management areas shall be setback from the perimeter of a planned development no less than:
 - A. Residential zoning district - 25 feet.
 - B. Commercial zoning district - 25 feet.
 - C. Industrial zoning district - 50 feet.
- (f) Open Space.
 - (1) No planned development shall have less than 20 percent open space, which includes any area not less than 50 by 50 feet, not including the required setbacks, and includes nothing other than natural area.
 - (2) Lot coverage shall be regulated according to the underlying zoning district, except that lot coverage for the residential portion of any planned development shall not exceed 40 percent.
- (g) Sensitive Development Area.
 - A. A Sensitive Development Area is defined as any land(s) or soil(s) proposed to be developed that, if subjected to improper use or management, is otherwise determined to be incapable or unsuitable of urban use. Sensitive Development Areas can also be considered those lands that pose special hazards to development or the environment, consisting of lands or soils of such sensitive character that they may require special use, design and engineering restrictions.
 - B. For the Preliminary Planned Development, the applicant must create an inventory of sensitive environmental area identified in subsection (g)D.(1) to (8) from publicly available resources such as Butler County Soil and Conservation District, OKI, OEPA, ODNR, HAPC, FEMA, USFWS, OHPO and other public entities. This information shall be provided with the preliminary application. Design of the site shall be based on site information obtained from those public entities. An existing landscape plan shall be submitted with each application. The landscape plan shall identify existing trees, natural features and other landscaping elements.
 - C. After the approval of the Preliminary Planned Development, the applicant must develop a detailed site analysis of sensitive environmental areas on the site, conducted by firm(s) specialized in the areas, at a minimum: Ecological Survey, and Environmental Site Assessment. Other documentation may be required based on the site and the discretion of the Planning Commission, including, but not limited to: Stream and Wetland Mitigation, Water Way Permits, Archaeological Inventory, Historic Architecture Inventory. The applicant must also provide reports of the analyses following current professional norms for the discipline. It will be the Planning Commission's role to review information submitted by the applicant on each discipline to make the recommendations to City Council.
 - D. Design of the proposed Planned Development site shall be based on the site information obtained from those public entities. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features. The following specific areas shall be preserved as undeveloped open space, and in accordance with the U.S. and Ohio Constitutions and state or federal regulations:
 - (1) Unique and/or fragile areas, including wetlands, as may be defined in Section 404, Federal Clean Water Act, as amended; and in Ohio Environmental Protection Agency standards.
 - (2) Land in the floodway as identified and mapped using the Federal Emergency Management Agency's Flood Hazard Boundary Maps. Federal

Emergency Management Agency in scientific and engineering reports entitled 'Flood Insurance Study for Butler County, Ohio and Incorporated Areas' effective 12/17/2010, with accompanying Flood Insurance Rate Maps for Butler County, Ohio and Incorporated Areas effective 12/17/2010 and any revisions thereto are hereby adopted by reference and declared to be part of this chapter.

- a. 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands. Development of this area is regulated as follows:
 1. Natural vegetation shall be maintained.
 2. No structures shall be built or improvements made, except as follows:
 - (a). Walking paths, bicycling paths, and the like, including infrastructure necessary to facilitate their development are permitted anywhere within the buffer.
 - (b). Roads and associated infrastructure are permitted in the buffer to facilitate crossing such water elements.
 - (c). Any improvements approved in a final plan.
 - (d). Any public safety or public utility improvements not associated with the planned development, but deemed necessary by the Service Director, Police Chief or Fire Chief.
- (3) Steep slopes fifteen (15%) percent or more, unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account.
- (4) Habitats of endangered wildlife, as identified on federal and state lists.
- (5) Historically and culturally significant structures and sites, as listed on, but not limited to, the National Register of Historical Places or on the local inventory of historic places maintained by the City of Oxford's Historic Architectural Preservation Commission.
- (6) Aquifers and tributary drainage systems.
- (7) Tree growth areas or urban forested areas as defined in Chapter 935, of the Codified Ordinances of Oxford.
- (8) Any area as identified on Map 3.3 of the Comprehensive Plan.
- E. The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce excavation and embankment; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties. The placement of buildings shall take into consideration topography, building height, orientation and drainage. Storm water Best Management Practices in Low Impact Development Designs are desirable and encouraged. City guidelines for these practices and designs can be found in the City of Oxford Storm Water Management Design Manual
- F. If the Planning Commission, or its designated representative, may require the applicant to submit a statement in order to demonstrate that satisfactory efforts have been made to mitigate any special hazards posed to the site if these sensitive

lands are subjected to improper use or management. The statement, if required, shall be submitted in one or more of the following forms:

- (1) The statement shall describe in detail the extent of encroachment on any Sensitive Development Area, the extent and nature of the proposed alteration, the environmental impacts resulting from the proposed alteration, and the proposed methods of mitigation.
- (2) A Geotechnical Report and/or a Wetlands Assessment/Delineation, prepared by a professional engineer, licensed in the State of Ohio, or by a specialist in Streams and Wetland. This report can be in lieu of a development narrative.

(h) Landscaping and Screening.

- (1) A planned development shall satisfy all landscaping elements required by other sections of this Code.
- (2) The required perimeter setback area shall be retained in natural woods or suitably landscaped with grass, ground cover, shrubs, trees, or earthen mound.
- (3) A planned development that overlays a commercial or industrial zoning district that is adjacent to a residential zoning district shall be screened from the residential zoning district by a dense evergreen hedge a minimum of 8 feet tall and 10 feet wide at planting and that will maintain at least 90 percent opacity over time.

(i) Access and Mobility.

- (1) At residential densities greater than would be permitted in the R-1A District, have direct and principal access from a collector or arterial road.
- (2) Bicycle rack spaces shall be provided at all planned developments that overlay a commercial zoning district at a rate of 3 per acre.
- (3) Adequate pedestrian connectivity shall be provided to and through a planned development.

(j) Utilities and Infrastructure.

Electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be located underground.

(k) Plan-Specific.

Any other design elements deemed necessary by Planning Commission and Council to ensure that a planned development satisfies the decision criteria of this Chapter.

1101.4 – Design standards and construction standards.

400 – General Statement

- (A) In laying out a subdivision, the subdivider shall comply with the following design standards and requirements. The regulations contained herein, the Zoning Ordinance, Comprehensive Plan, Stormwater Drainage Plan, Water System Master Plan, and the City of Oxford Thoroughfare Plan shall control the manner in which streets, lots, and other elements of a subdivision are arranged on the land. These design controls shall help ensure:
- (1) Convenient and safe streets;
 - (2) Creation of useable lots;
 - (3) Provision of space for public utilities;
 - (4) Reservation of land for recreation uses;

- (5) To minimize the impact on natural resources and the environment, and
 - (6) To ensure that planning of attractive, connected and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, unconnected, undirected, haphazard growth.
- (B) The Planning Commission has the responsibility for reviewing the layout of each future subdivision early in its design development. The development shall be laid out
 - (1) To minimize
 - (a) The effect on ground water and aquifer recharge;
 - (b) Excavation and embankment;
 - (c) Unnecessary impervious cover; and
 - (d) The complete removal of mature trees.
 - (2) To provide adequate access to lots and sites; and
 - (3) To mitigate adverse effects of noise, odor, traffic, drainage, utilities and increased storm water runoff on neighboring properties.

401 – Suitability of Land

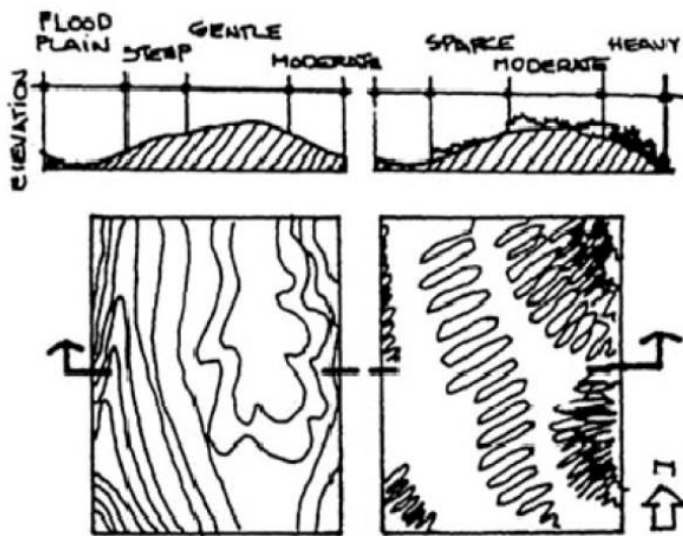
If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to poor drainage, flood hazard, topography, inadequate water or sewer supply, slippage potential, unstable subsurface conditions due to poor soils or other reasons and other such conditions which may endanger health, life, safety, or property and, if by any public agencies concerned it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Planning Commission shall not approve the subdivision unless adequate methods for solving the problems are advanced by the subdivider. For major subdivisions a written statement may be required by the Planning Commission describing characteristics of the development site, such as bedrock geology and soils, topography, flood prone areas, existing vegetation, structures and road networks, visual features, and past and present use of the site.

402 – Sensitive Development Areas

- (A) A Sensitive Development Area is defined as any land(s) or soil(s) proposed to be subdivided that, if subjected to improper use or management, is otherwise determined to be incapable or unsuitable of urban use. Sensitive Development Areas can also be considered those lands that pose special hazards to development or the environment, consisting of lands or soils of such sensitive character that they may require special use, design and engineering restrictions.
- (B) For the Preliminary Subdivision Plat, the applicant must create an inventory of sensitive areas identified in Section 402 (d) 1-8 from publicly available resources such as OEPA, ODNR, HAPC, FEMA, USFWS, OHPO, OKI, Butler County Soil and Water Conservation District, and other public entities. This information shall be provided with the preliminary application. Design of the subdivision shall be based on a site analysis provided by the applicant.
- (C) After the approval of the Preliminary Subdivision Plat, the applicant must develop a detailed site analysis of sensitive environmental areas on the site, conducted by firm(s) specialized in the areas, at a minimum: Ecological Survey, and Environmental Site Assessment. Other documentation may be required based on the site and the discretion of the Planning Commission, including, but not limited to: Stream and Wetland Mitigation, Water Way Permits, Archaeological Inventory, Historic Architecture Inventory. The applicant must also provide report of the analyses following current professional norms for the discipline. It will be the Planning Commission's role to review information submitted by the applicant on each discipline to make the recommendations to City Council

- (D) Design of the subdivision shall be based on the site analysis provided by the applicant. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features. The following specific areas shall be preserved as undeveloped open space, and in accordance with the U.S. and Ohio Constitutions and state or federal regulations:
- (1) Unique and/or fragile areas, including wetlands, as may be defined in Section 404, Federal Clean Water Act, as amended; and in Ohio Environmental Protection Agency standards.
 - (2) Land in the floodway as identified and mapped using the Federal Emergency Management Agency's Flood Hazard Boundary Maps. Federal Emergency Management Agency in scientific and engineering reports entitled 'Flood Insurance Study for Butler County, Ohio and Incorporated Areas' effective 12/17/2010, with accompanying Flood Insurance Rate Maps for Butler County, Ohio and Incorporated Areas effective 12/17/2010 and any revisions thereto are hereby adopted by reference and declared to be part of this chapter.
 - (3) Steep slopes fifteen (15%) percent or more, unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account.
 - (4) Habitats of endangered wildlife, as identified on federal and state lists.
 - (5) Historically and culturally significant structures and sites, as listed on, but not limited to, the National Register of Historical Places or on the local inventory of historic places maintained by the City of Oxford's Historic Architectural Preservation Commission.
 - (6) Aquifers and tributary drainage systems.
 - (7) Tree growth areas or urban forested areas containing native mature trees.
 - (8) Any area as identified on Map 3.3 of the Comprehensive Plan.
- (E) The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce excavation and embankment; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties. The placement of buildings shall take into consideration topography, building height, orientation and drainage. Storm Water Best Management Practices and Low Impact Development Designs are desirable and encouraged. City guidelines for these practices and designs can be found in the City of Oxford Storm Water Management Design Manual.
- (F) If the Planning Commission, or its designated representative, may require the applicant to submit a statement in order to demonstrate that satisfactory efforts have been made to mitigate any special hazards posed to the site if these sensitive lands are subjected to improper use or management. The statement, if required, shall be submitted in one or more of the following forms:
- (1) The statement shall describe in detail the extent of encroachment on any Sensitive Development Area, the extent and nature of the proposed alteration, the environmental impacts resulting from the proposed alteration, and the proposed methods of mitigation.

- (2) A Geotechnical Report and/or a Wetlands Assessment/Delineation, prepared by a professional engineer, licensed in the State of Ohio, or by a specialist in Streams and Wetland. This report can be in lieu of a development narrative.



403 – Typical Sections

Subdivisions shall be designed and constructed to conform to the Typical Sections incorporated by reference herein as Attachment H. The Typical Sections adopted as the standards for construction and design in the City are the following:

- (A) Principal Arterial street typical section;
- (B) Minor Arterial street typical section;
- (C) Major Collector street typical section;
- (D) Minor Collector street typical section;
- (E) Local street typical section;
- (F) Alley typical section;
- (G) Typical cul-de-sac details;
- (H) Temporary turn around;
- (I) Dead End/ Stub Street typical section (Hammerheads);
- (J) Multi-Use Path typical section;
- (K) Utility typical section; Utility locations;
- (L) Tree Protection Detail
- (M) Tree Survey
- (N) Typical Lot Consolidation/Split;
- (O) Standard Plat of Survey;
- (P) Record Plats
- W.1: Standard Record Plat Title Sheet;
- W.2: Standard Record Plat.

404 – Streets

The purpose of a street network is to connect spatially separated places and to enable movement from one place to another. More specifically, the street network provides continuous and direct routes; provides greater emergency vehicle access; provides convenience and safety to drivers and pedestrians and to provide access to residents for goods and services.

Although the Planning Commission has established general street guidelines, many of the specific technical standards governing the Public Streets are regulated by the City of Oxford's Engineering Division.

(A) Relation to Adjoining Street System

- (1) The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas, or their proper projection where adjoining land is not subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the possible future development of adjacent tracts. The Planning Commission reserves the right to disapprove any street plan which does not represent good design or does not ensure continuity of the existing street system.
- (2) Offset streets shall be avoided within a proposed subdivision and adjacent to an existing subdivision.
- (3) The street and alley arrangement(s) shall be such, so as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
- (4) Streets obviously in alignment with existing streets shall bear the names of the existing streets. All proposed street names shall be checked against duplication or near duplication of other street names.
- (5) Wherever the tract to be subdivided abuts a dedicated or platted half-width street or alley, the other half-width of such street or alley falling within the proposed subdivision shall be platted.
- (6) Any subdivision with its main entrance onto an Arterial or Collector street shall provide a 25% wider opening at the entrance to the subdivision than the rest of the subdivision street width, unless otherwise determined by the Planning Commission.

(B) Street Classifications

- (1) The classification of all proposed streets shall be determined by the Planning Commission and shall conform to the Official City Thoroughfare Plan. The proposed use of the street, type of traffic and future traffic volume shall also be considered in determining the classification of a street.

Street Classifications:

- (a) Principal Arterial
- (b) Minor Arterial
- (c) Major Collector
- (d) Minor Collector
- (e) Local streets
- (f) Alleys

(C) Street Improvements

- (1) All public streets in residential subdivisions shall be the minimum width necessary to safely and adequately accommodate the vehicular traffic needs specific to the proposed subdivision, while balancing the needs of safe alternative modes of transportation. In all instances, street widths shall be measured from back-to-back of the installed curb. Minimum street width requirements are contained in Attachment H.
- (2) The City Engineer shall determine the need for a traffic impact study, based upon the level of impact of this development upon surrounding traffic flow and safety.
- (3) All street and public ways shall be constructed to their full specified width and to the appropriate grade and shall be surfaced in accordance with applicable standard specifications of the City. Such construction shall be subject to inspection by the City Engineer prior to release of the performance bond by Council. It is the duty of the subdivider to give proper notification to the City Engineer:
 - (a) Before the commencement of the work;
 - (b) Twenty-four hours prior to seeking an inspection; and
 - (c) At the end of the one-year maintenance improvements.
- (4) Proposed streets shall intersect one another and existing street(s) at right angles as topography and other limiting factors allow.
- (5) Street grade shall be designed to the Ohio Department of Transportation Highway Design Manual and acceptable to the City Engineer.
- (6) Where a tract of land is of such size, location or contour, preventing a lot arrangement directly related to a normal street design, there may be established one or more, dead-end/stub streets or other arrangements, provided that proper access shall be given to all lots from a dedicated street.
- (7) A cul-de-sac, dead-end/stub street or loop street shall not exceed 500 feet in length unless otherwise approved by the Planning Commission due to topography or unusual circumstances. (See also Section 405(B)(4))
- (8) All subdivisions shall have at least two (2) entrances to an existing street system unless otherwise determined by the Planning Commission. The spacing of the entrances shall be separated and in accordance with traffic engineering standards.

