



AGENDA
PLANNING COMMISSION
TUESDAY, December 10, 2024
7:00 P.M.

MEMBERS

Corey Watt, Chair, HAPC Rep.

Shana Rosenberg, Vice Chair, HAC Rep.

Jason Bracken, Council & Environmental Commission Rep.

David Prytherch, Council Rep.

Ann Kaufman Webster, CASC Rep.

Matt Arbuckle, OPTAB Rep.

Jeffrey Kruth, CIC Rep.

STAFF

Sam Perry, Director, Community Development

Zachary Moore, City Planner / GIS Coordinator

Christopher Conard, Law Director

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 will be heard under Public Comments Related to Items not on the Agenda – and
(2) Comments for all public hearing items will be heard during Planning Commission consideration of said item. Please wait until you are recognized by the Chair, state your name and address so that your comments may be properly recorded and limit your remarks to a period of three minutes or less.

- I. Call to Order
- II. Approval of Agenda
- III. Approval of Minutes of November 12, 2024 1
- IV. Public Comments Related to Items Not on the Agenda
- V. Reports from Commissions, Boards, Committees & Staff
- VI. New Business
 - PC-2024-17, 601, 603, 607 W Chestnut Street, PRELIMINARY & FINAL PLANNED DEVELOPMENT, 32 townhomes, Habitat for Humanity, Adam Nelson, Applicant/Agent **Voluntarily postponed by applicant** 5
 - PC-2024-18, 601, 603, 607 W Chestnut Street, PRELIMINARY SUBDIVISION, 32 townhomes, Habitat for Humanity, Adam Nelson, Applicant/Agent **Voluntarily postponed by applicant** 5
 - PC-2024-20, ZONING TEXT AMENDMENT** to increase allowable floor area for retail services from 10,000 to 20,000 square feet in the Uptown Zoning District, **Seth**

Cropenbaker, Applicant	8
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PC-2024-19, ZONING TEXT AMENDMENT to facilitate a new site plan review process for alley lots that do not have frontage on a public street, Sam Perry, Applicant	36
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VII. Adjournment	
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OXFORD PLANNING COMMISSION

Meeting Minutes

Tuesday, November 12, 2024

[Link for website video here](#)

Roll Call

Corey Watt, Chair

Shana Rosenberg, Vice Chair

Ann Kaufman Webster

David Prytherch

Jason Bracken

Jeffrey Kruth

Matt Arbuckle

Time: 10:00

A regular meeting of the Oxford Planning Commission was called to order by Chair Corey Watt on Tuesday, November 12, 2024 at 7:00 p.m.

Members in attendance were Ann Kaufman Webster, David Prytherch, Shana Rosenberg, Jeffrey Kruth, Matt Arbuckle, and Jason Bracken

Members excused: None

Staff Members in Attendance

Mr. Sam Perry, Director, Community Development, Mr. Zachary Moore, City Planner/GIS

Coordinator, Mr. Christopher Conard, Law Director, Ms. Eunike Miller, Administrative Assistant

Staff Members Excused

None

Approval of the Agenda

[Time: 10:14](#)

Motion – To Approve the Agenda

(Voice Vote) 1st Mr. Prytherch

2nd Mx. Rosenberg

AYE: (7)

NAY: (0)

ABS: (0)

Approval of Minutes of August 13, 2024

[Time: 10:27](#)

Motion – To Approve the minutes as written

(Voice Vote) 1st Mr. Prytherch

2nd Mr. Kruth

AYE: (7)

NAY: (0)

ABS: (0)

Public Comments Related to Items Not on the Agenda

[Time: 10:53](#)

Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items not on the Agenda will be heard under Public Comments Related to Items not on the Agenda - and (2) Comments for all public hearing items will be heard during Planning Commission consideration of said item. Please wait until you are recognized by the Chair, state your name and address so that your comments may be properly recorded and limit your remarks to a period of three minutes or less.

There were no comments from the public.

Reports from Commissions, Boards, Committees & Staff

[Time: 11:14](#)

New Business

PC-2024-13

Time: 25:33

Page 6 of the Agenda Packet

1. 110 S Locust Street, CONDITIONAL USE, indoor entertainment facility, Scott Webb,
Architect, Applicant/Agent

Motion – To Enter into Public Hearing

(Voice Vote) 1st Mr. Prytherch

2nd Mx. Rosenberg

AYE: (7)

NAY: (0)

ABS: (0)

Mr. Zachary Moore, City Planner, presented the staff report and addressed the questions from the Commission members.

Mr. Scott Webb, Architect, spoke on behalf of the business owner and answered the questions the Commission members had. Mr. Baker, business owner, was in attendance as well. Mr. Baker did not have any comments to offer.

Comments from the Public

There were no comments from the public.

Motion – To Close Public Hearing

(Voice Vote) 1st Mr. Prytherch

2nd Ms. Webster

AYE: (7)

NAY: (0)

ABS: (0)

Motion – To Approve the Conditional Use with staff's recommendations

(Roll Call) 1st Mr. Prytherch

2nd Mr. Bracken

AYE: Mr. Kruth, Ms. Webster, Mx. Rosenberg, Mr. Arbuckle, Mr. Prytherch, Mr. Bracken, Mr. Watt
(7)

NAY: None (0)

ABS: None (0)

Motion to Adjourn Meeting at 7:47 p.m.

Time: 55:19

(Voice Vote) 1st Mx. Rosenberg

2nd Mr. Bracken

AYE: (7)

NAY: (0)

ABS: (0)



MEMORANDUM
Community Development Department
513-524-5204

TO: Oxford Planning Commission

FROM: Zachary Moore, AICP
City Planner / GIS Coordinator

DATE: December 5, 2024

RE: Case No. PC-2024-17 & PC-2024-18 | 601/603/607 W Chestnut Street

STATUS SUMMARY

Habitat for Humanity of Greater Cincinnati (hereafter “Habitat”) has submitted applications for approval of a: (1) **Preliminary/Final Planned Development**, assigned Case No. PC-2024-17; (2) **Preliminary Subdivision**, assigned Case No. PC-2024-18; and (3) **Final Subdivision**, assigned Case No. PC-2024-16. While the first two applications require a recommendation from the Planning Commission before reaching City Council, the lattermost only requires review by Council.

Based on comments received from the Service Department Engineering Division, Community Development staff made a recommendation to Habitat to **voluntarily postpone** consideration of the application at a public hearing to, at the earliest, the January 14 Planning Commission meeting. Habitat has agreed to this recommendation. In response, staff has informed known contacts residing on Charleston Drive and Marilyn Drive of the expected delay.

In the coming days, staff expects additional plan revisions to be received from the project engineer, Bayer Becker c/o John Bayer PE. The requested revisions relate to the proposed street profile and on-street parking orientation, which are details subject to the discretion of the City Engineer and not under the direct purview of the Planning Commission.

HOW TO ACCESS THE LATEST SUBMITTAL

A copy of the Courtesy Notice mailed to surrounding property owners is attached to this memo. The Notice contains instructions to access the City’s online **Planning & Zoning Case Viewer** where submitted plans and materials can be viewed via a link to a publicly accessible Google Drive. Please note that a complete staff report will be prepared and released to the Commission once plans are revised in a manner that can produce a favorable recommendation.

RECOMMENDATION

Staff recommends the Commission **open and continue/postpone the public hearing** to the January 14 meeting.



Courtesy Notice

Upcoming Planning & Zoning Case

You are receiving this notice because your property is located within 200 feet of a site set for consideration by the Oxford Planning Commission and City Council for future development that requires special approval.

CASE NO.: PC-2024-16 | PC-2024-17 | PC-2024-18

CASE TITLE: 601, 603 & 607 W Chestnut Street, PLANNED DEVELOPMENT & SUBDIVISION, 32 townhomes, Habitat for Humanity c/o Adam Nelson, Applicant/Agent

HEARING DATE: Tuesday, December 10, 2024, 7:00pm

LOCATION: Oxford Courthouse, 118 West High Street, Oxford OH 45056

DESCRIPTION: The subject site, totaling approximately 3.5 acres in size, consists of three (3) residential parcels acquired by the City of Oxford between June 2023 and January 2024 for the purpose of increasing affordable housing supply. In January 2024, City Council selected Habitat for Humanity of Greater Cincinnati to help construct up to 38 dwelling units for individuals or families at or below 80% of Area Median Income (AMI). In order to accomplish the desired level of density, the parcels were rezoned from the R-1A zoning district to the R-2A district in February 2024. Pursuant to their agreement with the City, Habitat for Humanity now seeks approval of Planned Development & Subdivision applications in order to move forward with developing a total of 32 townhomes. The development is proposed to consist of 5 buildings, with one building containing 8 units, two buildings containing 7 units each, one building containing 6 units, and one building containing 4 units. Each unit would reside on its own lot, with its own front door and dedicated parking pad in the rear. Access would be provided via a new public street, as well as several private alleys.

FREQUENTLY ASKED QUESTIONS:

What role do I have in this process?

As an owner of nearby property, the development under consideration has potential to impact you in ways that differ from current conditions. If there are concerns surrounding certain impacts, such as those related to traffic, noise, odors, lighting, use, etc., we would encourage contacting the City to express those concerns and/or attending the upcoming hearing to deliver comments directly to decision makers. Comments or questions may be emailed to City Planner Zachary Moore at zmoore@cityofoxford.org, or call us at 513-524-5204. If there are tenants on your property, we encourage you to notify them as well.

What role does the City of Oxford have in this process?

It is the responsibility of hired professional City staff to review plans for compliance with local Code requirements, and in turn make a recommendation to decision-making bodies on whether a particular request should be approved, approved with conditions, or denied.

How can I view submitted plans and other relevant information?

A sample image of the latest plans received is included on the back side of this notice. Please note these images may not be exhaustive of all details currently under consideration. To view the complete set of documents submitted, we encourage you to visit cityofoxford.org/gis and select the link for the **Planning & Zoning Case Viewer**. Use the search bar in the upper right hand corner to enter Case No. **PC-2024-17**; searching will allow you to access a link to digital files stored online in a publicly accessible Google Drive folder. You can always view the most up to date Planning Commission meeting details, agendas, and files at any time by going to cityofoxford.org/agendas. Agenda packets, which reveal any plan revisions as well as City staff's report and recommendations, are usually posted the Thursday or Friday before the meeting.

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant	City of Oxford Economic Development Specialist, Seth Copenbaker
Action Request	Text Amendment Increasing Allowable Retail Floor Area
Initiation Date	November 7, 2024
Affected Section	Oxford Zoning Code Section 1143.10 – Uptown District
Staff Recommendation	Table

PROPOSAL SUMMARY

This proposed text amendment is brought forward by City staff Economic Development Specialist, Seth Copenbaker. The intent is to increase the likelihood of the occupancy of ground floor tenant spaces during the initial construction phase of buildings within the Uptown District. Expanding upon Mr. Copenbaker's narrative, there are currently two large potential redevelopment sites within the Uptown District that could benefit from this text amendment. Currently, any retail or personal service utilizing over 10,000 square feet, is required to apply for a Conditional Use Permit prior to construction permitting or occupancy approval. The proposed amendment would increase the threshold to 20,000 square feet. Uptown ¼ blocks are approximately 20-24,000 square feet. Therefore, the proposed new threshold would expand the potential size of one business from roughly 1/8 block to ¼ block without any conditional use permit review.

BACKGROUND

The last major amendments to the Uptown Zoning provisions were in 2007 and 2008, following the Oxford Charter amendment, Issue 20, passed by the Oxford electorate. Prior to the Issue 20 Charter amendment, the Uptown area was regulated the same as the surrounding "Mile Square" which did not allow more than three dwelling units per structure. With the removal of the restriction, the Zoning Code needed to be amended to implement the intent of the community at that time. The intent was to incentivize property investment by increasing the number of potential dwellings. In lieu of the dwelling unit cap, a person/square foot limit per land area, was adopted. Ground floor non-residential space was also required, and the threshold for tenant usage was set at 10,000 square feet each. Several new buildings and redeveloped buildings have been constructed since 2008. Owners of two large blocks have expressed interest in redevelopment. One is the former bookstore site at 110 East High Street. The other is the former funeral home site at 101 W. Church Street. These can be challenging sites to develop because of building height limits and topography of a large site. It is unclear if or when either of these site developments will move forward. However, it is clear that new buildings Uptown are typically constructed initially for the upper-level residential tenants. The required ground floor commercial space often lags behind the occupancy of the upper levels, sometimes for many years. The 10,000 square foot threshold does provide a safety valve for additional review. However, it also presents an obstacle that could be resulting in extended

time of ground floor vacancy. The public review process brought about by a Conditional Use, can sometimes raise community concerns that are not tied directly to decision standards, thereby unfairly disadvantaging property owners with approval steps, without a clear public purpose being identified. Therefore, Conditional Use processes should be reserved for unique situations only.

The City has already embarked upon a complete re-write of the entire Zoning Code, through the end of 2025, however, this amendment was believed by staff to be of importance to be addressed in a more expeditious manner, prior to the complete re-write being finished.

DEPARTMENT COMMENTS

Due to a miscommunication, the proposed text amendment package was not shared with other City departments for comment until Wednesday, November 27.

Department	Respondent	Response
Economic Development	Seth Copenbaker, Economic Development Specialist	Shared comment from community member
Engineering	Scott Otto, City Engineer	Not Returned
Fire	John Detherage, Fire Chief	Concern expressed regarding additional bars rather than retail
Police	John Jones, Police Chief	Not Returned

DECISION STANDARDS

Oxford Zoning Code Chapter 1135 outlines the text amendment process and decision standards that the Planning Commission must follow in making its recommendation to Council. At least one of the criteria must be met in order to recommend approval. The decision criteria are as follows and attached in the Appendix:

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

Planning staff agrees with Mr. Copenbaker's citations of the Comp Plan, and also adds Action Item C4-A4, within the Community Well-Being Section: "Consider impact on public safety when making land use decisions."

In addition to the potential economic and place-making benefits, there could be the risk of potential negative impacts on public safety resources. The public safety resource impact would need to be negligible in order for this criteria to be satisfied. However, one must ask the question, "Are there

other codes, processes or tools, outside of Zoning, that could be utilized to minimize negative impact on public safety, while still leveraging new benefits from economic activity and place-making?”

Currently, there remain undeveloped or underdeveloped sites in the Uptown area. Existing Zoning codes may not be the only obstacle preventing development.

B. The proposed amendment will improve the health, safety, and general welfare of Oxford.

As with the above criteria, it will be difficult to predict the tenant mix within the Uptown area, as to how this will tangibly impact health, safety and general welfare. This phrase is holistic, and goes beyond public safety. It includes economic health and physical welfare.

C. The proposed amendment will clarify the intent of the Code.

The purpose of the Uptown district, as stated in Section 1143.10 is to preserve and encourage the continued vitality of the City’s historic central business and civic activity area. Selected uses and regulatory standards are provided to guide development so as to achieve a mixture of appropriate uses in a functional, aesthetic and pedestrian compatible manner.

It could be argued that the mathematical threshold that currently exists, is clear, as it stands.

D. The proposed amendment will better implement the intent of the Code.

It could be argued that over the past 15 years the retail market conditions and Uptown development conditions have changed such that an increase in the square footage threshold is warranted in order to better implement the intent of the Code.

E. The proposed amendment will improve enforcement of the Code.

The mathematical factor is already clear and not in need of revising for the purposes of enforcement. However, a Zoning Code change, such as this, could result in new code enforcement challenges, beyond Zoning, such as increased volume and concentration of alcohol consumption in one area, which may result in public safety calls-for-service. Not, that these new challenges could not be resolved, but it is a consideration in the review of the text amendment. Upon interview with the Fire Chief, new challenges will likely arise, with this code amendment.

STAFF RECOMMENDATION

Based upon a review of the Decision Standards, staff recommends **tabling** of the text amendment request, until more information on potential public safety impact can be clearly understood. The Commission can cite the staff findings or make its own in its recommendation to City Council. Planning staff appreciates Mr. Copenbaker’s response and interest in looking for innovative methods to accomplish the goals of the Comp Plan.

SUBMITTED BY:



Sam Perry, AICP
Community Development Director

DATE: December 4, 2024

EXHIBIT A

RELEVANT ZONING CODE PROVISIONS

Chapter 1135 governs amendments to the Zoning Code:

1135.01 – General.

- (a) This Zoning Code is generally intended to provide for long-term land use and site planning in Oxford. However, there are times that the public necessity, convenience, general welfare, or good zoning practice require amendments to this Code. This section provides the procedures and standards by which this Code will be amended.
- (b) There are two types of possible amendments to this Code. A text amendment changes the written text of the Code, which equally affects all land and improvements that are subject to such regulation. A map amendment (also called rezoning) changes the boundaries between zoning districts on the Zoning Map, which equally affects all of the land that is so rezoned.

1135.02 – Procedure.

- (a) Initiation.

A text amendment may be initiated by the Chair of the Planning Commission, by adoption of a motion by Council or the Planning Commission, or by application to Planning Commission by a landowner or a resident of the City of Oxford.

A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.

 - (1) Referral to Planning Commission.

After the proper initiation of a text amendment, the Zoning Administrator shall place the item on the Planning Commission agenda as required by Section 1129.09, Application Administration.
- (b) Application.

If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

An application for amendment shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.

 - (1) Contents of application.

The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.

All applications:

 - A. Application Fee.
 - B. The name, mailing address, and telephone number of the applicant.
 - C. A general description of the proposed amendment.
 - D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
 - E. A statement that identifies potential negative consequences of the proposed amendment.
 - F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.

Also required for text amendments:

 - A. Any existing section number and text that is proposed to be deleted or amended.
 - B. Any new or amended text as it is proposed to be codified including its proposed

location in the Code. (section numbers)

- C. A narrative statement that describes the expected effects of the proposed text.
- D. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

Also required for map amendments:

- A. A legal description of the area to be rezoned.
- B. The proposed zoning of the area.
- C. The current zoning of the area.
- D. A description of existing uses in the area.
- E. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.
- F. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned.

(2) Reapplication.

No application for a Zoning Code amendment that is substantially similar to an application that has been denied, wholly or in part, shall be accepted for one year from the date of denial. The Zoning Administrator shall determine if a similar application differs enough to be considered a different application and not subject to this section. The Zoning Administrator may consider factors such as the nature or size of a proposal, changes in the development or traffic patterns of the area, or newly discovered evidence pertinent to a decision on a previous application. An applicant may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals.

(c) Planning Commission and Council Review.

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.

(1) Decision standards.

A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Text Amendments

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

Map Amendments

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

(d) Action by Planning Commission and Council.

- (1) The Planning Commission shall recommend to Council approval, approval with

modifications, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.

- (2) Council shall base its decision on the recommendation of Planning Commission and the decision standards of this section.

(e) Implementation of Amendment.

- (1) The Zoning Administrator shall implement all Code amendments approved by Council when the ordinance approving the amendment becomes effective, regardless of when the amendment appears in the Zoning Code text or on the Zoning Map.
- (2) Zoning Code amendments do not expire.

1143.10 – UP Uptown District.

(a) Purpose.

The purpose of this district is to preserve and encourage the continued vitality of the City's historic central business and civic activity area. Selected uses and regulatory standards are provided to guide development so as to achieve a mixture of appropriate uses in a functional, aesthetic and pedestrian compatible manner.

(b) Uses.

(1) Permitted uses.

- A. Any combination of residential dwelling types as defined in Section 1159.05(8), A through E., on the second floor or higher.
- B. Retail services shall not exceed 10,000 square feet of floor area on any given floor.
 - 1. Apparel and jewelry.
 - 2. Bars and establishments serving alcohol.
 - 3. Books, stationery, newspapers, magazines, office equipment and office supply stores.
 - 4. Drugs and pharmaceuticals.
 - 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 improvements 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.
 - 11. Other similar establishments engaged in retail trade except those included as Conditional Uses in subsection (b)(2) hereof.
- C. Personal and professional services shall not exceed 10,000 square feet of floor area on any given floor.
 - 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).
 8. Theaters, not including drive-ins.
 9. Other similar personal and professional services, such as employment agencies, travel bureaus, and ticket offices.
- D. Accessory buildings incidental to the principal use.
- E. Sidewalk uses.
1. This section is intended to provide for active use of private and public property in the Uptown District for outdoor cafes and retail sales. A sidewalk use requires a permit, shall be operated according to the provisions of this section, and is valid for one year and only for the location, design, and use approved.
 2. A sidewalk use may include outdoor activity on both private and public property as follows:
 - a. Private property in the front setback area or any courtyard or other partially enclosed area adjacent to a right-of-way may be utilized only for the same commercial activity as the principal use on the first floor of the principal structure.
 - b. The public sidewalk and other paved portions of the right-of-way that are designed and constructed to accommodate pedestrians may be utilized only for the same commercial activity as the principal use on the first floor of an immediately adjacent principal structure.
 3. A sidewalk use permit application shall include a fee, a scaled site plan, and other information sufficient to determine compliance with all of the following provisions:
 - a. The use may not result in less than five feet of open and unobstructed public sidewalk adjacent to the sidewalk use; and
 - b. The adjacent property owner and the operator of the use have a liability insurance policy that covers accidents and injuries on the public right-of-way for a minimum of one hundred thousand dollars (\$100,000) per person and three hundred thousand dollars (\$300,000) per accident, premiums are fully paid for the calendar year of the permit, and the City of Oxford shall be named as an additional insured upon such liability policy; and

- c. The use shall employ only displays, counters, tables, chairs, umbrellas, and planters that are moveable; and
 - d. Nothing related to the operation of the use shall be permanently installed on public or private property except anchors that do not protrude above the adjacent sidewalk surface and do not otherwise create a trip hazard; and
 - e. All materials shall be lightweight and easily removable; and
 - f. All roofs shall be made of a flame-resistant (per Ohio Basic Building Code and Ohio Fire Code), nonstructural material such as treated canvas or vinyl fabric; and
 - g. All illumination shall be confined within the perimeter of the use; and
 - h. All partitions shall be transparent 3 feet above the adjacent sidewalk surface.
- 4. The City Manager or designee shall require removal of anything or correction of any condition associated with a sidewalk use that threatens the public health, safety, or general welfare and shall revoke an approved permit if its holder fails to comply with any such order in a timely manner.
 - 5. The City Manager shall reinstate a revoked permit if the holder removes the immediate threat and provides sufficient proof that the threat will not recur.
 - 6. If a sidewalk use permit is revoked more than once during the year that the permit is valid, the permit shall not be reinstated and a new permit shall not be issued until after the original expiration date of the revoked permit.

(2) Conditional Uses.

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

A. Retail services:

- 1. Any permitted retail use that exceeds 10,000 sq. ft. on any given floor.
- 2. Banks with drive-through facilities.
- 3. Building supplies, garden supplies.
- 4. Temporary or outdoor sales of plants and garden supplies.
- 5. Retail uses which do not provide a minimum ratio of 0.7:1 of the lot area.
- 6. Additional retail uses above the street level which would cause the maximum permitted gross floor area ratio to exceed the 3:1 ratio.

- B. Personal and public services:
 - 1. Any permitted personal or public service that exceeds 10,000 sq. ft. on any given floor.
 - 2. Cultural institutions, including libraries, art galleries and museums.
 - 3. Hotels and motels.
 - 4. Places of worship.
 - 5. Funeral homes.
 - 6. Night clubs, discotheques, and other entertainment facilities.
 - 7. Personal and Professional Services which do not provide a minimum of 0.7:1 of the lot area.
 - 8. Additional personal and professional services above the street level which would cause the maximum permitted gross floor area ratio to exceed the 3:1 ratio.
- C. Other uses.
 - 1. Any combination of dwelling types as defined in Section 1159.05(8), A through E, on the first floor or basement.
 - 2. Community-Oriented Residential Social Service Facilities (CORSSF's).
 - 3. Shared Housing and Congregate Housing for the elderly.
 - 4. Government owned and/or operated parks and recreation facilities.
 - 5. Bed & Breakfasts.
 - 6. Publicly owned and operated neighborhood recreation centers.
 - 7. 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.
 - 8. Schools: primary, intermediate, and secondary, both public and private.
 - 9. Hospitals

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

(1) Lot requirements.

- A. Minimum Lot Area:
 - 1. Lots in the Uptown District shall be a minimum of three thousand (3,000) square feet.
- B. Minimum Lot Frontage:
 - 1. 33 feet

(2) Yard requirements.

Front Yard	16.5 feet minimum except * On High Street - at least 70 percent of building must meet the right-of-way line
Rear Yard	none except * Adjacent to a residential district 10 feet minimum
Side Yard	none except * Adjacent to a residential district 6 feet minimum

(3) Structural requirements.

A. Building height:

Minimum - 23 feet and a minimum of 2 stories above street grade

Maximum - 48 feet and 4 stories maximum above street grade.

B. Gross Floor Area Ratio:

1. The maximum permitted gross floor area ratio of a structure at or above grade in the Uptown District shall be 3. (Lot area x 3 = total bldg. sq. ft.)

a. Commercial space shall provide a minimum ratio of 0.7:1 of the lot area on the street level subject to the following:

i. The basement of a structure may be used for retail, personal and professional uses but shall not be computed into the minimum 0.7:1 ratio.

ii. Uncovered outdoor areas shall:

a. Be associated with the first floor commercial occupant,

b. Be located on the property and/or on the public sidewalk, only with a valid sidewalk permit.

c. Be computed into the minimum 0.7:1 ratio, but not the overall 3:1 ratio.

b. Residential space shall provide a maximum ratio of 2:1 of the lot area subject to the following:

i. Stairways, hallways, elevators outdoor patios, decks, and balconies, for residential use shall be computed into the maximum 2:1 ratio.

(4) Maximum Residential Density.

A. Occupancy shall be limited to one person per 200 square feet of lot area.

Chapter 1147 – Conditional Uses

1147.01 – General.

(a) Purpose.

Conditional Uses are land uses that are potentially appropriate in many zoning districts but that are likely to have characteristics that could be detrimental to the public health, safety, or general welfare if not located appropriately, operated appropriately, or mitigated with good design.

(b) Permit Requirement.

Each Conditional Use shall be approved according to the provisions of this chapter.

(c) Effect of Conditional Use Permit.

A Conditional Use permit shall be valid only for the specific use and location approved.

(Ord. 3364. Passed 8-16-16.)

1147.02 – Procedure.

(a) Application.

An application for a Conditional Use Permit shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.

(1) Contents of application for conditional use permit.

Thirteen complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. Please contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.

A. Application Fee.

B. Description of Use and Site.

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

1. The name, mailing address, and telephone number of the applicant and the property owner.
2. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.
3. A legal description of the site, including all separate lots.
4. A description of the existing uses of the site.
5. The zoning district in which the site is located.
6. A description of the proposed use.
 - a. A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.
 - b. The hours of operation.
7. A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties.
 - a. How the use is similar to or different from existing area uses and if there will be any interaction between the proposed use and existing uses.
 - b. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.
 - c. If the use will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
 - d. How any potential negative effects on adjacent land will be mitigated.
8. A statement about why the location proposed is more appropriate for the use than other locations.
9. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
10. Separate, detailed statements that individually address each of the items listed as potential concerns for the proposed use.