(D) Street Connectivity

The purpose of this section is to support the creation of a highly connected transportation system within the City in order to enhance traffic circulation efficiency for drivers, pedestrians, and bicyclists; promote various modes of transportation; connect neighborhoods to each other and to local destinations such as schools and parks; reduce emergency response times; reduce vehicle miles of travel and travel time; increase effectiveness of municipal services delivery.

- (1) The following standard shall be met in all new residential development in order to increase connectivity.
 - (a) Any residential development shall be required to achieve a connectivity index of 1.2 or greater unless the Planning Commission determines that this requirement is impractical due to topography, existing development, and/or natural features. A connectivity index is a ratio of the number of street links (road sections between intersections and cul-de-sacs) divided by the number of street nodes (intersections and cul-de-sac heads).

The following illustration provides an example of how to calculate the index. Street links on existing adjacent streets that are not part of the proposed subdivision are not included in the connectivity index calculation. The measure of connectivity is the number of street links divided by the number of nodes. Nodes exist at street intersections as well as cul-de-sac heads. Links are the stretches of road that connect nodes. Stub outs shall also be considered as links. In this example, there are five (5) links (circles) and four (4) nodes (stars); therefore, the connectivity index is 1.25.

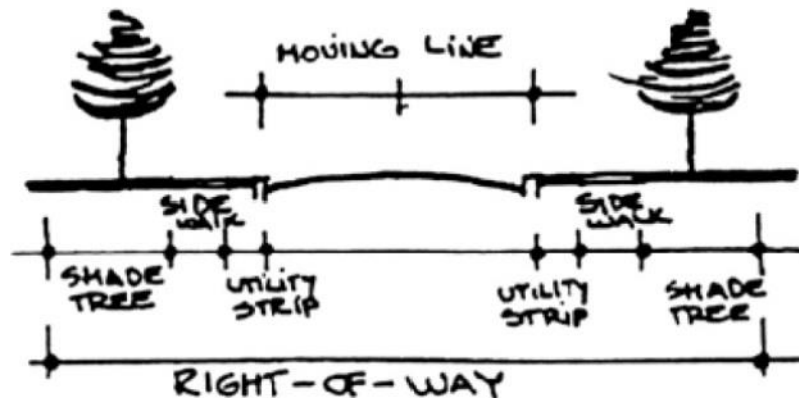


(E) Private Streets

- (1) No primary access into a subdivision shall be a private road.
- (2) Private streets shall conform to the minimum street standards, including construction materials, unless otherwise approved by the Planning Commission upon the City Engineer's recommendation.
 - (a) Sidewalks are required along a private street as required on public streets.
- (3) Any proposed private street shall serve a minimum of six (6) lots in order to be platted and recorded as a private street.
- (4) All lots utilizing a private street for access shall be provided with an access easement and maintenance agreement, to be noted on the Record Plat and to be outlined with the appropriate covenants and restrictions as to ensure that the private street is appropriately maintained. Such maintenance agreement shall be acceptable to the Planning Commission and Law Director.
- (5) The Planning Commission may require passing lanes, turnarounds, and overhead and width clearances as necessary to accommodate, public utility and fire and emergency vehicles.

(F) Rights-of-Way

Defined as a general term identifying land or property, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way shall include the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final Record Plat is to be separate and distinct from the lots or parcels adjoining such rights-of-way and not included within the dimensions or areas of such lots or parcels, provided the size of the lot for zoning purposes shall be determined by the applicable zoning resolution.



- (1) The right-of-way width required shall reflect future development as indicated by the Thoroughfare Plan and the Typical Section Drawings in Attachment H herein.
- (2) When a road is not referenced in the City of Oxford Thoroughfare Plan, or the Typical Section Drawings in Attachment H, the right-of-way width shall be established per the recommendation of the City of Oxford Engineer, and shall be approved by the Planning Commission.
- (3) The right-of-way shall be measured from lot line to lot line and shall be sufficiently wide to contain the roadway, curbs, sidewalks, utilities, graded areas and shade trees.
- (4) The right-of-way of a new street that is a continuation of an existing street shall in no case be continued at a width less than that of the existing street unless otherwise approved by the City Engineer and Planning Commission.

(G) Street Signage

Street signs, regulation signage, and warning signs shall be erected by the subdivider before building permits for homes are obtained. The subdivider shall maintain such signage until such time when the City accepts the streets for public use. All regulatory and warning signs shall meet the Ohio Manual of Uniform Traffic Control Devices. All signage shall be regulated by the City of Oxford Engineering Division.

(H) Parking

- (1) Off-street parking lots shall follow the Vehicle Management Chapter 1149 of the Zoning Code including landscaping, screening and lighting.

405 – Pedestrian/Multi-Use Paths

(A) Sidewalks

- (1) Concrete sidewalks, not less than five feet in width, shall be constructed along both sides of all streets, both private and public, and shall be in accordance with the City

of Oxford's Curb, Gutter & Sidewalk Specifications Manual unless otherwise determined by the Planning Commission.

- (2) Sidewalks shall be required as a continuation of any existing sidewalk adjoining the lands to be subdivided.
- (3) It shall be the responsibility of the subdivider, prior to the release of the performance bond, to install any missing sidewalk segment on any undeveloped lots and in accordance with Section 106.

(B) Bike Paths/ Walking Trails

- (1) All bike paths or walking trails shall be elevated and/or distinguished from driving surfaces through the use of durable, low maintenance, hard surface materials such as asphalt, concrete, or other material approved by the City Engineer, to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (2) Bike paths shall be installed in accordance with these regulations, the City of Oxford Comprehensive Plan, Thoroughfare Plan and Typical Section Drawings in Attachment H.
- (3) All proper easements, dedication and maintenance shall be recorded on the Record Plat.
- (4) Cul-de-sacs that exceed 300 feet in length shall provide a multi-use path and easement at the end of such cul-de-sac. The purpose of this is to provide connectivity to neighboring subdivisions as well as emergency access.

406 – Infrastructure

(A) Water Lines

An approved public water supply shall be provided for each lot within the subdivision areas and shall be in accordance with the City of Oxford Water and Sanitary Sewer Improvement Specifications Manual. Fire hydrants shall be installed in all subdivisions wherever required by the City Engineer and the Fire Chief in accordance with Ohio Fire Code and NFPA standards.

(B) Sanitary Sewers

The subdivider shall install sanitary sewer lines to serve each lot. All such sewer lines shall be constructed in accordance with regulations and requirements the City of Oxford Water and Sanitary Sewer Improvement Specifications Manual, the Sanitary Sewer Pump Station Requirements and under the inspection of the City Engineer.

(C) Storm Drainage

All necessary facilities, either underground pipe or drainage ditches, shall be installed to provide adequate disposal of surface water, groundwater and the waters of any natural watercourse and shall be in accordance with the City of Oxford Storm Water Management Design Manual.

(D) Detention/Retention

All necessary detention or retention facilities shall be installed in accordance with the City of Oxford Storm Water Management Design Manual.

(E) Utilities

Items of work which pertain to underground utilities, such as gas mains, electric lines and telephone cables, shall be constructed according to the standards and specifications of the utility company involved. Every effort shall be made to have all utilities provided underground.

(F) Street Lights

- (1) One street light shall be installed in conformance with the Ohio Department of Transportation specifications within 50 feet of every intersection created by the subdivision, at the end of a cul-de-sac or dead end/stub street, and at intervals not exceeding 400 feet. A street light shall have a fixture of at least 9,500 lumens. The City Engineer may vary from the spacing standards where the City Engineer determines that public safety or professional engineering design practice makes it necessary to vary the spacing standards.
 - (2) Streetlights shall be designed, with appropriate lamps and reflectors, to minimize light pollution.
 - (3) Light poles shall be consistent with the overall architectural theme and scale of the site.
 - (4) Streetlights along the sidewalks shall not exceed 16' in height in accordance with Chapter 1149 of the Planning and Zoning Code. Streetlights for the purpose of illuminating an intersection, parking facility or roadway for safety purposes shall not exceed 32' in height.
- (G) Sedimentation and Erosion Control
- The subdivider shall comply with all requirements of Ohio's Standards for Stormwater Management Land Development and Urban Stream Protection, City of Oxford Storm Water Management Design Manual and subsequent amendments or revisions, as hereby incorporated into these regulations. In the development of a subdivision, the subdivider shall not cause or allow earth-disturbing activities that can pollute a public or private surface ditch, subsurface drainage, stream, river or lake. The subdivider shall also, to the greatest extent possible, take steps so that sediment will not be deposited onto an adjoining property or public right-of-way. Adequate control of soil erosion and sedimentation, through the use of best management practices with both temporary and permanent measures, shall be used during all phases of clearing, grading, and construction to conserve soil resources and to maintain existing water quality. The Engineering Division will continuously monitor site development and efforts of sedimentation and erosion control.

407 – Driveways

- (A) Minimizing driveway access points or curb cuts by using access roads, shared entrances and access management best practices shall be encouraged.
- (B) All lots using common driveways shall provide a driveway easement and maintenance agreement noted on the Record Plat.
- (C) Driveways shall have a maximum grade of eight (8%) percent.
- (D) Residential driveway access shall not be permitted onto Principal and Minor Arterials or Major Collector streets. Subdivisions shall be designed to encourage residential driveway access by using, but not limited to, alleys, access roads or common driveways.
- (E) Shared driveways shall serve a maximum of three (3) lots and shall not exceed three hundred (300') feet unless otherwise determined by the Planning Commission.
- (F) Driveways shall be in accordance with Chapter 1149 of the Planning and Zoning Code and the Curb, Gutter, Sidewalk Manual.

408 – Blocks

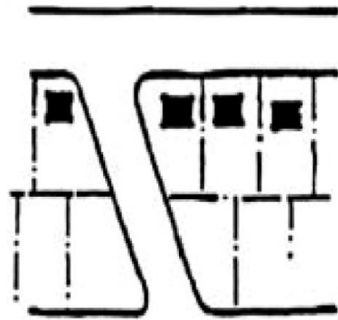
Blocks shall be arranged to accommodate lots and building sites of the size and character required by these Regulations and the applicable zoning district, to provide for adequate community facilities, and with regard of the limitations and opportunities of topography. Irregularly shaped blocks, blocks intended for dead end/stub and loop streets, and blocks containing interior parks and playgrounds may be approved by the Planning Commission if properly designed and located.

- (A) The maximum block length shall be 800 feet.

- (B) Where blocks are over 600 feet in length, a public walkway which traverses the block may be required to be dedicated and installed by the subdivider.
- (C) In platting residential lots, the depth of the block should not exceed 350 feet.
- (D) Blocks in the traditional gridiron pattern should consist of two tiers of lots and an alley right-of-way easement may be required to separate them where appropriate to continue an existing alleyway.

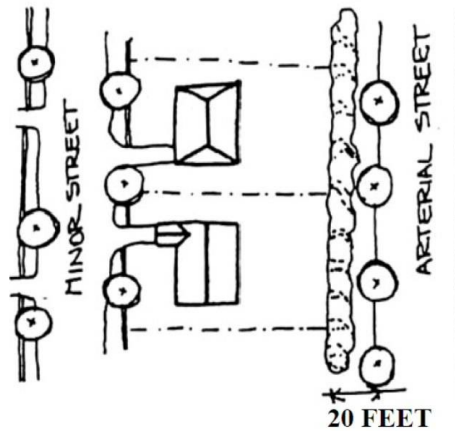
409 – Lots

- (A) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development. Consideration should be given to natural features and sites of historical significance.



- (B) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout.
- (C) Through lots (extending from one parallel street to the other) are discouraged to avoid problems between adjoining owners, creating double frontage lots and to reduce the number of streets.
- (D) No lot shall have an area or width less than that required by applicable sections of the Zoning Code except those pursuant to the Open Space Residential Development Regulations.
- (E) Where corner lots back upon lots facing the side street, the corner lots shall have extra width sufficient to permit the establishment of front building lines on both the front and side of the lots adjoining the streets.
- (F) All utility easements on individual lots shall be in accordance with the Record Plat and Street Standards of Attachment H herein.
- (G) Each lot shall front (abut) on an approved street.

- (H) Lots may not be created in a new, proposed subdivision, by dividing land at the end of stub streets in adjacent, existing subdivision(s), such stub streets being intended to promote continuity of street systems in adjoining subdivisions, unless otherwise determined by the Planning Commission.



- (I) Twenty (20') feet minimum, of additional lot depth or a buffer strip, in accordance with the landscape standards of Chapter 1149 of the Zoning Code, Chapter 935 of the Codified Ordinance and Section 410 below, may be required where a residential lot in a subdivision backs up to a railroad right-of-way, a high pressure gasoline or natural gas line, open drainage ditch, an arterial street or highway, an industrial area or other existing land use which may have a detrimental effect on the residential use of the property.
- (J) Lands abutting State or Federal highways, collector streets, or arterials should be platted with the view of making the lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic on such trafficways; and with the view also to minimizing interference with traffic on such trafficways as well as the accident hazard.
- (K) Panhandle or flag lots are specifically prohibited.
- (L) All lot numbers shall be assigned by the Butler County Auditor's office and addresses will be provided by the City of Oxford Community Development Department.

410 – Landscape Plan

- (A) A landscape plan shall be submitted with each plat application for proposed developments in accordance with Chapter 1149 of the Zoning Code and Chapter 935 of the City of Oxford Codified Ordinance, unless an exception is granted by the Planning Commission pursuant to these Regulations.
- (1) The landscape plan shall identify existing and proposed trees, shrubs, and ground covers; natural features such as rock outcroppings; and other landscaping elements.
 - (2) Where existing plants are to be retained, the applicant shall include in the plans proposed methods of protecting them during construction such as but not limited to the Tree Protection Detail.
 - (3) The landscape plan shall demonstrate compliance with the requirements of Chapter 1148.
- (B) Buffering
- Buffering is the provision of an area between different land uses that attempts to minimize negative environmental impacts from one to the other. Buffers shall provide a year-round visual screen in order to minimize adverse impacts. They may consist of fencing, evergreens,

berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives. Multi-use paths are permitted in the buffer area. Every subdivider shall provide sufficient buffering or additional lot depth when topographical or other barriers do not provide reasonable screening and when the Planning Commission determines that there is a need to shield;

- (1) Neighboring properties from any adverse external effects of a development; or
- (2) The development from negative impacts of adjacent uses such as streets or railroads.
- (3) Requirements
 - (a) Plant materials shall be sufficiently large and planted in such a fashion that a year-round screen at least eight (8) feet in height shall be produced within three (3) growing seasons.
 - (b) All plantings shall be installed according to accepted horticultural standards.
 - (c) A five (5') foot minimum buffer width from parking lots, garbage collection, utility areas, and loading and unloading areas shall be provided.
 - (d) Twenty (20') foot width minimum from all other land uses.
 - (i) When adjoining undeveloped, vacant or agricultural land, such buffer width may be reduced to ten (10') feet.

In high-density developments, when building design and siting do not provide privacy, the Planning Commission may require landscaping, fences, or walls to screen dwelling units for privacy. Buffers shall be measured from the property line.

411 – Maintenance of Improvements

Whenever any subdivision contains park areas, sewage treatment plants, water systems, drainage facilities or any other improvements to be used in common by persons living in the subdivision and which improvements cannot be maintained or are not maintained by an existing public agency, the deed restrictions applicable to the subdivision shall contain provisions establishing trusteeships and assessment procedures that will enable adequate care and maintenance to be provided for such improvements at the cost of persons residing in the subdivision.

412 – Deed Restrictions and Covenants

Deed restrictions or covenants running with the land may be included to provide for the creation of a Home Owner's Association, Condominium Association, or Board of Trustees in which individual owners share common responsibilities for the cost and upkeep of common open space, private driveways or streets, park areas, sewage treatment plants, water systems, drainage facilities or other facilities and the enforcement of the covenants and restrictions relating to the development. Any restrictions or easements; declaration of covenants, bylaws of a Home Owner's Association and its incorporation; Declaration of Condominium Ownership or other covenants, if any, shall be reviewed and approved by the City of Oxford Law Director and shall be recorded with the Record Plat. Enforcement of said Restrictions and Covenants is not the responsibility of the City.

Aerial Map

 Site

0 125 250 500 Feet

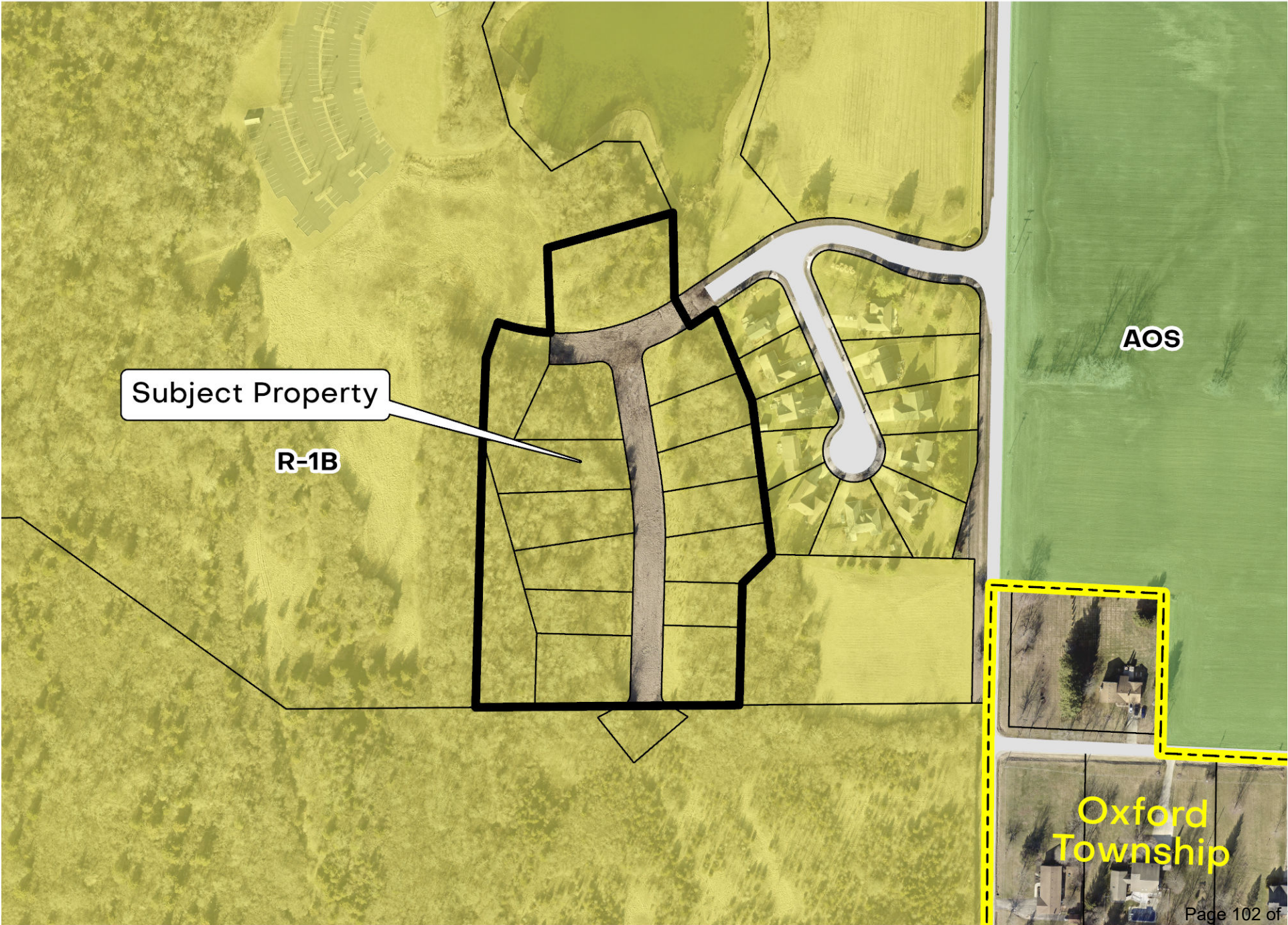


Subject Property

Zoning Map

 Site

0 125 250 500 Feet





Memo
Service Department
Engineering Division
513/524-5208

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: Application #PPC-2024-06
1601 Hoover Drive South Farm – Planned Development

DATE: June 12, 2024

The Engineering Division offers the following comments:

- Further review of detailed construction plans may result in additional comments.
- Proposed street widths will result in on street parking restricted to one side of the road.
- A Public Improvement Bond will be required for infrastructure improvements.
- The light fixtures should be 3000k color temperature to match current City of Oxford standards.
- The proposed development will have low volume, low speed, local roads that should not discourage bicyclists. Sidewalks are proposed along all streets for pedestrian connectivity. A multi-use trail is planned along Roberts Drive that will connect users to the Oxford Area Trails system. The proposed development follows the vision of the Complete Streets Policy and provides safe alternatives for all road users.



MEMORANDUM

Fire Department

513-523-6324

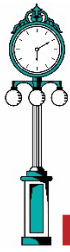
TO: Community Development

FROM: John Detherage
Fire Chief

DATE: 06-17-2024

RE: Permit No. PPC-2024-06 | 1601 Hoover Dr.

1. The requested waivers seem excessive. For example, with a three feet setback, these houses could only have six feet between them.



MEMORANDUM

Fire Department
513-523-6324

TO: Community Development

FROM: John Detherage
Fire Chief

DATE: 06-17-2024 UPDATED COMMENTS
SHARED 6/28/2024

RE: Permit No. PPC-2024-06 | 1601 Hoover Dr.

1. The requested waivers seem excessive. For example, with a three feet setback, these houses could only have six feet between them. This width would create a narrow passage way between the structures to access the rear of the buildings, including ground ladder access to the second floor bedroom windows. The addition of landscaping would further reduce this distance.
2. The proposed width of the street would require both sides to be posted "Fire Lane No Parking" to meet the required twenty feet width.
3. This project would be a perfect candidate for residential fire sprinklers. With the narrow separation and the limited access to the rear of the structures sprinklers would help to contain any interior fire to the inside of the building.



PLANNED DEVELOPMENT APPLICATION

Please print legibly. To apply, email completed form and plans in PDF format to commdev@cityofoxford.org

BOX 1 | APPLICATION TYPE Select one

- ☐ Preliminary Planned Development
☐ Final Planned Development
☒ Preliminary + Final Planned Development

BOX 2 | APPLICATION DETAILS

Property Address/Location West end of Roberts Drive

Total Site Acreage 6.813

Total Building Square Footage N/A

Existing Use Description Undeveloped Land

Proposed Development Description Development of streets and utilities for 25 single-family lots

BOX 3 | APPLICANT INFORMATION

Is the applicant also the current property owner?

☐ Yes (You may skip Box 4) ☒ No (Do not skip Box 4, and include a Letter of Agency with your submittal)

Applicant Name Joe Cristo

Applicant Company Name J.A. Developement

Mailing Address 7594 Tylers Place Boulevard

Email Address jcristo@cristohomes.com

Telephone Number 513-755-0570

BOX 4 | PROPERTY OWNER INFORMATION ☐ Check if same as Applicant

Property Owner Name Mike Shea John Boyle IV

Property Owner Company Name South Farm Development LLC Boyle John L IV et al

Mailing Address 3225 Indian Creek Rd, Oxford, OH 45056-9244 3225 Indian Creek Rd, Oxford, OH 45056-9244

Email Address msfarm3225@yahoo.com jnbcustomhomes@gmail.com

Telephone Number 513-260-2234 513-892-8749

BOX 5 | ARCHITECT/ENGINEER INFORMATION ☐ Check if same as Applicant

Architect/Engineer Name John A. Bayer

Company Name Bayer Becker

Mailing Address 110 South College Avenue, Oxford, Ohio 45056

Email Address johnbayer@bayerbecker.com

Telephone Number 513-466-8084

BOX 6 | ATTACHMENT CHECKLIST Submit all contents in **PDF format**. No printed copies are necessary.

- ☒ **Narrative/Cover Letter** addressing all components required by Section 1145.05(a)(5) – more information on Page 3
- ☒ **Site Plan(s)** including all details and information required by Section 1145.05(a)(6) – more information on Page 3
- ☒ **Landscaping Plan** showing proposed location, size, and species of trees and other plantings, including street trees
- ☒ **Building Elevations** of any proposed or modified structures, including dimensions and exterior material details
- ☒ **Floor Plans** of building interior(s), and/or typical floor plans if the project involves multiple residential units
- ☒ **Photos** of existing site conditions and surroundings

Note: Upon checking an application for completeness, staff may require additional information and/or materials above and beyond the items listed above in order to perform a complete evaluation for compliance with relevant Code provisions. You are welcome to contact Community Development at 513-524-5204 ahead of submission to determine whether additional items may be required.

BOX 7 | APPLICANT SIGNATURE

As the owner or owner's agent, I hereby agree all information contained in this application is true, accurate, and complete to the best of my knowledge. I acknowledge the application will first be checked by City staff for completeness prior to determining a first meeting date with the Planning Commission. I also acknowledge that one or more signs may be placed on the subject property advertising scheduled public hearings for this application, and assume responsibility for removing signs at the completion of the hearing(s).

Applicant Name (Print) Joe Cristo

Applicant Signature *Joseph Cristo*

Date 5/22/2024

Processing Fee

The appropriate processing fee amount will be determined during a completeness check by Community Development staff. It may take 1-2 business days for a completeness check to be performed. The applicant will receive a digital copy of a processing fee invoice via email once it is ready. Fees may be paid in-person by check or credit card at the Finance Department window on the first floor of the Oxford Municipal Building, 15 S College Avenue, Oxford OH 45056. For credit card payments, the City accepts Visa, MasterCard, or Discover, and such payments may also be taken over the phone by calling our Finance Department Utilities line at 513-524-5221, Option 1.

Narrative/Cover Letter Requirements For complete text see Oxford Zoning Code [Section 1145.05\(a\)\(5\)](#)

- Describe the existing uses of the site.
- Indicate the zoning district(s) in which the site is located.
- Describe the proposed development, including, as applicable, the number of housing units by size and type proposed within each phase.
- Describe any nonresidential operations, including hours of operation, type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.
- Provide a phased development schedule, if applicable, that indicates the location and timing of phases and demonstrates that each completed phase would form a reasonably independent unit if succeeding phases were abandoned.
- Provide a narrative statement that evaluates the compatibility of the proposed development with the general vicinity and adjacent properties.
- Describe how the proposed uses are similar to or different from existing area uses and if there will be any interaction between the proposed site and adjacent sites.
- Describe how any existing structures, proposed structures, and the site design relate to adjacent structures and sites.
- Explain whether the proposed uses will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
- Describe how any potential negative effects on adjacent land will be mitigated.
- Provide a statement about why the location proposed is appropriate for the development.
- Provide a statement of the necessity or desirability of the proposed development to the neighborhood or community.
- Describe how the proposed mix of dwelling types and/or commercial uses advances community goals of diversity, affordability and market changes (e.g. adaptability of flats versus townhomes).
- Include information regarding the provision of public utilities and services, if insufficient or not immediately available for the development, or for the provision of suitable utilities and services privately.
- Provide a general analysis of expected traffic impact, including vehicular and pedestrian safety, resulting from the proposed development.
- Include the substance of proposed or relevant covenants, easements, and other restrictions on the land and structures.
- Such other information regarding the proposed uses, site design, or surrounding area as may be pertinent to the application. It is recommended the applicant also address each of the Decision Standards as listed on Page 4, and also specify any waivers to Zoning Code requirements being requested.

Site Plan Requirements For complete text see Oxford Zoning Code [Section 1145.05\(a\)\(6\)](#)

- North arrow, scale, and vicinity map
- All existing and proposed lot lines within the site
- Dimensions of all lots and the entire site and any adjacent rights-of-way
- Location and intended purpose of all open spaces
- Location, height, and use of all proposed and existing structures
- Location and design of all proposed vehicle and pedestrian routes and nonresidential vehicle management areas
- Location, size and type of all existing and proposed utilities that will serve the development
- Location, size, and type of all proposed signs
- Location, height and type of all proposed screening and landscaping, including any tree preservation (survey) information as may be required per [Section 1148.05](#)
- Distances to residential zoning districts if within 1,000 feet
- The use of land and location of structures on adjacent property and across adjacent rights-of-way
- The location of any nearby schools and commercial facilities
- Other information as may be required by the Planning Commission or Council

Decision Standards All Planned Developments shall satisfy these decision standards, per Section 1145.06(b)

General Decision Standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.
- (3) The uses and site plan will satisfy the general intent of the Zoning Code.
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.
- (5) The use and shape of the site are sufficient for the proposed planned development.
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- (7) The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.
- (9) The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (11) The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- (12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.
- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- (14) Proposed construction will not result in the complete elimination of existing mature tree canopy. Effort shall be made to direct disturbance and construction around or away from existing mature tree canopy without completely taking away use of the site or connectivity to existing infrastructure.

Additional Final Plan Decision Standards:

- (1) The final planned development shall substantially conform to the preliminary plan.
- (2) Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process.
- (3) If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.



PRELIMINARY SUBDIVISION APPLICATION

Please print legibly. To apply, email completed form and plans in PDF format to commdev@cityofoxford.org

BOX 1 | APPLICATION DETAILS

Property Address/Location West end of Roberts Drive	
Subdivision Name South Farm Section IV	
Total Site Acreage 6.813	Proposed Number of Lots/Parcels 28

BOX 2 | APPLICANT INFORMATION

Is the applicant also the current property owner?	
☐ Yes (You may skip Box 3) ☒ No (Do not skip Box 3, and include a Letter of Agency with your submittal)	
Applicant Name Joe Cristo	
Applicant Company Name J.A. Developement	
Mailing Address 7594 Tylers Place Boulevard	
Email Address jcristo@cristohomes.com	
Telephone Number 513-755-0570	

BOX 3 | PROPERTY OWNER INFORMATION ☐ Check if same as Applicant

Property Owner Name	Mike Shea	John Boyle IV
Property Owner Company Name	South Farm Development LLC	Boyle John L IV et al
Mailing Address	3225 Indian Creek Rd, Oxford, OH 45056-9244	3225 Indian Creek Rd, Oxford, OH 45056-9244
Email Address	msfarm3225@yahoo.com	jnbcustomhomes@gmail.com
Telephone Number	513-260-2234	513-892-8749

BOX 4 | ENGINEER/SURVEYOR INFORMATION ☐ Check if same as Applicant

Architect/Engineer Name	John A. Bayer
Company Name	Bayer Becker
Mailing Address	110 South College Avenue, Oxford, Ohio 45056
Email Address	johnbayer@bayerbecker.com
Telephone Number	513-466-8084

BOX 5 | ATTACHMENT CHECKLIST Submit all contents in PDF format. No printed copies are necessary.

☒ Narrative/Cover Letter providing a written, detailed description of the request
☒ Preliminary Plat including all pertinent details as required by Attachment B of the Oxford Subdivision Regulations – more information on Page 3
☒ Landscaping Plan showing proposed location, size, and species of trees and other plantings, including street trees
Note: Upon checking an application for completeness, staff may require additional information and/or materials above and beyond the items listed above in order to perform a complete evaluation for compliance with relevant Code provisions. You are welcome to contact Community Development at 513-524-5204 ahead of submission to determine whether additional items may be required.

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Applicant Name (Print) Joe Cristo

Applicant Signature *Joseph Cristo*

Date 5/22/2024

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The appropriate processing fee amount will be determined during a completeness check by Community Development staff. It may take 1-2 business days for a completeness check to be performed. The applicant will receive a digital copy of a processing fee invoice via email once it is ready. Fees may be paid in-person by check or credit card at the Finance Department window on the first floor of the Oxford Municipal Building, 15 S College Avenue, Oxford OH 45056. For credit card payments, the City accepts Visa, MasterCard, or Discover, and such payments may also be taken over the phone by calling our Finance Department Utilities line at 513-524-5221, Option 1.