11. A list of the names and mailing addresses of all land owners within 200 feet of the site.
12. Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by Planning Commission.

C. Site Plan.

A scaled site plan shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.

1. North arrow.
2. Scale.
3. Vicinity map.
4. All existing and proposed lot lines within the site.
5. Dimensions of all lots and of the entire site and any adjacent rights-of-way.
6. Location, height, and use of all proposed and existing structures.
7. Location and design of all proposed vehicle management areas.
8. Location, size, and type of all proposed signs.
9. Location, height, and type of all proposed screening and landscaping.
10. Distances to residential zoning districts if within 1,000 feet.
11. The use of land and location of structures on adjacent property and across adjacent rights-of-way.

12. Other information as required by the Planning Commission.

D. Landscape Plan.

The plan shall demonstrate compliance with the requirements of Chapter 1148.

E. 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.

F. Other.

Photographs of the existing use and its surroundings.

(b) Reapplication.

(1) No application for a Conditional Use that is substantially similar to an application that has been denied, wholly or in part, shall be accepted for one year from the date denial. The Zoning Administrator shall determine if a similar application differs enough to be considered a different application and not subject to this section. The Zoning Administrator may consider factors such as the nature or size of a proposal, changes in the development or traffic patterns of the area, or newly discovered evidence pertinent to a decision on a previous application.

(2) An applicant may appeal the decision of the Zoning Administrator according to the Board of Zoning Appeals.

(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.

(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.

(e) Issuance and Revocation of Conditional Use Permit.

The Zoning Administrator shall issue a Conditional Use Permit after the Planning Commission recommends and Council approves an application. Construction permits shall not be issued unless the plans substantially conform to those approved by Council. Any changes to a Conditional Use that are not approved by the Zoning Administrator shall constitute a violation of the Zoning Code.

(1) Expiration and Reinstatement of Conditional Use Permit.

A Conditional Use Permit shall automatically expire if the Conditional Use ceases operation for more than one year. Expiration of a legal nonconforming Conditional Use is subject to the provisions of Chapter 1137- Nonconformities.

(2) Period of Validity.

A. An approved Conditional Use must be substantially operational within 2 years of its approval. Applications for any construction permits necessary for the operation of the Conditional Use must be filed within 1 year of approval.

B. If an approved Conditional Use fails to meet these deadlines, the applicant may request a

time extension from the Planning Commission. No application materials are required, however, the Zoning Administrator may request information he or she deems necessary for the Planning Commission to make a decision. Planning Commission will consider the request at its next regularly scheduled meeting. Such request does not require a public hearing.

C. If the scope of the approved Conditional Use has not changed and the proposed use still satisfies the decision standards, the Planning Commission shall grant a 6-month extension of time for compliance. No more than four such extensions may be granted.

(3) Revocation of Conditional Use Permit.

A Conditional Use Permit may be revoked by City Council upon an affirmative recommendation from the Planning Commission if the existing Conditional Use Permit fails to meet one of the following requirements:

A. The conditions of approval are not met or maintained.
B. The property ceases to be operated as an approved conditional use.
C. The continuance of the conditional use would pose a substantial risk to the public health, safety and welfare.

(f) Changes to a Conditional Use.

(1) Minor Changes to an approved Conditional Use.

An operator of an approved Conditional Use may submit a written request for approval of changes to the site or operating conditions of the use. The Zoning Administrator may administratively approve changes to a Conditional Use if such changes:

A. Do not change the use.
B. Are of a magnitude that will not substantially alter the appearance of the use from off of the site.

C. Will not substantially or detrimentally affect the provision of public services to the site or general vicinity.

D. Will not substantially or detrimentally increase potential demand on public or private utilities.

E. Are not of a scope, scale, or character, that would cause a negative impact on adjoining properties and neighborhood.

F. Are not contrary to and in no way diminish the intent of the originally approved permit. Administrative approvals shall be clearly documented and made part of the original Conditional Use permit on file.

(2) Major Changes to an Approved Conditional Use.

Any changes to an approved conditional use that do not meet the criteria of a minor change are considered a major change. A major change requires an entirely new Conditional Use application (including the fee), according to the provisions of this chapter.

(3) Changes to a Conditional Use not procedurally approved.

An existing use that is listed in this code as a Conditional Use, that is in a zoning district where such use is permitted as a Conditional Use, that was never approved by a legislative, quasi-judicial, or administrative review, and that was legal at the time of its establishment is considered an approved Conditional Use and is subject to the provisions of this chapter. An existing use that is listed in this code as a Conditional Use and is in a zoning district where such use is not permitted is considered a legal nonconformity. Any proposed changes to such uses are subject to the provisions of Chapter 1137.

(Ord. 3364. Passed 8-16-16. Amended by Ord. 3563 to add subsection (a)(1)(D), passed 5-5-20.)

1147.03 – Use specific regulations and potential concerns.

The uses listed in this section are Conditional Uses in at least 1 zoning district. Each use is listed with Potential Concerns and may be listed with specific regulations. The Potential Concerns are use-specific criteria that Planning Commission shall consider when it makes a recommendation to Council on an application for a Conditional Use. The Planning Commission may also consider additional use-specific concerns not listed here if it deems them appropriate. The Additional Regulations are more strict or additional dimensional regulations or operational conditions that apply to the use, regardless of whether it is permitted or conditional, and regardless of the zoning district in which it is located, and are enforced by the Zoning Administrator.

(a) General.

Wherever no specific area, lot width, or setback requirements are specified in the provisions for specific Conditional Uses, then the dimensional regulations for the most restrictive permitted use in the applicable zoning district shall apply.

(b) Uses.

(1) Agricultural Services.

A. Potential Concerns.

1. Produce and meat storage areas.
2. Noise, dust, and odor from operations.
3. Truck routes from municipal boundary.
4. Temporary sales.

B. Regulations.

1. Farm product storage buildings shall be set back a minimum of 100 feet from a residential zoning district.
2. No outdoor farm machinery repair unless entirely enclosed within a screening fence.
3. Animal enclosures shall be set back a minimum of 200 feet from all lot lines.

(2) Airports and Landing Strips.

A. Potential Concerns.

1. Aircraft noise.
2. Dust from operations.
3. Lighting.
4. Proximity of powered aircraft on the ground to lot lines and adjacent uses.

B. Regulations.

1. Compliance with FAA regulations.
2. Runway locations will not require height restrictions on other properties less than would normally be required by dimensional regulations of the zoning district.
3. Runways and taxiing areas shall be setback a minimum of 100 feet from a residential zoning district.
4. Aircraft storage and service buildings shall be setback a minimum of 100 feet from a residential zoning district.

(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.

(4) Bed & Breakfast.

A. Potential Concerns.

1. Disruptive impacts to surrounding neighborhood (noise, trash, late hour activity, etc.)
2. Condition, care, and occupancy of property during times when not occupied by guests.
3. Comparison to neighborhood character/makeup; presence of owner-occupied dwellings.
4. Proximity to Arterial/Collector roadway(s).

B. Regulations.

1. Compliance with Property Maintenance Code.
2. Sufficient off-street parking must be provided to accommodate anticipated number of guests.
3. Bed & Breakfasts are prohibited in Neighborhood Conservation Overlays.
4. The Conditional Use Permit shall specify the maximum number of cumulative days the bed

& breakfast may be booked throughout a calendar year period, as well as the maximum guest occupancy at any one time.

5. All bed & breakfasts shall be registered with the City pursuant to Chapter 743 of the Oxford Codified Ordinances.

(5) Gas Station with Convenience Store.

A. Potential Concerns.

1. Adequate design of vehicle management area.
2. Location of fuel pumps and pump canopy.
3. Outdoor sales and storage.

B. Regulations.

1. All merchandise shall be located within a completely enclosed structure.
2. Fuel pumps shall be set back a minimum of 30 feet from lot lines or 40 feet from a residential zoning district.
3. Fuel pump canopies shall be set back a minimum of 20 feet from lot lines or 40 feet from a residential zoning district.

(6) Vehicle Service and Repair.

A. Potential Concerns.

1. Proper design of vehicle management area.
2. Proximity of service areas to lot lines and adjacent uses.
3. Outdoor sales and storage.
4. Tow truck storage.

B. Regulations.

1. All disassembly, service, and assembly of vehicles shall be within a completely enclosed structure.
2. All service equipment and supplies shall be within a completely enclosed structure.
3. Vehicles being serviced or awaiting service shall not be stored in an unenclosed area for more than 7 days.
4. Vehicle service bays shall be setback a minimum of 100 feet from a residential zoning district.

(7) Vehicle Washing Facility.

A. Potential Concerns.

1. Design of vehicle management area.
2. Enclosure of potential nuisances.
3. Screening from adjacent uses residential.
4. Lighting.
5. Hours of operation.

B. Regulations.

1. Wash bays shall be setback a minimum of 100 feet from a residential zoning district.
2. Outdoor equipment (such as vacuum stations) shall not be located in a yard adjacent to a residential zoning district.
3. Queuing spaces shall not be located in a yard adjacent to a residential zoning district.

(8) Drive-Through Banking and Pharmacy Facilities.

A. Potential Concerns.

1. Design of vehicle management area.
2. Noise from operations (vehicle and loudspeaker).
3. Screening from adjacent uses.

B. Regulations.

1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district.
2. Queue spaces shall not be located in a yard adjacent to a residential zoning district.

(9) Drive-Through Convenience and Beverage Facilities.

A. Potential Concerns.

1. Design of vehicle management area.

2. Noise from operations (vehicle and loudspeaker).
3. Proximity to churches, schools, other similar institutions.
4. Location and adequacy of dumpsters.
- B. Regulations.
 1. Structure shall be set back a minimum of 50 feet from a residential zoning district.
 2. Drive-through stations shall be completely enclosed.
 3. Cue Queue spaces shall not be located in a yard adjacent to a residential zoning district.
 4. Site shall be a minimum of 500 feet from a church, school, or similar institution, except in a commercial zoning district.
- (10) Drive-Through Restaurant Facilities.
 - A. Potential Concerns.
 1. Design of vehicle management area.
 2. Noise from operations (vehicle and loudspeaker).
 3. Signs and menu boards.
 4. Location and adequacy of dumpsters.
 - B. Regulations.
 1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district.
 2. Cue Queue spaces shall not be located in a yard adjacent to a residential zoning district.
 3. Drive-up stations shall be setback a minimum of 50 feet from a residential zoning district.
- (11) Bars and Taverns.
 - A. Potential Concerns.
 1. Evening traffic.
 2. Noise from operations (music).
 3. Location and adequacy of dumpsters.
 - B. Regulations.
 1. Site shall be a minimum of 500 feet from a church, school, or similar institution, except in a commercial zoning district
 2. Structure shall be set back a minimum of 50 feet from a residential zoning district
- (12) Indoor Sports and Recreation Facilities such as Bowling Alleys, Skating Rinks, Tennis and Racquetball Courts, Soccer Fields, and Swimming Pools.
 - A. Potential Concerns
 1. Traffic volume during group or league events.
 - B. Regulations.
 1. Entrance to structure shall not be located in a yard adjacent to a residential zoning district.
 2. Parking spaces shall not be located in a yard adjacent to a residential zoning district.
 3. Structure shall be set back a minimum of 30 feet from a residential zoning district.
- (13) Building Materials Sales Yards.
 - A. Potential Concerns
 1. Noise, dust, vibration from operations.
 2. Height and visibility of merchandise storage structures.
 3. Commercial vehicle storage.
 4. Location of loading spaces and on-site management of delivery vehicles.
 5. Unenclosed storage and display.
 - B. Regulations.
 1. Traffic management areas shall not be located in a yard adjacent to a residential district.
 2. Commercial woodworking equipment and other similar machinery shall not be permanently affixed or operated within 50 feet of a residential zoning district, except within a completely enclosed structure.
- (14) Cemeteries.
 - A. Potential Concerns
 1. Location and size of structures including mausoleums, chapels, gatehouses, crematoriums, offices, and service and storage buildings.

2. Appropriate screening, ornamental fencing, and landscaping to minimize potential nuisance.

B. Regulations.

1. Driveways shall be set back a minimum of 10 feet from all lot lines.
2. Grave markers, mausoleums, and other monuments shall be setback a minimum of 10 feet from all lot lines.

(15) Churches, Libraries, Community and Recreation Centers.

A. Potential Concerns

1. Adequate lot size to permit future expansion.
2. Location and screening of outdoor recreation areas.
3. Bus or van storage.
4. Lighting.
5. Parking and traffic impact.

B. Regulations.

1. None.

(16) Clinics.

A. Potential Concerns

1. Extent of accessory services.
2. Hours of operation.

B. Regulations.

1. Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may not be accessible directly from the exterior of the building and may operate only during the hours of operation for the clinic.

(17) Golf and Country Clubs.

A. Potential Concerns.

1. Proximity of fairways and greens to lot lines and adjacent structures.
2. Trajectory of golf balls.
3. Location of cart paths.
4. Location of accessory uses such as ball fields, swimming pools, and tennis courts.
5. Appropriate screening of high activity areas from adjacent properties.

B. Requirements.

1. Cart paths shall be a minimum of 10 feet from all lot lines.
2. Accessory uses such as clubhouses, restaurants, bars, swimming pools and similar activities are subject to any regulations that would apply to their operation as a principal use.

(18) Service Organization Lodges.

A. Potential Concerns

1. Location of accessory uses such as ball fields, swimming pools, and tennis courts.
2. Appropriate screening of high activity areas from adjacent properties.

B. Requirements.

1. Accessory uses such as clubhouses, restaurants, bars, swimming pools and similar activities are subject to any regulations that would apply to their operation as a principal use.

(19) Fraternity and Sorority Houses.

A. Potential Concerns.

1. Aesthetic Concerns:
 - a. Historical characteristics of existing structures.
 - b. Residential scale and character.
 - c. Yards and landscaping.
 - d. Walls and fences.

2. Activities Areas:

- a. Porches and patios.
- b. Locations of recreational areas and courts.
- c. Locations of accessory structures.

3. Vehicle Management:

- a. Site access.
- b. Required parking.
- c. Emergency access.
- d. Deliveries.
- e. Occasional and excess parking management.
- 4. Adequate Public Utilities:
 - a. Water.
 - b. Sewer.
 - c. Storm water management.
 - d. Other services.
- 5. Nuisance:
 - a. Waste/trash management.
 - b. Noise and off-site impact.
 - c. Lighting and off-site impact.
- B. Requirements:
 - 1. New Structures: Building shall be of a size and scale that approximates neighboring structures.
 - 2. Existing Structures: Exterior renovation and improvements shall be maintained to protect existing architectural details, materials and ornamentation.
 - 3. Addition: Building expansions shall be sympathetic to the architectural scale and style of the existing building.
 - 4. Outdoor Areas: Activity areas shall be designed and located to contain noise and light within the property. Activity areas shall be appropriately screened from adjacent properties.
 - 5. Waste facilities: Trash and recycling containers and material shall be stored in a fully enclosed area and properly screened. The waste enclosure shall be adequate for the occupancy and accessible to service vehicles.
 - 6. Parking and Transportation Demand Management: Parking shall meet requirements of Zoning Code Chapter 1149 and shall be properly designed, screened and maintained.
- (20) Family Community Residence, Group Community Residence, and Community Residence.
 - A. Potential Concerns.
 - 1. Maximum occupancy and staffing.
 - 2. Appropriate indoor and outdoor recreation areas.
 - 3. Proximity to and number of similar uses in Oxford.
 - B. Regulations.
 - 1. Site shall be a minimum of 891 feet from any other Community Residence
- (21) Day Care Centers and Nursery Schools.
 - A. Potential Concerns
 - 1. Location and adequacy of planned outdoor play area.
 - 2. Noise.
 - 3. Adequate drop-off facilities.
 - B. Regulations.
 - 1. Use of outdoor play areas shall be limited to between the hours of 8:00 a.m. and 8:00 p.m. daylight hours.
- (22) Drive-In Theater.
 - A. Potential Concerns
 - 1. Appropriate screening.
 - 2. Setback and visibility of screen from residential zoning district and public streets.
 - 3. Design of vehicle management area, especially street access.
 - 4. Noise from operations (vehicle).
 - B. Regulations.
 - 1. No outdoor loudspeaker is permitted.
- (23) Elderly Housing, Congregate Housing.
 - A. Potential Concerns.

1. Proximity to existing or possible area uses that are potentially dangerous to elderly or handicapped occupants.
- B. Regulations.
 1. Maximum density of 1 dwelling unit per 3,000 square feet
- (24) Funeral Homes and Mortuaries.
 - A. Potential Concerns.
 1. Design of vehicle management areas to ensure quick and efficient access to public streets during processions.
 2. Adequate cue space at drop-off areas to ensure that access to parking spaces is not impeded.
 - B. Regulations.
 1. All hearses, limousines, and other related business vehicles shall be stored within an enclosed building when not in use
 2. Parking areas are exempt from provisions of the Vehicle Management regulations that would prevent a vehicle management area that is designed to facilitate funeral processions.
- (25) Gaming Arcades.
 - A. Potential Concerns.
 1. Proximity to schools, churches, and establishments serving alcohol.
 2. Proximity to residential zoning district.
 3. Adequate screening of parking and outdoor gathering areas.
- (26) Hospitals.
 - A. Potential Concerns.
 1. Location of parking for employees.
 2. Parking for visitors.
 3. Design of drop-off area.
 4. Emergency vehicle access to the site and to the building.
 5. Adequate lot size and shape to handle current proposal and possible additions.
 6. Screening.
 7. Access to appropriate street.
 8. Helicopter landing facilities.
- (27) Motels.
 - A. Potential Concerns.
 1. Proximity to residential.
 2. Screening from residential.
 3. Appropriate street access.
- (28) Nursing Homes, Convalescent Homes.
 - A. Potential Concerns.
 1. Adequate lot size to provide for visitors and for outdoor activities.
 2. Access to an appropriate street.
 3. Adequate screening from residential.
 - B. Regulations.
 1. Minimum 500 square feet per bed of on-site open space.
- (29) Riding Academies, Stables.
 - A. Potential Concerns.
 1. Adequate lot size.
 2. Noise and dust from operations.
 3. Security fencing.
 4. Location of corrals and other animal areas.
 5. Adequate vehicle management area for transportation of animals.
 6. Hours of operation.
 - B. Regulations.
 1. Any area designed to accommodate animals used in the operations shall be set back a minimum of 50 feet from any lot line.
- (30) Schools.

- A. Potential Concerns.
 - 1. Adequate lot size to permit future expansion.
 - 2. Bus and van storage.
 - 3. Access to streets that can handle traffic generated by the use.
 - 4. Design of vehicle management area.
 - 5. Location of outdoor facilities such as ball fields and band practice areas.
 - 6. Proximity to incompatible uses (establishments serving alcohol).
- B. Regulations.
 - 1. Parking spaces shall not be located in a yard adjacent to a residential zoning district.
 - 2. Structure shall be setback a minimum of 30 feet from a residential zoning district.
- (31) Temporary and/or Outdoor Sales of Plants and Garden Supplies.
 - A. Potential Concerns.
 - 1. Signs.
 - 2. Sight distance at corner lots.
 - B. Regulations.
 - 1. Storage of goods shall not reduce the usable number of parking spaces by more than 10 percent of the required total.
 - 2. Goods shall not be stored in a driveway required to access required parking spaces.
- (32) Mini-Warehouse (Self-Storage Units):
 - A. Potential Concerns
 - 1. Adequate lot size
 - 2. Design of vehicle management area
 - 3. Outdoor storage-inoperable vehicles and junk
 - 4. Hours of operation
 - 5. Proximity to residential zoning districts
 - 6. Flammable, combustible material stored on site
 - 7. Compatibility of the scale and character of the project with surrounding properties and existing uses
 - B. Regulations
 - 1. Site shall be at a minimum of two acres, and maximum of five acres in area
 - 2. Parking area shall not be located in yard adjacent to a residential zoning district
 - 3. Outdoor security lighting shall be designed to prevent spillover to adjoining properties
 - 4. Landscaping along the public street
 - 5. Any chain-link fence shall have limited visibility from the public street, unless approved by the Planning Commission.
 - 6. Sufficient isle way width and on-site water supply (including fire hydrants locations) will be determined by the Oxford Fire Chief, between buildings for firefighting purposes.
 - 7. Design of the building and site shall be consistent with the following criteria:
 - a. The rear of the principal building shall not face the public right-of-way
 - b. The front façade of the principal building shall be finished utilizing masonry material that has textured relief. No vinyl or aluminum shall be used in finishing on the front façade of the building.
 - c. The building façade shall have different articulation in height and setbacks.
 - d. The roof of the principal building shall not be a long continuous flat roof and a break in length and elevation shall be provided in regular interval.
 - e. The entrance to the site shall be designed to allow sufficient queuing that on-street traffic will not be impacted.
 - f. Outdoor storage shall have limited visibility from the public right-of-way.
 - g. There shall be no employee residing on site, unless specifically approved by the Planning Commission and the City Council.
 - C. Other
 - 1. Encourage the mini-warehouse as the second principal use in conjunction with or behind other principal uses.
- (33) Business Incubator:

- A. Potential Concerns
 - 1. Hours of operation
 - 2. Type of businesses generating noise, vibration, fumes and other obnoxious environmental concerns
 - 3. Outdoor operations
- B. Regulations
 - 1. All activities/merchandise shall be located within a completely enclosed space.
 - 2. Sized adequately to provide all necessary business support
- (34) Off-site Parking and Shared-Use Parking
 - A. Potential Concerns
 - 1. Adequate supply of spaces for all modes of transportation
 - 2. Distance from use
 - 3. Hours of operation/schedule conflict
 - 4. Valet service
 - 5. Proximity to mass transit
 - 6. Accommodation for special needs/accessibility
 - 7. Maintenance responsibility
 - 8. Future land use changes/parking demand
 - B. Regulations
 - 1. Recorded easement agreement
 - 2. Specific distance limit for off-site
 - 3. Performance review timeframe
 - 4. Requires evidence justifying sufficient parking
- (35) Parking Lot Alternate Design Plan
 - A. Potential Concerns
 - 1. Safety of all modes of transportation
 - 2. Green space
 - 3. Storm water quality/environmental
 - 4. Storm water quantity/run off rate
 - B. Regulations
 - 1. Any additional factors that affect the practical application of this section, such as notable topographic changes, watercourses, and bodies of water
 - 2. Conditions of approval to protect the public health, safety, and general welfare
 - 3. Modifications of this chapter to protect the public health, safety and general welfare.
- (36) Off-Street Parking in UP and RO Districts

In the UP and RO Districts, a Conditional Use permit is required for any new off-street parking areas, or expansions to existing parking areas greater than twenty five (25) percent as compared to the area existing on the effective date of this provision. A Conditional Use shall not be required for any new or expanded off-street parking provided to comply with minimum requirements for single-, two-, or three-family dwellings on individual lots.

 - A. Potential Concerns
 - 1. Lack of necessity for additional parking
 - 2. Green space
 - 3. Increased traffic flow on residential streets
 - 4. Adverse effects on adjacent properties
 - B. Regulations
 - 1. The applicant is required to demonstrate that such a parking facility is necessary to the public convenience and is fulfilling a demand or need that cannot already be met by the existing off-street and on-street parking supply.
- (37) Floor Area Exceeding Maximum Allowable Square Footage
 - A. Potential Concerns
 - 1. Adequate lot size
 - 2. Adequate design of vehicle management area

3. Setback from residential zoning setback and public streets
 4. Buffering and screening
 5. The hours of operation
 - B. Regulations
 1. The building exterior shall be compatible with the characteristics of neighboring structures.
 2. Parking shall not be in the front yard
 3. Other vehicular related concerns, i.e. ingress and egress, etc....
 - (38) Hours of Operation Beyond Normal
 - A. Potential Concerns
 1. Noise generation impacting surrounding properties
 2. Potential exterior lighting, including signage, affecting adjoining properties
 3. Potential traffic during those additional hours
 - B. Regulations
 1. Noise level be kept below allowable level, unless approved by the City Council
 2. Solid screening to buffer noise and outdoor lighting
 - (39) Residential Units on the First Floor or Basement
 - A. Potential Concerns
 1. Reduce available non-residential site available for development
 2. Potential impact to other non-residential development
 - B. Regulations
 1. The exterior appearance shall be consistent with adjoining properties
 - (40) Accessory Building to be used as a dwelling unit
 - A. Potential Concerns
 1. Vehicle management
 2. Location of the accessory building
 - B. Regulations
 1. Relationship of its size, mass, height and square footage to the principal building
 2. Building style and material
 3. Building orientation consistent with the principal building.
 - (41) Transient Guest Lodging as an Accessory Use (greater than 90 cumulative days booked per year)
 - A. Potential Concerns.
 1. Disruptive impacts to surrounding neighborhood (noise, trash, late hour activity, etc.)
 2. Condition, care, and occupancy of property during times when not occupied by guests.
 3. Comparison to neighborhood character/makeup; presence of owner-occupied dwellings.
 - B. Regulations.
 1. Compliance with Property Maintenance Code.
- guests.
2. Sufficient off-street parking must be provided to accommodate anticipated number of
 3. Compliance with all other provisions applicable to Transient Guest Lodging.



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

List Affected Code Chapters/Sections	1143.10 Uptown District (b) Uses (1) Permitted Uses B. Retail services shall not exceed 10,000 square feet of floor area on any given floor
Proposed Amendment Description	Propose to amend the text to read "Retail services shall not exceed 20,000 square feet of floor area on any given floor" This change would facilitate the development and occupancy of moderate-to-large retail spaces in the Uptown District "by right". Eliminating potential barriers for developers and job creators in the Uptown District, and encouraging growth and vibrancy in Oxford.

BOX 2 | APPLICANT INFORMATION

Applicant Name	Seth Copenbaker
Applicant Company Name	City of Oxford
Mailing Address	15 S. College Ave. Oxford, OH 45056
Email Address	SCopenbaker@CityOfOxford.org
Telephone Number	(513) 255 - 4293

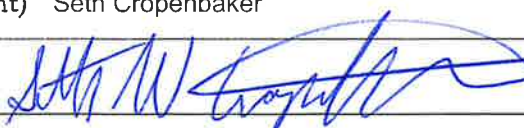
BOX 3 | ATTACHMENT CHECKLIST

 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)	Seth Copenbaker
Applicant Signature	
Date	12/2/2024

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.
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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.



MEMORANDUM
Economic Development Departments
513-524-5201

TO: Sam Perry, City of Oxford Community Development Director
FROM: Seth Copenbaker, City of Oxford Economic Development Specialist
DATE: November 27, 2024
RE: **Zoning Text Amendment Uptown Retail Area Restriction**

Dear Sam Perry,

The Oxford Tomorrow Comprehensive Plan establishes multiple objectives for energizing and constructing the future for Oxford in all facets of the City's operation. Among these findings are a series of goals that outline critical areas to address, as well as identifying specific steps to achieve those goals.

All efforts should be made to support the goals outlined in the Oxford Tomorrow Comprehensive plan, as well as facilitate and encourage investment into the primary business district of the Oxford Uptown. To achieve these efforts the City of Oxford Economic Development Department proposes an amendment to the text from the City of Oxford Codified Ordinances established in "1143.10 Uptown District, (b) Uses, (1) Permitted Uses, B. Retail services shall not exceed 10,000 square feet of floor area on any given floor".