Preliminary Plat Requirements For source text, see Oxford Subdivision Regulations [Attachment B](#)

- A. The location of present property and section lines, streets, buildings, lakes and watercourses
- B. Boundary lines, size and tract of whole site and each individual lot in square feet and/or acres
- C. Any existing water mains, culverts, sewer lines, railroads, easements, parks, permanent buildings, power poles, other underground structures and streets within the tract or immediately adjacent thereto, including the location, dimension and size of the nearest water main and sewer line
- D. The proposed location and width of streets, alleys, lots, parking areas, pedestrian walks, ingress/egress, setback lines and easements
- E. The title under which the proposed subdivision is to be recorded and the name of the subdivider and owner if other than the subdivider platting the tract
- F. The names and boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels including mailing addresses and parcel numbers within 200 feet of the site
- G. North point, scale and date
- H. Existing contours with intervals of five feet or less referred to U.S.G.S. datum and obtained from a field survey
- I. The seal, registry number and signature of the registered surveyor and professional engineer who prepared the plat
- J. The plan should evaluate existing watercourses, channels, storm sewers, culverts and proposed improvements pertaining to drainage and flood control in regard to their ability to handle the anticipated greater volume of run-off and peak flows
- K. Any existing building(s) to remain or be razed
- L. Location of any wooded areas, topographic and natural features that are within and adjacent to the proposed project area to be preserved
- M. If and how the proposed subdivision will be subdivided in Phases
- N. Site Analysis as stipulated in Section 402(B)
- O. Landscaping Plan
- P. Building Concepts, as applicable
- Q. Lighting Concepts, as applicable
- R. Any other information that may be necessary as determined by Staff

Design Standards For source text, see Oxford Subdivision Regulations [Section 1101.4](#)

Design standards applicable to subdivisions include, but are not limited to, the following:

- Compliance with Typical Sections as provided in [Attachment H](#)
 - Any deviation from the standards contained in Attachment H shall be established per the recommendation of the City of Oxford Engineer and approved by the Planning Commission.
- Compliance with the [City of Oxford Water and Sanitary Sewer Improvement Specifications Manual](#)
- Compliance with the [City of Oxford Storm Water Management Design Manual](#)
- Compliance with the [City of Oxford Curb, Gutter & Sidewalk Specifications Manual](#). Concrete sidewalks not less than 5 feet in width must be constructed on both sides of all streets.
- The City Engineer may require a traffic impact study, based upon the level of impact on surrounding traffic flow and safety.
- Proposed streets shall intersect one another at right angles as topography and other limiting factors allow.
- A cul-de-sac, dead-end/stub street or loop street shall not exceed 500 feet in length.
- Maximum block length is 800 feet; where blocks exceed 600 feet, a public walkway traversing the block may be required.
- Block depth should not exceed 350 feet.
- One street light must be installed within 50 feet of every intersection, at the end of a cul-de-sac or dead end/stub street, and at intervals not exceeding 400 feet.
- All subdivisions shall have at least two (2) entrances to an existing street system.
- Shared driveways shall serve a maximum of three (3) lots and shall not exceed three hundred (300') feet.
- Any residential development shall be required to achieve a connectivity index of 1.2 or greater, unless the Planning Commission determines this is impractical due to topography, existing development, and/or natural features.
 - A connectivity index is a ratio of the number of street links (road sections between intersections and cul-de-sacs) divided by the number of street nodes (intersections and cul-de-sac heads). Stub outs shall also be considered as links.
- Cul-de-sacs exceeding 300 feet in length shall provide a multi-use path and easement at the end of such cul-de-sac.
- No primary access into a subdivision shall be a private road. Any private street must serve a minimum of 6 lots, and must conform to the minimum street standards unless otherwise approved by the Planning Commission upon the City Engineer's recommendation.
- Panhandle or flag lots are specifically prohibited.
- Lots may not be created in a new, proposed subdivision, by dividing land at the end of stub streets in existing subdivision(s).
- Buffering may be required per the standards of [Section 1101.4\(410\)](#).
- Deed restrictions or covenants running with the land may be included to provide for the creation of a Homeowners Association, Condominium Association, or Board of Trustees in which individual owners share common financial responsibilities.

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that

J.A. Development

(Applicant Name)

has permission to represent our interest with the City of Oxford regarding
South Farm Section IV Preliminary & Final Planned Development and Preliminary Subdivision

(Application Description)

located at

west end of Roberts Drive, adjoining existing South Farm Section 1

(Property Address/Location)

Thank you,

John L Boyle IV

(Property Owner Printed Name – must be a person)

BOYLE JOHN L IV ETAL

(Property Owner Company Name – if applicable)



(Property Owner Signature – must correspond to printed name above)

4/22/2024

(Date)

LETTER OF AGENCY

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(Application Description)

located at

west end of Roberts Drive, adjoining existing South Farm Section 1

(Property Address/Location)

Thank you,

(Property Owner Printed Name – must be a person)

SOUTH FARM DEVELOPMENT LLC

(Property Owner Company Name – if applicable)


(Property Owner Signature – must correspond to printed name above)

2/24/24
(Date)

Surrounding Property Owners within 200 ft. of site:

H4100132000004
JONATHAN V LODDER
6642 BROWN RD
OXFORD OH 45056 9718

H4100132000009
H4100132000013
TALAWANDA SCHOOL DISTRICT
BOARD OF EDUCATION
131 W CHESTNUT ST
OXFORD OH 45056 2609

H4100132000014
H4100137000039
COBBLESTONE COMMUNITY CHURCH INC
152 RYAN DR SUITE 5
OXFORD OH 45056 9381

H4100137000040
SOUTH FARM OWNERS ASSOC INC
221 MORGAN CIR
OXFORD OH 45056 9404

H4100137000011
PATRICIA L & MICHAEL A RUDOLPH
200 MORGAN CIR
OXFORD OH 45056 9403

H4100137000010
JENNIFER BEARDSLEE
204 MORGAN CIR
OXFORD OH 45056 9403

H4100137000009
ANDREW JACOB SCHROEDER
212 MORGAN CIR
OXFORD OH 45056

H4100137000008
DONALD L COLBURN
216 MORGAN CIR
OXFORD OH 45056 9403

H4100137000007
JOHN R AND PATRICIA B WEAVER
222 MORGAN CIR
OXFORD OH 45056 9403

H4100137000006
CAROL A HAUSER
221 MORGAN CIR
OXFORD OH 45056 9404

H4100137000005
MARTHA J KINSEY
217 MORGAN CIR
OXFORD OH 45056

H4100137000004
ROBERT SAMUEL FAHRNEY TR ET AL
213 MORGAN CIR
OXFORD OH 45056 9404

H4100137000003
YIHONG PAN
209 MORGAN CIR
OXFORD OH 45056 9404

H4100137000002
JOSEPH & WILLIAM EVEN
205 MORGAN CIR
OXFORD OH 45056 9404

H4100137000001
DONALD W & KIMBERLY K SMITH
201 MORGAN CIRCLE
OXFORD OH 45056 9404

May 24, 2024

Mr. Zachary Moore
City Planner / GIS Coordinator
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: South Farm, Section IV
Preliminary & Final PUD and Preliminary Subdivision Submittal

Dear Mr. Moore:

Enclosed please find the following items in support of J.A. Development's Application for Preliminary & Final Planned Development approval and Preliminary Subdivision approval for South Farm, Section Four located at the west end of Roberts Drive:

- 1) Executed Preliminary & Final Planned Development Application.
- 2) Executed Preliminary Subdivision Application.
- 3) Property Owner Letters of Agency.
- 4) A Project Narrative is provided below.
- 5) Site Plans including Final PUD Plan and Landscaping Plans dated May 24, 2024.
- 6) Drainage Calculations dated May 24, 2024.
- 7) Storm Sewer Calculations dated May 24, 2024.
- 8) Example Building Elevations.
- 9) Example Floor Plans.
- 10) Photos of existing site and surroundings.
- 11) Draft HOA Declarations.
- 12) A list of the names and mailing addresses of all landowners within 200 feet of the site.

A Final Planned Development for South Farm Section IV was approved by Oxford City Council in May of 2020. This application consisted of 25 single-family lots on 6.81 acres of land. This approval, inclusive of additional extensions approved by the City of Oxford, has since expired and the applicant, South Farm Development LLC, has not pursued development of the project. The enclosed application by J.A. Development LLC includes the same 6.81 acres of land and proposes the same unit count of 25 single-family lots while making use of a similar roadway network. A concept plan depicting this enclosed application was reviewed by Oxford Planning Commission on February 13, 2024.

The site currently consists of a mixture of cleared and wooded land. A portion of the site, primarily along the proposed Roberts and Hoover Drives alignments, was cleared in the early 2000s. There are no existing structures within the site. Roberts Drive, an existing public street, stubs to the site from the northeast. South Farm Section I, which consists of 11 single-family homes, bounds the site to the east. Undeveloped land surrounds the site on the south and west sides. Cobblestone Community Church and a retention pond are located to the north. The subject property is zoned R-1B PD.

The proposed development, congruent with the prior South Farm IV approval, consists of 25 detached single-family homes including both single-story and two-story home options. Based upon feedback provided by Planning Commission during the concept plan review, modifications and enhancements have been made to the proposed homes and development. The plan has been adapted to pair driveways where possible which increases lawn space and distance between subsequent driveways. Approximate locations of proposed driveways have been shown on the plan, final driveway locations are typically depicted on plot plans during the building permit process. Architectural designs have been created to set garages back further from the street than the front of the home to provide a more varied aesthetic from the street. The provided building elevations depict this element. The proposed street widths have been

reduced to more closely match other recent developments approved by the City. Lastly, in order to provide a variety of home styles and variations, the applicant proposes the following as a condition of approval:

No home on either side of the subject house or on the opposing lot directly across the street shall utilize the same exterior elevation. One or more of the following options shall be incorporated into the exterior design:

- 1. A different style of roof is utilized.*
- 2. Different exterior wall materials or colors are used on the front elevation.*
- 3. Different style of trim around windows, doors, eaves, gables or corners is used.*
- 4. Difference in handing used between similar elevations.*
- 5. Different architectural features are incorporated such as:*
 - a. Varied window & door arrangements and sizes.*
 - b. Varied column style or arrangement.*
 - c. Varied porch size or configuration.*

The project includes extension of three public streets. Roberts Drive will be extended west from South Farm Section I. Hoover Drive will be extended south from Roberts Drive to the southern end of the site. Lastly, based upon direction received from City staff, an extension of Booth Road is proposed along the project's southern boundary. The location of this Booth Road extension aligns with the existing portion of Booth Road to the east and also falls within a Roadway and Utility Easement within the Talawanda School District property. City staff confirmed that this easement, which was recorded in April of 2014 and benefits the City of Oxford, was created to provide for this roadway extension. The City of Oxford Transportation Plan denotes this roadway as a Major Collector, however, the easement provided, which predates the latest transportation plan, only provides for an 80ft width right-of-way. Therefore, the Booth Road extension is proposed as a rural minor collector in order to work within this easement. The development is planned to be constructed as a single phase. The previous design of South Farm Section IV included an alley along the project's western boundary which provided for rear-loaded homes on the west side of Hoover Drive. This alley has been removed from the plan which serves to reduce the overall development footprint within the site. Sidewalks are proposed along both sides of Hoover Drive and along the south side of Roberts Drive. Phase 5 of Oxford Area Trails is planned to be constructed by the City along the north side of Roberts Drive, spacing is provided based upon the latest trail design.

The Oxford Tomorrow – Comprehensive Plan denotes this area as Urban Neighborhood on the Future Land Use Map. The plan defines notes: *An Urban Neighborhood is characterized by a variety of housing types, mixture of land uses, walkable design, and meaningful green and open spaces. Streets in an Urban Neighborhood should be well-connected and be accompanied by a network of sidewalks and/or trails.* The proposed development embodies this design by creating a varied housing option which complements the surrounding community. The sidewalks and trail provide interconnectivity to the area. The cluster design with smaller lots and setbacks allows for the perimeter of the site, which currently contains existing vegetation, to remain as a natural green buffer to the existing South Farm Section I neighborhood and future neighborhoods that may develop along Roberts Drive and the future Booth Road. The narrower street section, street trees and set-back garages will create a quality streetscape aesthetic while providing pedestrian access and traffic calming for drivers accessing the area. The existing and planned infrastructure, natural features and flourishing neighborhoods make this location appropriate for the planned development.

Non-residential uses are not planned as part of this development. Excessive noise, lighting, odor, fumes, vibration, or emissions are not anticipated as a result of this development. As noted above, preservation of perimeter site vegetation aims to remediate any possible negative impacts to surrounding landowners. Preservation of these perimeter areas will be accomplished by means of a conservation easement on the Final Plat.

This development aligns with Oxford City Council's 2024 goals for housing. Specifically, Council notes a desire for an *update to the zoning regulations to increase density and promote a diversity of residential housing types and living arrangements*. While this community does not request zoning in excess of what code allows, it does provide a slightly higher level of density than the surrounding neighborhoods while retaining buffers to soften the transition in densities. The homes proposed in South Farm Section IV provide a smaller footprint, lower maintenance property than is not currently available in this area of Oxford. The developer aims to create a product at a more attainable price point than other homes in the immediate vicinity.

Public water and sanitary sewer are available to the property. Through planning efforts for the previously approved South Farm Section IV design, it was determined by City Staff that public utilities, services and the roadway network sufficiently provide for this planned development. While the prior iteration of South Farm Section IV provided an alley as a loop for emergency vehicles, turn arounds are now provided at each street stub to allow for vehicles to safely turn around when exiting the community. Stormwater retention has been provided in the existing retention pond to the north. A water quality basin will be provided to meet the requirements of the Ohio EPA National Pollutant Discharge Elimination System (NPDES) Permit. The existing pond is currently maintained by the South Farm Section I Homeowner's Association. J.A. Development has been in constant contact with the South Farm Section I HOA and plans to create a new HOA for this development which will contribute to maintenance of the existing pond while providing full maintenance of the new water quality basin. The proposed 25 single family lots will generate an additional 21 trips (5 entering and 16 exiting) in the AM Peak and 27 trips (17 entering and 10 exiting) in the PM Peak hour over the originally approved 13 lots. The proposed sidewalks and future trail provide safe passage for pedestrians in and around the development. Curb ramps are provided at all street crossings.

The following waivers are hereby requested on this application:

- a. Maximum residential lot coverage increased from 40% to 65%.
- b. Maximum front yard lot coverage increased from 25% to 50%.
- c. Minimum front yard setback reduced from 30ft to 20ft.
- d. Minimum rear yard setback reduced from 35ft to 10ft.
- e. Minimum side yard setback reduced from 8ft to 3ft.
- f. Minimum lot area reduced from 7,500 sf to 3,620 sf.
- g. The minimum number of entrances to an existing street system shall be reduced from 2 to 1.

It is understood that the applicant will receive a digital copy of the fee invoice upon staff review of the application for completeness. Please place this item on the July 9th Planning Commission Meeting agenda. Should you have any questions, or need any additional information, please do not hesitate to contact us.

Sincerely,



John A. Bayer

Enclosures

Cc: Joe Cristo, J.A. Development
Adam Cristo, J.A. Development

Page 119 of 162

CHAPTER 935 TREES, SHRUBS & OTHER PLANTS

- CHAPTER 1101 SUBDIVISION REGULATIONS (SECTION 410 LANDSCAPE PLAN)

- Landscape plan to identify existing and proposed trees, shrubs, groundcovers, natural features, such as rock outcroppings and water features.
- Trees to remain are to be protected, plans shall include methods of protection during construction (410A)
- Buffering shall be a year-round visual screen to minimize adverse impacts between different land uses.
 - Buffer can be fencing, vegetation, berms, shrubs, trees, mounds or a combination (410B)
 - Multi-use paths permitted in the buffer area (410B)
 - • Shield neighboring properties from adverse external effects of a development (410B-1)
 - • Shield from streets or railroads (410B-2)
 - • Strengthen large plant material, to reach 8' in 3 growing seasons (410B-3a)
 - • 5' min. buffer width from parking lots, dumpsters, utility areas, loading areas (410B-3b)
 - • 20' min. buffer width from all other land uses (410B-3c)
 - • Can reduce to 10' width when adjoining undeveloped, vacant or agricultural land (410B-3-4)

Trees and shrubs added to supplement existing vegetation

DECIDUOUS SHRUBS

CEP OOC	10	Cephalanthus occidentalis	Buttonbush	B & B	30" Ht.
LIN BEN	10	Lindera benzoin	Spicebush	3 gal	18" Ht.



LOCATION OF ALL EXISTING UTILITIES TO BE
ETERMINED IN THE FIELD PRIOR TO CONSTRUCTION

- A. SEE SHEET L2.0 FOR PLANTING NOTES & DETAILS.
- B. INSTALL REROOT RIBBED ROOT BARRIER BY WWW.GREENBLUE.COM OR EQUIVALENT, ALONG ALL CONCRETE EDGES WITHIN 8" OF NEW TREE PLANTING. REROOT DEPTH TO EXTEND THE FULL DEPTH OF ADJACENT CONCRETE. SEE DETAIL 2, SHEET L2.0
- C. BURLAP TO BE PARTIALLY REMOVED FROM ROOTBARS AND TWINE REMOVED ENTIRELY. SEE NOTE SHEET L2.0.
- D. MULCH SHOULD NOT TOUCH TREE TRUNK AND VOLCANO MULCHING IS PROHIBITED. SEE NOTES SHEET L2.0.