The specific amendment would increase the maximum allowable area for retail services in the Uptown District, by right, up to 20,000 square feet. The amended text in the Ordinance would read as follows: "1143.10 Uptown District, (b) Uses, (1) Permitted Uses, B. Retail services shall not exceed 20,000 square feet of floor area on any given floor".

This change would allow more flexibility for development, allowing a broader range of retail services and prospective tenants and businesses within the Uptown District. Further this would allow construction of a wider variety of spaces in the Uptown District, without burdening the private sector, or staff and commission members, with application and review of variances. Further a large retailer in the Uptown District could serve as a "cornerstone" tenant, attracting consumers to the area and supporting all businesses in the Oxford Uptown.

This proposed amendment is supported by the following goals and actions outlined in the Oxford Tomorrow Comprehensive Plan.

1. “L1 Ensure future development and redevelopment contributes to an aesthetic, character, and quality that is uniquely Oxford”
 - a. “1.1-A2 Explore increasing allowable building height in one or more targeted locations”
 - i. While this amendment does not address building height, it does address allowable uses of buildings in the spirit of this goal.
 - b. “1.1-A4 Refine zoning districts to promote mixed-use and neighborhood-oriented commercial development.”
2. “E1 Attract new businesses and employment opportunities to diversity the local economy”
 - a. “E1-A1 Establish a culture of service excellence in attracting new businesses and assisting new business startups.”

This proposed change is intended to support development of new mixed-use construction in the Uptown District. Further this amendment would allow property owners a pathway to recruiting a wider variety of potential tenants, while reducing City-placed obstacles to their efforts. Ultimately this proposed change could result in the addition of a nationally recognized retailer in the Uptown District that would be a boon to existing Uptown businesses, student recruitment efforts by Miami University and the City of Oxford at large.

The potential exists for negative and unintended consequences of this amendment. It would be possible that development of a large retail space would create a barrier for a smaller or locally owned retailer. It could become cost-prohibitive for some prospective tenants to occupy a larger space. However, these issues could be addressed via redevelopment and subdivision of a large open floor area. Also, it would be possible that in Oxford’s free market economy, that a less desirable retailer could occupy such a space. However, this is a reality we face at any retail location in Oxford as we have few limitations on the specific operations of businesses, provided they meet the broad zoning requirements for a designated location.

Please consider the proposed text amendment, increasing the maximum allowable retail area in the Uptown District to 20,000 square feet. This measure would serve as tool for attracting and facilitating new development in the Uptown District, thus supporting the Oxford Tomorrow Comprehensive Plan, the vibrancy in our local economy, sense of place in Oxford, and more.

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant	City of Oxford Community Development Department c/o Sam Perry, Community Development Director
Action Request	Text Amendment
Initiation Date	November 7, 2024
Affected Sections	Oxford Subdivision Regulations Section 1101.6 – Minor Subdivisions Oxford Subdivision Regulations Section 1101.7 – Definitions Oxford Zoning Code Section 1129.12 – Application administration Oxford Zoning Code Section 1141.03 – Supplemental regulations Oxford Zoning Code Chapter 1143 – Districts Oxford Zoning Code Section 1149.06 – Residential [Parking] Regulations
Staff Recommendation	Approval

PROPOSAL SUMMARY

This package of text amendments seeks to amend five chapters of the Oxford Planning & Zoning Code (Part Eleven of the Codified Ordinances). The purpose of the amendments is threefold: (1) to facilitate a new Site Plan Review process for alley lots that do not have frontage on a public street; (2) to bring language on minor subdivisions closer in alignment with enabling statute in Ohio Revised Code (ORC) 711 and to make such approvals administrative instead of discretionary; and (3) to amend residential parking standards to avoid incompatibility with new alley development provisions. The chapters proposed to be affected by the amendments are: 1101, 1129, 1141, 1143, and 1149.

BACKGROUND

These text amendments are in response to an alley lot development moratorium initially placed into effect by City Council on April 2 (by Res. No. 7587), and originally due to expire October 2. At the request of staff, Council later extended the moratorium period (by Res. No. 7632) to last until January 16, 2025. The moratorium applies to any property fronting exclusively on one or more alleys, and temporarily puts a halt to issuing zoning approval for any single-family building permit, or subdivision approval for any lot split or lot consolidation. The motivation for the moratorium stemmed from concerns voiced by City departments regarding public service risks and impacts related to emergency response, as well as supporting infrastructure including access, drainage, and utilities.

The Planning Commission discussed the topic of alley development during a Work Session on September 10, 2024. Historical development trends were covered, with the urban fabric of Oxford compared to peer

college towns in Ohio as well as other larger cities nationwide. At the conclusion of staff’s presentation, Commission members’ opinions on how to regulate and review residential development on alley sites were mixed. In response, staff suggested implementing a Site Plan Review process specific to alley sites to facilitate the Planning Commission being able to exercise a limited degree of discretion when it comes to how exactly properties are developed, such that individual projects could be studied on a case-by-case basis and enable more context-sensitive results. The Commission favored this type of approach more so than equipping staff with an extensive set of prescriptive standards to be applied administratively.

PROPOSAL DESCRIPTION

Please refer to the attached pages containing current text from Chapters 1101, 1129, 1141, 1143, and 1149. These pages are distinguished by:

- Blue underlined text, to identify new language to be inserted into the Code; and
- ~~Red struck through text~~, to identify existing language to be deleted from the Code.

The tables on the next series of pages provide a summary of staff’s proposed amendments, arranged by topic with corresponding Section numbers affected.

TOPIC	Current Sections Affected	New Section Numbers
Minor Subdivisions	1101.6 1101.7(703)	No new sections.
The proposed amendments properly reference enabling statutes in ORC 711 (subdivisions) and ORC 713 (municipal planning & zoning). ORC 711 defines a subdivision as falling into one of two categories: • The first category specifies that a subdivision can be “<i>the division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership ...</i>”. This means, under State law, that any split 5 acres or greater – so long as it does not involve any new streets or access easements – technically should not require any sort of planning or zoning approval in order to be surveyed and recorded as it is not considered a “subdivision.” Otherwise, this first definition probably constitutes what most people typically imagine as a subdivision, involving the splitting of lots along new streets. • The second category defines that a subdivision can also be “<i>the improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial structures, or involving the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.</i>” So essentially, the second definition captures such projects as condominium plats or easement plats as also falling under the definition of “subdivision.” A good local example of this type of subdivision is the easement plat recorded for the Gaslight at Stewart Square housing development, which did not actually involve the splitting of any new lots (common ownership). In addition, an exemption from the subdivision definition is expressly provided for situations involving “<i>the sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites</i>”. In practice, these types of splits are often referred to as “711 Transfers.” Such splits can be quite common in rural areas, where slices of properties are transferred from one owner to another, and a restriction to prohibit future construction does not jeopardize a future owner’s intended		

purpose for the property (for example, a wooded area for hunting; agricultural field; extra yard space; etc.). A recent split of this type occurred in 2021 for 2032 Dana Drive, where it was realized a shed had been built on adjacent property owned by the City; a small triangle of land containing the shed was carved out of the City's land and deeded over to the residential property owner.

ORC 711 goes on further to require a **plat** be prepared, approved, and recorded for any new **subdivision** taking place within a municipal or county jurisdiction. While the ORC defines **plat** as simply being “a map of a tract or parcel of land,” in practice “plats” have come to be known as a specific type of legal instrument prepared by a surveyor and/or engineer in large format (usually either 18x24 or 24x36) and offering the ability to divide property as well as establish easements. It is here where the distinction between a “major” and “minor” subdivision comes into play. Pursuant to ORC 711.131, a “minor” subdivision is one that can be approved **without a plat**, as the statute provides that “a proposed division of a parcel of land along an existing public street, not involving the opening, widening, or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided, may be submitted to the planning authority having approving jurisdiction of plats,” ORC 711.131 further provides that “if the authority acting through a **properly designated representative** finds that a proposed division is not contrary to applicable platting, subdividing, zoning, health, sanitary or access management regulations ... it shall approve the proposed division”.

When qualifying as a **minor subdivision**, a split can then be recorded through the following steps in lieu of a plat: (1) a surveyor prepares a survey and metes & bounds legal description and “files” the survey with the County Engineer’s Office in order to be checked for accuracy; (2) an attorney drafts a deed, inserting the verified metes & bounds legal description where appropriate; and (3) the applicant has the deed stamped by the planning authority to signify it has been reviewed and approved, before being recorded.

Observing the foundational parameters within the ORC that any Ohio municipality must work within, the proposed text amendments for Oxford would do the following:

1. Clarify that the Zoning Administrator shall be construed as the **properly designated representative** for the planning authority (i.e., Planning Commission), thus allowing the Zoning Administrator to administratively approve or deny minor subdivisions.
2. Provide five rewritten criteria for approving minor subdivisions, all of which are inspired by the enabling statute in ORC 711. The Zoning Administrator would have to find that all five criteria are met in order to approve a minor subdivision.
3. Detach “711 Transfer” exemption language from the review criteria, where it is currently embedded as a criterion for approving a minor subdivision, and move these provisions to their own section (again, 711 Transfers are not actually considered subdivisions per the ORC). Provide express language for attorneys to include on deeds to prevent the transferred land from becoming a building site, and thus be clearly obvious in the chain of title.
4. Clarify that any division of land into parcels totaling 5 acres or greater and not involving any new streets or easements is exempt from requiring minor subdivision approval.
5. Specify that any applicant displeased with a Zoning Administrator decision would need to seek an Administrative Appeal from the BZA as their remedy, as opposed to the status quo whereby the actual decision is deferred to the Planning Commission.
6. Define the term “completely subdivided” in keeping with ORC 711, to trigger the need for a major subdivision review & plat when the remainder plus the total number of lots less than 5 acres in size exceeds 5.

TOPIC	Current Sections Affected	New Section Numbers
Site Plan Review for Alley Development	1129.12 1141.03(b) 1143.01; 1143.02; 1143.03; 1143.04; 1143.05; 1143.06; 1143.065; 1143.07; 1143.09; 1143.11; 1143.16	1141.03(j)
This collection of amendments would institute a new Site Plan Review process for any new residential development (new construction, addition, or alteration) occurring in a zoning district other than the UP Uptown District, which is situated on a lot/parcel having frontage exclusively on one or more public alleys. The Planning Commission would serve as the final approving authority for any Site Plan Review request, thus making this a more expedited process than traditional Conditional Use or Planned Development requests which require two readings by Council as a follow-up. Decisions would be rendered following a public hearing, which would be advertised ahead of time by staff in the same manner as any other public hearing. An entirely new subsection [j] is proposed to be inserted at the end of <i>Section 1141.03 Supplemental regulations</i>, this new subsection provides details on the review procedure to be followed and the special standards to which alley development would be held. In any case where there is a conflict between alley provisions and base zoning district provisions, the alley provisions would control. The language allows for single-family dwellings as the highest, most intense, form of land use on alley sites. Under these amendments, single-family “alley houses” would be subject to the following alternate site development standards superseding the usual district standards: • Minimum front & side yard setbacks – both to follow the zoning district side yard setback • Minimum rear yard setback – 10 feet (down from 35 feet in MS Districts) • Maximum building height – 26 feet or 2 stories max (down from 35 feet in MS Districts) • Maximum lot coverage – 80% (down from 45% max in MS Districts) Applicants would be given an option to either orient their alley house toward the nearest public street, or toward the alley the property fronts on. Either way, pedestrian connectivity would need to be established to link the new dwelling to public sidewalk along the street. The language maintains the requirement for single-family dwellings to provide at least two (2) off-street parking spaces. The applicant could always provide more, if desired. Since parking pads/spaces are commonly situated perpendicular directly off alleyways, the proposed language expressly allows “front” yard parking to be installed without need for a Variance or waiver. The proposed language makes clear that the Site Plan Review process cannot be used as a means to deny single-family usage on pre-existing alley building sites, stating that <i>land use allowance is not subject to discretion</i>. Clear findings must be found, consistent with the provided review criteria, in order for a proposed site plan to be denied. A series of 10 review criteria would equip the Planning Commission to review critical development aspects including access, parking, building placement, scale/massing, pedestrian connectivity, utilities, drainage, landscaping, and architecture/aesthetics. As part of its review, the Commission can also grant waivers or impose conditions, provided however that maximum building height could not be waived. Special authority is reserved for the City Engineer to require infrastructure upgrades/improvements in the public right-of-way, either as a part of, or following, the Site Plan Review process.		

TOPIC	Current Sections Affected	New Section Numbers
Residential Parking Standards	1149.06(b) 1149.06(c)	No new sections.
Intended to ensure maximum compatibility with new alley development provisions proposed for Section 1141.03, the following series of key changes to residential parking standards are proposed: 1. Provide additional flexibility to accomplish adequate setbacks of parking spaces from principal structure walls to lessen potential for collision/conflicts. 2. Clarify that any pre-existing front yard parking can count toward the minimum number of spaces required. 3. Allow parking spaces situated perpendicular off an alley to encroach into the required 3 foot setback, provided there is no objection from the neighboring owner. 4. Re-work maximum driveway width standards to instead regulate maximum width within a front yard area, rather than the degree of angle/flaring. The maximum front yard driveway width proposed for R-1MS, R-2MS, R3MS and RO Districts is 12 feet. For residential uses in all other districts, the current standard of 18 feet max would continue to apply.		

DEPARTMENT COMMENTS

Due to a miscommunication, the proposed text amendment package was not shared with other City departments for comment until Wednesday, November 27. As of the date of this report, no formal comments have been returned by department respondents. It should be noted however that multiple meetings and conversations on this topic have taken place between Community Development staff, other Department Heads, and the City Manager.

Department	Respondent	Response
Economic Development	Seth Copenbaker, Economic Development Specialist	Not Returned
Engineering	Scott Otto, City Engineer	Not Returned
Fire	John Detherage, Fire Chief	Not Returned
Police	John Jones, Police Chief	Not Returned

DECISION STANDARDS

Oxford Zoning Code Chapter 1135 outlines the text amendment process and decision standards that the Planning Commission must follow in making its recommendation to Council. At least one of the criteria must be met in order to recommend approval. The decision criteria are as follows and attached in the Appendix:

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

Yes. See narrative letter from Mr. Perry for details.

B. The proposed amendment will improve the health, safety, and general welfare of Oxford.

Yes. Developments occurring in settings where conventional street frontage is absent, thereby limiting access to the use of one or more public alleys, have shown to pose unique service-related challenges. Challenges can include obstructions to emergency access, lack of public infrastructure improvements, and improper drainage, among others. Additionally, the neighborhood pattern and character embedded deep within residential blocks is deserving of specially tailored site regulations to achieve a character and function found desirable by the community. Staff believes that these amendments will help improve overall public health, safety and general welfare.

C. The proposed amendment will clarify the intent of the Code.

Yes. For a long time, the intent of the Code has been undermined by applicants applying and asking for Variances to development standards that are meant for conventional, street-facing lots. Furthermore, these amendments serve the interest of better aligning with State-level enabling statutes on subdivision approvals.

D. The proposed amendment will better implement the intent of the Code.

Yes. A Site Plan Review process, which acknowledges permissible use but allows for the fine-tuning of development character, will greatly assist with implementation and legitimacy of exercising Code standards.

E. The proposed amendment will improve enforcement of the Code.

Yes. By adopting reasonable and sensible standards for alley development, staff will be better able to enforce such provisions with a straight face when confronted with questions from applicants and the general public.

STAFF RECOMMENDATION

Based upon a review of the Decision Standards, staff recommends **approval** of the proposed text amendment package. The Commission can cite the staff findings or make its own in its recommendation to City Council.

SUBMITTED BY:



Zachary Moore, AICP
City Planner / GIS Coordinator

DATE: December 4, 2024

EXHIBIT A

RELEVANT ZONING CODE PROVISIONS

Chapter 1135 governs amendments to the Zoning Code:

1135.01 – General.

- (a) This Zoning Code is generally intended to provide for long-term land use and site planning in Oxford. However, there are times that the public necessity, convenience, general welfare, or good zoning practice require amendments to this Code. This section provides the procedures and standards by which this Code will be amended.
- (b) There are two types of possible amendments to this Code. A text amendment changes the written text of the Code, which equally affects all land and improvements that are subject to such regulation. A map amendment (also called rezoning) changes the boundaries between zoning districts on the Zoning Map, which equally affects all of the land that is so rezoned.

1135.02 – Procedure.

- (a) Initiation.

A text amendment may be initiated by the Chair of the Planning Commission, by adoption of a motion by Council or the Planning Commission, or by application to Planning Commission by a landowner or a resident of the City of Oxford.

A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.

 - (1) Referral to Planning Commission.

After the proper initiation of a text amendment, the Zoning Administrator shall place the item on the Planning Commission agenda as required by Section 1129.09, Application Administration.
- (b) Application.

If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

An application for amendment shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.

 - (1) Contents of application.

The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.

All applications:

 - A. Application Fee.
 - B. The name, mailing address, and telephone number of the applicant.
 - C. A general description of the proposed amendment.
 - D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
 - E. A statement that identifies potential negative consequences of the proposed amendment.
 - F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.

Also required for text amendments:

 - A. Any existing section number and text that is proposed to be deleted or amended.
 - B. Any new or amended text as it is proposed to be codified including its proposed

location in the Code. (section numbers)

- C. A narrative statement that describes the expected effects of the proposed text.
- D. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

Also required for map amendments:

- A. A legal description of the area to be rezoned.
- B. The proposed zoning of the area.
- C. The current zoning of the area.
- D. A description of existing uses in the area.
- E. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.
- F. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned.

(2) Reapplication.

No application for a Zoning Code amendment that is substantially similar to an application that has been denied, wholly or in part, shall be accepted for one year from the date of denial. The Zoning Administrator shall determine if a similar application differs enough to be considered a different application and not subject to this section. The Zoning Administrator may consider factors such as the nature or size of a proposal, changes in the development or traffic patterns of the area, or newly discovered evidence pertinent to a decision on a previous application. An applicant may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals.

(c) Planning Commission and Council Review.

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.

(1) Decision standards.

A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Text Amendments

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

Map Amendments

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

(d) Action by Planning Commission and Council.

- (1) The Planning Commission shall recommend to Council approval, approval with

modifications, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.

- (2) Council shall base its decision on the recommendation of Planning Commission and the decision standards of this section.

(e) Implementation of Amendment.

- (1) The Zoning Administrator shall implement all Code amendments approved by Council when the ordinance approving the amendment becomes effective, regardless of when the amendment appears in the Zoning Code text or on the Zoning Map.
- (2) Zoning Code amendments do not expire.



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

Oxford Zoning Code Sections 1101, 1129, 1141, 1143, 1149
List Affected Code Chapters/Sections
Proposed Amendment Description
This package of Zoning Code text amendments, seeks to amend five sections of the Oxford Zoning Code to facilitate a new site plan review process for alley lots that do not have frontage on a public street.

BOX 2 | APPLICANT INFORMATION

Applicant Name	Sam Perry
Applicant Company Name	City of Oxford
Mailing Address	15 S. 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	 Digitally signed by Sam Perry Date: 2024.11.07 16:36:05 -05'00'	Date 11-7-24

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.



MEMORANDUM
Community Development Department
513-524-5204

TO: Application File

FROM: Sam Perry, AICP
Community Development Director

MEETING DATE: November 7, 2024

RE: Alley Development Text Amendments

Per Chapter 1135, the following is provided with the Text Amendment Application:

General Description

This package of Zoning Code text amendments seeks to amend five sections of the Oxford Zoning Code to facilitate a new site plan review process for alley lots that do not have frontage on a public street. The sections proposed for amendment are: 1101, 1129, 1141, 1143, 1149. These text amendments are in response to the current alley lot development moratorium, following increasing concerns from City Departments regarding public service risks resulting from the construction of dwellings on alley lots that do not front on a public street. The proposed text amendments do not facilitate the creation of new alley lots, but they do facilitate tailored review of each existing alley lot site.

Relation to Comprehensive Plan

Two of the eight **Guiding Pillars** in the 2023 Comprehensive Plan, directly support the proposed text amendments: Guiding Pillar 4) Quality of Life: Creating a safe and attractive place to live for all ages and backgrounds. Guiding Pillar 6) Service Excellence and Fiscal Responsibility: Providing effective and efficient public services to the Oxford community.

7 of the 31 **Objectives** within the Plan directly support the proposed text amendments:

Land Use & Development L1. Ensure future development and redevelopment contributes to an aesthetic, character and quality that is uniquely Oxford.

Mobility M1. Promote alternative modes of transportation.

Mobility M2. Facilitate the safe and efficient flow of traffic within and through the city.

Mobility M3. Foster a culture of active transportation.

Community Well-Being C4. Provide high quality, coordinated public safety services.

Utilities U1. Maintain and improve high quality public services.

Utilities U2. Manage stormwater runoff effectively.

Potential Negative Consequences

Though the intent of the text amendments is to mitigate public services risks resulting from alley lot development, there may be real or perceived negative consequences that have not been predicted. Such as, but not limited to, increased demand for vehicular parking spaces in existing high-demand areas. However, these potential negative consequences may have occurred without the proposed text amendments at all, given that there are existing property rights for alley lot development.

Sections Numbers and Text

See attached

Expected Effects of the Proposed Text

The expected effects of the proposed text amendments will be to bring greater public focus on the public utility and public safety aspects of individual site development, in the alley locations. The proposed text will provide defensible legislation that can be utilized by the City to seek to accomplish the public purposes of general health, safety and welfare while preserving the property owner's rights to reasonable development.

Comparison Text

See attached

Chapter 1101 – Subdivision Regulations

1101.1 – Title, scope, jurisdiction.

100 – Title

These regulations shall be known and may be cited and referred to as the "Subdivision Regulations for the City of Oxford, Butler County, Ohio," and shall hereinafter be referred to as "these regulations." The following regulations for the control of plats and subdivisions are adopted by the Oxford City Council, under authority granted by Chapter 711 of the Ohio Revised Code.

101 – Purpose

These Regulations are adopted as minimum requirements for the regulation and control of land subdivision within the City of Oxford. These regulations are intended to:

- (A) To ensure sound, harmonious subdivision development and City growth that will become a permanent City asset by establishing minimum standards for subdivision design and construction.
- (B) To secure and provide for the proper arrangement of streets or highways in relation to existing or planned streets or highways, and to the Official City of Oxford Thoroughfare Plan.
- (C) To secure and provide for the proper arrangement and efficient use of land in conjunction with the Official City of Oxford Comprehensive Plan.
- (D) To secure and provide adequate and convenient open spaces, vehicular and pedestrian circulation, utilities, recreation, light and air.
- (E) To provide for the avoidance of congestion of traffic.
- (F) To provide common grounds of understanding and a sound working relationship between the City and the subdivider and to safeguard the interests of the homeowner, the applicant, the City and its citizens.
- (G) To monitor and prevent the scattered and premature platting of lots beyond the effective operating range of existing public utilities and improvement.
- (H) To cause the cost of design and the installation of improvements in newly platted subdivisions to be borne by the subdivider or applicant rather than by any direct or indirect burden upon existing property owners beyond the limits of the subdivision for the improvements servicing their property.
- (I) To coordinate new subdivision designs with the design of the City as a whole based on an orderly and efficient sequence of interrelated subdivisions forming communities.
- (J) To protect, to the maximum degree possible, historic sites, scenic points, desirable natural growth, watercourses and other water areas, and other environmentally sensitive features worthy of preservation.
- (K) To provide for the accurate surveying of land, preparing and recording plats and the equitable handling of all subdivision plats by providing uniform approval procedures for observance by both the approving authority and applicants.
- (L) To provide a strong sense of community identity based on a shared, coherent, functionally efficient physical environment.
- (M) To inform interested persons of the procedures and standards, for design and construction of subdivision improvements in the City of Oxford.

- (N) To provide technically feasible and economically reasonable standards to achieve a level of subdivision design and construction to minimize damage to property, degradation of natural resources, and to promote and maintain the health, safety and general well-being of all life and inhabitants of Oxford.
- (O) To assure sites suitable for building purposes and human habitation, and to provide for the harmonious development of the City.
- (P) To guarantee proper access of firefighting equipment and public service equipment.

102 – Authority

Ohio Revised Code Chapter 711 provides for the legislative body and Planning Commission of a municipal corporation to adopt regulations governing plats and subdivisions of land within such jurisdiction.

103 – Administration

These regulations shall be administered by the City of Oxford Community Development Department.

104 – Jurisdiction

These regulations herein shall apply to all plats and all subdivisions of land within the corporate limits of the City. The City of Oxford City Council shall have the power of final approval of all plats and all subdivisions within such territory, pursuant to Section 711.09 of the Ohio Revised Code.

105 – Relations to Other Laws

- (A) The provisions of these regulations shall supplement any and all laws of the City of Oxford and the State of Ohio, or any and all rules and regulations promulgated by authority of such law or resolution relating to the purpose and scope of these regulations. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the highest standard shall govern. These regulations shall be interpreted as minimum requirements.
- (B) The arrangement, character, width and location of all thoroughfares or extensions thereof shall conform to the requirements of these regulations and the Official Thoroughfare Plan of the City of Oxford. Thoroughfares not contained in the aforementioned plan shall conform to the recommendations of the Planning Commission based upon the Design Standards set forth in these regulations. In addition, no plat of land will be approved unless it conforms to the Zoning Ordinance.

106 – Variations and Exceptions

- (A) Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties or substantial hardship or injustice, Council, after a report by the Planning Commission, may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner, but so that, at the same time, the public welfare and interests of the City and surrounding areas are protected and the general intent and spirit of these regulations preserved.
- (B) If a subdivider requests release of his performance bond, as outlined in Section 203 prior to the installation of sidewalks along the front of the lots in the subdivision, which have not yet been built upon, he may do so with the consent of Council by providing the City with a bond to ensure completion of the sidewalks at a later date.
 - (1) This bond may be cash, or any other bond acceptable to the Law Director in the amount of one and one-half (1½) times the current cost of such sidewalks, to provide assurance that these items will be completed.

107 – Enforcement

- (A) No plat of any subdivision shall be entitled to record in the Office of the County Recorder of Butler County or have any validity until it has been approved in the manner prescribed herein.
- (B) Council shall not permit any public improvement over which it has any control to be made, or any money expended for improvements in any area that has been subdivided, or upon any street that has been platted after the date of the adoption of this chapter, unless such subdivision or street has been approved in accordance with the provisions contained herein.
- (C) Building permits may not be issued until all major utilities are installed and the street is constructed to the Engineering Division's satisfaction. Minimum improvements must be completed to a point where vehicles have reasonable access to the lot for which a permit is being requested.

108 – Changes and Amendments

Any regulations or provisions of this chapter may be changed and amended from time to time by Council, provided, that such changes or amendments shall not become effective until after study and report by the Planning Commission and after a public hearing has been held, public notice of which has been given in a newspaper of general circulation at least thirty (30) days prior to such hearing.