State Plane NAD83 (2011)

0 30 45

SCALE: 1" = 30'

1

[illegible]

**SOUTH FARM
SECTION IV**

SECTION 34, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

PLANTING PLAN

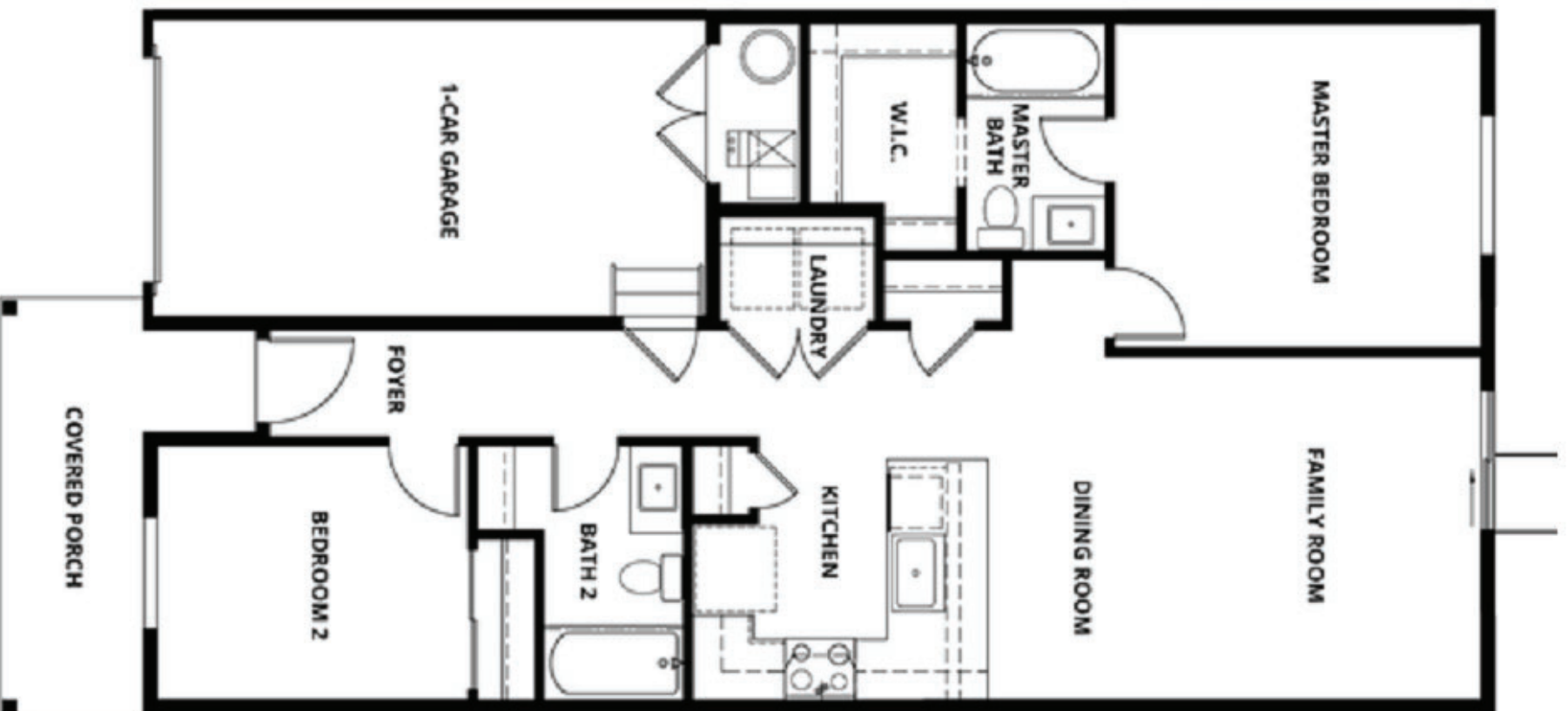


 bayer
 becker
 bayerbecker.com
 318 5th Ave. N.
 Oxford, OH 45056 • 513.523.4270

Example Elevation



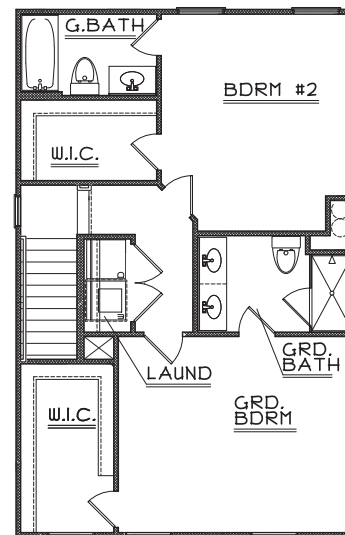
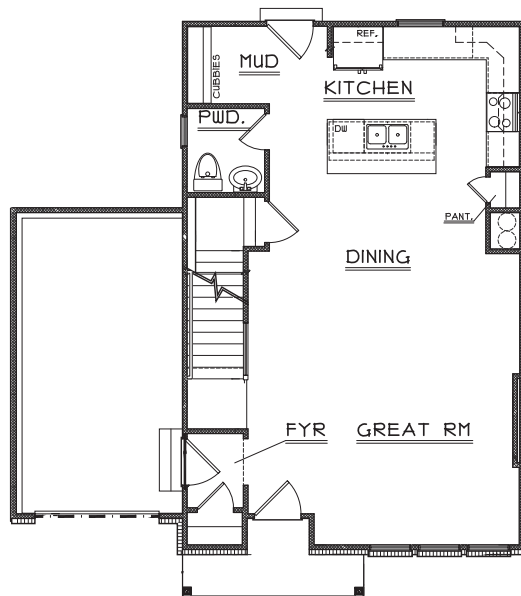
Example Floor Plan



Example Elevation



Example Floor Plan





The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Sam Perry
DATE PREPARED:	7/26/2024
COUNCIL MEETING DATE:	August 20, 2024
AGENDA TITLE:	An Ordinance Revising Oxford Zoning Code Section 1141.01 Accessory Regulations For The Purpose Of Adding A Primary Residence Requirement For Short-Term Rental Usage Within The R-1A, R-1B, R-2A and R-3 Zoning Districts (Sam Perry, Community Development Director)
COUNCIL GOAL AREA:	Housing For All
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approve as recommended
CITY MANAGER/DEPT HEAD APPROVAL:	SP DRE

DISCUSSION:

Resolution #7577, a 6-month moratorium was adopted by City Council on March 5, 2024, regarding new Short-Term Rentals. The purpose was to analyze the current market in Oxford and potentially recommend revisions to policy. This was in response to concern regarding home conversions from owner-occupied to rental-only, affecting permanent housing supply.

Staff researched the market and provided the attached report to the Planning Commission on July 9, 2024. Existing registered Short-Term Rental owners were contacted to notify them of the discussions. Mr. Peter McCarthy addressed the Commission on the topic.

This change would continue to allow existing owners that are fully registered to continue the same usage. However, any owners entering the market after the code change would be required to demonstrate primary residency of the home. This means that any current unregistered homes would not be able to register unless the primary residency is demonstrated. The intent is to maintain the existing supply of housing stock for home buyers. The recommended zoning districts are related to the lower percentage of rental properties in those areas.

Planning Commission discussed the topic, found it met the criteria for text amendments and voted to forward the recommended text to City Council, as-written.

ORDINANCE NO.

AN ORDINANCE REVISING OXFORD ZONING CODE SECTION 1141.01 ACCESSORY REGULATIONS FOR THE PURPOSE OF ADDING A PRIMARY RESIDENCE REQUIREMENT FOR SHORT-TERM-RENTAL USAGE WITHIN THE R-1A, R-1B, R-2A, AND R-3 ZONING DISTRICTS.

WHEREAS, the Planning Commission met pursuant to Oxford Codified Ordinance Section 1135 on July 9, 2024 for the purpose of considering a zoning text amendment submitted by the Community Development Director; and

WHEREAS, a moratorium preventing new short term rentals from being licensed was adopted on March 5, 2024; and

WHEREAS, during the moratorium period, staff analyzed the market; and

WHEREAS, the Planning Commission discussed the topic and found that the research data supported the proposed text amendment and met the required text amendment criteria of Chapter 1135.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION 1: Council hereby accepts the action of the Planning Commission, and further adopts Exhibit A, as the revisions to Oxford Zoning Code Chapter 1141.01.

SECTION 2: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: DAVID PRYTHERCH

PREPARED BY: PLANNING STAFF

CHECKED BY: LAW

Chapter 1141 – Accessory, Temporary, Supplemental and Environmental Regulations

1141.01 – Accessory regulations.

This section shall apply to accessory uses and structures in all zoning districts, unless otherwise provided for in the development requirements of the district in which the property is located or the respective planned development text.

(a) Permitted Accessory Uses and Structures in Residential Districts.

The following provisions pertain to accessory uses and structures when located in Residential Districts. Unless otherwise stated in this Section or exempted below, detached accessory buildings and uses shall be located in the rear yard.

(1) Accessory Buildings

- A. No accessory building shall be used as a dwelling unit, sleeping quarters, or business, except as may be allowed in the R-3MS District.
- B. There shall be no more than two detached accessory buildings on a lot in a Residential Zoning District. Only one of these accessory buildings can be a garage.
- C. The total square foot area of all accessory building on a lot shall not exceed 1,000 or 50% of the footprint of the principal structure whichever is smaller.
- D. A detached accessory building shall be at least ten feet from any dwelling or other accessory building or structure situated on the same lot or abutting.
- E. A detached accessory building shall not exceed 20 feet in height or the height of the principal structure whichever is less.
- F. All parts of a detached accessory building shall be at least three feet from all lot lines.
- G. Accessory buildings are not permitted in front of the principal structure or within a front yard.
- H. On a corner lot all accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

(2) Swimming pools, hot tubs, and Private Residential Recreational Facilities.

A. Swimming Pools & Hot Tubs.

- 1. The pool and hot tub is to be used only by the occupants and guests of the principal use on the property.
- 2. The pool, including any ancillary sidewalk or decking surrounding said pool, shall be no closer to the side lot line than the side yard requirement for the district in which it is located; and may encroach into the rear yard setback but in no instance shall be closer than ten feet to the rear property line.
- 3. A swimming pool located closer than 50 feet to a property line shall be screened by an obscuring fence, wall, hedge, or building not less than six feet in height and maintained in good condition.

4. A pool is exempt from the lot coverage regulations, except that an above ground pool shall not exceed 50% of the rear yard area.
5. No private swimming pools, including inflatable pools, shall be located in the front yard.
6. A hot tub shall not be located in a front yard and shall set back from the side and rear property lines in accordance with the district requirements.

B. Private Residential Recreational Facilities. (i.e. tennis courts, baseball field, skate ramps, basketball court)

1. May only be used by the occupants and guests of the principal use on the property.
2. May be located only in the rear yard.
3. A fence is permitted in accordance to Sub-section (c)(4) below, except the fence shall be located no closer than five feet of any property line.
4. Such courts may be fenced with a chain link fence located around the perimeter of the court, except as regulated in the Mile Square, and any fence over six feet in height shall be planted with large shrubs in sufficient quantities to screen and filter the view.
5. A fence or wall shall not exceed eight feet in height.
6. No special lighting shall be erected for the recreational facility other than standard lighting typical for residential use.
7. A portable basketball hoop may be located off of a driveway in the front yard, but such hoops shall not be positioned in such a way that participants are playing in the public street.

(3) Porches, Stoops and Decks

- A. All porches, stoops and decks, inclusive of those attached to the principal structure or detached, shall meet the setback requirements for the district in which it is located except when affiliated with a pool as regulated in Section 1141.01(a)(2) above.
- B. Properties in the Mile Square are subject to the Mile Square Design Guidelines.

(4) Exemptions.

- A. The following items are permitted in the side or rear yards, and do not require a permit:
 1. Swings or play sets.
 2. Sandboxes.
 3. Gardens with garden type fencing.
 4. Clotheslines.
 5. Inflatable pools of less than 2 feet in depth.
 6. Trellises.
 7. Outdoor fire pits or chimneys.

8. Wood piles.
- B. The following items are permitted in any yard, and do not require a permit:
 1. Birdbaths or Fountains.
 2. Flagpoles.
 3. Statues.

(b) Accessory Use Provisions in Business and Industrial Districts.

Permitted accessory uses in a Business or Industrial District include any use which is customarily found in conjunction with and required for the utilization and economic viability of the principal use, which meets the definition of accessory use as stated in this Ordinance, and which complies with the applicable standards of the district in which it is located.

(1) Accessory Buildings.

- A. The total square foot area of all accessory buildings on a lot shall not exceed 1,000 or 10% of the footprint of the principal structure whichever is greater.
- B. A detached accessory building shall be at least ten feet from any other building or structure situated on the same lot or abutting.
- C. A detached accessory building shall not exceed the height of the principal structure.
- D. All parts of a detached accessory building shall be at least 10 feet from all lot lines.
- E. Accessory buildings are not permitted in front of the principal structure or within a front yard.
- F. On a corner lot all accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

(2) Outdoor Vending Machines, Facilities for Recycled Goods or Materials, Display and Storage Areas, etc.

- A. As used in this subsection, the term "vending facilities" includes:
 1. Self-service mechanical dispensers such as but not limited to soft drink machines, candy machines, news racks, movie kiosks, mechanical rides; and
 2. Freestanding container racks from which customers pick up merchandise to be purchased inside the buildings such as, but not limited to ice coolers/freezers, propane tanks, mulch, and;
 3. Dumpster styled containers for recycling materials or clothing donations; but
 4. Excludes motor fuel pumps.
- B. These facilities may be permitted in all business and industrial districts.
- C. Such facilities shall not occupy the following unless designated on a site development plan.
 1. Private sidewalks that impede pedestrian traffic.
 2. The public right-of-way,

3. Within an interior drive or drive isles,
4. Landscape areas or required parking areas,
5. Any area that will interfere with required driveway sight distance,
6. The front yard setback or side yard setback adjacent to the public right-of-way, except when located against the building.

(c) Accessory Use Provisions for All Zoning Districts.

- (1) Handicap Ramps As regulated in the City of Oxford Buildings Codes.
- (2) Accessory building or use shall be erected on the same lot on which a principal structure already exists.
- (3) An accessory building or use which is attached to the main building shall comply with all the requirements of the zoning district regulations that are applicable to the principal building.
- (4) Fences, walls and hedges.

The intent of these provisions is to outline the regulations for accessory fences, walls and hedges. Such structures and plantings shall generally improve the aesthetic appearance of a site. Where buffer yard or other screening requirements pursuant to the provisions of this Ordinance differ from the provisions of this section, the more stringent requirements shall apply.

A. Residential fences, walls, and hedges:

1. May not exceed four feet in height in front yards.
2. Cannot exceed eight feet in height in side and rear yards.
3. Shall not obstruct visibility at intersections per Section 1141.03(e).
4. Shall be located at least two (2) feet from the property side of any sidewalk present and shall not be located in the public right-of-way.

B. Non-residential fences, walls, and hedges:

1. May not exceed six feet in height in the front yards or four feet in height in the Uptown "UP" Zoning District.
2. May not exceed twelve feet in height in side and rear yards.
3. Shall not obstruct visibility at intersections per Section 1141.03(e).
4. Must be located at least two (2) feet from the property side of any sidewalk present, except in the Uptown (UP) district.
5. Shall not be located in the public right-of-way.
6. If fencing or a gate blocks the access drive to the property, there shall be a sufficient queuing space provided.

C. Barbed wire and electrified fences are not permitted.

(5) Home Occupations.

A home occupation does not require a zoning permit. If the Zoning Administrator determines that a business is operating in a residential or commercial district and that it does not meet the

regulations of this section, the property owner of the property on which the business is operating shall be guilty of a violation of the Zoning Code. A home occupation shall:

- A. Have person(s) residing in the premises engaged in the business activity.
- B. Be conducted entirely within an existing dwelling unit and/or one enclosed accessory structure.
- C. Occupy a maximum of 25 percent of the floor area of the residence and/or enclosed accessory structure, including all operations and storage.
 - 1. Attached garages as well as unfinished basements or attic areas shall not be counted towards the total floor area of the dwelling unit. In situations where there are two or more dwelling units attached, the calculation of the total floor area shall be limited to the area of the dwelling unit in which the operation will be located.
 - 2. Such accessory structure shall not be utilized for a home occupation if it is the required parking space for the principal use.
- D. Home Occupations located in the R1A, R1B, RO and GB zoning districts are permitted to have two (2) non-resident employees, however no more than one non-resident employee is permitted on the premises at one time. One (1) non-resident employee is permitted in the R1MS, R2A, R2MS, R3, R4 and R3MS zoning districts.
- E. Any nonconforming residential use in the GB zoning district that exceeds the requirements herein for a home occupation shall lose its nonconforming status.
- F. Not change the outside appearance.
- G. Have no deliveries or clients before 9 a.m. or after 9 p.m.
- H. Have fewer than 10 business visitors per week.
- I. Have no more than 1 business visitor at a time.
- J. Have only 1 non-illuminated sign a maximum of two square feet, mounted flat against the wall of the principal building.
- K. Not generate a greater volume of traffic or parking need than would normally be expected in a residential neighborhood.
- L. Not generate noise, vibration, fumes, odors, electrical interference, or other offensive effects and noxious omissions generated by the home occupation detectable outside of the dwelling unit (or off of the lot at single-family residences).
- M. Prohibited Home Occupations.
 - 1. Homes that serve as a gathering point for employees engaged in the business operation that takes place off the premises. This may include, but it is not limited to, landscape and/or lawn care business offices, construction offices, or a trucking business where drivers or employees gather at the home before being dispatched from the home for the purposes of the home occupation.
 - 2. Operations that require fire safety inspections.
 - 3. Operations involving biohazard materials or hazardous waste that poses substantial or potential threats to public health or the environment.

4. Operations that require the use of mechanical ventilation systems to exhaust the by-products of the home occupation; or
5. Operations that involve the use of controlled substances.
6. Any operation that is listed as a Conditional Use in Chapter 1147 of this Zoning Code.