109 – Validity and Separability

If any section, paragraph, subdivision, clause, phrase or provision of these Subdivision Regulations is adjudged invalid or held unconstitutional, the same shall not affect the validity of these Subdivision Regulations as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

110 – General

- (A) No person being the owner, agent or person having control of any land within the City shall subdivide such land in lots unless by a plat, in accordance with the regulations contained herein.
- (B) Each subdivider of land should confer with the City Manager or designated City official, before preparing a subdivision plat in order to become thoroughly familiar with the subdivision requirements, with the regulations of the Zoning Ordinance and with the proposals of the City Comprehensive Plan and Thoroughfare Plan affecting the territory in which the proposed subdivision lies.
- (C) Wherever any subdivision of land hereafter is laid out, the applicant or his agent shall apply for and receive approval on a Preliminary and Final Plat as required by these regulations before any Record Plat may be given final approval. Said plats and plans of proposed improvements, and all procedure relating thereto, shall in all respects be in full compliance with these regulations.
- (D) No owner, subdivider, or agent of the owner, of any land located within a subdivision or proposed subdivision, shall enter into any contract for the sale of, or shall offer to sell said subdivision or any part thereof, transfer or sell any land by reference to, exhibition of, or by the use of a plat of the subdivision, nor shall any construction work on the proposed subdivision proceed until such plat has been approved and recorded in the manner prescribed in these regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations. Any work performed prior to Record Plat approval will be at the risk of the subdivider.
- (E) Subdividers are cautioned that the Planning Commission, City Council and its staff, in reviewing the Subdivision Plans, shall not be bound by the modifications to the property in question or the location or construction of infrastructure, stormwater utility provisions, or any other modification in the review of the subdivision plans, until formal subdivision plans are formally approved. Such approval may require

removal, relocation, or alteration of such facilities or structures and restoration of the premises at the subdivider's expense and may result in delay of plat approval.

- (F) All land offered to the City for use of streets, alleys, easements, parks and other public uses shall be accepted by City Council.
- (G) Zoning approval of a planned unit development does not constitute subdivision approval. The procedures for approval of planned unit developments are subject to the approval procedure specified by Chapter 1145 of Planning and Zoning Code.
- (H) These subdivision regulations apply to residential, commercial and industrial land proposed to be subdivided. All parcels shall follow the underlying zoning requirements in regards to site development requirements. The Planning Commission and City Council may approve variations to the design standards requirements of these regulations for commercial and industrial land in accordance with Section 106 above.

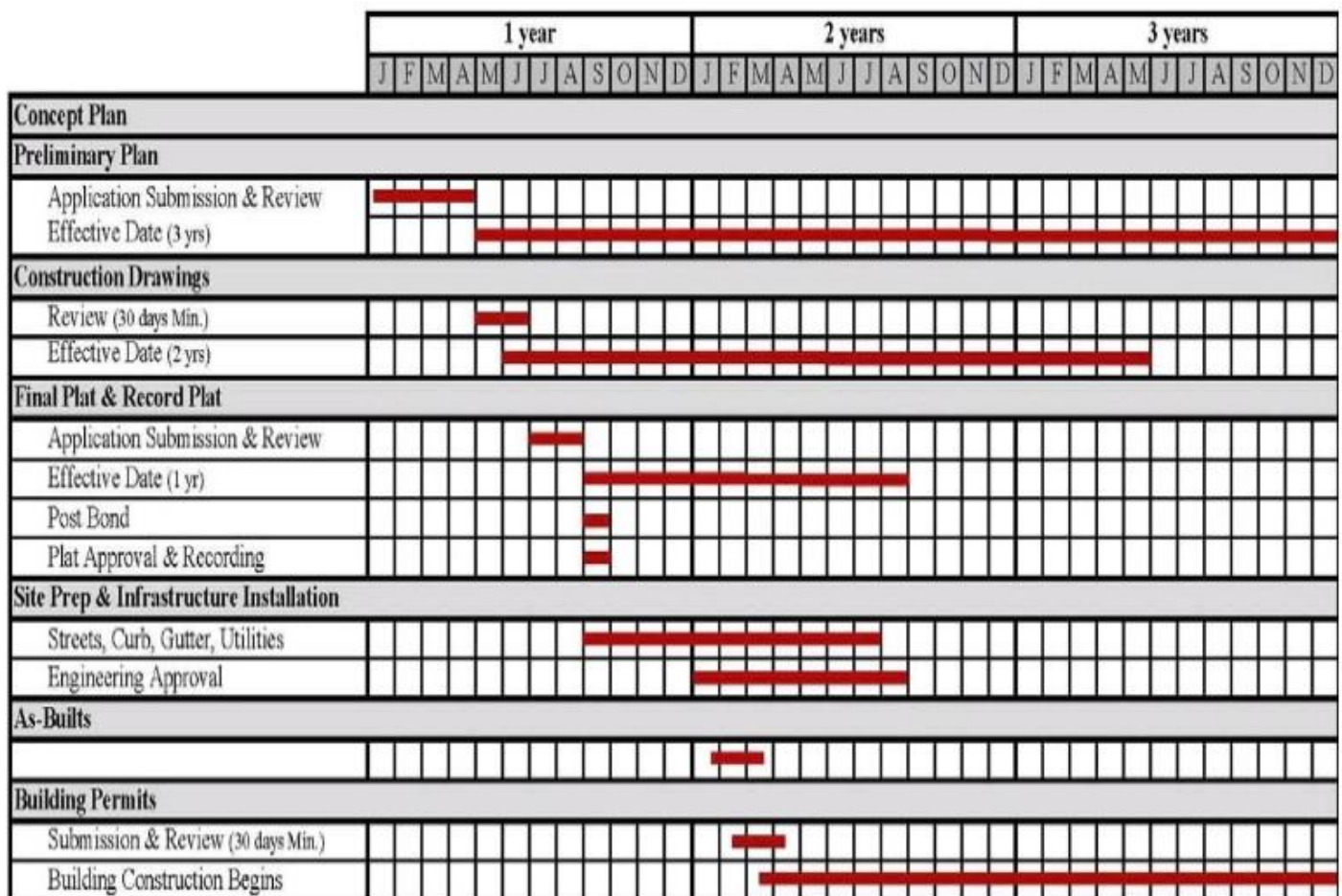
(Ord. 3149. Passed 5-17-11.)

1101.2 – Subdivision process.

Plats containing less than three lots shall follow Section 1101.6, Minor Resubdivisions, Lot Splits and Lot Consolidations and the provisions therein.

Figure 1.1 Subdivision Process

(For illustrative purposes only. Refer to subsections below for detailed description.)



200 – Pre-Application Meeting and Concept Plan

- (A) The subdivider should meet with the City staff to review a Concept Plan, prior to the submission of the Preliminary Plat. Although not mandatory, a Concept Plan review is highly recommended. The purpose of this meeting is to discuss, early and informally, the purpose and effect of these regulations and the criteria and standards contained herein. Such meeting is designed to familiarize the subdivider with the Comprehensive Plan, the Thoroughfare Plan, and other relevant plans, applicable zoning standards, present proposed drainage, sewage, and water systems for the City, to ascertain the location of proposed highways, street connectivity, public ways, parks, playgrounds, and other development and to determine the need for a traffic impact study, based upon the level of impact of this development upon surrounding traffic flow and safety.
- (B) The information in Attachment A shall be included on a Concept Plan submitted by the subdivider to be discussed at the pre-application meeting.
- (C) Upon submittal of a Concept Plan to the City (Community Development Department), a meeting will be scheduled with the reviewing departments within fifteen (15) working days. At the meeting, the reviewing departments shall be required to provide the subdivider a written response with any comments and concerns including any exceptions, conditions, designs, or requirements necessary to ensure compliance. Staff has the discretion to recommend if a Concept Plan should also be presented to the Planning Commission prior to a Preliminary Plat submittal. No comments or statements made during a pre-application meeting, or presentation of a Concept Plan to the Planning Commission, or any of its members, shall be construed as a final acceptance of a Preliminary Plat until the formal hearing approval of the Planning Commission and City Council is granted.
- (D) If the subdivider chooses not to request a pre-application meeting or submit a Concept Plan, the preparation of a Preliminary Plat for submission to the Planning Commission for formal consideration can occur.

201 – Preliminary Plat

- (A) A Preliminary Plat shall be submitted to the Planning Commission for a recommendation and then to Council for approval or disapproval. If Council approves the Preliminary Plat, the subdivider may proceed with the preparation of the Construction Drawings and the Final Plat. No lots shall be sold from such plat until approved as herein provided and properly recorded.
- (B) The design and layout of all subdivisions shall conform to the requirements of Section 4. The subdivider shall submit a Preliminary Plat for the entire subdivision, in accordance with the submission requirements of Attachment B. Any missing information will constitute an incomplete application.
- (C) All applications for a Preliminary Plat shall be submitted by a date determined by the Planning Commission prior to the meeting date in which the applicant expects to attend. Any late applications shall not be accepted.
- (D) An approved Preliminary Plat is valid for 3 years from the City Council Ordinance date, unless otherwise stipulated. All sections of an approved preliminary plat shall be filed for final plat approval within three (3) years of the date of the approval of the preliminary plat. When this 3 year time period expires, the preliminary plat will be considered void, unless an extension of the approval has been granted in accordance with Section 205.

202 – Construction Drawings/Improvement Plans

- (A) Once the Preliminary Plat has been approved by City Council, the subdivider shall provide Construction Drawings with all the information outlined in Attachment C with the application, illustrating grading work,

construction of the required street, including water, sanitary and drainage improvements to the City (Community Development Department). The plans will be distributed to the reviewing departments. Reviewing departments shall provide written approval, refusal or requests for modifications to the applicant within thirty (30) days of the date the plans were received.

- (B) Construction Drawings for improvements shall be in accordance with any stipulations set forth in the Preliminary Plat approval, the specifications of these regulations, the Typical Section Drawings in Attachment H herein, the Water and Sanitary Sewer Improvement Specifications Manual, Storm Water Management Design Manual, Stormwater Drainage Plan, Curb, Gutter & Sidewalk Specifications Manual, Sanitary Sewer Pump Station Requirements, and the Water System Master Plan. No work shall commence on the site until the improvement plans submitted have been approved by all reviewing departments, approval of the Final Plat and until proof of the recording of the Record Plat. Any work that has been started prior to recording the Record Plat or prior to approval from the EPA shall be done so at the risk of the subdivider.
- (C) An approved set of Construction Drawings are valid for 2 years from the date that all signatures are received. All signatures of the reviewing departments must be obtained before release of the approved Construction Drawings. When this 2 year time period expires, the Construction Drawings will be considered void, unless an extension of the approval has been granted in accordance with Section 205.

203 – Final Plat & Record Plat

- (A) A Final Plat may be submitted for the entire subdivision or section(s) thereof. A Final Plat shall be submitted to Council for approval or disapproval by Ordinance. The Final Plat must substantially correspond to the approved Preliminary Plat.
- (B) The corresponding Record Plat may be submitted simultaneously with the Final Plat with all the information shown on the Record Plat as outlined in Attachment E and all necessary clauses outlined in Attachment H.
- (C) The design and layout of all subdivisions shall conform to the requirements of Section 1101.4. The subdivider shall submit a Final Plat for each section of the subdivision, in accordance with the submission requirements of Attachment D. Any missing information will constitute an incomplete application.
- (D) All applications for a Final Plat shall be submitted to the Community Development Department by a date determined by the City Council prior to the meeting date in which the applicant expects to attend the first reading before City Council. Any late applications shall not be accepted. A Final Plat application shall be accompanied with proof of approved, unexpired Construction Drawings.
- (E) An approved Final Plat is valid for 1 year from the City Council Ordinance date, unless otherwise stipulated. All recordings shall be completed and construction of the infrastructure improvements started within this 1 year time period or the Final Plat will be considered void, unless an extension of the approval has been granted in accordance with Section 205.
- (F) Following approval of the Final Plat of each section by City Council; prior to recording the Record Plat and the start of construction, the subdivider shall file with the Clerk of Council a surety bond, irrevocable letter of credit, cashier's check or a certified check upon a solvent local bank conditioned to secure and guarantee the construction of the improvements in accordance with the requirements of Section 1101.4 and in a satisfactory manner within a period not exceed two years. No such bond or check shall be accepted unless it is enforceable by or payable to the City in a sum at least equal to the cost of constructing the improvements as estimated by the City Engineer and in form with surety and conditions approved by

the City Attorney. Property Bonds for the purpose of guaranteeing the construction improvements are strictly prohibited.

- (G) Once the surety bond, irrevocable letter of credit, cashier's check or certified check is received, the circulation process necessary to obtain the required signatures of approval and endorsement of the Record Plat will begin and shall be complete within ten (10) days. The Record Plat will not be released to the subdivider for recording at the Butler County Recorder's office until the aforementioned bond is accepted by the City.
- (H) After final recording at the Butler County Recorder's Office, the applicant shall furnish a proof of such recording for filing to the Community Development Department prior to the issuance of any construction permits for site preparation.
- (I) All streets shall be constructed, satisfactory to the City Engineer. No building permits may be issued until all major utilities are installed and the street is constructed to the City Engineer's satisfaction.

204 – As-Built Drawings

- (A) At the completion of construction, the Subdivider and/or Owner of the property subdivided shall be required to submit "As-Built" Construction Drawings. "As-Built" Construction Drawings shall be revised as necessary to show the exact locations of critical infrastructure components in accordance with the rules and regulations of any applicable reviewing department. "As-Built" Construction Drawings shall be verified by field survey, and shall be prepared by a professional surveyor and/or engineer, licensed in the State of Ohio and as permitted by law. "As-Built" Construction Drawings shall be submitted and approved by all reviewing departments, requiring them, prior to the release of the performance bond and the acceptance of any public infrastructure improvements on the subject property. All changes from the approved Construction Drawings shall be clearly identifiable and in accordance with the submission requirements of Attachment F.
- (B) After all construction work required by the Construction Drawings has been completed and approved by the City Engineer and/or the representative of the utility company involved, the subdivider must post a maintenance bond to maintain and keep in repair, all streets, curbs, gutters, sidewalks, drainage facilities and structures for a period of one year. Ten (10%) percent of the performance bond shall be retained for a period of one year as surety for such maintenance.
- (C) Building permits to individual lots will not be released until as-builts are submitted, accepted and the proper bond has been posted.

205 – Extension of Time

A subdivider may request in writing that City Council grant an extension of six (6) months, for the approval to the Preliminary Plat, Construction Drawings or Final Plat, provided they can show reasonable cause for inability to complete said improvements within the required timeframe. A maximum of two (2) extensions may be granted.

The subdivider is solely responsible for knowing the expiration dates and meeting or extending them in accordance with these Regulations. The City shall have no duty, obligation or responsibility to remind or notify subdividers of approaching expiration dates.

206 – Failure to Complete Improvements

In case the subdivider fails to complete the required public improvements work within such time period as required by the conditions or guarantees as outlined above, City Council may proceed to have such work completed and reimburse itself for the cost thereof by appropriating the cash deposit, certified check, surety

bond, or by drawing upon the letter of credit, or shall take the necessary steps to require performance by the bonding company.

(Ord. 3149. Passed 5-17-11.)

1101.3 – Submittal requirements.

Refer to Attachments A-G for all required submission material for Concept Plan, Preliminary Plat, Construction Drawings, Final Plat, Record Plat and Minor Resubdivisions, Lot Splits and Lot Consolidations.

(Ord. 3149. Passed 5-17-11.)

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

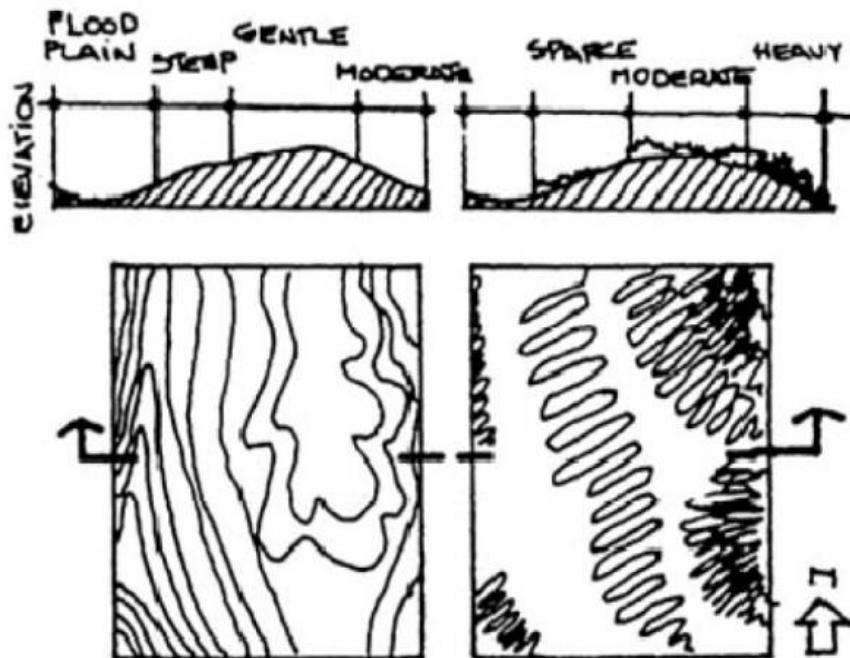
If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to poor drainage, flood hazard, topography, inadequate water or sewer supply, slippage potential, unstable subsurface conditions due to poor soils or other reasons and other such conditions 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:

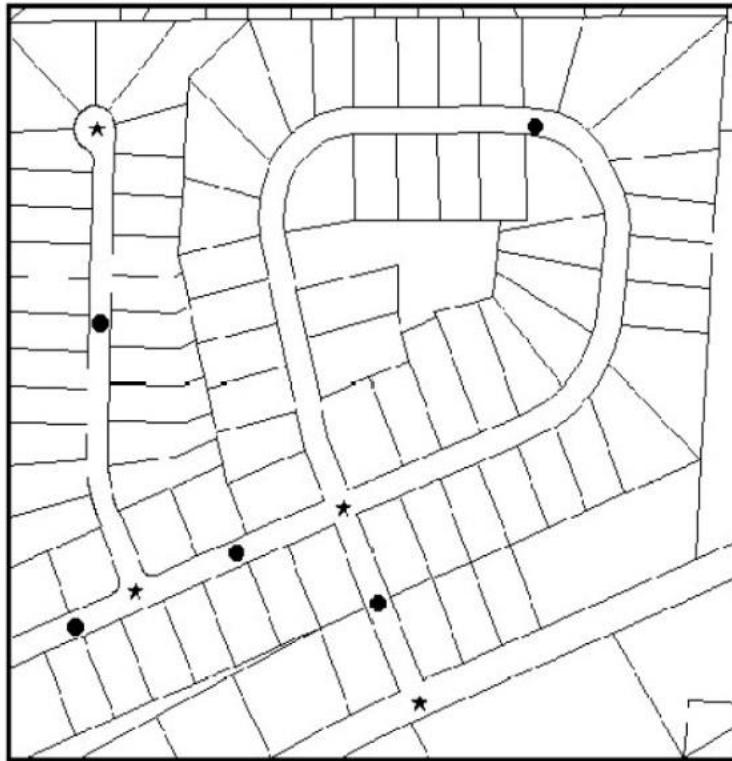
- (a) Before the commencement of the work;
 - (b) Twenty-four hours prior to seeking an inspection; and
 - (c) At the end of the one-year maintenance improvements.
- (4) Proposed streets shall intersect one another and existing street(s) at right angles as topography and other limiting factors allow.
 - (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.



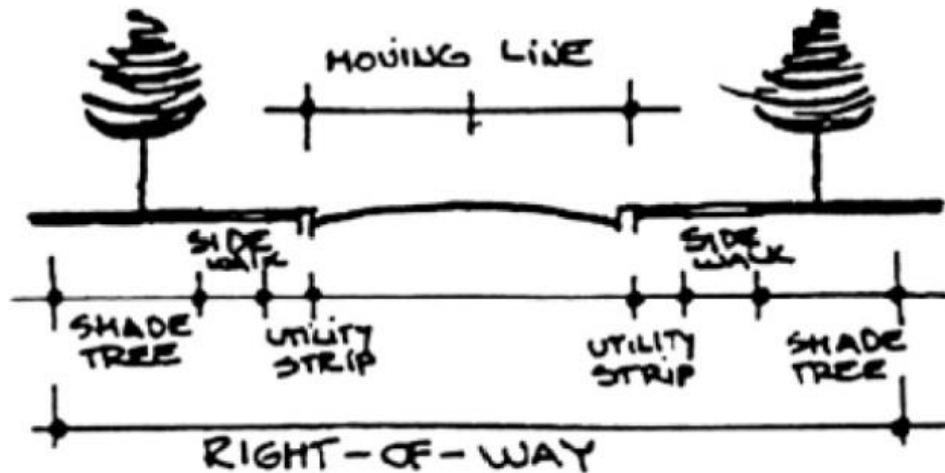
(E) Private Streets

- (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.

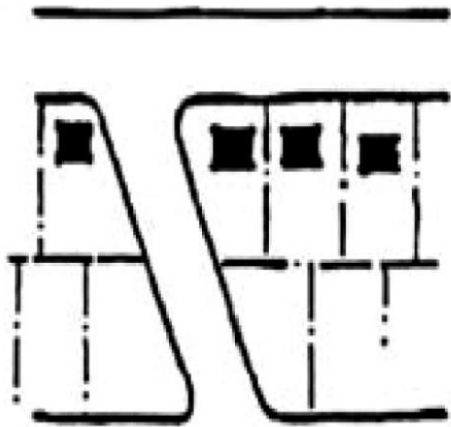
408 – Blocks

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.

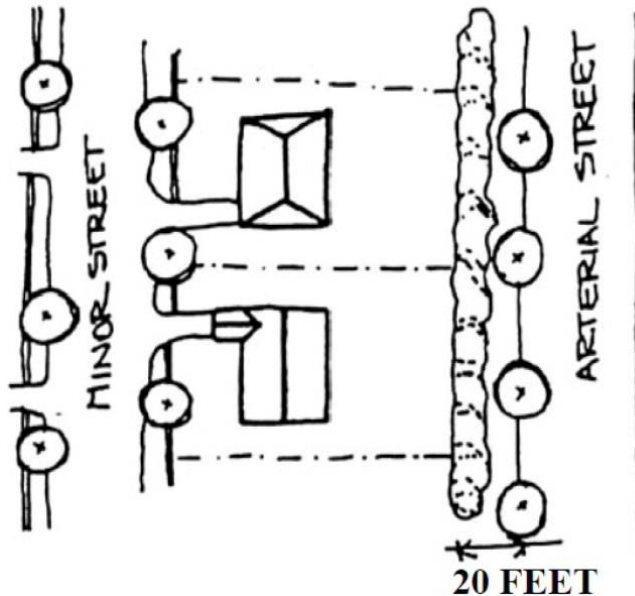
- (A) The maximum block length shall be 800 feet.
- (B) Where blocks are over 600 feet in length, a public walkway which traverses the block may be required to be dedicated and installed by the subdivider.
- (C) In platting residential lots, the depth of the block should not exceed 350 feet.
- (D) Blocks 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.

(Ord. 3432. Passed 9-19-17. Sections 400, 403 and 410 amended by Ord. 3559, passed 5-5-20.)

1101.5 – Open space residential developments.

500 – Purpose

Open Space Residential Developments provide for and encourage flexible and creative development techniques aimed toward providing a healthy and safe, natural and built environment. The development of Open Space Residential Development is encouraged within the City of Oxford Comprehensive Plan to conserve and protect the natural environment and rural landscapes within the City. Specifically, the purpose of this ordinance is to:

- (A) Encourage creative and flexible site design sensitive to natural features and topography; and
- (B) Protect functional and attractive open spaces for use and/or enjoyment of residents, and to the benefit of the public welfare; and
- (C) Promote efficient land development that reduces the costs of infrastructure, public service provision and ensures the orderly coordination of public streets.

501 – Property Requirements

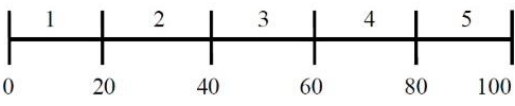
- (A) Open Space Residential Developments are permitted where the subject parcel(s) are not separated by a road or other right-of-way prior to development.
- (B) The subdivider (applicant) must own in fee simple or have an option to purchase all lands within the Open Space Residential Development.
- (C) Any lawful ownership arrangement including, but not limited to fee simple lots, is permitted in an Open Space Residential Development.
- (D) Newly Annexed Land:
 - (1) Open Space Residential Developments are a standard requirement on annexed agricultural or residential land where the subject parcel(s) contains 20 contiguous acres or more.
- (E) Land within City Limits:
 - (1) Open Space Residential Developments are optional on land in any Single-or Two-Family zoning district where the subject parcel(s) contains a minimum of 5 contiguous acres.

502 – Permitted Density

The maximum number of housing units permitted in an Open Space Residential Development shall not exceed the density of the underlying zoning district unless it qualifies for a density bonus as outlined below.

The Planning Commission may consider a density bonus for projects that are adequately serviced by public sewer and water. The proposed type and density of use shall not result in an unreasonable increase in the need for, or impact to, public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted by this Ordinance, and shall not place an unreasonable impact to the subject and/or surrounding land and/or property owners and occupants and/or the natural environment.

Projects qualifying for a density bonus are listed in Table 1. and shall include at least one of the elements. The density bonus awarded is based on a point system scale in Table 2.

Tabke 2. Bonus Award Scale	
(A) 2 points for every 0.5 acre exceeding the required open space	Additional DU/AC Earned  Points Earned <i>100 points or 5 additional dwelling units per acre is the maximum bonus to achieve. Additional point will not warrant additional units.</i>
(B) 0.5 point for every 1,000 sq. ft. of site contamination clean-up	
(C) 1 point for every 0.5 mile of dedicated pedestrian trail/walkway completed	
(D) 2 point for every 1% of significant reduction in stormwater run-off utilizing Low Impact Development (LID)	
(E) Other site development improvements as determined by the Planning Commission in order to protect the health, safety and general welfare of the City. A maximum of 10 points shall be awarded	
(F) 1 point for every 1,000 sq. ft. of Ecological Restoration (i.e. rebuilds native vegetation or washed out watercourse)	

503 – Allowable Uses

- (A) The use allowed in an Open Space Residential Development are those permitted uses listed in the applicable zoning district.
- (B) Multi-family (3-family or more) dwelling uses are prohibited in open space residential development

504 – Modifications to Regulations

Minimum lot area requirements contained in the applicable zoning districts are modified in an Open Space Residential Development to provide for required open space and allow for flexibility in design. Unless specifically modified hereunder, or waived by the Planning Commission, Site Development regulations contained in the applicable zoning district apply.

(A) Lot Area Requirements:

There are no minimum lot sizes. Lots included in a development plan shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing and yard requirements defined herein.

(B) Minimum Yard Depths and Setbacks:

- (1) Individual buildings in a proposed development shall be setback a minimum of 10 feet from a proposed right-of-way and 35 feet from an existing City or county road.
- (2) Individual buildings shall be setback a minimum of 50 feet from any lot line that represents the boundary of the proposed Open Space Residential Development.
- (3) There shall be a minimum separation of 60 feet between the rears of two principal buildings.
- (4) A 7.5 foot minimum side yard setback shall be maintained.

(C) Flexibility of Zoning Code Requirements:

- (1) To encourage flexibility and creativity consistent with the open space community concept, deviation from compliance with the standards provided for in the zoning ordinance may be granted at the discretion of the Planning Commission as part of the Open Space Subdivision approval process. Such variation may be authorized on the condition that there are features, amenities or planning mechanisms deemed adequate by the Planning Commission designed into

the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a departure is sought. Any deviations from zoning ordinance standards will require the Applicant to provide substitute safeguards for each regulation for which there is noncompliance, in whole or in part, in the development plan.

- (a) Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the Open Space Residential Development, provided such variance does not involve alterations to open space areas as shown on the approved Open Space Residential Development site plan.
- (b) A table shall be provided on the site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, which would otherwise be applicable to the uses and development proposed in the absence of this Open Space Subdivision Chapter. This specification should include Ordinance provisions from which deviation are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this Ordinance shall be considered.

(D) Modifications to Infrastructure and Street Sections

Should an Open Space Residential Development propose a street width or infrastructure detail that is not specifically included in Attachment H of these regulations, the City Engineer shall evaluate and review the proposed street and make a recommendation to the Planning Commission to determine if the proposed street will be acceptable as proposed.

505 – Open Space Residential Development

(A) Mandatory Open Space Requirements:

- (1) A site analysis shall be conducted identifying all mandatory preserved land as listed in Section 505(A)(2) below and the subdivision shall be laid out to avoid adversely affecting such areas. Said analysis shall be submitted with the Preliminary and Final Development Plan.
- (2) The following areas shall be preserved in their natural state as part of the open space requirements:
 - (a) Wetlands found within a site proposed to be developed as an Open Space Residential Development must remain in a natural state, and no off-site mitigation of wetlands shall be permitted; and
 - (b) Steep slopes fifteen (15%) percent or more, unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account; and
 - (c) Any area as referenced in Section 402 Sensitive Development Areas, of these regulations.
- (3) In the case of phased development, open space shall satisfy Section 505 (D)(1) and be provided in a proportional manner with a developed area. To the greatest degree practicable, common

open space shall be designated as a single block and not divided into unconnected small parcels located in various parts of the development;

- (4) The following areas shall not count toward the minimum open space requirements:
- (a) Private and public roads and associated rights-of-way.
 - (b) Public or private parking areas, access ways, and driveways.
 - (c) Required setbacks between buildings, parking areas, and project boundaries.
 - (d) Required setbacks between buildings and streets.
 - (e) Private yards, including front, back and sides.
 - (f) Above-ground buildings, pipes, apparatus, and other equipment for community or individuals, septic, or sewage disposal systems.
 - (g) Any area less than 50 by 50 feet.
- (5) Open Space shall be required as listed in Table 3. All Open Space Residential Developments shall include a minimum of the total site acreage as required open space based on the underlying base zoning density.

Table 3. Open Space Required for Various Densities	
Base Density (du/ac)	Open Space Required (% of total site area)
<3	35%
3.01-6.00	37.5%
6.01-9.99	40%
10>	45%

- (6) Any development that meets or exceeds its minimum preserved open space requirement upon the site analysis that includes areas as specified in Section 505(A)(2) above, shall not be required to provide any additional open space and is entitled to a density bonus as outlined in Section 502 above.
- (B) Use of Required Open Space:
- (1) Open space shall be designed and intended for the use and/or enjoyment of all residents of the proposed development and shall be accessible.
 - (2) Areas designated for required open spaces shall be preserved in their natural state unless otherwise permitted as follows:
 - (a) They are designated to be utilized for farming when authorized in a conservation easement or in a homeowners' association's covenants and restrictions; or

- (b) They are designated to be utilized as wet or dry storm water management ponds or basins. These ponds or basins may be located partially or entirely within the required open space. Easement shall be required to enable the maintenance of these facilities or
- (c) They are designated to be used as passive recreation areas (i.e. multi-purpose paths and pedestrian trails) designed and intended for the use and/or enjoyment of residents of the development and/or the general public. These active recreation areas shall be located in areas with the least impact on natural amenities and wildlife habitats, of a useable size and shape for the intended purpose. Such uses shall not include:
 - i. Structures under a roof;

(C) Reclamation:

- (1) Any areas to be designated as required open space that are disturbed during construction or otherwise not preserved in its natural states, shall be landscaped with indigenous vegetation, excluding noxious plant life, which appeared in those respective areas of the required open space immediately prior to being disturbed during construction or otherwise not preserved in their natural states.

(D) Future Subdivision and Development of Open Space

- (1) All required open space approved in the Final Development Plan shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the City of Oxford, and duly recorded in the office of the Butler County Recorder.

506 – Ownership and Maintenance of Open Space

Ownership of open space shall be designated through, but not limited to, one of the following options:

- (A) Homeowners' Association, Condominium Association, Community Association, or other similar legal entity.

The deed to each dwelling shall include a proportionate share of the common open space. Each owner shall be required to be a member of said Association, which shall be formed prior to conveyance of the first lot. The Association shall be responsible for maintenance, control, and insurance of all common areas, including required open space

- (B) Conservation Easement.

With the permission of City, the owner(s) of required open space may in accordance with the provisions of Section 5301.67-70 of the ORC, grant or transfer a conservation easement to any entity described in Section 5301.68 of the ORC, provided that the entity and the provisions of the conservation easements are acceptable to the City of Oxford and a land trust agreement is established. The conservation easement shall protect open space from future development and environmental damage by restricting the area from any future building and from the removal of soil, trees, and other natural features, except as is consistent with conservation, recreation, or agricultural uses or uses accessory to permitted uses. The easement shall indicate whether the open space is for the benefit of residents only or may be open to residents of the City of Oxford.

- (C) An Open Space Management Entity.

Such entity shall ensure that the open space will be protected in perpetuity from all forms of development, except as shown on an approved development plan and that it will never be changed to another use. The management entity shall prescribe all allowable and unallowable uses and activities within such open space, provide detailed standards and schedules for maintenance of the open space, including vegetative management.

(Ord. 3149. Passed 5-17-11.)

1101.6 – Minor Subdivisions ~~resubdivisions, lot splits and consolidation.~~

600 – Authority

- (A) This section is adopted pursuant to Section 711.131 of the Ohio Revised Code.
- (B) The Zoning Administrator shall serve as the “properly designated representative” for the Planning Commission (which acts as the Platting Commission pursuant to ORC 713.03) in administering this section.
- (C) This section shall apply to all “minor subdivisions” as defined in Section 1101.7, which is inclusive of lot splits and lot consolidations.

601 ~~600~~ – Review Criteria ~~Procedure.~~

~~The Planning Commission, acting as the Platting Commission, shall grant or deny, minor resubdivision(s), lot split(s) or lot consolidation(s) in the following manner:~~ No minor subdivision shall be approved unless the Zoning Administrator finds that all of the following criteria are met:

- (A) The proposed minor subdivision is located along an existing public street and involves no opening, widening or extension of any street or road. For purposes of applying this criterion, “existing public street” does not include any street determined to be an alley;
- (B) The proposed minor subdivision involves no more than five lots after the original tract has been completely subdivided (see Section 1101.7 for definitions of “original tract” and “completely subdivided”);
- (C) The proposed minor subdivision meets the minimum lot area, width, and frontage requirements which may be applicable per the underlying zoning district; in cases where the underlying zoning district does not specify such requirements, the proposed lot must be a minimum of 3,000 square feet in size and possess at least 33 feet of lot width/frontage;
- (D) The proposed minor subdivision can be adequately served by public utilities inclusive of sanitary sewer and water services; and
- (E) The proposed minor subdivision can demonstrate that provisions for access can be accommodated, either through its frontage on a public street/road or through some other means.

602 – Appeals.

The appeal of any decision by the Zoning Administrator acting on behalf of the Planning Commission shall follow the rules and procedures as set forth in Section 1129.11.

603 – Procedure.

- (A) Any requester for a minor subdivision shall make application to the City of Oxford Community Development Department on forms made available by the Department.

- (B) As part of an application for minor subdivision, the Zoning Administrator may require any such details or information as found reasonably necessary to make an informed decision and to help ensure a successful eventual recording with the County.
- (C) Minor subdivisions shall be recorded within six (6) months of approval by the Zoning Administrator; following the six (6) month period the approval shall be considered null and void. Following recording, the applicant/requester shall submit proof of recording to the Community Development Department.

604 – Exemptions.

Pursuant to ORC 711, the following situations shall be exempt from requiring Minor Subdivision approval:

- (A) A division or partition of land into parcels of more than five acres not involving any new streets or easements of access; and
 - (B) The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites.
 - (1) In such cases where the exemption under subsection (B) applies, the Zoning Administrator shall review to ensure the following statement appears on the face of the deed to be recorded: “This conveyance is a transfer between adjoining property owners. No building may be erected on the parcel hereby conveyed without prior approval of the Planning Authority having jurisdiction. This parcel is not to be conveyed separately from the adjoining Lot [#], City of Oxford, Book [#], Page [#] of the Official Records of Butler County, Ohio, without approval of the Planning Authority having jurisdiction. This restriction shall apply to all future transfers unless released by the Planning Authority having jurisdiction.”
 - (2) Upon confirming the statement articulated above in subsection (1) appears on the deed in question, the Zoning Administrator shall apply to the deed a stamp reading “No Plat Required” together with an approval date and signature indicating the City of Oxford Community Development Department has approved the split consistent with ORC 711.
- ~~(A) — The Zoning Administrator and Chair of the Planning Commission shall, acting for the Planning Commission; mutually approve the minor resubdivision, lot split or consolidation if the proposed division or combination of land meets all of the following conditions:~~
- ~~(1) — The proposed minor resubdivision, lot split or consolidation is located along an existing public street and involves no opening, widening or extension of any street or road, and in the case of residential lots, does not involve the creation of any easement for access.~~
 - ~~(2) — The proposed minor resubdivision, lot split or consolidation meets the dimensional requirement of the underlying district or a minimum of 3,000 square feet of lot size if the underlying district does not have minimum lot size requirements.~~
 - ~~(3) — The physical characteristics of the property are suitable for building sites.~~
 - ~~(4) — There is no division or allocation of land for parks and open spaces as required by these regulations.~~
 - ~~(5) — New lots to be created which are five acres or larger in size and located along an existing public road are exempt from this chapter.~~
 - ~~(6) — The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites are exempt from this chapter. The following statement shall~~

~~be included on the Record Plat: "Not to be transferred as an independent parcel in the future without planning commission approval"~~

~~(7) — No more than two (2) new lots shall be created.~~

~~(B) — If, in the opinion of the Zoning Administrator or the Chair of the Planning Commission, the proposed minor resubdivision, lot split or consolidation does not meet the above conditions, the request shall be referred to the Planning Commission for decision. The Planning Commission, by majority vote, shall grant a minor resubdivision, lot split or consolidation if they find all of the conditions of subsection (A) above have been substantially met and provided.~~

~~(C) — All lots occupied by portions of an existing main building may be administratively consolidated into one lot by the Zoning Administrator and the Chair of the Planning Commission acting together for the Planning Commission, provided the proposed request meets all applicable subdivision and zoning regulations.~~

~~(D) — The Planning Commission may require, as a condition for approval of a minor resubdivision, lot split or consolidation, the dedication of a street right-of-way in conformance with the requirements of these regulations or the Official Thoroughfare Plan.~~

~~(E) — All minor resubdivision(s), lot split(s) or lot consolidation(s) shall submit proof of recording to the Community Development Department and shall be recorded within six (6) months of the City's approval, or the approval will be null-in-void.~~

~~601 — Submittal Requirements~~

~~Application for approval of a minor resubdivision, lot split or consolidation shall include all information as outlined in Attachment G.~~

~~602 — Replats~~

~~The requirements and procedures to be followed for modifying an existing recorded subdivision plat shall be the same as those specified for Final Plats in Section 203, with the exception of the transfer of property within a recorded subdivision may be submitted as a minor subdivision if it does not involve the creation of any subdivision lot as a separate building site.~~

(Ord. 3149. Passed 5-17-11.)

1101.7 – Definitions.

701 – Definitions in Chapter 1159

The definitions in Chapter 1159 of the Zoning Ordinance of the City of Oxford shall also be considered a part of these Subdivision Regulations.

702 – Interpretation of Terms or Words

For the purpose of these Regulations, certain terms or words used herein shall be interpreted as follows:

- (1) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (3) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

- (4) The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- (5) The word "lot" includes the words "plot or parcel."
- (6) The word "City" where used shall mean the City of Oxford adopting these Regulations and its legal entities.

703 – Definitions

For the purpose of this chapter, certain terms and words are defined as follows:

Alley: See Thoroughfare.

Applicant: A person or organization seeking to subdivide property following the guidelines and process listed in these regulations.

As-built Drawings: A drawing which represents a true location of what is being measured or has already been built in the field.

Assurance of Completion: A contract secured by a performance bond or other guarantee or security satisfactory to the City of Oxford City Council guaranteeing timely completion of public improvements which are required by these regulations.

Bike Path: An area specifically for bicycling which is physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way.

Block: That property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of development.

Block Frontage: Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, or other definite barrier.

Building: A structure designed to be used as a place of occupancy, storage or shelter.

Building Site: A parcel under separate deed or description containing less than 5 acres and having road frontage.

Concept Plan: (Sketch Plan). An informal drawing which shows how a subdivider proposes to subdivide a property and which gives sufficient site information for the Planning Commission representatives to offer suggestions for site development.

Completely Subdivided: [When the original tract \(as defined herein\) has been subdivided into five total parcels or lots, inclusive of any remainder to the original tract; whereafter further subdividing such lots or parcels into more than five total lots or parcels, or to incorporate new access easements or public streets/roads, requires a Plat.](#)

Comprehensive Plan: A plan or any portion, thereof, adopted by the Planning Commission and the City Council showing the general location and extent of present and proposed physical facilities, including housing, industrial, and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Condominium: A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities, are owned by all the owners on a proportional undivided basis. It also means and includes the land together with all buildings, improvements, and structures

thereon, all easements, rights and appurtenances belonging thereto, and all articles of personal property which have been submitted to the provisions of Chapter 5311 of the Ohio Revised Code and which is subject to said Chapter 5311. A condominium or condominium property is not a subdivision.

Conservation Easement: The grant of a property right stipulating that the described land will remain in its natural state and precluding future or additional development.

Construction Drawings: (See Improvements). Detailed plans for the construction of all public improvements to be made to the land including street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities and utility lines, landscaping and other related matters normally associated with the development of raw land into building sites.

Conveyance: Any legal instrument under provisions of the Ohio Revised Code that results in the transfer of a legal or equitable interest in real properties subject to recording in the Office of the County Recorder.

Corner Lot: See Lot Types.

Covenant: A written promise or pledge. A binding agreement made by two or more individuals, parties, etc. to do or keep from doing a specified thing; compact.

Cul-de-sac: See Thoroughfare.

Culvert: A transverse drain that channels under a bridge, street, or driveway.

Dead-end/ Stub Street: See Thoroughfare.

Density: A unit of measurement; the number of dwelling units per acre of land.

- (1) Gross Density: The number of dwelling units per acre of the total land to be developed.
- (2) Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Develop: To make a development; also to do any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation filling of land, or storage of equipment or materials on undeveloped or already subdivided land, so as to change the drainage or the flow of water, or to do any work upon the land that is capable of serving as a subdivision or development of building sites in the future.

Developer(subdivider): means any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this chapter to affect a subdivision of land hereunder for himself or for another.

Drainage Easement: Any easement used for but not limited to the following uses: the placement of stormwater drainage features, such as ditches, underground pipes, retention or detention basins, natural or manmade drainage courses or other related facilities, as well as access to allow for maintenance purposes.

Driveway: A vehicular travelway used to provide access from a street to dwelling units or commercial or industrial activities. Driveways are designed for low travel speeds and are often used as, or are integral with, parking areas for vehicles.

Dwelling Unit: A building or structure designed or occupied exclusively for nontransient residential use and permitted accessory uses for one or more households, but not including a tent, cabin, trailer, hotel, motel, or mobile home. Space within a building comprising living, dining, sleeping and storage rooms as well as space and

equipment for cooking, bathing, and toilet facilities, all used by one (1) family. or housekeeping units for living and sleeping purposes and which includes permanently installed cooking and lawfully required sanitary facilities.

Earthwork Activity: Any, excavating, filling, or other alteration of the earth's surface where natural or manmade ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.

Easement: Means authorizations by a property owner for the use by the City or a private utility company serving the area, and for a specified purpose, of any designated part of his property.

Electronic Document: A file of electronic origin that is created or maintained on a computer with operating system, and that is created and submitted in Standard AUTOCAD Format with a file extension of only ".dwg" or ".dxf". Electronic File format shall also refer to the Standard ADOBE Format of ".pdf".

Engineer: A person registered to practice professional engineering by the state board of registration as specified in Section 4733.14, Ohio Revised Code.

Environmental Protection Agency: Ohio Environmental Protection Agency (E.P.A.)

Erosion: The wearing away of the earth's soil surface by water, wind, gravity, or any other natural process.

Federal Emergency Management Agency (FEMA): means the agency with the overall responsibility for administering the National Flood Insurance Program.

Final Plat: A revised version of the Preliminary Plat showing exact locations of lot lines, rights-of-way, easements, and dedicated areas which the subdivider submits for approval and intends, upon approval, to record.

Flood or flooding: means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood, 100-Year: The temporary inundation of normally dry land areas by a flood that is likely to occur once every 100 years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year.)

Flood Plain: Any land area susceptible to be inundated by water from the base flood. The term refers to that area designated as subject to flooding from the base flood (100-year flood) on the "Flood Hazard Boundary Map or Flood Insurance Rate Map" produced by the Federal Emergency Management Agency or U.S. Department of Housing and Urban Development delineating the areas of special flood hazard.

Grade: The amount of rise or descent of a sloping land surface, usually measured as a percent where the numbered percent represents the amount of vertical rise or fall, in feet, for every 100 feet horizontally. For example, a one foot vertical rise over one hundred horizontal feet represents a one percent slope.

Health Department: County Health District of Butler County, Ohio.

Highway Director: The Director of the Ohio Department of Transportation.

Historic Site: An area, structure or site related by historic or prehistoric events or themes, by visual continuity or character, or by some other special feature that gives it an historical identity as designated an historic district or is eligible to be designated by local, state, or federal government and given official status or protection.

Homeowners Association: A community association organized in a development in which individual owners share common responsibilities for the cost and upkeep of common open space or facilities or enforcement of covenants and restrictions relating to a development.

Improvements: (See Construction Drawings). Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control for drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

Inspector: means any person so designated by the City Manager to meet detailed inspections of contract performance.

Land Contract: A legal agreement between a landowner and another person or persons interested in purchasing real property owned by the landowner, wherein the landowner agrees to receive regular payments, at specified intervals for a specified period of time, from the purchaser and at the end of the specified time period agrees to transfer ownership of the property to the purchaser.

Letter of Credit: A written statement from a bank or loan company, written against the good standing of a subdivider, guaranteeing necessary funds, the amount to equal a professional engineer's cost estimate for subdivision improvements, to complete such improvements should the subdivider fail to complete them within the time frame and conditions as specified in the subdivision approval agreements. (See also, Maintenance Bond, Performance Bond or Surety Bond)

Location Map: See Vicinity Map.

Lot: For purposes of these regulations, a lot is a parcel of land that is:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Area: The area of a lot computed exclusive of any portion of the right(s)-of-way of any public or private street.

Lot Consolidation: The joining together of two or more lots, sites, tracts or parcels into one or more lot(s).

Lot Frontage: The front of a lot shall be constructed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

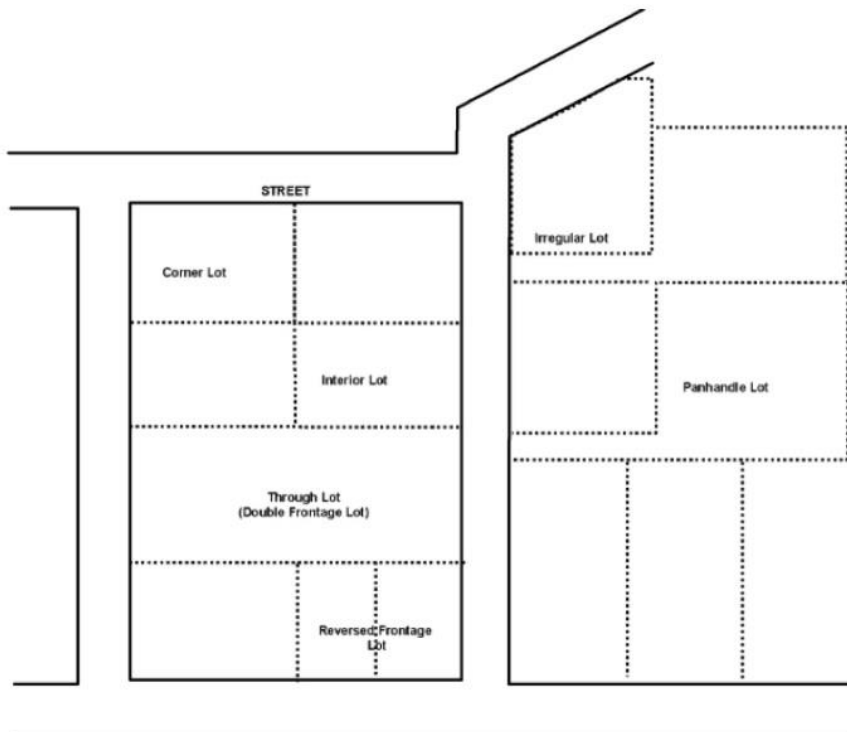
Lot Measurements: A lot shall be measured as follows:

- (1) Lot Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. The mean horizontal distance between the front and rear lines of a lot.
- (2) Lot Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width. The horizontal distance between side lot lines measured along the required building setback line. When the street line is curved, the measurement shall be made on the arc, on or parallel to the curve of the street line.

Lot of Record: (See Metes and Bounds and Monuments). A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Real estate recorded in the deed records in the office of the Butler County Recorder as a distinct lot or parcel, the description of which is complete and sufficient, in and of itself, for conveyance purposes without combination with other lots or parcels; or real estate recorded in the subdivision of lots records of the Butler County Recorder's office as a distinct lot or parcel capable of being conveyed without a combination with other lots or parcels.

Lot Split: Any division of land into less than three lots, sites, tracts or parcels. (Or no more than 2 new lots).

Lot Types: Terminology used in these regulations with reference to corner lots, interior lots and through lots is as follows



- (1) Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- (2) Interior Lot: A lot other than a corner lot with only one frontage on a street.
- (3) Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- (4) Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
- (5) Flag/Panhandle Lot: A lot whose only frontage on a public street is through a narrow strip of land which is generally wide enough to accommodate a driveway, but too narrow to accommodate any structures. The narrow strip of land is referred to as the panhandle. These lots are specifically prohibited in the City of Oxford.

Maintenance Bond: (See Letter of Credit and Performance Bond). An agreement by a subdivider with the City guaranteeing the maintenance of physical improvements for a period of one (1) year from the release of the performance bond.

Major Street: means a street shown as a major street on the Major Street Plan which has been recommended by the Planning Commission and adopted by Council.

Metes and Bounds: (See Lot of Record and Monuments). A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker, such as the corner of intersecting streets.

Minor Subdivision: means a division of a parcel of land that does not require a Record Plat to be approved by the Planning Commission in accordance with Ohio R.C. 711.131; also known as lot splits.

Major Subdivision: means the division of land not classified as a Minor Subdivision.

Monuments: (See Metes and Bounds). Permanent survey markers, or other permanent monuments such as Iron bases or iron pipes which will be set at all lot or parcel corners within the subdivision.

Multi-Use Path: See Bike Path and Pedestrian Path.

ORC: Ohio Revised Code.

Open Space: An area open to the sky intended for common usage by either the residents of a particular subdivision or the at-large public. This area may include, along with natural environmental features, any active recreational and/or community facilities desired by the Planning Commission. Streets, right-of-way, parking areas, structures for habitation, setback requirements and the like shall not be included.

- (1) Active Recreational Open Space: A place designed and equipped for the conduct of sports and leisure activities.
- (2) Passive Recreational Open Space: Leisure time activities, usually of an informal nature and which can be carried out with little alteration or disruption to the area in which they occur, emphasizes the open space aspect of a site and which involves a low level of development, including picnic areas and trails. A place designed and equipped for the purpose of non-active leisure.

Original Tract: As defined by the O.R.C. Section 711.131 as interpreted by the Attorney General in Opinion 1964 O.A.G. 1044, a contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners as of January 1 of the current tax year.

Out Lot: Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

Owner: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these Regulations.

Pad: A building site prepared by artificial means, including, but not limited to, grading, excavation, or embankment, or any combination thereof.

Parcel: Any piece of land described by a current deed.

Parking Space, Off-Street: For the purpose of these regulations, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly

related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Pedestrian Path: A pedestrian way, other than a sidewalk located parallel to a street. Could be located between dead end streets and other streets in order to facilitate better pedestrian and bicycle travel. Automobile use is prohibited.

Performance Bond or Surety Bond: An agreement by a subdivider with the City for the amount of the estimated construction cost (as approved by City Council and City Engineer) guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement. (See also, Letter of Credit)

Performance Guarantee: Any security that may be accepted by a municipality as a guarantee that the improvements required as part of an application for development that are satisfactorily completed.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Planned Unit Development: An area of land that is planned, developed, and maintained as a cohesive development according to the provisions of this Zoning Code. The planned unit development is a contiguous area to be planned and developed as a single entity containing one or more structures to accommodate residential, commercial and/or industrial uses in accordance with the zoning ordinance. An area of land, in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot size and setbacks, than those restrictions that would normally apply under these Regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

Plat: The drawing on which the subdivider's plan for a subdivision (preliminary or final) is presented to the Planning Commission for approval.

Plat of Survey: A land survey performed by a professional surveyor which identifies a minor subdivision or lot split.

Preliminary Plat: means a proposed subdivision of land together with certain public improvements which are to be installed therein, including both narrative and site design information, intended to provide the required reviewing agencies with a firm understanding of the manner in which the site in question is to be developed, and to determine whether there are any fundamental flaws inherent in the proposed subdivision's design, as enumerated these regulations.

Public Improvements: means any of the following: roadway pavement, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers and other appurtenant construction as related to the subdivision improvement plan.

Public Utility Easement: An easement that may be required along the rear and sides of lots where needed to accommodate access to a public utility or sanitary structures. All public utility easements should be depicted on Record Plats and state any and all conditions and restrictions of the easements.

Public Way: (See Right-of-Way). An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public entity have a right, or which are dedicated, whether improved or not.

Record Plat: The drawing on which the plan of a subdivision is presented for recording.

Replat: A new recording of a previously recorded subdivision in which the purpose is to modify some portion of the originally recorded plat.

Resubdivision: Means a change in the plat or drawing of a recorded major or minor subdivision if such change affects any street layout, lot line or public way.

Right-of-Way: A general term to noting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes 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.