(6) Transient Guest Lodging

- A. Transient Guest Lodging is allowed as an accessory use only in Single-, Two- and Three-Family Dwellings, including any that are condominiums. Transient Guest Lodging is prohibited for all other principal uses and building types, including Multi-Family Dwelling structures with four (4) units or more.
- B. The principal use to which the Transient Guest Lodging is associated must be one that is permitted by the underlying zoning district, unless the residential use is pre-existing and recognized as legally non-conforming. For example, a pre-existing single-family dwelling which is nonconforming in a commercial zoning district may be permitted for transient guest lodging as an accessory use.
- C. For Two- and Three-Family Dwellings, only one (1) unit at a time within a building may be used for Transient Guest Lodging.
- D. There shall be no more than one (1) Transient Guest Lodging Booking per dwelling unit at a time.
- E. ~~Transient Guest Lodging is permitted by right when the number of cumulative days booked per calendar year shall not exceed ninety (90) for the entire structure, inclusive of all dwelling units. The maximum number of days is cumulative across any one calendar year period. A Conditional Use Permit is required in~~ order to be potentially allowed more than ninety (90) total days per year, the use ceases to be considered an accessory use for Transient Guest Lodging; instead, a Conditional Use Permit must be sought for a principal use as a Bed & Breakfast.
- F. For Transient Guest Lodging accessory uses in the R-1A, R-1B, R-2A and R-3 districts, at least one (1) of the dwelling units within the structure must be the owner's primary residence. "Primary residence" is as defined in subsection (G) below. In order to demonstrate that a unit is a primary residence, owners shall provide to the Community Development Department a signed and notarized affidavit attesting to this fact. The Department also reserves the right at any time to request copies of one or more of the following documents to further assist in proving ownership and residency: (1) motor vehicle registration; (2) driver's license; or (3) voter registration.
- G. For purposes of applying the standards of this subsection (6), "primary residence" shall be defined as the main home of an individual. An individual has only one primary residence at a time. If an individual owns and lives in just one dwelling unit, then that dwelling unit is their primary residence. If an individual owns or lives in more than one dwelling unit, then the individual must apply a "facts and circumstances" test to determine which dwelling unit is their primary residence. While the most important factor is where the individual spends the most time, other factors are relevant as well. The more of these factors that are true of a home, the more likely that it is a primary residence. Factors include, but are not limited to, the address listed on an individual's Ohio-issued driver's license or identification card, voter registration, federal and state tax returns, and/or vehicle registration.

H.F. A Transient Guest Lodging use that cannot meet the standards provided above in subsections (A) – (G) may seek approval of a Conditional Use Permit for a principal use as a Bed & Breakfast in accordance with Chapter 1147.

I.G. All dwellings being utilized for Transient Guest Lodging shall be registered with the City pursuant to Chapter 743 of the Oxford Codified Ordinances.

(Ord. 3429. Passed 9-19-17. Subsection (6) added by Ord. 3582, passed 9-15-20. Subsections (a)(3) & (c)(4) amended by Ord. 3610, passed 1-19-21.

1141.02 – Temporary regulations.

(a) Purpose.

Temporary uses shall be permitted in applicable zone districts by the grant of a Zoning Permit issued by the Zoning Administrator in accordance with the requirements of this section. Failure to obtain a zoning permit shall be a violation of this Ordinance.

(b) General Provisions.

- (1) The duration of the temporary period is stated hereinafter, provided, however, renewal of such permit may be requested.
- (2) Temporary uses shall be subject to all site development regulations of the applicable zoning district.
- (3) No required off-street parking space(s) shall be occupied by the temporary use.

(c) Permitted Temporary Uses.

Permits shall be required, unless otherwise exempted, for the following temporary uses, provided that they meet these requirements:

(1) Construction Facilities.

- A. Construction trailer, shed or staging yard area incidental to a construction project.
- B. The trailer, shed or staging yard area shall be located on the lot on which construction takes place unless otherwise approved by the City Manager.
- C. The trailer, shed or staging yard shall not be located within twenty-five (25) feet of any abutting residential or non-residential structure and shall meet the setbacks of the district in which it is located.
- D. A trailer shall be limited to one (1) in a residential district and two (2) in a non-residential district and only be used for a field office and for the temporary storage of building materials and equipment necessary for the construction site.
- E. A maximum of an eight foot high temporary fence is permitted around the boundaries of the construction site.
- F. Such fencing, trailer, shed or staging yard shall be removed within thirty (30) days once that construction ceases.
- G. On-site sanitary facility shall not be located within ten (10) feet of any property line or right-of-way line.

(2) Temporary Shelter.



MEMORANDUM
Community Development Department
513-524-5204

TO: Oxford Planning Commission

FROM: Sam Perry, AICP | Community Development Director

MEETING DATE: July 9, 2024

RE: **PC-2024-03, Zoning Text Amendment, adding primary residence requirement for Short Term Rentals**

Zoning Text Amendment Case PC-2024-03 is in response to City Council discussion regarding conversion of single-family homes to stand-alone Short Term Rental properties. A goal of City Council is to improve housing affordability and supply. Conversion of existing homes to short-term lodging would be contrary to this housing goal in the current housing market. On March 5, 2024, City Council adopted a moratorium prohibiting new short term rental permits from being approved by the City. Since 2022, City staff have contracted with GovOS software services to implement the 2020 Short Term Rental Ordinance requirements. This software service has not been successful in identifying all active short-term rentals, therefore in 2024, the City purchased a subscription to AirDNA, which monitors transactions from AirBnB and VRBO.

The proposed text amendment seeks to prohibit new stand-alone short term rentals outside the Mile Square. Existing short term rentals that have a valid permit would be allowed to continue.

City staff have compared data between four data sources in order to investigate if the data supports the proposed text amendment as the best mechanism to address Council's concern. The four data sources being compared are:

1. BS&A Community Development - the City's permit tracking system database
2. GovOS lodging tax remittal system – currently in use by active STR owners
3. AirDNA dashboard –short term lodging transaction monitoring
4. Butler County Auditor – property values

This comparison has not revealed a direct correlation between the revenue generated by an individual property and the property's value. This is likely due to the small sample size of data. However it has revealed many undocumented Short Term Rentals. Staff are working to identify where those are located and follow up with enforcement.

The AirDNA research revealed 69 active short term rentals in the community. 35 of the 69 have known physical locations. 27 of the 69 are compliant with the city's registration and permitting requirements. 19 of the 69 are rented 30 days or less per year. 16 of the 69 are rented 31-90 days per year. 34 of the 69 are rented over 90 days per year. Of the 34 rented over 90 days per year, 20

are outside the Mile Square and 4 are unknown. Of the 20 outside the Mile Square, 2 have been purchased since 2020. The remaining 18 purchases date back to 1985 or are otherwise undocumented. Therefore, the purchase price cannot be utilized to determine property value as it relates to frequency or volume of short term rental activity. A direct correlation has not been determined.

Oxford Zoning Code Section 1135, prescribes that at least one of the following criteria shall be met in order to amend the Zoning Code. Staff commentary is in ***bold italics***.

- A. The proposed amendment will make the Code conform more closely with the Comprehensive Plan.

The 2023 Comprehensive Plan identifies housing supply, housing cost and housing access throughout the plan.
- B. The proposed amendment will improve the public health, safety, and general welfare of Oxford.

The code amendment could address general welfare, if welfare is defined by housing affordability. Although, as noted above, the sample size is small.
- C. The proposed amendment will clarify the intent of the Code.

The 2020 code revisions passed by Council did not include any requirements for primary residency. It only required a threshold of days per year. If the intent was to require primary residency, then this amendment would provide that clarification outside the Mile Square area.
- D. The proposed amendment will better implement the intent of the Code.

See above.
- E. The proposed amendment will improve enforcement of the Code.

Zoning Codes were historically not written to manage private property usage to this level of detail. Even with the purchase of the additional AirDNA data, the enforcement of proposed restrictions on private lodging will not be complete in the near future, but will likely improve.

See attached Zoning Code text amendment with embedded revisions as strikeout/underline.

If the Planning Commission finds that at least one of the above criteria has been met, it can forward a recommendation of approval to the City Council for review.

RESOLUTION NO. 7577

A RESOLUTION PLACING A MORATORIUM, NOT TO EXCEED SIX (6) MONTHS, ON NEW SHORT-TERM RENTALS WITHIN THE CITY OF OXFORD, OHIO.

WHEREAS, pursuant to the Ohio Constitution and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort, and peace of the citizens of the municipality; and

WHEREAS, the City of Oxford ("City") has set goals to increase the supply of housing units within the City of Oxford; and

WHEREAS, the 2020 Housing Needs Assessment identified a critical need for housing units for household incomes that are below 80% of the Area Median Income; and

WHEREAS, the City of Oxford adopted new regulations for short-term rentals in 2019, 2020 and 2021; and

WHEREAS, there are approximately 380 hotel rooms currently within the City of Oxford; and

WHEREAS, there are 178 new hotel rooms planned for construction within the City of Oxford; and

WHEREAS, there are approximately 75 short-term rentals within the City of Oxford; and

WHEREAS, short-term rentals provide supplementary income to home owners and a lodging service to visitors during high-demand times; and

WHEREAS, the City has observed homes being purchased for the sole purpose of short-term rental usage; and

WHEREAS, the City will research and develop regulations, including, but not limited to a primary-residency-only requirement; and

WHEREAS, the City Staff shall make periodic reports to Council regarding the status of the regulations and the impact on the supply of housing units within the City of Oxford; and

WHEREAS, the Moratorium will expire automatically after six (6) months unless extended for good cause by Council.

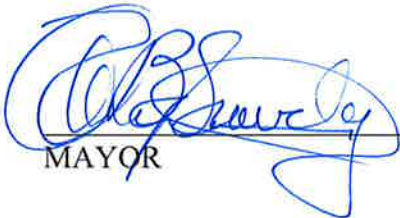
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Oxford City Council hereby approves the moratorium, not to exceed six (6) months.

SECTION 2: No new short-term rentals shall be permitted or licensed within the City of Oxford.

SECTION 3: It is hereby found and determined that all formal actions of this Council relating to the adoption of this Resolution have been taken at an open meeting of this Council; and that any and all deliberations of this Council and of any of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4: This Resolution is hereby declared to be a measure immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Oxford and shall be in full force and effect immediately upon adoption.


MAYOR

ADOPTED: MARCH 5, 2024

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: COUNCILOR DAVID PRYTHERCH

PREPARED BY: COMMUNITY DEVELOPMENT (STAFF)
CHECKED BY: LAW (STAFF)

Chapter 1141 – Accessory, Temporary, Supplemental and Environmental Regulations

1141.01 – Accessory regulations.

This section shall apply to accessory uses and structures in all zoning districts, unless otherwise provided for in the development requirements of the district in which the property is located or the respective planned development text.

(a) Permitted Accessory Uses and Structures in Residential Districts.

The following provisions pertain to accessory uses and structures when located in Residential Districts. Unless otherwise stated in this Section or exempted below, detached accessory buildings and uses shall be located in the rear yard.

(1) Accessory Buildings

- A. No accessory building shall be used as a dwelling unit, sleeping quarters, or business, except as may be allowed in the R-3MS District.
- B. There shall be no more than two detached accessory buildings on a lot in a Residential Zoning District. Only one of these accessory buildings can be a garage.
- C. The total square foot area of all accessory building on a lot shall not exceed 1,000 or 50% of the footprint of the principal structure whichever is smaller.
- D. A detached accessory building shall be at least ten feet from any dwelling or other accessory building or structure situated on the same lot or abutting.
- E. A detached accessory building shall not exceed 20 feet in height or the height of the principal structure whichever is less.
- F. All parts of a detached accessory building shall be at least three feet from all lot lines.
- G. Accessory buildings are not permitted in front of the principal structure or within a front yard.
- H. On a corner lot all accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

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A. Swimming Pools & Hot Tubs.

- 1. The pool and hot tub is to be used only by the occupants and guests of the principal use on the property.
- 2. The pool, including any ancillary sidewalk or decking surrounding said pool, shall be no closer to the side lot line than the side yard requirement for the district in which it is located; and may encroach into the rear yard setback but in no instance shall be closer than ten feet to the rear property line.
- 3. A swimming pool located closer than 50 feet to a property line shall be screened by an obscuring fence, wall, hedge, or building not less than six feet in height and maintained in good condition.

4. A pool is exempt from the lot coverage regulations, except that an above ground pool shall not exceed 50% of the rear yard area.
5. No private swimming pools, including inflatable pools, shall be located in the front yard.
6. A hot tub shall not be located in a front yard and shall set back from the side and rear property lines in accordance with the district requirements.

B. Private Residential Recreational Facilities. (i.e. tennis courts, baseball field, skate ramps, basketball court)

1. May only be used by the occupants and guests of the principal use on the property.
2. May be located only in the rear yard.
3. A fence is permitted in accordance to Sub-section (c)(4) below, except the fence shall be located no closer than five feet of any property line.
4. Such courts may be fenced with a chain link fence located around the perimeter of the court, except as regulated in the Mile Square, and any fence over six feet in height shall be planted with large shrubs in sufficient quantities to screen and filter the view.
5. A fence or wall shall not exceed eight feet in height.
6. No special lighting shall be erected for the recreational facility other than standard lighting typical for residential use.
7. A portable basketball hoop may be located off of a driveway in the front yard, but such hoops shall not be positioned in such a way that participants are playing in the public street.

(3) Porches, Stoops and Decks

- A. All porches, stoops and decks, inclusive of those attached to the principal structure or detached, shall meet the setback requirements for the district in which it is located except when affiliated with a pool as regulated in Section 1141.01(a)(2) above.
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(4) Exemptions.

- A. The following items are permitted in the side or rear yards, and do not require a permit:
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 3. Gardens with garden type fencing.
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 5. Inflatable pools of less than 2 feet in depth.
 6. Trellises.
 7. Outdoor fire pits or chimneys.

8. Wood piles.
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 1. Birdbaths or Fountains.
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 3. Statues.

(b) Accessory Use Provisions in Business and Industrial Districts.

Permitted accessory uses in a Business or Industrial District include any use which is customarily found in conjunction with and required for the utilization and economic viability of the principal use, which meets the definition of accessory use as stated in this Ordinance, and which complies with the applicable standards of the district in which it is located.

(1) Accessory Buildings.

- A. The total square foot area of all accessory buildings on a lot shall not exceed 1,000 or 10% of the footprint of the principal structure whichever is greater.
- B. A detached accessory building shall be at least ten feet from any other building or structure situated on the same lot or abutting.
- C. A detached accessory building shall not exceed the height of the principal structure.
- D. All parts of a detached accessory building shall be at least 10 feet from all lot lines.
- E. Accessory buildings are not permitted in front of the principal structure or within a front yard.
- F. On a corner lot all accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

(2) Outdoor Vending Machines, Facilities for Recycled Goods or Materials, Display and Storage Areas, etc.

- A. As used in this subsection, the term "vending facilities" includes:
 1. Self-service mechanical dispensers such as but not limited to soft drink machines, candy machines, news racks, movie kiosks, mechanical rides; and
 2. Freestanding container racks from which customers pick up merchandise to be purchased inside the buildings such as, but not limited to ice coolers/freezers, propane tanks, mulch, and;
 3. Dumpster styled containers for recycling materials or clothing donations; but
 4. Excludes motor fuel pumps.
- B. These facilities may be permitted in all business and industrial districts.
- C. Such facilities shall not occupy the following unless designated on a site development plan.
 1. Private sidewalks that impede pedestrian traffic.
 2. The public right-of-way,

3. Within an interior drive or drive isles,
4. Landscape areas or required parking areas,
5. Any area that will interfere with required driveway sight distance,
6. The front yard setback or side yard setback adjacent to the public right-of-way, except when located against the building.

(c) Accessory Use Provisions for All Zoning Districts.

- (1) Handicap Ramps As regulated in the City of Oxford Buildings Codes.
- (2) Accessory building or use shall be erected on the same lot on which a principal structure already exists.
- (3) An accessory building or use which is attached to the main building shall comply with all the requirements of the zoning district regulations that are applicable to the principal building.
- (4) Fences, walls and hedges.

The intent of these provisions is to outline the regulations for accessory fences, walls and hedges. Such structures and plantings shall generally improve the aesthetic appearance of a site. Where buffer yard or other screening requirements pursuant to the provisions of this Ordinance differ from the provisions of this section, the more stringent requirements shall apply.

A. Residential fences, walls, and hedges:

1. May not exceed four feet in height in front yards.
2. Cannot exceed eight feet in height in side and rear yards.
3. Shall not obstruct visibility at intersections per Section 1141.03(e).
4. Shall be located at least two (2) feet from the property side of any sidewalk present and shall not be located in the public right-of-way.