Riparian Corridor/ Buffer: Riparian buffers are strips of grass, trees or shrubs established adjacent to streams, ditches, wetlands or other water bodies and are typically a minimum width of 35 feet with a maximum width of 180 feet and are typically included in the flood hazard zone.

Section: means any area of land specifically so designated by a subdivider on a Final Plat.

Sensitive Development Area: 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 to the environment, consisting of lands or soils that are of such sensitive character that they made require special use, design, and engineering restrictions.

Setback Line: A line established by the subdivision regulations generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure, other than an accessory building, may be located above ground.

Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Slippage Potential: The potential which land has to move, under the force of gravity, should it be disturbed during construction activity.

Slope (Steep): Slopes are determined based on contour intervals of two feet or less. The percent of slope (rise in feet per horizontal distance) shall be established by measurement of distance perpendicular to the contour of the slope. The percent of slope shall be calculated for each two-foot contour interval. For example, any location on the site where there is a one-foot rise over a 10-foot horizontal run constitutes a 10 percent slope; a 1.5 foot rise over a 10-foot horizontal run constitutes a 15 percent slope; a twofoot rise over a 10-foot horizontal run constitutes a 20 percent slope. For the purpose of this code, steep slopes are slopes with hydric soils, moderately or severely erodible soils, which can be engineered to be developed, but not without additional effort or costs and are regulated to ensure development will not induce soil erosion, require excessive grading, increase slope instability, increased runoff, flooding and contamination of surface waters.

Stopping Sight Distance: The distance down a roadway for which a motorist is able to have unobstructed sight. Stopping sight distance is reduced by vertical and horizontal road curvature, fixed objects on the side of the road, and overhanging vegetation.

Stream, Intermittent: As defined by the U.S. Geological Survey, a watercourse having a source and terminus, banks, and channel through which waters flow intermittently throughout the year.

Street: means land connecting to the City highway system and actually constructed and paved according to City specifications for streets or such land for which bond has been given to, and approved and accepted by the City to insure such construction and paving within a certain time, that has:

- (1) Been duly dedicated by subdivision plat, approved and accepted by the City and recorded in the plat records of Butler County, Ohio for all highway purposes, or;
- (2) Been unconditionally and irrevocably deeded to the City for all highway purposes with an accompanying survey plat which deed and plat have been accepted by and recorded by the City, or;
- (3) Been described by metes and bounds survey and plat and is determined to be equivalent to a plat dedicated or deeded as a street by virtue of at least twenty-one years usage for street purposes by the general public which determination may be made by Council by resolution or by a court of competent jurisdiction. Council has sole discretion as to whether it desires to make any such determination.
- (4) Been expressly permitted by Council to remain privately owned while open to general public use for highway purposes prior to the enactment of this section as well as such land hereafter remaining privately owned by virtue of the application of express provisions of law.

Street Classification: See Thoroughfare, Street, or Road.

Street Pattern: An overall design of streets

- (1) Curvilinear Pattern: A pattern of streets that are curved.
- (2) Gridiron Pattern: A street and blocked system resulting in the formal, regular rectangular blocks and the resulting four way intersections.
- (3) Radial Pattern: A street system in which the streets converge on a central point or area.
- (4) Rectilinear Pattern: A system that is characterized by right angle, roadways, grid pattern blocks, and four way intersections.

Subdividers: See Developer.

Subdivision: A subdivision of land is produced by the division of land into three or more lots, sites or parcels.

- (1) The division of any parcel of land shown as a unit or as continuous units on the last preceding tax roll, into two (2) or more parcels, sites or lots, any one of which is less than five (5) acres for the purpose whether immediate or future, of transfer of ownership; provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
- (2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

Surveyor: Any person registered to practice surveying by the State Board of Registration as specified in Section 4733.02, of the Ohio Revised Code.

Tract: The term is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots."

Thoroughfare, Street, or Road: The full width between property lines bounding every dedicated travelway, with a part thereof to be used for vehicular traffic and designated as follows:

- (1) **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- (2) **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route. Arterials include those classes of highways emphasizing a high level of mobility for the through movement of traffic. Generally, travel speeds and distances are greater on arterials as compared to the other classifications. The highest classes of arterials include interstates and freeways which are limited access to allow the free flow of traffic.
 - A. **Principal Arterials:** Generally, State and US Highways, heavily traveled County and City Roads, carrying both local and cross county traffic that links urban and rural communities. Intended to move traffic to and from interstates and major traffic generators with multiple lanes and a right-of-way width of 132 feet.
 - B. **Minor Arterials:** State and US Highways, County, Township and City Roads intended to serve through traffic and longer trips. Distributes traffic from principal arterials to lower class roads with right-of-way widths of 90 feet. Additional slope/utility easement as required.
- (3) **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which provide for distribution of traffic between major and local streets and abutting properties, including the principal entrance and circulation routes within residential subdivisions. Collectors collect traffic from the local streets and roads then distribute the traffic to the arterials. Collectors provide both mobility and land access. Generally, trip lengths, speeds, and volumes on collectors are moderate.
 - A. **Major Collectors:** City, County, and Township roads, carrying local traffic and moderate to short trips. Distributes traffic to and from principal and minor arterials and local streets. Additional slope/utility easement as required.
 - B. **Minor Collectors:** City, County and Township roads intended to serve properties that abut them that provides links for short distance trips with turn lanes as required by traffic analysis and additional slope/utility easement as required.
- (4) **Cul-de-Sac:** A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.
- (5) **Dead-end/ Stub Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- (6) **Local Street:** A street primarily for providing access to individual properties residential, commercial, or other abutting property. Provides access to the collector and arterial system with Right-of-Way (R/W) widths of 60 feet. Additional slope/utility easement as required. The primary function of local streets and roads is to provide land access. Travel speeds, distances, and volumes are generally low, and through traffic is usually discouraged on local streets and roads.
- (7) **Loop Street:** A type of local street each end of which terminated at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than three thousand (3000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.

- (8) **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.
- (9) **Private Street:** A roadway which has not been dedicated to the City and is completely maintained by the adjoining property owners. This roadway is not maintained by the City and is owned entirely by the property owners who use it.

Thoroughfare Plan: A comprehensive plan that is adopted by the City of Oxford City Council and establishes the official right-of-way width of major streets and the general location recommended for arterial, collector and local thoroughfares.

Through Lot: See Lot Types.

Urban Forest: Means trees, woody vegetation, wildlife and other natural resources found in the urban environment.

Variance: A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the City in order to better locate and orient the area in question.

Watershed: The drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.

Wetland: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. One or more indicators of wetland vegetation, hydric soil, or wetland hydrology must be present for an area to be a wetland (U.S. Army Corps. Engineers).

Yard: An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.

- (1) **Yard, Front:** A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.
- (2) **Yard, Rear:** A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.
- (3) **Yard, Side:** A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Chapter 1129 – Administration

1129.01 – Zoning Certificate and Certificates of Code Compliance required.

No building or other structure shall be erected, moved, added to, or structurally altered, nor shall any building, structure, or land use be established or changed in use without certificates therefore issued by the Zoning Administrator. Zoning Certificates and Certificates of Code Compliance shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Administrator receives a written order from the Board of Zoning Appeals deciding an appeal, or variance; or from the City Council approving a Conditional Use or Planned Development, as provided by this Ordinance.

(Ord. 2947. Passed 3-6-07.)

1129.02 – Content of Application for Zoning Certificate and Certificate of Code Compliance.

- (a) The application for Zoning Certificates and Certificate of Code Compliance shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six months after issuance of the Zoning Certificate. If the applicant fails to meet the deadline, the applicant may request, at least fourteen working days before the Zoning Certificate expires, a one time six-month extension from the Zoning Administrator, the Zoning Administrator may grant the extension provided the scope of the previous approved Zoning Certificate has not changed and the proposed use is still permissible under the applicable ordinance. At a minimum, the application shall contain the following information.
- (b) No application shall be processed unless the minimum application materials are submitted by the administrative deadline.
 - (1) Name, address, and phone number of applicant;
 - (2) Description of property;
 - (3) Existing use;
 - (4) Proposed use;
 - (5) Zoning district;
 - (6) Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location, dimensions, and distance from property lines of the proposed building(s) or alteration;
 - (7) Driveways and curb cuts;
 - (8) Number of off-street parking spaces or loading berths.
 - (9) Percentage of greenspace on the lot or site;
 - (10) Building height.

(Ord. 2947. Passed 3-6-07.)

1129.03 – Zoning Certificate.

- (a) Application for Zoning Certificate.

Every application for a building permit shall be deemed to be an application for a zoning certificate.

- (b) Review of Zoning Certificate.

The Zoning Administrator shall review all Zoning Certificate applications for compliance with this Code.

(c) Approval of Zoning Certificate.

If an application satisfies all of this Code, the Zoning Administrator shall issue the certificate.

(1) Minor Variance:

The Zoning Administrator may grant the minor variance up to five percent (5%) of the side or rear yard setback, provided that the issuance of the zoning certificate conforms to the following criteria:

- A. That the particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a practical difficulty upon or for the owner, lessee, or occupant as distinguished from a mere inconvenience, if the provisions of this Chapter were literally enforced.
- B. The issuance of a certificate will not be materially detrimental or injurious to the adjoining properties or improvements in the neighborhood in which the subject property is located.
- C. That the requested modification does not exclusively rely upon the desire of the owner, lessee, occupant or applicant to realize economic gain.
- D. That the proposed deviation will not impair an adequate supply of light or air to adjacent properties, substantially increase the congestion in the public street, increase the danger of fire, endanger the public safety or substantially diminish or impair property value within the neighborhood.
- E. Notification will be sent to direct abutters within two business days of the application filing. This notification will include comment forms.

(d) Denial of Zoning Certificate.

- (1) If an application does not satisfy this Code, or if insufficient information is provided to ensure satisfaction of this Code, the Zoning Administrator shall deny the certificate. A written notice shall be provided to the applicant stating the reason for denial.
- (2) An applicant may submit revisions to a denied application to correct elements of the original application that do not satisfy this Code or to provide more information that will ensure satisfaction of all elements of this Code. Revisions must be submitted to the Zoning Administrator within thirty days of the date that the Zoning Administrator issues a written denial.
- (3) An applicant may appeal the Zoning Administrator's decision to the Board of Zoning Appeals within thirty day of the date that the Zoning Administrator issues a written denial. The applicant shall file an application, along with all the information per Section 1129.09.
- (4) If an applicant fails to submit revisions within the time allotted, the application is void and the application fee is forfeited. A new, complete application must be filed, including the fee. Any new application will be subject to the Code at the time of application.

(e) Authority to proceed with Construction.

No excavation or construction shall commence unless the plans, specifications, and the intended use conform to the provisions of the Zoning Code and the Zoning Certificate has been obtained.

(Ord. 2947. Passed 3-6-07.)

1129.04 – Certificate of Code Compliance.

(a) Required.

No owner or tenant shall use, occupy, or permit the use of any structure, building, or vacant land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Certificate of Code Compliance has been issued. Such Certificate of Compliance shall show that such building or premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of this Zoning Code, the Subdivision Regulations, Ohio Residential Code, Ohio Building Code, the Water and Sanitation Sewer Improvement Specifications Manual, Storm Water Management Design Manual, and other applicable sections of the Codified Ordinance of the City of Oxford.

(b) Application for a Certificate of Code Compliance.

Every application for a certificate of occupancy shall be deemed to be an application for a Certificate of Code Compliance.

(c) Review of a Certificate of Code Compliance.

The Zoning Administrator and Service Director shall review all Certificate of Code Compliance applications for compliance with the Zoning Code, the Subdivision Regulations, Ohio Residential Code, Ohio Building Code, the Water and Sanitation Sewer Improvement Specifications Manual, Storm Water Management Design Manual, and other applicable sections of the Codified Ordinance of the City of Oxford.

(d) Approval of a Certificate of Code Compliance Application.

If an application satisfies all of these Codes, the Zoning Administrator shall issue the Certificate of Code Compliance.

(1) Minor Variance:

The Zoning Administrator may grant the minor variance up to five percent (5%) of the side or rear yard setback, provided that the issuance of the zoning permit conforms to the following criteria:

- A. That the particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a practical difficulty upon or for the owner, lessee, or occupant as distinguished from a mere inconvenience, if the provisions of this Chapter were literally enforced.
- B. The issuance of a certificate will not be materially detrimental or injurious to the adjoining properties or improvements in the neighborhood in which the subject property is located.
- C. That the requested modification does not exclusively rely upon the desire of the owner, lessee, occupant or applicant to realize economic gain.
- D. That the proposed deviation will not impair an adequate supply of light or air to adjacent properties, substantially increase the congestion in the public street, increase the danger of fire, endanger the public safety or substantially diminish or impair property value within the neighborhood.
- E. Notification will be sent to direct abutters within two business days of the application filing. This notification will include comment forms.

(e) Denial of Certificate of Code Compliance.

- (1) If an application does not satisfy these Codes, or if insufficient information is provided to ensure satisfaction of these Codes, the Zoning Administrator shall deny the certificate. A written notice shall be provided to the applicant stating the reason for denial.
- (2) An applicant may submit revisions to a denied application to correct elements of the original application that do not satisfy this Code or to provide more information that will ensure

satisfaction of all elements of these Codes. Revisions must be submitted to the Zoning Administrator within thirty days of the date that the Zoning Administrator issues a written denial.

- (3) An applicant may appeal the Zoning Administrator's decision to the Board of Zoning Appeals within thirty days of the date that the Zoning Administrator issues a written denial. The applicant shall file an application, along with all the information per Section 1129.09.
- (4) If an applicant fails to submit revisions within the time allotted, the application is void and the application fee is forfeited. A new, complete application must be filed, including the fee. Any new application will be subject to the Code at the time of application.
- (f) No owner or tenant shall change or otherwise convert the use of any structure, building, or land, or part thereof unless a Certificate of Code Compliance has been issued.
- (g) Any change in the use of a nonconforming use shall first obtain a Certificate of Code Compliance.

(Ord. 2947. Passed 3-6-07.)

1129.05 – Failure to obtain a Zoning Certificate or Certificate of Code Compliance.

Failure to obtain a Zoning Certificate or Certificate of Code Compliance shall be a violation of this Ordinance.

(Ord. 2947. Passed 3-6-07.)

1129.06 – Construction and use to be as provided in applications, plans, permits, and certificates.

Zoning Certificates or Certificate of Code Compliance issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Chapter, and punishable as provided in Section 1129.99.

(Ord. 2947. Passed 3-6-07.)

1129.07 – Complaints regarding violations.

- (a) Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, investigate in a timely manner, and take action thereon as provided by this Ordinance.
- (b) The Zoning Administrator shall notify the property owner or tenant designee of the violation in writing. The written notice shall cite the relevant code section and the time period for compliance.

(Ord. 2947. Passed 3-6-07.)

1129.08 – Time period for violations.

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Ordinance, is prohibited. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, or assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City of Oxford from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2947. Passed 3-6-07.)

1129.09 – Nuisance per se.

Buildings, structures, or parts thereof erected, altered, razed or converted, or uses carried on in violation of any provision of this chapter are declared to be a nuisance per se. The Court shall be requested to order such nuisance abated and the owner or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se.

(Ord. 2947. Passed 3-6-07.)

1129.10 – Fees.

- (a) Any application under this Ordinance for a Zoning Certificate, Certificate of Code Compliance, zoning map or text amendment, conditional use permit, planned development review, sign permit, appeal or variance shall be accompanied by such fee as shall be specified from time to time by Ordinance by the City Council. There shall be no fee, however, in the case of applications filed by City Council or the City Planning Commission.
- (b) The Zoning Administrator may adjust fees.
- (c) Until all applicable fees have been paid in full, no action shall be taken on any application or appeal.

(Ord. 2947. Passed 3-6-07.)

1129.11 – Appeals of Administrator’s decision.

The aggrieved party may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals.

- (a) The Board of Zoning Appeals shall have the power to hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. In exercising its powers to review administrative decisions, the Board may, in conforming with the provisions of the statute and of this Zoning Ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as the Board of Zoning Appeals determines, and to that end shall have all powers of the office from whom the appeal is taken. The appeal shall:
 - (1) Cite specific provisions of this Zoning Ordinance that are alleged to have been interpreted in error of the specific decisions or action being appealed and the grounds on which the appeal is being made;
 - (2) Include any required application fee in an amount set by the City;
 - (3) Include such other information as the City or the Board may reasonably require; and
 - (4) Include a statement as to why the appellant has standing to pursue the appeal from the administrative action by a statement of the way in which the administrative action adversely affects the appellant

(Ord. 2947. Passed 3-6-07.)

1129.12 – Application administration.

- (a) Purpose.

This section describes the responsibilities of the Zoning Administrator upon the filing of an application for a zoning code change, conditional use permit, planned development, [site plan review](#), variance, or subdivision.

- (b) Procedure.

- (1) Upon the filing of an application and payment of a fee the Zoning Administrator shall process the application as follows:
- (2) If an application is determined incomplete, the application shall be rejected, the Zoning Administrator shall notify the applicant, and no other action shall be taken until the application is complete.
- (3) The complete application shall be placed on the agenda of the next available regularly scheduled meeting. The Zoning Administrator shall determine application deadlines based on the time required to ensure that all requirements of this Section can be satisfied.
- (4) All application materials and any additional materials upon which the Zoning Administrator makes his or her report shall be available for public inspection at the office of the Administrator.
- (5) Applications that require public notice prior to a public hearing shall be publicized in a newspaper, by mail, and by posting the property as follows. No additional public notice is required if consideration of an application is continued past the originally scheduled public hearing.

A. Newspaper

Code Amendments, Subdivisions and Planned Unit Developments

A legal notice shall be published in at least one newspaper of general circulation in Oxford at least 30 days prior to the scheduled public hearing for code amendments, subdivisions and planned unit developments.

~~Variances and~~ Conditional Uses, [Site Plan Reviews, and Variances](#)

A legal notice shall be published in at least one newspaper of general circulation in Oxford at least seven 7 days prior to the scheduled public hearing for variances and conditional uses. Such notice shall state the time and place of the hearing, the nature of the application or petition, and a statement that describes whether this is a final decision or a recommendation that will be referred to Council for a final decision.

B. Mail

Code Amendments, Subdivisions and Planned Unit Developments

A notice containing the same information required in subsection (b)(5)A., shall be mailed by first-class mail to the current owners as listed by the Butler County Auditor, at least ten (10) days prior to the scheduled public hearing. Owners of all land within two hundred (200) feet of the perimeter of the site shall be notified of applications for code amendments, subdivisions and planned unit developments.

~~Variances and~~ Conditional Uses, [Site Plan Reviews, and Variances](#)

Owners of all land abutting the site shall be notified of applications for variances, and conditional uses. This is a courtesy notice. Failure by the Zoning Administrator to mail such notice or failure by a land owner described above to receive such notice shall not invalidate any action resulting from the public hearing.

C. Posting

At least seven (7) days prior to the public hearing, the applicant shall post signs on the site, provided by the City, along each public right-of-way that abuts the

site and at other locations or intersections near or leading to the site in the right-of-way, at the discretion of the Zoning Administrator. The signs shall state that the site is the subject of a public hearing and shall list the type, time, and place of the hearing, and shall be legible from the public right-of-way. This is a courtesy notice. Failure by the Zoning Administrator to provide such signs as described shall not invalidate any action resulting from the public hearing. Removal of such signs, once set, shall be a violation of this Code in addition to any other laws against their removal that may apply.

- (6) The Zoning Administrator shall include the application and any additional information the Administrator determines appropriate, including a staff report or recommendation, in the agenda for the meeting at which the public hearing is scheduled.
- (7) Following the public hearing and a decision by the Planning Commission, Board of Zoning Appeals, or City Council, as appropriate, the Zoning Administrator shall implement the decisions, including the issuance or denial of permits, and shall notify the applicant of the decisions and any subsequent actions required to implement them.
- (8) The Zoning Administrator shall ensure that all applications, whether approved, denied, or withdrawn prior to a public hearing, are archived in such a manner that permits a person to determine the nature of the application, the applicant's rationale in seeking a decision in their favor, and the eventual disposition of the application.

(Ord. 2947. Passed 3-6-07.)

1129.98 – Remedies.

(a) Remedies.

- (1) If any building or land is used, altered, constructed, enlarged, or any such action proposed in violation of the provisions of this chapter or any amendment or supplement thereto, the City Attorney or designee and the Enforcing Officer or designee is, in addition to other remedies provided by law, empowered and authorized to institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, enlargement, change, maintenance or use.

(b) Other action.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(c) Affected parties.

The owner or tenant of any building, structure, premises or part thereof, and any architect, engineer, surveyor, builder, contractor, agent or other person who commits, participates in, assists in or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

(Ord. 2947. Passed 3-6-07.)

1129.99 – Penalties.

- (a) Whoever violates any provision of this chapter is guilty of the following offenses and shall be subject to the following penalties:
 - (1) For a first offense, a minor misdemeanor.
 - (2) For a second offense (whether or not of the same section of this chapter, occurring not sooner than thirty days and not later than two years after the first offense) a misdemeanor of the third

degree. The court shall impose upon the offender a fine of not less than two hundred fifty dollars (\$250.00), no portion of which may be suspended.

- (3) For a third offense (whether or not of the same section of this chapter, occurring not sooner than thirty days and not later than two years after the first offense), a misdemeanor of the second degree. The court shall impose upon the offender a fine of not less than five hundred dollars (\$500.00), no portion of which may be suspended.
- (4) For a fourth offense and each subsequent offense (whether or not of the same section of this chapter, occurring not sooner than thirty days and not later than two years after the first offense), a misdemeanor of the second degree. The court shall impose upon the offender a fine of not less than five hundred dollars (\$500.00), no portion of which may be suspended, or shall impose a sentence of imprisonment for not more than thirty days, with no portion of the imprisonment sentence to be suspended, or may impose both such a fine and sentence of imprisonment.

(Ord. 2947. Passed 3-6-07.)

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.
- 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 (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 year does not exceed ninety (90) for the entire structure. A Conditional Use Permit is required in order to be allowed more than ninety (90) days.
- F. A Transient Guest Lodging use that cannot meet the standards provided above may seek approval of a Conditional Use Permit as a Bed & Breakfast in accordance with Chapter 1147.
- 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.

- A. When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted.
- B. Such temporary housing shall only be approved as part of the permit application for reconstruction and shown on a sketch plan.
- C. Required water and sanitary facilities must be provided.
- D. Maximum length of permit shall be six months, but the zoning office may extend the permit for periods not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for extension shall be made at least 15 days prior to the expiration of the original permit.
- E. The mobile home shall be removed from the property upon issuance of any occupancy permit for the new or rehabilitated residence even if the temporary use permit is still valid.

(3) Real Estate Sales Offices and/or Model Home Offices.

- A. A Final plat for such development has been approved by Council.
- B. Any such unit shall conform to all requirements for residential uses for the district in which it is located.
- C. Infrastructure improvements to the lot for which a permit is being requested must be completed to the Engineering Divisions satisfaction for utilities and road access.
- D. Offices shall be removed within one year of the completion of the most recent phase of the subdivision.

(4) Place of Worship or School Festivals.

- A. All temporary stands, tents or rides shall not be located within twenty-five (25) feet of any property line.
 - B. Maximum length of permit shall be three days.
 - C. Set-up for such festival shall not start more than 72 hours prior to the event and shall be completely removed within 48 hours after the event.
- (5) Carnivals or Circuses.
- A. Permitted in the General Business or Light Industrial zoning district and any property owned by the City of Oxford, Talawanda School District, or Miami University.
 - B. No structure or equipment shall be within 250 feet of any residential property line.
 - C. Maximum length of permit shall be seven days.
 - D. Site plan, parking plan and any other health, fire, state or federal approvals required at time of request.
 - E. The person responsible for the operation of any such carnival or circus shall provide the City Manager in advance of the event date(s), any contact information in the event of an emergency and requests for any other special arrangements (i.e. road closures, police assistance or emergency personnel)
 - F. Upon completion of the temporary use, the site shall be cleaned, all evidence of the use(s) removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.
- (6) Auctions. (No permit required)
- A. Auctions for the sale of personal property or land may be conducted at any individual location no more than once per year.
 - B. Every precaution shall be taken to control parking and keep attendees on the property being auctioned.
 - C. Such auction held in a non-residential district must be related to the business conducted on the property or the contents of the premises.
 - D. An auction house as the principle use is exempt from these requirements, but subject to the requirements of the district in which it is located.
- (7) Garage Sales. (No permit required)
- A. Garage sales are permitted in residential districts in order to allow residents to sell excess personal property.
 - B. Each garage sale shall not exceed four days.
 - C. Only two garage sales shall be permitted per calendar year at any individual location.
 - D. No person conducting a garage sale under the provisions of this Article shall sell or offer for sale any food or beverage for consumption on the premises. Food or beverage may be provided for such consumption at no cost to the consumer, but only if a permit is obtained in advance from the Health Department.
 - E. No fee or other charge shall be imposed upon members of the public attending any such sale.

- F. One non-illuminated sign not exceeding four square feet in size, no more than three feet in height above grade may be displayed on the property where the sale is being held.
 - G. Special lighting and noise making devices or other similar advertising displays or notices shall not be used to call attention to the garage sale.
- (8) Temporary Fences.
- A. Temporary fences are permitted in the side or rear yard, not to exceed 4 feet in height, for the purpose of a garden or animal containment only.
 - B. No permit shall be required.
- (9) Christmas Tree sales.
- A. Permitted in any Non-Residential district.
 - B. Maximum length of permit for display and open lots sales shall be 45 days.
- (10) Tents (Residential).
- A. Tents for graduations, weddings or other similar events are permitted for a period not to exceed three (3) days and no more than two (2) times a year.
 - B. No permit is required except for tents over 200 square feet.
 - C. Such tent shall be placed in such location that will not interfere with access drives into or within the property, or will reduce required parking spaces.
- (11) Tents Sales (Non-Residential).
- A. Tent Sales are only permitted in relation to the business conducted on the property.
 - B. Tents and all display items shall maintain a 30-foot setback from all adjacent thoroughfare rights-of-ways.
 - C. Such activities shall be placed in such location that will not interfere with access drives into or within the site, or reduce required parking spaces.
 - D. Tents are permitted for a maximum 30-day period per calendar year. No permits are required except as required by the Ohio Basic Building Code.
- (12) Farmers Markets (No permit required)
- A. Seasonal merchandise, such as, but not limited to, plants, garden supplies, produce, pumpkins, fruit, vegetables, honey, maple syrup, may be sold outdoors within the General Business, and Light Industrial District.
 - B. Such activities shall be placed in such location that will not interfere with access drives into or within the site, nor will reduce space for required off-street parking facilities.
 - C. Such facilities and all display items shall maintain five (5') foot setback from the sidewalk or ten (10') foot setback from the back of curb, whichever is greater, so as not to impede traffic or affect sight visibility in and out of a parking area.
 - D. Typically held between March and October with the exception of Christmas tree sales.
 - E. One (1), 6 sq. ft. sign per vendor may be displayed at their respective stand.
 - F. One (1) ten foot by ten foot (10' x 10') tent or awning is permitted per vendor.

- G. All tables, chairs and merchandise shall be loadable into a standard vehicle and shall be removed by dusk.
- H. The following are exempted from these regulations:
 - 1. The Uptown Farmer's Market authorized by City Council.
 - 2. Any Farmer's Market authorized by Talawanda School Board on school property.
 - 3. Any Farmer's Market on University property, authorized by the University.

(13) Temporary Sales, Roadside Stands or Transient Vendors.

- A. Temporary or seasonal commercial activities, such as book sales/purchases, mattress sales, jewelry sales, art sales, craft, rug or food sales may be conducted outdoors only on private property in the General Business and Light Industrial Zoning Districts. Commercial activities in right of ways are prohibited in accordance with Section 735.01.
- B. Such activities shall be placed in such location that will not interfere with access drives into or within the site, nor will reduce space for required off-street parking facilities.
- C. Such facilities and all display items shall maintain the underlying zoning districts front yard setback from all adjacent thoroughfare rights-of-ways so as not to impede traffic or affect sight visibility in and out of a parking area.
- D. A maximum of one (1) twenty foot by twenty (20' x 20') tent or awning is permitted per vendor.
- E. All tables, chairs and merchandise shall be secured within the tent upon the close of the operation hours.
- F. Merchandise is prohibited from being sold directly out of a semi-trailer, box truck, moving van or other vehicle.
- G. One (1) sign per vendor, not to exceed 30 sq. ft., may be displayed at their respective stand and are subject to the Temporary Sign Regulations in Section 1151.06 and the Vehicle Management Section 1149.05(c)(3).
- H. Permits will be issued for a maximum of 14-days per vendor and per property, per calendar year.
 - 1. Proof of approval from the land owner must accompany the application.
 - 2. Proof of current vendors license in accordance with Chapter 705 of the Oxford Codified Ordinance.

(14) Vendors & Mobile Food Carts.

- A. Vendors & Mobile Food Carts are specifically prohibited in any Residential district and the Uptown District unless approved by permit from the Office of the City Manager as part of a Charitable or Community event as defined in Section 735.01.
- B. Zoning Districts categorized as Residential are listed in Section 1133.
- C. Vendors & Mobile Food Carts are also subject to Sections 337.01, 351.17, Chapters 729 and 735 of the City of Oxford Codified Ordinances.

(15) Portable Storage Containers.

Containers designed for the temporary storage of property that can be moved by truck or trailer (including intermodal storage units).

- A. No zoning certificate is required if portable storage containers are to be placed on the premise no more than seven (7) days. The Zoning Administrator may permit any portable storage container to be placed on a property for up to thirty (30) days, provided the property owner has an active building permit or has demonstrated the need. An additional fourteen (14) day extension may be granted provided the property owner demonstrates extenuating circumstances.
- B. Any portable storage container must be located on a driveway or other hard surfaced area. Portable storage containers shall be a minimum of eight (8) feet from the back of the curb and shall not extend onto the sidewalk.
- C. Calamity Exception. If the portable storage container is being used to store personal property as a result of a major calamity (e.g. fire, flood or other event where there is significant property damage), the City Manager may extend the time period allowed in subsection A. above.

(Ord. 3204. Passed 3-19-13.)

1141.03 – Supplemental regulations.

In addition to all regulations specified for the Zoning Districts and in other sections of this Ordinance, the provisions of this Section inclusive shall be used for interpretation and clarification.

(a) Restriction on Principal Buildings.

In a Residential district, there shall be no more than one principal building or use on one lot, except through the Planned Development process. In order for a residential structure to be considered one principal building, each dwelling unit within the structure must have space fully enclosed from the weather (and which is customarily heated and cooled) sharing a common wall at least eight (8) feet in length with fully enclosed space of at least one other dwelling unit within the same structure. In Commercial or Industrial districts, more than one principal building is permitted provided all other site development regulations of the district are satisfied.

- (b) Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall have its principal entrance upon a street bordering such lot. ~~For the purpose of this provision an alley is not considered as a street, except for the lots that are considered alley lots with only alley access that may have its principal public entrance on either alley.~~

(c) Setback and Yard Requirements.

(1) Corner Lots.

- A. On a corner lot the principal building and its 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. (See the definition of Yard- front.)
- B. On a corner lot, accessory buildings and uses may be located in the side yard with the most distance to the neighboring property or the side yard located at the rear of the house as illustrated in Figure 1. (Corner Lots)

(2) Double Frontage/ Through Lots.

- A. Buildings on lots having frontage on two streets (double frontage lots) need not have a rear yard setback; however, the required front yard shall be provided on both streets as illustrated in Figure 2.

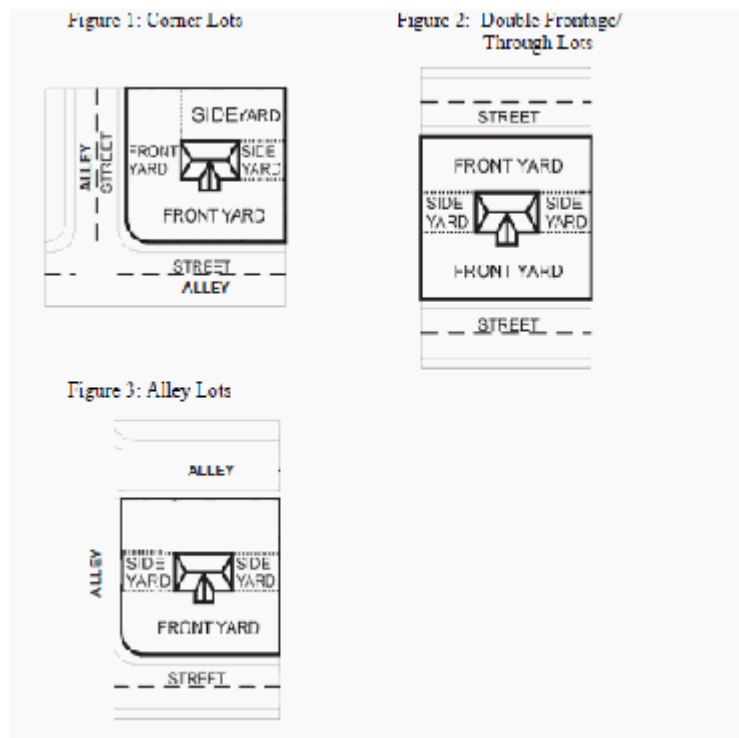
- B. On a double frontage lot, accessory buildings may be located in the front yard located to the rear of the house as illustrated in Figure 2.

(3) Front Yards.

- A. The width of a lot is measured at the setback line established under the zoning district or on a plat of record on file with the Butler County Recorder.
- B. An average front yard setback may be established when more than 50% of the lots have been developed within that block face. The average front yard setback required shall, in no circumstances, be less than 16.5 feet.
- C. Lots having frontage along a public street and one alley along the side of the property shall provide a side yard setback along the alley as illustrated in Figure 3.
- D. Lots having frontage along a public street and one alley at the rear of the property shall provide a rear yard setback along the alley as illustrated in Figure 3.
- E. Lots having frontage along a public street and two alleys' shall provide a side and rear yard setback along the alleys' as illustrated in Figure 3.
- F. The front yard setback shall be taken from the right-of-way line; for purposes of applying this provision, any area vacated by Ordinance No. 103 measuring 16.5 feet in width shall not be counted toward the right-of-way from which the measurement is taken.
- G. In any instance where the property line is in the center of the street and is not the same as the right-of-way line, the setback shall be taken from the right-of-way.

(4) Rear Yards.

- A. Rear yard depths may be varied where the rear wall of a building is not parallel with the rear lot line or is broken or otherwise irregular. In such cases, the average depth of the rear yard shall not be less than the required minimum or narrower than 20 feet.



(5) Mixed Use Buildings.

Where dwelling units are erected above commercial structures in commercial districts, no side yards are required, except such side yard as may be required in the district regulations for a commercial or industrial building on the side of a lot adjoining a residential district.

(6) Projections into Required Yards.

- A. Every part of a required yard shall be open to the sky except for accessory buildings and ordinary projections of sills, belt courses, cornices, canopies, eaves, and architectural or ornamental features which may project a distance not to exceed two feet, six inches. (1.5' above)
- B. An open air ramp and necessary landing may project a distance not to exceed six feet.
- C. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed three feet; provided however, that the aggregate width of such projection shall not exceed one-third of the length of the wall upon which they are located.
- D. A porte-cochere may project into a required side yard provided every part of such porte-cochere is unenclosed and shall not be less than five feet from the side lot line. No porte-cochere roof top may be utilized as a deck or outdoor living space unless it satisfies the setback requirements of the district in which it is located.
- E. Stoops or steps to a building entrance, covered or uncovered, may project a distance not to exceed four feet.
- F. A patio less than one (1) foot above grade may encroach into side and rear yards, so long as it is at least five (5) feet from the side lot line and at least fifteen (15) feet from the rear lot line.

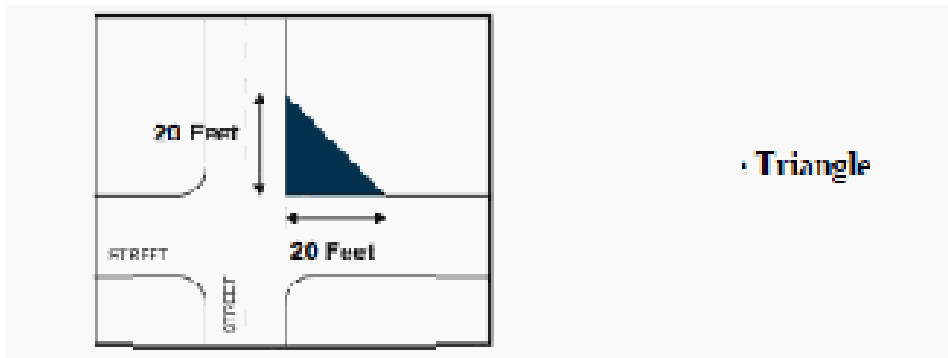


(d) Projection into Right-of-Way in the UP Uptown District.

No part of a building shall project into the public right-of-way unless specifically allowed by the Oxford Codified Ordinance Chapter 1301, Building Code; or by Chapter 1151, Signs.

(e) Visibility at Intersections.

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half and ten feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots a line joining points along such street lines 20 feet from the point of intersection.



(f) Use of the Vacated Right of Way.

On any lot, having a portion of its land area, vacated by Ordinance No. 103, the use of that vacated portion shall be restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways, except that in the Uptown District such land vacated by Ordinance No. 103 may be used for municipally-owned parking or municipally-regulated parking and outdoor patio areas as regulated in Section 1143.10 Uptown District Regulations.

(g) Exceptions to Height Regulations.

- (1) The height limitations contained in Chapter 1143 District Requirements do not apply to any agricultural farm structure provided they are located 50 feet or more from a lot line of residentially zoned property.
- (2) Church spires, belfries, cupolas, water tanks, ventilators, chimneys, air conditioning units, elevator bulkheads or other necessary mechanical equipment appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of an aircraft at an established airport. Such appurtenances shall be positioned, to the extent possible, to minimize the visibility from street level.
- (3) Such height regulations shall not apply to fire towers, cooling towers, gasholders or other structures where the manufacturing process requires a greater height. All such structures shall not occupy more than 25 percent of the area of the lot and shall be at least 25 feet in all parts from every lot line.
- (4) The height of cell towers and other wireless telecommunication towers are subject to the use-specific regulations of this Ordinance.

(h) Residential Building Additions.

No addition to an existing residential building that results in or enables a new dwelling unit shall be approved, unless it is permitted by the underlying zoning district. Additions shall also be subject to the following requirements:

- (1) Any addition that results in one or more new dwelling units shall:
 - A. Be constructed of material that is similar in type and proportions to the original building (e.g. if the original building's exterior consists predominately of brick material, the addition must also be constructed of brick material in a similar manner); and
 - B. Be designed in the same architectural style and character as the original building including maintaining or extending any architectural features on the existing building; and
 - C. Comply with the principal building provisions of Section 1141.03(a).

- (2) Any addition which serves as an expansion to an existing use and does not change the number of dwelling units shall:
- A. Be constructed of similar material, in similar proportions, to the façade that is being extended or altered, unless located in the rear yard and not visible from any public right-of-way.

(i) ADA Compliance Standards.

Any additions to a nonconforming structure or use for ADA compliance (i.e. elevator, ramp) that does not expand the use shall be permitted, provided the setbacks for the district in which it is located are satisfied.

(j) Alley Development.

(1) Purpose.

The standards of this section are hereby adopted in the interest of promoting the public health, safety, convenience, comfort, prosperity, and general welfare of the residents of Oxford. Developments occurring in settings where conventional street frontage is absent, thereby limiting access to the use of one or more public alleys, have shown to pose unique challenges. Challenges can include obstructions to emergency access, lack of public infrastructure improvements, and improper drainage, among others. Additionally, the neighborhood pattern and character embedded deep within residential blocks is deserving of specially tailored site regulations to achieve a character and function found desirable by the community. These regulations are hereby adopted in an effort to better protect and promote the public health, safety and welfare in a manner which does not compromise vested rights to private property usage.

(2) Applicability & Use Allowance.

- A. As used in this section, alley development shall be defined as any construction, addition or alteration taking place on a lot/parcel having frontage exclusively on one or more public alleys. "Alley" shall have the same meaning as is defined in Section 1159.
- B. Properties located within the Uptown UP zoning district shall be exempt from the provisions of this section.
- C. Notwithstanding the Uptown UP zoning district exemption, the right to alley development shall apply only to those lots/parcels existing prior to the effective date of this Ordinance which possessed at least 3,000 square feet of lot area and at least 33 feet of lot width. In all other circumstances, alley development shall be prohibited.
- D. Provided the lot/parcel qualifies under subsection B. above, the maximum use allowance shall be for a single-family dwelling. No greater use allowance shall be permitted.
- E. In any case where the regulations set forth in this section may conflict or be inconsistent with other regulations expressed elsewhere in this Code, the regulations set forth in this section shall prevail. Notwithstanding anything to the contrary as may be specified in this section, all other regulations including those specific to zoning district, land use, site development, etc. shall continue to be enforced as may be applicable.

(3) Interpretation.

- A. Minimum yard depths (i.e., setbacks) for alley development shall be measured utilizing the same interpretations and definitions as are normally applicable to standard lots fronting on one or more streets, except that in the case of alley development any alley shall be construed the same as a street.

(4) Site Plan Review.

A. General Provisions.

1. Any single-family dwelling proposed for construction under the provisions of this section shall require review and approval of a site plan by the City of Oxford Planning Commission.
2. Site Plan Review shall take place at a regularly scheduled meeting of the Planning Commission. A quorum of at least four (4) members is required in order for a submitted site plan to be considered. Following a public hearing, a majority vote of the members present is required in order to render a decision on a site plan.
3. Site Plan Review shall be an administrative decision appealable to the Oxford Board of Zoning Appeals, and thereafter to the Court of Common Pleas.
4. Any denial of a proposed site plan for a single-family dwelling in an alley environment must be supported by a preponderance of substantial, reliable and probative evidence on the record. The record shall be clear in establishing facts and findings which support the decision rendered.
5. No site plan may be denied solely on the basis of prohibiting additional residential land use or density. Any single-family dwelling pursued by an owner/applicant under the applicability provisions of subsection (2) above is considered a permitted use; therefore, the aspect of land use allowance is not subject to discretion.
6. To maintain validity, any approved site plan must be acted upon through the submission of a complete building permit application within two (2) years of the approval date. Once a two (2) year period has passed, the prior approved site plan is deemed expired, and reapplication is required.
7. The denial of a site plan does not preclude the possibility for eventual approval. Any applicant may attempt Site Plan Review again through the submission of plans revised in accordance with feedback received from the Planning Commission and/or City staff.

B. Application Contents.

1. Narrative/Cover Letter Requirements.
 - a. A description of the existing uses on the site.
 - b. The zoning district in which the site is located.
 - c. Separate, detailed statements that individually address each of the review criteria 1. through 10. as listed in subsection C. below.
 - d. Such other information regarding the proposed development, site, or surrounding area as may be pertinent to the request, including any Code waivers being requested.
2. Site Plan Minimum Details.
 - a. North arrow, scale and vicinity map
 - b. All existing and proposed lot lines within the site

- c. Dimensions of all lots and the entire site and any adjacent rights-of-way, obtained from a licensed surveyor
- d. Location, height, and use of all proposed and existing structures
- e. Location and design of all proposed vehicle management areas
- f. Location, size, and type of all proposed signs
- g. Location, height and type of all proposed screening and landscaping
- h. The use of land and location of structures on adjacent property and across adjacent rights-of-way

3. Additional Information.

The Zoning Administrator and/or Planning Commission may request additional information pertaining to the proposed development, site, or surrounding area to inform the decision-making process.

C. Review Criteria.

The following criteria shall be used by the Planning Commission to evaluate and act upon site plans for single-family dwellings located exclusively along public alleys. The intent is to ensure that development respects the unique characteristics of alley-oriented properties and maintains the overall integrity of the neighborhood.

- 1. **Alley Access:** The site plan must demonstrate that the public alley provides safe and adequate access for vehicles and pedestrians. The design should ensure that alley access does not impede the flow of traffic or pose safety hazards.
- 2. **Parking and Driveways:** Adequate off-street parking must be provided, with driveway designs that minimize interference with alley circulation. Parking areas must be clearly marked and designed to prevent congestion and ensure smooth traffic flow.
- 3. **Building Placement:** Dwellings should be oriented to enhance the functionality of the alley while maintaining a cohesive streetscape with adjacent properties. Setbacks from the alley should be consistent with neighboring structures to preserve the character of the area.
- 4. **Scale and Massing:** New buildings should be compatible in scale and massing with existing structures along the alley. The height, bulk, and architectural style should complement the surrounding environment.
- 5. **Sidewalks and Pathways:** The site plan must include safe and accessible pedestrian pathways that connect the dwelling to the public alley and any adjacent streets. Sidewalks should be well-lit and designed to accommodate foot traffic without obstructing vehicle access.
- 6. **Connectivity to Public Spaces:** Where feasible, provide connections to nearby parks, public spaces, or amenities to enhance the livability of the development.

7. **Utility Access:** The design must ensure that utilities such as water, sewer, and electricity are appropriately accommodated and accessible from the alley without disrupting its functionality.
8. **Drainage and Stormwater Management:** Proper drainage and stormwater management systems must be incorporated to lessen runoff and prevent flooding in the alley. Plans should include measures to manage water flow and mitigate potential impacts on neighboring properties.
9. **Landscaping:** The site plan should incorporate landscaping that enhances the visual appeal of the alley and complements the character of the neighborhood. Landscaping should include features such as trees, shrubs, and ground cover that do not obstruct sightlines or impede alley access.
10. **Architecture & Aesthetics:** The design of the dwelling should adhere to the Mile Square Design Guidelines as may be pertinent per the underlying zoning district. Designs should be compatible with the architectural style of existing homes within the vicinity and blend harmoniously with the surrounding context. New construction should enhance, rather than detract from, the aesthetic qualities of the area.

D. Waivers and Exceptions.

As part of any Site Plan Review procedure, the Planning Commission shall have the power to adjust, modify, or waive dimensional regulations of the Zoning Code – including those specified in subsections (4) thru (6) herein – or to impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this section. Maximum building height cannot be waived/modified.

(4) Site Development Regulations.

<u>Single Family Dwelling</u>	
<u>Yard Requirements</u>	
<u>Minimum Front Yard Setback</u>	<u>Use minimum side yard setback distance per underlying zoning district</u>
<u>Minimum Rear Yard Setback</u>	<u>10 feet</u>
<u>Minimum Side Yard Setback</u>	<u>Use minimum side yard setback distance per underlying zoning district</u>
<u>Structural Requirements</u>	
<u>Maximum Building Height</u>	<u>26 feet or 2 stories max</u>
<u>Lot Coverage</u>	
<u>Lot Total Maximum</u>	<u>80% of lot</u>
<u>Front Yard Maximum</u>	<u>None</u>

(5) Addressing & Principal Entrance Orientation.

Any applicant who wishes to apply for the construction of a new single-family dwelling unit shall have the following options with regard to addressing and principal entrance orientation:

A. Address/entrance oriented toward nearest street.

This option is viable in situations where the owner of the subject alley lot/parcel also owns another lot/parcel abutting both the subject property and public right-of-way associated with a nearby street.

1. A hard surface walkway at least four (4) feet in width shall be constructed for the purpose of linking the principal entrance of the new alley dwelling unit to public sidewalk along the street.
2. An additional hard surface walkway shall be provided to link the principal entrance to any off-street parking area serving the lot/parcel.
3. An access easement agreement must be recorded in order to guarantee the right of pedestrian access across the street-abutting lot/parcel, should ownership ever change hands.
4. The principal entrance to the new alley dwelling unit shall be visible/discernable from the street to the maximum extent practicable.

B. Address/entrance oriented toward alley.

This option may be selected in situations where the owner of the subject alley lot/parcel does not also own another lot/parcel abutting a nearby street, or where the option set forth in subsection A. is not desirable for the owner due to reasons such as lack of available side yard depth, existing topographic challenges or other obstructions, or the desire not to encumber a street-abutting parcel with an access easement.

1. The applicant shall make improvements to the alley right-of-way such that pedestrian accessibility is created between any nearby public street (sidewalk) and the new alley dwelling unit. This may include construction of an elevated/curbed walkway alongside the paved vehicular travel lane. The applicant shall adhere to specifications as required by the City Engineer.
2. A hard surface walkway at least four (4) feet in width shall be constructed to link the new public alley pedestrian improvements to the principal entrance of the new dwelling unit.
3. As necessary, additional hard surface walkway shall be provided to link the principal entrance to any off-street parking area serving the lot/parcel.
4. The City shall assess a fee to the applicant for the installation of wayfinding signage to help direct street users to the location of the new dwelling unit. Such signs may adhere to MUTCD standards and be either ground-mounted or attached to utility poles.

(6) Off-Street Parking.

- A. Any new single-family dwelling constructed on an alley lot/parcel is required to provide at least two (2) off-street parking spaces serving the unit.
- B. The restriction against no more than one (1) parking space within the front yard (as specified in Section 1149.06) shall not apply to alley development. More than one space is permissible in any front yard area as measured along any alley(s).

(7) Infrastructure Connections & Upgrades.

- A. The applicant is required to demonstrate compliance with all infrastructure-related specifications enforced by the City Service Department, including those specified in the Curb, Gutter, Sidewalk and Driveway Apron Specifications Manual, the Storm Water Management Design Manual, and the Water and Sanitary Sewer Specifications Manual.
- B. The City Engineer may require extra measures to ensure proper function and suitability of the alley environment for serving the subject dwelling unit(s), including but not limited to: (1) storm sewers; (2) catch basins; (3) sump drain line connections; (4) sanitary & water main extensions; (5) curbing; and (6) lighting.
- C. The City Engineer shall have explicit authority to override and request changes to aspects of any plan approved through the Site Plan Review process, provided the aspects are pertinent to infrastructure within, or in interaction with, the public right-of-way.

(Ord. 3430. Passed 9-19-17. Subsections (a), (c)(3), and (h) amended by Ord. 3610, passed 1-19-21.)

1141.04 – Environmental regulations.

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, otherwise objectionable conditions that could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are taken to reduce dangerous and objectionable conditions to acceptable limits as established by the following requirements.

(a) Air Pollution.

Air pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency, the Regional Air Pollution Control Agency, and the United States Environmental Protection Agency.

(b) Erosion and Drainage.

- (1)** No erosion by either wind or water shall be permitted that will have a noticeable adverse impact on neighboring properties.
- (2)** The Oxford Engineering Division as part of the zoning permit review process shall review plans according to the City of Oxford Storm Water Management Design Manual.

(c) Fire and Explosion Hazard.

Adequate safety devices shall be provided at any point where there are activities involving burning or storage of flammable or explosive materials. Adequate safety devices against the hazards of fire and explosion and adequate fire fighting and fire suppression equipment and devices, standard in the industry, shall be provided. Otherwise, burning of waste materials in open fire is prohibited.

(d) Hazardous Materials and Electrical Disturbance.

No activities shall be permitted which utilize hazardous, fissionable or radioactive materials if their use results at any time in the release or emission of any such materials into the atmosphere, the ground, or sewerage systems, and no activities shall be permitted that emit electrical disturbance affecting the operation at any point of any equipment other than that of the creator of such disturbances.

(e) Noise.

No activity on private property shall emit noise in excess of sound levels that creates a nuisance to surrounding properties or in violation of the noise ordinances.

(f) Light and Glare from Exterior Lights.

- (1) The light source within a light fixture shall not be visible from a neighboring structure. Lights may be shielded or recessed and set on low poles to prevent light from shining onto neighboring properties and distracting drivers.
- (2) No light used for illuminating a parking area shall shine onto property in a residential district.
- (3) The intensity and direction of light shall not significantly disrupt the night habitat of any natural area larger than one-half acre, a stream and riparian corridor, or other similar natural areas.
- (4) The foot-candle measurement at any property line shall not exceed 1.0 lumen.
- (5) Lighting intensity shall be reduced after closing hours.

(g) Exemptions.

- (1) The following noise levels shall be exempt from the noise provisions during the daytime only: Firearms on authorized ranges, Legal blasting, Temporary construction activity and equipment, Installation of utility equipment, lawn mowers, chainsaws, garden and farming equipment.
- (2) The following noise sources shall be exempt from the noise provisions at all times: Aircraft, Railroads, Emergency vehicles and equipment, Warning devices operating continuously for not more than five minutes, Bells, chimes or carillons operating continuously for not more than five minutes, The repair of essential utility services. Officially sanctioned parades or other events.

(h) Prohibited Outdoor Storage of Inoperative Vehicles, Farm Equipment, Junk, Building Materials, And Trash.

- (1) Outdoor storage, including, but not limited to junk, trash, salvage, building material, or parts thereof, including used tires, shall be prohibited anywhere within the City of Oxford except in an authorized junk yard or scrap processing facility.
- (2) The parking of a currently licensed inoperative vehicle for a period of more than one week shall be prohibited, with the exception of those stored in an enclosed garage or other accessory building.
- (3) Parking of inoperative farm equipment that has not been operative for more than one year shall be prohibited unless stored in an enclosed structure.
- (4) After receipt of notice of any of the above violations, such violation shall be resolved within ten days or declared a nuisance, with each subsequent period of 30 days during which the violation exists, constituting a separate valuation of this Ordinance and subject to the Nuisance Prevention provisions for the City of Oxford.

(i) Exotic Animals.

- (1) No person shall own, harbor, keep, breed, sell or import any exotic animals or reptiles. The term "exotic animal or reptiles" shall mean wild animals/reptiles not indigenous to Ohio. Example: lions, tigers, elephants, alligators, crocodiles.
- (2) Exemptions and special provisions:
 - A. Exotic animals purchased or adopted or housed on the subject property prior to the adoption of this Amendment provided:
 1. That a bill of sale or notarized statement verifying this date is provided.
 2. That such exotic animal be confined in a house, building, or other enclosure in such a way that human contact, other than with the owner(s), cannot occur.
 - B. Wild animals held for exhibit or use by research institutions and other governmental agencies having legal authority to process wild animals, publicly supported zoos, circuses, or extensions thereof.
 - C. Any animal which is commonly sold by a bona fide commercial pet shop which does not constitute a hazard to the health or safety of persons or household pets.