B. Non-residential fences, walls, and hedges:

1. May not exceed six feet in height in the front yards or four feet in height in the Uptown "UP" Zoning District.
2. May not exceed twelve feet in height in side and rear yards.
3. Shall not obstruct visibility at intersections per Section 1141.03(e).
4. Must be located at least two (2) feet from the property side of any sidewalk present, except in the Uptown (UP) district.
5. Shall not be located in the public right-of-way.
6. If fencing or a gate blocks the access drive to the property, there shall be a sufficient queuing space provided.

C. Barbed wire and electrified fences are not permitted.

(5) Home Occupations.

A home occupation does not require a zoning permit. If the Zoning Administrator determines that a business is operating in a residential or commercial district and that it does not meet the

regulations of this section, the property owner of the property on which the business is operating shall be guilty of a violation of the Zoning Code. A home occupation shall:

- A. Have person(s) residing in the premises engaged in the business activity.
- B. Be conducted entirely within an existing dwelling unit and/or one enclosed accessory structure.
- C. Occupy a maximum of 25 percent of the floor area of the residence and/or enclosed accessory structure, including all operations and storage.
 - 1. Attached garages as well as unfinished basements or attic areas shall not be counted towards the total floor area of the dwelling unit. In situations where there are two or more dwelling units attached, the calculation of the total floor area shall be limited to the area of the dwelling unit in which the operation will be located.
 - 2. Such accessory structure shall not be utilized for a home occupation if it is the required parking space for the principal use.
- D. Home Occupations located in the R1A, R1B, RO and GB zoning districts are permitted to have two (2) non-resident employees, however no more than one non-resident employee is permitted on the premises at one time. One (1) non-resident employee is permitted in the R1MS, R2A, R2MS, R3, R4 and R3MS zoning districts.
- E. Any nonconforming residential use in the GB zoning district that exceeds the requirements herein for a home occupation shall lose its nonconforming status.
- F. Not change the outside appearance.
- G. Have no deliveries or clients before 9 a.m. or after 9 p.m.
- H. Have fewer than 10 business visitors per week.
- I. Have no more than 1 business visitor at a time.
- J. Have only 1 non-illuminated sign a maximum of two square feet, mounted flat against the wall of the principal building.
- K. Not generate a greater volume of traffic or parking need than would normally be expected in a residential neighborhood.
- L. Not generate noise, vibration, fumes, odors, electrical interference, or other offensive effects and noxious omissions generated by the home occupation detectable outside of the dwelling unit (or off of the lot at single-family residences).
- M. Prohibited Home Occupations.
 - 1. Homes that serve as a gathering point for employees engaged in the business operation that takes place off the premises. This may include, but it is not limited to, landscape and/or lawn care business offices, construction offices, or a trucking business where drivers or employees gather at the home before being dispatched from the home for the purposes of the home occupation.
 - 2. Operations that require fire safety inspections.
 - 3. Operations involving biohazard materials or hazardous waste that poses substantial or potential threats to public health or the environment.

4. Operations that require the use of mechanical ventilation systems to exhaust the by-products of the home occupation; or
5. Operations that involve the use of controlled substances.
6. Any operation that is listed as a Conditional Use in Chapter 1147 of this Zoning Code.

(6) Transient Guest Lodging

- A. Transient Guest Lodging is allowed as an accessory use only in Single-, Two- and Three-Family Dwellings, including any that are condominiums. Transient Guest Lodging is prohibited for all other principal uses and building types, including Multi-Family Dwelling structures with four (4) units or more.
- B. The principal use to which the Transient Guest Lodging is associated must be one that is permitted by the underlying zoning district, unless the residential use is pre-existing and recognized as legally non-conforming. For example, a pre-existing single-family dwelling which is nonconforming in a commercial zoning district may be permitted for transient guest lodging as an accessory use.
- C. For Two- and Three-Family Dwellings, only one (1) unit at a time within a building may be used for Transient Guest Lodging.
- D. There shall be no more than one (1) Transient Guest Lodging Booking per dwelling unit at a time.
- E. ~~Transient Guest Lodging is permitted by right when the number of cumulative days booked per calendar year shall not exceed ninety (90) for the entire structure, inclusive of all dwelling units. The maximum number of days is cumulative across any one calendar year period. A Conditional Use Permit is required in~~ In order to be potentially allowed more than ninety (90) total days per year, the use ceases to be considered an accessory use for Transient Guest Lodging; instead, a Conditional Use Permit must be sought for a principal use as a Bed & Breakfast.
- F. For Transient Guest Lodging accessory uses in the R-1A, R-1B, R-2A and R-3 districts, at least one (1) of the dwelling units within the structure must be the owner's primary residence. "Primary residence" is as defined in subsection (G) below. In order to demonstrate that a unit is a primary residence, owners shall provide to the Community Development Department a signed and notarized affidavit attesting to this fact. The Department also reserves the right at any time to request copies of one or more of the following documents to further assist in proving ownership and residency: (1) motor vehicle registration; (2) driver's license; or (3) voter registration.
- G. For purposes of applying the standards of this subsection (6), "primary residence" shall be defined as the main home of an individual. An individual has only one primary residence at a time. If an individual owns and lives in just one dwelling unit, then that dwelling unit is their primary residence. If an individual owns or lives in more than one dwelling unit, then the individual must apply a "facts and circumstances" test to determine which dwelling unit is their primary residence. While the most important factor is where the individual spends the most time, other factors are relevant as well. The more of these factors that are true of a home, the more likely that it is a primary residence. Factors include, but are not limited to, the address listed on an individual's Ohio-issued driver's license or identification card, voter registration, federal and state tax returns, and/or vehicle registration.

H.F. A Transient Guest Lodging use that cannot meet the standards provided above in subsections (A) – (G) may seek approval of a Conditional Use Permit for a principal use as a Bed & Breakfast in accordance with Chapter 1147.

I.G. All dwellings being utilized for Transient Guest Lodging shall be registered with the City pursuant to Chapter 743 of the Oxford Codified Ordinances.

(Ord. 3429. Passed 9-19-17. Subsection (6) added by Ord. 3582, passed 9-15-20. Subsections (a)(3) & (c)(4) amended by Ord. 3610, passed 1-19-21.

1141.02 – Temporary regulations.

(a) Purpose.

Temporary uses shall be permitted in applicable zone districts by the grant of a Zoning Permit issued by the Zoning Administrator in accordance with the requirements of this section. Failure to obtain a zoning permit shall be a violation of this Ordinance.

(b) General Provisions.

- (1) The duration of the temporary period is stated hereinafter, provided, however, renewal of such permit may be requested.
- (2) Temporary uses shall be subject to all site development regulations of the applicable zoning district.
- (3) No required off-street parking space(s) shall be occupied by the temporary use.

(c) Permitted Temporary Uses.

Permits shall be required, unless otherwise exempted, for the following temporary uses, provided that they meet these requirements:

(1) Construction Facilities.

- A. Construction trailer, shed or staging yard area incidental to a construction project.
- B. The trailer, shed or staging yard area shall be located on the lot on which construction takes place unless otherwise approved by the City Manager.
- C. The trailer, shed or staging yard shall not be located within twenty-five (25) feet of any abutting residential or non-residential structure and shall meet the setbacks of the district in which it is located.
- D. A trailer shall be limited to one (1) in a residential district and two (2) in a non-residential district and only be used for a field office and for the temporary storage of building materials and equipment necessary for the construction site.
- E. A maximum of an eight foot high temporary fence is permitted around the boundaries of the construction site.
- F. Such fencing, trailer, shed or staging yard shall be removed within thirty (30) days once that construction ceases.
- G. On-site sanitary facility shall not be located within ten (10) feet of any property line or right-of-way line.

(2) Temporary Shelter.



ZONING TEXT AMENDMENT APPLICATION

Please print legibly. To apply, email completed form and plans in PDF format to commdev@cityofoxford.org

BOX 1 | APPLICATION DETAILS

Section 1141.01 - Accessory, Temporary, Supplemental and Environmental Regulations	
List Affected Code Chapters/Sections	
Proposed Amendment Description	Require primary residency for Transient Guest Lodging in the R-1A, R-1B, R-2A and R-3 Districts.

BOX 2 | APPLICANT INFORMATION

Applicant Name	Sam Perry
Applicant Company Name	City of Oxford
Mailing Address	15 South College Ave.
Email Address	sperry@cityofoxford.org
Telephone Number	513-524-5204

BOX 3 | ATTACHMENT CHECKLIST

Submit all contents in **PDF format**. No printed copies are necessary.

☒ **Narrative Letter** addressing all components required by [Section 1135.02\(b\)\(1\)](#) – more information on Page 3

Note: Upon checking an application for completeness, staff may require additional information and/or materials above and beyond the items listed above in order to perform a complete evaluation for compliance with relevant Code provisions. You are welcome to contact Community Development at 513-524-5204 ahead of submission to determine whether additional items may be required.

BOX 4 | APPLICANT SIGNATURE

<i>As the owner or owner's agent, I hereby agree all information contained in this application is true, accurate, and complete to the best of my knowledge. I acknowledge the application will first be checked by City staff for completeness prior to determining a first meeting date with the Planning Commission.</i>	
Applicant Name (Print) Sam Perry	
Applicant Signature 	Date 3/27/24

Processing Fee

The appropriate processing fee amount will be determined during a completeness check by Community Development staff. It may take 1-2 business days for a completeness check to be performed. The applicant will receive a digital copy of a processing fee invoice via email once it is ready. Fees may be paid in-person by check or credit card at the Finance Department window on the first floor of the Oxford Municipal Building, 15 S College Avenue, Oxford OH 45056. For credit card payments, the City accepts Visa, MasterCard, or Discover, and such payments may also be taken over the phone by calling our Finance Department Utilities line at 513-524-5221, Option 1.

Narrative/Cover Letter Requirements

For source text see Oxford Zoning Code [Section 1135.02\(b\)\(1\)](#)

- A general description of the proposed amendment.
- A narrative statement that describes how the proposed amendment relates to the [Comprehensive Plan](#).
- A statement that identifies potential negative consequences of the proposed amendment.
- Any existing section number and text that is proposed to be deleted or amended.
- Any new or amended text as it is proposed to be codified including its proposed location in the Code (Section numbers).
- A narrative statement that describes the expected effects of the proposed text.
- A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.
- Such other information regarding the proposed amendment as may be pertinent to the application.

Decision Standards

For source text see Oxford Zoning Code [Section 1135.02\(c\)](#)

The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

A proposed amendment shall be approved if its benefits will likely outweigh any potential pitfalls, and if **at least one (1)** of the following criteria is met:

- A. The proposed amendment will make the Code conform more closely with the Comprehensive Plan.
- B. The proposed amendment will improve the health, safety, and general welfare of Oxford.
- C. The proposed amendment will clarify the intent of the Code.
- D. The proposed amendment will better implement the intent of the Code.
- E. The proposed amendment will improve enforcement of the Code.



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	City Manager
PREPARED BY:	Douglas Elliott
DATE PREPARED:	7/29/2024
COUNCIL MEETING DATE:	August 20, 2024
AGENDA TITLE:	An Ordinance Repealing And Replacing Ordinance No. 3758 Limiting The Number Of Non-Medical Cannabis Dispensary Licenses To Two In The City Of Oxford And Designating The Locations For These Two Non-Medical Cannabis Dispensaries At The Current Existing Locations For The Two Medical Cannabis Dispensaries. (Douglas R. Elliott, Jr., City Manager)
COUNCIL GOAL AREA:	A Thriving and Resilient Year-Round Economy
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approval
CITY MANAGER/DEPT HEAD APPROVAL:	DRE

DISCUSSION:

RJK Holdings of Ohio, LLC operating as Pure Iconic located at 5280 College Corner Pike plans to relocate to 5640 College Corner Pike since the company owns the building. Ordinance No. 3758 adopted by City Council on January 16, 2024 designated locations for two non-medical cannabis dispensaries at the current existing medical marijuana locations. The proposed ordinance will repeal and replace Ordinance No. 3758 dealing with non-medical cannabis dispensaries. This replacement ordinance will permit the relocation of Pure Iconic from 5280 to 5640 College Corner Pike. This replacement ordinance will not change the number of allowed non-medical marijuana dispensaries in the City of Oxford which remains at 2.

ORDINANCE NO.

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 3758 LIMITING THE NUMBER OF NON-MEDICAL CANNABIS DISPENSARY LICENSES TO TWO IN THE CITY OF OXFORD AND DESIGNATING THE LOCATIONS FOR THESE TWO NON-MEDICAL CANNABIS DISPENSARIES AT THE CURRENT EXISTING LOCATIONS FOR THE TWO MEDICAL CANNABIS DISPENSARIES.

WHEREAS, a majority of Ohio voters approved Issue 2 on the November 2023 ballot to legalize the possession and use of marijuana by individuals age 21 and over, and

WHEREAS, the initiated statute provides for the sale of marijuana by state-license dispensaries to individuals age 21 and over, and

WHEREAS, the new Division of Cannabis Control within the Ohio Department of Commerce has nine months from the effective date of the election to adopt rules necessary to implement the initiated statute, and

WHEREAS, the initiated statute permits a municipality to limit or prohibit the number of adult use cannabis operators, and

WHEREAS, the initiated statute provides that each current medical marijuana dispensary will receive a non-medical cannabis dispensary license, and

WHEREAS, Council approved Ordinance No. 3758 on January 16, 2024 which limited the number of non-medical cannabis dispensary licenses to two in the City of Oxford and designating the locations for these two non-medical cannabis dispensaries at the current existing locations for the two medical cannabis dispensaries.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OXFORD HEREBY ORDAINS THAT:

SECTION 1: The number of non-medical cannabis dispensary licenses permitted in the City of Oxford will be 2.

SECTION 2: The designated locations for these two non-medical cannabis dispensaries will be at the current existing locations for the two medical cannabis dispensaries at 3620 Southpointe Parkway and 5280 College Corner Pike, except that either may relocate only upon prior approval of the City of Oxford in its sole discretion, to include from 5280 College Corner Pike to 5640 College Corner Pike.

SECTION 3: No other non-medical cannabis dispensaries will be permitted in the City of Oxford.

SECTION 4: This ordinance shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	City Manager
PREPARED BY:	Jessica Greene
DATE PREPARED:	7/30/2024
COUNCIL MEETING DATE:	August 20, 2024
AGENDA TITLE:	An Ordinance By Oxford City Council Authorizing The City Manager To Take All Action Necessary, Including But Not Limited To The Negotiation And Execution Of Purchase And Sale Agreement, For The Sale Of Certain Real Property Located In The City Of Oxford, Ohio, To Habitat For Humanity Of Greater Cincinnati. (Jessica Greene, Assistant City Manager)
COUNCIL GOAL AREA:	Housing Opportunities for Everyone
BUDGETED AMOUNT:	\$1.00
ACCOUNT CODE:	
RECOMMENDATION:	Approval
CITY MANAGER/DEPT HEAD APPROVAL:	Jessica Greene

DISCUSSION:

In 2020, the City conducted a Housing Needs Assessment that outlined a critical need for affordable housing in the Oxford Community. In 2021, the Oxford City Council identified Housing for All as a top priority, and in 2023, this was formalized as a city goal in the new comprehensive plan.

Using American Rescue Plan funds, the city purchased 601, 603, and 607 W. Chestnut Street between 2022 and 2023. In November 2023, the Housing Advisory Commission (HAC) published a request for proposals for housing that will serve residents who make up to 80% of the Area Median Income. Three responses were received, and the HAC selected Habitat for Humanity as the preferred developer after the YWCA withdrew their proposal.

In January 2024, City Council agreed to proceed with Habitat for Humanity of Greater Cincinnati and tasked staff with creating a development agreement.

Over the past several months we have been working with Habitat on a proposed ground lease and

development agreement. After several meetings, it became apparent that the ground lease model would be very challenging for Habitat. It would limit their ability to secure funding for the project. Some of these include HUD Home Funds, Habitat Ohio ARPA Allocation, and Federal Home Loan Bank. In addition, some of their private funding through individuals, corporations and private foundations include similar land ownership requirements.

Logistically, a ground lease would be challenging for the City as well. The City would have to enter into a separate ground lease with each of the 38 families who eventually bought the homes. The City would also be a member of the HOA for this community in perpetuity as the landowner.

Attainable home ownership is the goal of Habitat for Humanity. The Habitat model (further emphasized by the requirements of the Welcome Home Ohio Grant) is focused on creating affordable homeownership opportunities and incentives for long-term ownership. This homeownership model contributes to community development as well as generational wealth. There are mechanisms in place to ensure that the initial sale is to a qualified low-to-mid-income homebuyers and that subsequent sales for a period of 20 years are also to qualified homebuyers. However, the Habitat Model also creates a financial incentive for the family to remain in the home for 15-20 years to achieve forgiveness of the second mortgage and release of deed restrictions that will contribute to generational wealth that comes from real estate ownership, equity, and appreciation.

With this information, the strong reputation of Habitat for Humanity, and its trusted model, we recommend this purchase agreement.

Allowing them to have the land for \$1.00 will further the goal of attainable homeownership for our community workforce.

ORDINANCE NO.

AN ORDINANCE BY OXFORD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTION NECESSARY, INCLUDING BUT NOT LIMITED TO THE NEGOTIATION AND EXECUTION OF PURCHASE AND SALE AGREEMENT, FOR THE SALE OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF OXFORD, OHIO, TO HABITAT FOR HUMANITY OF GREATER CINCINNATI.

WHEREAS, the 2023 Oxford Comprehensive Plan has a goal of Housing for Everyone and an objective to ensure housing affordability and attainability for all income levels; and

WHEREAS, the City used American Rescue Plan Act funds to purchase 601 W. Chestnut Street, Oxford, Ohio 45056 (Parcel No. H4100121000007); 603 W. Chestnut Street, Oxford, Ohio 45056 (Parcel No. H4100121000006); and 607 W. Chestnut Street, Oxford, Ohio 45056 (Parcel No. H4100121000125) (collectively, the "Property") for the purpose of affordable housing development; and

WHEREAS, on January 16, 2024, the City Council accepted the recommendation of the Housing Advisory Commission to partner with Habitat for Humanity of Greater Cincinnati ("Habitat") to construct and manage up to thirty-eight (38) units of housing to serve residents at or below 80% of the Area Median Income (the "Project"); and

WHEREAS, the City has or will enter into a Development Agreement (the "Development Agreement") with Habitat that includes certain representations, warranties, and requirements of Habitat as it relates to the Project for at least twenty (20) years; and

WHEREAS, the City has determined that the sale of the Property to Habitat for the nominal consideration of One Dollar (\$1.00) (the "Purchase Price") in consideration of Habitat entering into the Development Agreement with the City for the purposes of the Project is in the best interests of the City and its residents; and

WHEREAS, the City desires to authorize the execution and delivery of a Purchase and Sale Agreement and any and all other documents necessary to effectuate the sale of the Property to Habitat.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OXFORD HEREBY ORDAINS THAT:

SECTION 1: The City Manager is hereby authorized and directed to execute and deliver on behalf of the City a Purchase and Sale Agreement (the "Agreement") with Habitat, in substantially the form attached hereto as Exhibit A, providing for the sale of the Property to Habitat for the Purchase Price of One Dollar (\$1.00), subject to the terms and conditions set forth in the Agreement and the Development Agreement, including a deed restriction of affordability for future home sales for a period of twenty (20) years.

SECTION 2: The City Manager, the Law Director, and other appropriate officers of the City are hereby authorized to prepare and execute all documents and to take all actions necessary or appropriate to effectuate the sale of the Property to Habitat pursuant to the Agreement, including, without limitation, the execution and delivery of deeds, affidavits, settlement statements, and other customary closing documents.

SECTION 3: This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY
PREPARED BY: LAW (STAFF)

PURCHASE AND SALE AGREEMENT

THIS REAL ESTATE PURCHASE AND SALE AGREEMENT ("Agreement") is entered into this ____ day of _____, 2024, by and between **THE CITY OF OXFORD, OHIO**, an Ohio municipal corporation (the "Seller"), and **HABITAT FOR HUMANITY OF GREATER CINCINNATI**, an Ohio corporation for non-profit (the "Buyer").

1. Property. Seller agrees to sell, and Buyer agrees to purchase, the real property described in **Exhibit A** to this Agreement and commonly known as 601 W. Chestnut Street, Oxford, Ohio 45056, being Butler County Parcel No. H4100121000007; 603 W. Chestnut Street, Oxford, Ohio 45056, being Butler County Parcel No. H4100121000006; and 607 W. Chestnut Street, Oxford, Ohio 45056, being Butler County Parcel No. H4100121000125 (collectively, the "**Property**"). The purchase and sale of the Property will be at the price and upon the terms and conditions in this Agreement.

2. Purchase Price. The purchase price for the Property is One Dollar (\$1.00) (the "**Purchase Price**").

3. Title Matters; Inspections; Revisionary Interest.

a. Review of Title. Buyer shall, at its own expense, order a standard ALTA Form B commitment for owners' title insurance for the Property (the "**Title Commitment**"). If Buyer determines the Title Commitment reveals any unacceptable title matters, then Buyer shall deliver written notice to Seller of such unacceptable title matters within thirty (30) days after the Effective Date (the "**Title Review Period**"). Buyer's failure to deliver to Seller written notice of unacceptable title matters within the Title Review Period will constitute Buyer's acceptance of title to the Property and the waiver of any claim of defects. If Buyer timely delivers written notice of any unacceptable title matters, Seller will have the option, but not the obligation, to remove or otherwise remedy the unacceptable matters within thirty (30) days after the date Seller receives Buyer's written notice of unacceptable title matters (the "**Cure Period**"). If Seller elects not to remove or remedy the unacceptable title matters, then either Seller or Buyer will have the right to terminate this Agreement by written notice delivered to the other. Upon a party's receipt of a notice of termination delivered according to this paragraph, the parties will have no further obligations pursuant to this Agreement except those that are stated as surviving expiration or termination of this Agreement.

b. Deed; Title Insurance Upon satisfaction of all terms and conditions in this Agreement, Seller will deliver to Buyer at closing a quit claim deed to the Property. Buyer will pay the costs of the owner's title insurance policy if Buyer elects to obtain such insurance.

c. Revisionary Interest. As a material inducement to Seller's agreement to sell the Property pursuant to this Agreement, including the agreement upon a price of \$1.00, Buyer agrees to enter into a Development Agreement with the City of Oxford (the "**Development Agreement**") for the purposes of constructing up to thirty-eight (38) units of affordable housing (each a "**Unit**," or collectively, the "**Units**") and the management of such housing (collectively, such work is referred to as the "**Project**"). Buyer agrees that Seller will have a right of reverter in the Property, which right has been established in Seller's deed to Buyer. Buyer understands and acknowledges that Buyer's agreements, representations, and warranties stated in this Agreement and the Development Agreement are material inducements to Seller entering into this Agreement and transferring the Property to Buyer, and Seller would not do so without Buyer's commitment to timely complete Buyer's obligations in this Agreement and the Development Agreement. The Buyer will promptly notify Seller of the commencement and completion of construction on the Project, and upon request, Buyer will provide Seller with documentation reasonably requested by Seller to establish the progress of the Project. If Seller has not received the requested information, Seller will have the option, but will not be obligated to, enter the Property and inspect the Project to determine the

Purchase and Sale Agreement

Page 1 of 7

status of construction or operation of the Project. Buyer hereby acknowledges and agrees that Seller's determination on whether construction or operation of the Project has commenced will be made in Seller's sole discretion, and Buyer will be bound by Seller's determination.

4. Closing Costs. Buyer will pay when due or at closing all costs and charges of closing, including without limitation, the following: closing and escrow charges; title examination, commitment, and policy charges and premiums; conveyance fees and transfer taxes owed to Butler County, if any; loan fees and costs associated with Buyer's loan for the Property, if any; and charges owed to third parties for inspection, survey, or other investigation of the Property. There will be no proration of real estate taxes or assessments at closing. Buyer will timely pay all installments of real estate taxes and assessments that are due and payable after closing.

5. Buyer's Representations, Warranties and Covenants. Buyer makes the following representations and warranties to Seller as of the date Buyer signs this Agreement and again as of the date of closing, and these representations and warranties will survive the closing without limitation. Buyer acknowledges that Seller is entering into this Agreement with Buyer based on the truth and completeness of Buyer's representations regarding the following matters. Buyer acknowledges, represents, warrants, and covenants to Seller as follows:

a. Neither Buyer nor any entity in which Buyer holds an ownership interest (i) currently owns or has owned any real property in the City of Oxford that is in material violation of state and/or local codes or other legal requirements or owns any real property that is currently tax delinquent.

b. All information provided by Buyer to Seller with respect to Buyer, Buyer's financial resources, Buyer's financing for its planned project at the Property, and Buyer's business is accurate and complete in all material respects.

c. Buyer is familiar with and understands the zoning classification and zoning requirements applicable to the Property. If the Property is subject to any covenants, restrictions, or other requirements, then upon closing, Buyer will fully review and accept the Property subject to such covenants, restrictions, and requirements.

d. Seller, its officials, employees, agents, contractors, and representatives (collectively called "**Seller Parties**") have made no representations or warranties to Buyer about any matters concerning the Property, verbally or in writing, and Seller disclaims any and all representations and warranties. Specifically, and without limiting the foregoing, Seller and Seller Parties make no representations whatsoever about the existence of any potential environmental hazards at the Property, and Buyer waives and will hold harmless Seller and Seller Parties from and against all claims and liabilities for any harmful effects related to any environmental hazards. Buyer understands that these potential environmental hazards include, but are not limited to, lead-based paint, asbestos, urea-formaldehyde foam insulation, radon gas, mold or black mold, or any other potentially toxic substances.

e. If Buyer elects to proceed to closing, Buyer represents and warrants the following as of closing: (i) Buyer was given sufficient opportunity to fully inspect the Property, and Buyer is fully aware of its physical condition; (ii) Buyer is accepting the Property in "AS IS, WHERE IS" condition with any and all defects; (iii) Buyer acknowledges that there may be both patent and latent defects in the Property, and neither Seller nor any Seller Parties make any representations, warranties, or agreements with respect to the same.

f. If any materials or information are given to Buyer by Seller or any Seller Parties, Buyer understands that Seller and Seller Parties make no representations or warranties regarding the accuracy of the materials or information or that copies provided are complete. Buyer acknowledges and understands that all such materials and information are made available only for Buyer's convenience in making its own inspections of the Property, and Buyer will not rely on any materials or information supplied by Seller or Seller Parties.

g. From and after the closing, Buyer will have sole and complete responsibility for maintaining the Property and will maintain the Property in compliance with all applicable legal requirements and otherwise in good and safe condition and repair.

h. As of the closing date, Buyer will be solely responsible for payment of all utility and trash service charges and will pay the charges when due.

i. As a material inducement to Seller's agreement to sell the Property pursuant to this Agreement, including the agreement upon a price of \$1.00, Buyer agrees to use good faith efforts to sell all Units pursuant to the Development Agreement, and if necessary, Seller will record any necessary restrictions or covenants against the Units as referenced in, or subject to, the Development Agreement, or necessary for the furtherance of the Project, and these restrictions or covenants will run with the land.

Buyer's representations, warranties, and covenants will survive the termination or expiration of this Agreement or the closing, as applicable, without limitation.

6. Seller's Representations, Warranties and Covenants. Seller represents and warrants to Buyer as follows:

a. Seller is an Ohio municipal corporation validly existing under the laws of the State of Ohio.

b. Seller has the full right, power, and authority to enter into, carry out, and perform this Agreement without obtaining any further approvals or consents.

c. To Seller's knowledge, there are no threatened or pending annexation, condemnation, or other judicial or administrative proceedings against or affecting any part of the Property.

All of Seller's representations and warranties shall be repeated and true at and as of the Closing Date.

7. Indemnity and Insurance. Buyer will indemnify, hold harmless, and defend Seller and Seller Parties from and against any and all liabilities, claims, damages, losses, actions, costs, and expenses, including without limitation, court costs and legal fees, arising out of or associated with, whether directly or indirectly, Buyer's entry, presence, inspection, or investigation on or of the Property or, if Buyer elects to proceed to closing, Buyer's work at or on the Property. The foregoing obligation will survive the termination or expiration of this Agreement or the closing, as applicable.

8. Damage or Destruction. Except for damage caused by Buyer or Buyer Parties (as defined below), risk of loss will remain on Seller until closing, and in the event of any damage or destruction to the Property before closing, Seller or Buyer may elect, in their respective sole discretion, to terminate this Agreement by written notice to the other. If this Agreement is not terminated, then at Seller's sole option, Seller may make insurance proceeds available to Buyer for use in the repair or restoration of the Property. If the damage or destruction was caused by Buyer or Buyer's employees, agents, contractors, or representatives (collectively called "**Buyer Parties**"), and the parties do not proceed to closing, then Buyer

will be responsible for all repairs and restoration to the Property as required to restore the Property to the same or better condition as existing before the damage or destruction, or if Seller elects, Buyer will be responsible for demolition of the structures at the Property and clearing of all demolition debris as required to put the Property in a safe condition, and Seller will have the right, if Seller elects, to designate the contractor to perform the demolition and restoration work.

9. Condemnation. If, before the closing, the Property is subject to any taking by eminent domain or a threat of eminent domain, Seller and Buyer each will have the right to terminate this Agreement by written notice delivered to the other, in which case, the parties will be relieved of all further obligations under this Agreement except those stated as surviving termination, and any and all awards and compensation in connection with any taking will be paid solely to Seller.

10. Closing. The closing of the transactions provided in this Agreement will occur within thirty (30) days after the end of the Title Review Period or such earlier date agreed to by the parties.

11. Default. If either party defaults in the performance of any of its obligations under this Agreement, then in addition to the rights and remedies provided by this Agreement, the non-defaulting party may pursue all remedies available at law or in equity, which will include the right to sue for and collect court costs and legal fees associated with the other party's default and rights to obtain temporary and/or permanent injunctive relief without the necessity of proving actual damages. The parties' rights and remedies will be separate, distinct, and cumulative, and none of them will be exclusive of the others. The non-defaulting party may pursue its rights and remedies concurrently or in any sequence.

12. Assignment. Buyer will not assign this Agreement or encumber or transfer any interest in this Agreement or the Property without the Seller's prior written approval, which may be given or withheld in Seller's sole discretion.

13. Notices. All notices and other communications given under this Agreement will be in writing, and will be deemed sufficiently given when personally delivered or when deposited in the United States Mail, postage prepaid, certified or registered, or when delivered by a nationally recognized overnight delivery service and addressed as follows (or to such person, or to such other address, of which any party will have given written notice as provided in this Agreement):

If to Seller: City of Oxford
15 S. College Ave
Oxford, Ohio 45056
Attention: Jessica Greene

With Copy To: Coolidge Wall Co., L.P.A.
33 W. First Street, Suite 600
Dayton, Ohio 45402
Attention: Christopher R. Conard

If to Buyer: Habitat for Humanity of Greater Cincinnati
4910 Para Drive
Cincinnati, Ohio 45237

With Copy To: Christian D. Donovan
1160 Dublin Road, Suite 400
Columbus, OH 43215

Any notice or other communication mailed as provided above will be deemed effectively given on the date of delivery if delivered by hand or on the date received or refused if sent by overnight express delivery or if sent by U.S. Mail.

14. Binding Effect. This Agreement will be binding upon and inure to the benefit of the Seller, Buyer, their respective executors and/or administrators, heirs, successors, and assigns, as applicable.

15. Real Estate Commissions. Seller and Buyer each represent and warrant to the other that it has not engaged a broker, and will not engage a broker, in connection with the transaction referenced in this Agreement. Seller and Buyer each agree to indemnify the other against any claims made by any broker or agent who claims by, through, or under such party, with respect to this transaction.

16. Effective Date. The "**Effective Date**" means the last of the following dates: (a) the date this Agreement is executed by Buyer, or (b) the date this Agreement is executed by Seller.

17. Complete Agreement. If any term or provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, the other provisions of this Agreement will remain in full force and effect. Any term or provision of this Agreement that is held invalid or unenforceable by a court of competent jurisdiction only in part or degree will remain in full force and effect to the extent not held invalid or unenforceable. This Agreement supersedes all other agreements and understandings between the parties, oral or written, and constitutes the entire agreement between the parties with respect to the subject matter covered by this Agreement. No amendment or modification will be effective unless it is in writing and signed by Buyer and Seller and dated subsequent to the date of this Agreement. This Agreement will be governed by the laws of the State of Ohio. Time is of the essence with respect to the performance of all obligations under this Agreement. All terms, conditions, and agreements of this Agreement will survive the closing without limitation.

[Signature Page to Follow]

Executed by the parties effective as of the date first stated in this Agreement.

SELLER:

CITY OF OXFORD
an Ohio municipal corporation

By: _____
Name: _____
Title: _____

BUYER:

HABITAT FOR HUMANITY OF GREATER
CINCINNATI
an Ohio corporation for non-profit

By: _____
Printed Name: _____
Title: _____

EXHIBIT A

Legal Description of Property

Parcel One:

Situate in the County of Butler, in the State of Ohio and in the City of Oxford and being Lot Numbered 1669 in the City of Oxford, Butler County, Ohio.

PPN: H4100121000007

Property Address: 601 W. Chestnut Street

Parcel Two:

Situate in the County of Butler, in the State of Ohio and in the City of Oxford:

Entire Inlot 1670 in the City of Oxford, Butler County, Ohio.

PPN: H4100121000006

Property Address: 603 W. Chestnut Street

Parcel Three:

Situate in the County of Butler, in the State of Ohio and in the City of Oxford:

Entire Lot numbered Three Thousand Seven Hundred Ninety-eight as known and designated in the City of Oxford, Butler County, Ohio.

PPN: H4100121000125

Property Address: 607 W. Chestnut Street