(j) Trash/Recycling Collection Facility.

(1) Purpose.

The purpose of this sub-section is to ensure the provision of facilities, which are compatible with surrounding land uses; for the collection, separation, storage, loading and pickup of trash and recyclable materials.

(2) General Standard.

Properties shall have adequately sized, conveniently located, accessible, trash and recycling facilities, to accommodate the specific needs of the proposed use(s) on the site.

(3) Applicability and Design Regulations.

The following regulations shall be applied to all new commercial or multiple-dwelling structures and all existing commercial or multiple-dwelling structures where there is a redevelopment or change of use requiring a zoning permit. Compliance with these regulations shall be demonstrated on plans and exhibits and made part of an application for zoning permit from the Department of Community Development.

- A. Areas for storage of trash and recyclable materials shall be adequate in capacity, number and distribution to serve the development, whether commercial, multi-dwelling or a combination thereof.
- B. The amount of space provided for the collection and storage of recyclable materials shall be designed to accommodate collection and storage containers that are appropriate for the recyclable materials generated. Recyclable materials storage areas shall be clearly marked and shall be located abutting refuse collection and storage areas.
- C. Where possible, each trash and recycling enclosure shall be designed to allow walk-in access without having to open main enclosure service gates. This is intended to reduce main service gates being left open and blocking parking or access.
- D. Trash and recycling areas must be enclosed so that they are screened from public view. The enclosure shall be constructed of durable materials such as masonry and shall be compatible with the structure to which it is associated. Gates on the enclosures shall be

constructed of metal or some other comparable durable materials, shall be painted to match the enclosure and shall be properly maintained.

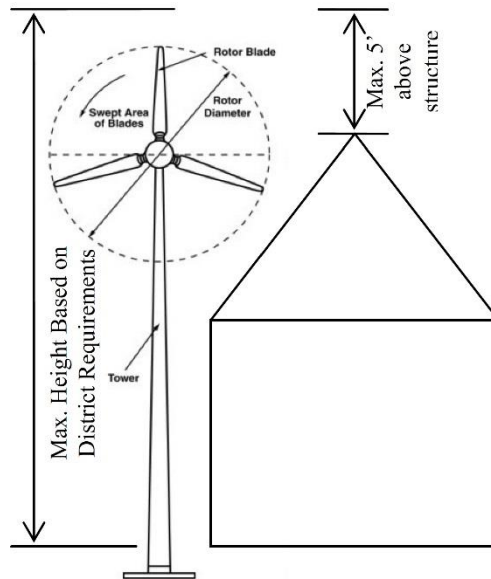
- E. Enclosure areas shall be designed to provide adequate, safe and efficient accessibility for service vehicles. The applicant shall consult the service provider prior to the facility placement and design.
- F. Enclosure areas shall be constructed on a 4000 psi concrete pad at least 4-inches in thickness.
- G. The storage/enclosure area shall not be in the front yard or the right of way.
- H. The facility shall be reviewed and approved according to the City of Oxford Trash and Recycling Facilities Design Guidelines.
- I. This section does not relieve property owners of any requirements in Chapter 931, Solid Waste Collection and Disposal; Recycling.

(k) Wind Turbines.

Wind energy conversion systems shall be allowed in all zoning districts as an accessory structure subject to the following conditions:

(1) General.

- A. Permit is required.
- B. No system shall be directly or indirectly lit, unless required by the FAA.
- C. No system shall be used for advertising of any kind.
- D. No system shall produce a detectable noise at the property lines.
- E. Turbines are prohibited in the front yard.
- F. Systems are subject to the Property Maintenance Code and shall be removed within six (6) months of being nonfunctional.
- G. The height of a wind system shall be measured from grade, base of tower or the lowest adjacent grade of the structure in which the system is attached, to the tip of the rotor blade in a 90 degree position.



(2) Requirements:

- A. For parcels less than one acre, no ground mounted systems are permitted. All systems shall be mounted to the principle or accessory structure and shall not project more than five (5') feet above the roof of the structure and also shall not exceed the height requirement for accessory uses or of the zoning district in which it is located, dependent upon which structure it is attached.
- B. For parcels one acre or greater, a ground mounted system is permitted and shall not exceed the height requirement of the zoning district in which it is located.
 1. Ground mounted systems shall be setback from the rear and side property lines equal to the height of the turbine or satisfy the zoning district setback requirements, whichever is greater.
 2. Any system mounted to the principle or accessory structure shall not project more than five (5') feet above the roof of the structure and also shall not exceed the height requirement for accessory uses or of the zoning district in which it is located, dependent upon which structure it is attached.

(I) Solar Panels.

Solar panels shall be allowed in all zoning district either attached to a permitted principal use or accessory building or as an accessory structure subject to the following regulations:

- (1) Freestanding solar panels are prohibited in the front yard.
- (2) Panels that are freestanding or attached shall satisfy the rear and side yard setback requirements of the zoning district in which they are located.
- (3) Solar Panels are permitted on the roof of the principal structure or accessory structure, provided that the addition of the panels does not cause the structure to exceed the height requirement for the zoning district in which it is located.
- (4) Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.
- (5) Panel systems are subject to the Property Maintenance Code and shall be removed within six (6) months of being nonfunctional.

(6) No panel shall be used for advertising of any kind.

(7) Permit is required.

(Ord. 3226. Passed 8-20-13.)

Chapter 1143 – Districts

1143.01 – R-1A Single-Family Low-Density Residential District.

(a) Purpose.

This district is intended to provide areas for low-density single-family residential development, generally located within the outlying areas of the City. Such development would be located and designed to protect and enhance the open space character of selected areas within the City.

(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 1141.

- A. Community-Oriented Residential Social Service Facilities (CORSSF's).
- B. Shared Housing and Congregate 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. Cemeteries.
- G. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
- H. Schools: primary, intermediate, and secondary, both public and private.
- I. Places of worship.

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements [or Alley Development Provisions](#))

(1) Lot requirements.

- A. Minimum lot area 15,000 sq. feet
- B. Minimum lot width 90 feet
- C. Minimum lot frontage 90 feet (not applicable to cul-de-sac lots)

(2) Yard requirements.

- A. Minimum front yard depth 30 feet
- B. Minimum rear yard depth 40 feet
- C. Minimum side yard width 10 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

(d) Alley Development.

Any new construction, addition, or alteration which is proposed on a lot/parcel having frontage exclusively on one or more public alleys shall be subject to the additional alley development provisions as set forth in Section 1141.03(j).

(Ord. 2782. Passed 5-20-03. Subsection (b)(1)(B) amended by Ord. 3583, passed 9-15-20.)

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 or Alley Development Provisions)

(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

(d) Alley Development.

Any new construction, addition, or alteration which is proposed on a lot/parcel having frontage exclusively on one or more public alleys shall be subject to the additional alley development provisions as set forth in Section 1141.03(j).

(Ord. 2782. Passed 5-20-03. Subsection (b)(1)(B) amended by Ord. 3583, passed 9-15-20.)

1143.03 – R-1MS Single-Family Residential Mile-Square District.

(a) Purpose.

This district is designed to preserve and encourage a single-family residential environment in an urban environment while maintaining the historic form and character of development within the Mile Square district.

(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 1141.

- 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. Publicly owned and operated neighborhood recreation centers.
- 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 [or Alley Development Provisions](#))

Any parcel, property or structure that is within the Historic District Overlay shall also consult the current design guidelines of the Historical Architectural Preservation Commission and Chapter 1331 of the Oxford Codified Ordinance and shall follow the procedures for approval contained therein.

Single Family Dwelling	
Lot Requirements	
Minimum Lot Area (Square Feet)	6,000
Minimum Lot Width (Feet)	60
Minimum Lot Frontage (Feet)	60
Yard Requirements	
Minimum Front Yard Setback	20 feet
Minimum Rear Yard Setback	35 feet
Minimum Side Yard Setback	7.5 feet
Structural Requirements	

Maximum Building Height	35 feet
Lot Coverage for Lots with Vehicular Access from a Public Street	
Lot Total Maximum	45% of lot
Front Yard Maximum	30% of front yard
Lot Coverage for Lots with Vehicular Access from a Rear or Side Alley with no Access from a Public Street	
Lot Total Maximum	45% of lot
Front Yard Maximum	15% of front yard

(d) Mile Square Design Standards.

(1) Purpose and Applicability.

- A. The purpose of the Mile Square Design Standards is to establish design standards for all new, expanded, or renovated buildings so they are part of the urban form and character of the Mile Square District. These standards are not intended to dictate any specific architectural style or design but rather are intended to allow imaginative design that is respectful to surrounding properties and the overall district.. The Mile Square Design Standards are intended to provide predictable requirements while also allowing for flexibility in design.
- B. The design of all new construction and exterior alteration or renovation in the R-1-MS District shall conform to the following requirements.

(2) Front Façade.

- A. All development shall be located parallel to the associated public street with the main entry door designed to face onto the associated public street unless an alternative orientation is consistent with the majority of homes along the same block face.



Example of residential development that is oriented toward the primary street.

(3) Foundations.

- A. Any new construction, including expansions, shall not include exposed concrete block or poured concrete foundations of more than two (2) feet in height, unless parged or covered by a historically appropriate facing treatment (e.g. stucco).

(4) Siding.

- A. Brick, stone, authentic stucco, or material replicating stone veneer are permitted building materials in all residential districts.
- B. Decorative, wood shingles are an acceptable treatment for the residential structures in the Mile Square Residential Districts.
- C. The use of cementitious siding materials (e.g., Hardiplank) or engineered wood that resembles traditional wood siding treatments is permitted.
- D. The use of aluminum or vinyl siding for residential structures within the Mile Square is strongly discouraged.
- E. Plank siding treatments shall be horizontally oriented. Vertical planking may be allowed in a 90 degree board and batten treatment.
- F. Brick or masonry that has not previously been painted shall not be painted unless the painting of brick or masonry is consistent with the architectural style or era of the building.
- G. All wood siding materials shall be painted.
- H. Any additions or expansions of an existing building shall also comply with Section 1141.03(h) (Residential Building Additions).

(5) Roofs.

- A. Flat roofs are prohibited for residential buildings except for small areas on a rear roof that are used and sized for the placement of roof-mounted mechanical systems.
- B. Roof pitches for residential structures must be steep. A minimum pitch ratio of 6 to 12 is required with the exception of porch roofs that should have a minimum pitch ratio of 4 to 12.
- C. Decorative cornices and parapets are encouraged.
- D. The addition of antennae, satellite dishes, and skylights should be placed on the rear of the building, roof, or on a non-visible accessory building to the maximum extent feasible.

(6) Doors

- A. Doors shall be made of wood or be a "wood appearing" design (e.g. a steel door with panels).
- B. All doors shall be constructed to be exterior doors. The use of an indoor door on the exterior of the building is prohibited.

(7) Windows.

- A. Windows must be proportionally vertical when practical. Examples of instances where windows are not required to be vertical include kitchens and basements. For purposes of

applying this provision, the vertical proportion is required only for each individual window frame; a horizontal row of vertical windows is acceptable.

- B. Reflective glass (such as blue or gold tinted glass) is prohibited.
- C. Skylights can be added to increase the availability of natural light. These must generally be flat and unobtrusive (especially from any public ways). They shall not be located on the front side of the roof slope facing the street.

(8) Porches, Stoops, and Decks.

- A. New residential structures are encouraged to include porches and stoops as design elements, which serve to enhance the physical and social components of the neighborhood.
- B. All porches, stoops and decks shall comply with the provisions set forth in Chapter 1141.
- C. Porches and stoops are permitted in any yard, however stoops may not exceed twenty five (25) square feet in front yards.
- D. Decks shall only be permitted in rear yards, with the exception of corner lots having frontage on two public streets, in which case a deck may be installed in the side yard so long as it is set back at least 10 feet from the front façade of the building.
- E. The use of treated or untreated lumber that is not painted shall be prohibited for use on the front or side façades.
- F. The table below outlines the standards defining the differences and distinctions between porches, stoops and decks consistent with definitions as provided in Chapter 1159. The standards in this table shall not preclude any other applicable provisions of this Zoning Code which are more restrictive in terms of location, size, material, etc.

Standards	Porch	Stoop	Deck
Allowable Yards	Any	Any	Only Rear Yards, except per (D) above
Maximum Size	No max	No max, except in front yards max is 25 sq ft	No max
Roof	Roof required	Roof allowed	Roof not allowed
Material	Any	Any, though typically concrete or masonry	Any, though typically wood

(9) Garages & Accessory Buildings.

- A. Street facing garages shall not comprise more than 50 percent of the ground floor building frontage. Any garage with more than two (2) car parking capacity should not directly face onto any street. The garage with more than two parking bays should have the side wall facing the street (i.e., side loading garage). All garage doors shall be compatible with the dwelling style and colors.

- B. The front façade of any garage facing on to the street shall be set back a distance equal to or more than the front façade of the remainder of the principal building.
- C. To the maximum extent feasible, a detached garage be accessed from the alley if alleys are available for vehicular traffic.
- D. The architectural style and materials of any accessory building should generally be compatible with the principal building as should the roof type and roof slope. Roofs for any accessory building shall be subject to the same standards as for principal structures pursuant to Subsection (5) above.

(10) Fences & Gates.

- A. Chain link fences are prohibited.
- B. When fencing is to be used, traditional fence forms, such as picket fences and plain board fences, shall be utilized and shall comply with the fencing height restrictions of Section 1141.01.
- C. Fencing shall only be constructed of wood, wrought iron, decorative metal fencing, or fencing material that resembles wood materials.

(11) Chimneys.

- A. Where a building is designed with chimneys or where a chimney is to be added to an existing structure, brick or stone are the preferred materials. Other siding may be allowed if the entire building is sided in similar materials.

(12) Shutters.

- A. Shutters do not have to be operable. However, when present they must appear to be functional and they must be proportionally equal to the adjacent window opening.



The shutters on the left window are appropriately shaped and sized for the related window even if they are not operable. The replacement shutters on the right are not appropriate due to the length and shape that do not correlate to the related window.

(13) Driveways & Parking Lots.

- A. Individual curb cuts for driveways are strongly discouraged. No curb cuts are allowed if an alley is present. Alleys must be utilized as much as possible to provide automobile access.

(14) Landscaping.

- A. Landscaping of the site shall comply with the requirements of Chapter 1148.

(e) Alley Development.

Any new construction, addition, or alteration which is proposed on a lot/parcel having frontage exclusively on one or more public alleys shall be subject to the additional alley development provisions as set forth in Section 1141.03(j).

(Ord. 3440. Passed 10-17-17. Subsection (c)(13) amended by Ord. 3560, passed 5-5-20. Subsection (b)(1)(B) amended by Ord. 3583, passed 9-15-20. Subsections (b) & (c) amended, with (c) split into (d) for Mile Square Design Standards and including numerous amendments therein, by Ord. 3611, passed 1-19-21.)

1143.04 – R-2A Single- and Two-Family Residential District.

(a) Purpose.

This district is designed to provide and preserve neighborhoods of smaller single-family residences within and adjacent to areas of similar development. This district also provides for a limited number of two-family residences.

(b) Uses.

(1) Permitted uses.

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
- D. 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 and Congregate Housing for the elderly.
- C. Government owned and/or operated parks and recreation facilities.
- D. Bed & Breakfasts.
- E. Private and publicly owned commercial and noncommercial recreational areas, uses and facilities of an open space nature, such as golf courses, tennis courts, parks, forests, wildlife preserves, etc.
- 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 or Alley Development Provisions)

1-family

2-family

(1) Lot requirements.

A.	Minimum lot area	6,000 sq. ft	7,500 sq. ft.
B.	Minimum lot width	60 feet	75 feet
C.	Minimum lot frontage	60 feet	75 feet

(lot frontage requirements not applicable to cul-de-sac lots)

(2) Yard requirements.

A.	Minimum front yard depth	30 feet	30 feet
B.	Minimum rear yard depth	30 feet	30 feet
C.	Minimum side yard width	7.5 feet	7.5 feet

(3) Structural requirements.

A.	Maximum building height	35 feet	35 feet
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(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

(d) Alley Development.

Any new construction, addition, or alteration which is proposed on a lot/parcel having frontage exclusively on one or more public alleys shall be subject to the additional alley development provisions as set forth in Section 1141.03(j).

(Ord. 2782. Passed 5-20-03. Subsection (b)(1)(C) amended by Ord. 3583, passed 9-15-20. Subsections (b) & (c) amended by Ord. 3611, passed 1-19-21.)

1143.05 – R-2MS Single- and Two-Family Mile-Square Residential District.

(a) Purpose.

This district is designed to preserve and encourage a mix of single-family and two-family dwellings within an urban environment at densities that reflect Oxford's historic development pattern within the Mile Square District.

(b) Uses.

(1) Permitted uses.

- A. Single-family dwellings.

- B. Two-family dwellings.
- C. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
- D. 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 and Congregate Housing for the elderly.
- C. Government owned and/or operated parks and recreation facilities.
- D. Bed & Breakfasts.
- E. Private and publicly owned commercial and noncommercial recreational areas, uses and facilities of an open space nature, such as golf courses, tennis courts, parks, forests, wildlife preserves, etc.
- 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.
- I. Fraternity and sorority houses.
- J. Parking lots.

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements [or Alley Development Provisions](#))

Any parcel, property or structure that is within the Historic District Overlay shall also consult the current design guidelines of the Historical Architectural Preservation Commission and Chapter 1331 of the Oxford Codified Ordinance and shall follow the procedures for approval contained therein.

	Single Family Dwelling	Two-Family Dwelling
Lot Requirements		
Minimum Lot Area (Square Feet)	5,000	7,500
Minimum Lot Width (Feet)	50	75
Minimum Lot Frontage (Feet)	50	75
Yard Requirements		
Minimum Front Yard Setback	20	20
Minimum Rear Yard Setback	35	35
Minimum Side Yard Setback	7 (on each side)	7 (on each side)

Structural Requirements		
Maximum Building Height	35	35
Lot Coverage for Lots with Vehicular Access from a Public Street		
Lot Total Maximum	45	45
Front Yard Maximum	30	30
Lot Coverage for Lots with Vehicular Access from a Rear or Side Alley with no Access from a Public Street		
Lot Total Maximum	45	45
Front Yard Maximum	15	15

(d) Mile Square Design Standards.

(1) Purpose and Applicability

- A. The purpose of the Mile Square Design Standards is to establish design standards for all new, expanded, or renovated buildings so they are part of the urban form and character of the Mile Square District. These standards are not intended to dictate any specific architectural style or design but rather are intended to allow imaginative design that is respectful to surrounding properties and the overall district.. The Mile Square Design Standards are intended to provide predictable requirements while also allowing for flexibility in design.
- B. The design of all new construction and exterior alteration or renovation in the R2-MS District shall conform to the following requirements.

(2) Front Façade.

- A. All development shall be located parallel to the associated public street with the main entry door designed to face onto the associated public street unless an alternative orientation is consistent with the majority of homes along the same block face.



Example of residential development that is oriented toward the primary street.

(3) Foundations.

- A. Any new construction, including expansions, shall not include exposed concrete block or poured concrete foundations of more than two (2) feet in height, unless parged or covered by a historically appropriate facing treatment (e.g. stucco).

(4) Siding.

- A. Brick, stone, authentic stucco, or material replicating stone veneer are permitted building materials in all residential districts.
- B. Decorative, wood shingles are an acceptable treatment for the residential structures in the Mile Square Residential Districts.
- C. The use of cementitious siding materials (e.g., Hardiplank) or engineered wood that resembles traditional wood siding treatments is permitted.
- D. The use of aluminum or vinyl siding for residential structures within the Mile Square is strongly discouraged.
- E. Plank siding treatments shall be horizontally oriented. Vertical planking may be allowed in a 90 degree board and batten treatment.
- F. Brick or masonry that has not previously been painted shall not be painted unless the painting of brick or masonry is consistent with the architectural style or era of the building.
- G. All wood siding materials shall be painted.
- H. Any additions or expansions of an existing building shall also comply with Section 1141.03(h) (Residential Building Additions).

(5) Roofs.

- A. Flat roofs are prohibited for residential buildings except for small areas on a rear roof that are used and sized for the placement of roof-mounted mechanical systems.
- B. Roof pitches for residential structures must be steep. A minimum pitch ratio of 6 to 12 is required with the exception of porch roofs that should have a minimum pitch ratio of 4 to 12.
- C. Decorative cornices and parapets are encouraged.
- D. The addition of antennae, satellite dishes, and skylights should be placed on the rear of the building, roof, or on a non-visible accessory building to the maximum extent feasible.

(6) Doors

- A. Doors shall be made of wood or be a "wood appearing" design (e.g. a steel door with panels).
- B. All doors shall be constructed to be exterior doors. The use of an indoor door on the exterior of the building is prohibited.

(7) Windows.

- A. Windows must be proportionally vertical when practical. Examples of instances where windows are not required to be vertical include kitchens and basements. For purposes of

applying this provision, the vertical proportion is required only for each individual window frame; a horizontal row of vertical windows is acceptable.

- B. Reflective glass (such as blue or gold tinted glass) is prohibited.
- C. Skylights can be added to increase the availability of natural light. These must generally be flat and unobtrusive (especially from any public ways). They shall not be located on the front side of the roof slope facing the street.

(8) Porches, Stoops and Decks.

- A. New residential structures are encouraged to include porches and stoops as design elements, which serve to enhance the physical and social components of the neighborhood.
- B. All porches, stoops and decks shall comply with the provisions set forth in Chapter 1141.
- C. Porches and stoops are permitted in any yard, however stoops may not exceed twenty five (25) square feet in front yards.
- D. Decks shall only be permitted in rear yards, with the exception of corner lots having frontage on two public streets, in which case a deck may be installed in the side yard so long as it is set back at least 10 feet from the front façade of the building.
- E. The use of treated or untreated lumber that is not painted shall be prohibited for use on the front or side façades.
- F. The table below outlines the standards defining the differences and distinctions between porches, stoops and decks consistent with definitions as provided in Chapter 1159. The standards in this table shall not preclude any other applicable provisions of this Zoning Code which are more restrictive in terms of location, size, material, etc.

Standards	Porch	Stoop	Deck
Allowable Yards	Any	Any	Only Rear Yards, except per (D) above
Maximum Size	No max	No max, except in front yards max is 25 sq ft	No max
Roof	Roof required	Roof allowed	Roof not allowed
Material	Any	Any, though typically concrete or masonry	Any, though typically wood

(9) Garages & Accessory Buildings.

- A. Street facing garages shall not comprise more than 50 percent of the ground floor building frontage. Any garage with more than two (2) car parking capacity should not directly face onto any street. The garage with more than two parking bays should have the side wall facing the street (i.e., side loading garage). All garage doors shall be compatible with the dwelling style and colors.

- B. The front façade of any garage facing on to the street shall be set back a distance equal to or more than the front façade of the remainder of the principal building.
- C. To the maximum extent feasible, a detached garage be accessed from the alley if alleys are available for vehicular traffic.
- D. The architectural style and materials of any accessory building should generally be compatible with the principal building as should the roof type and roof slope. Roofs for any accessory building shall be subject to the same standards as for principal structures pursuant to Subsection (4) above.

(10) Fences & Gates.

- A. Chain link fences are prohibited.
- B. When fencing is to be used, traditional fence forms, such as picket fences and plain board fences, shall be utilized and shall comply with the fencing height restrictions of Section 1141.01.
- C. Fencing shall only be constructed of wood, wrought iron, decorative metal fencing, or fencing material that resembles wood materials.

(11) Chimneys.

- A. Where a building is designed with chimneys or where a chimney is to be added to an existing structure, brick or stone are the preferred materials. Other siding may be allowed if the entire building is sided in similar materials.

(12) Shutters.

- A. Shutters do not have to be operable. However, when present they must appear to be functional and they must be proportionally equal to the adjacent window opening.



The shutters on the left window are appropriately shaped and sized for the related window even if they are not operable. The replacement shutters on the right are not appropriate due to the length and shape that do not correlate to the related window.

(13) Driveways & Parking Lots.

- A. Individual curb cuts for driveways are strongly discouraged. No curb cuts are allowed if an alley is present. Alleys must be utilized as much as possible to provide automobile access.

(14) Landscaping.

- A. Landscaping of the site shall comply with the requirements of Chapter 1148.

(e) Alley Development.

Any new construction, addition, or alteration which is proposed on a lot/parcel having frontage exclusively on one or more public alleys shall be subject to the additional alley development provisions as set forth in Section 1141.03(j).

(Ord. 3442. Passed 10-17-17. Subsection (c)(13) amended by Ord. 3560, passed 5-5-20. Subsection (b)(1)(C) amended by Ord. 3583, passed 9-15-20. Subsections (b) & (c) amended by Ord. 3611, passed 1-19-21.)

1143.06 – R-3 Multi-Family Residential District.

(a) Purpose.

This zone is intended to accommodate multi-family structures suited to the lifestyles of individuals and families, generally located in areas adjacent to major thoroughfares and commercial areas.

(b) Uses.

(1) Permitted uses.

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Multi-family dwellings.
- D. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
- E. 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 and Congregate 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.
- I. Nursing homes for convalescent patients.
- J. Professional Offices.

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

(1) Lot requirements.

A. Minimum lot area

- | | | |
|----|------------------------------|----------------|
| 1. | One-family dwelling | 6,000 sq. feet |
| 2. | Two-family dwelling | 7,500 sq. feet |
| 3. | Three-family dwelling and up | 9,000 sq. feet |

B. Maximum Residential Density – Occupancy shall be limited to one person per 450 square feet of lot area for multi-family dwelling use.

C. Minimum Lot Width/Frontage

- | | | |
|----|----------------------------|----------|
| 1. | One-family dwelling | 60 feet |
| 2. | Two-family dwelling | 75 feet |
| 3. | Three-family dwelling | 90 feet |
| 4. | Four-family dwelling | 100 feet |
| 5. | Five to 24-family dwelling | 120 feet |

(2) Yard requirements.

A. Minimum front yard depth 30 feet

B. Minimum rear yard depth

- | | | |
|----|-------------------------------------|---------|
| 1. | One, two, and three-family dwelling | 35 feet |
| 2. | Four-family dwelling | 40 feet |
| 3. | Five to 24-family dwelling | 45 feet |

C. Minimum side yard width on each side

- | | | |
|----|------------------------------|----------|
| 1. | One- and two-family dwelling | 7.5 feet |
| 2. | Three to 24-family dwelling | 15 feet |

(3) Structural requirements.

A. Maximum building height 35 feet

B. Number of Principal Buildings Per Lot or Development Site.

The project shall follow the Planned Development process in Chapter 1145 in order to permit more than one principal building per lot.

C. Minimum floor area per dwelling unit in multi-family dwellings

- | | | |
|----|---------------|----------------|
| 1. | Efficiency | 400 sq. feet |
| 2. | One-Bedroom | 600 sq. feet |
| 3. | Two-Bedroom | 800 sq. feet |
| 4. | Three-Bedroom | 1,000 sq. feet |
| 5. | Four-bedroom | 1,200 sq. feet |

(4) Lot coverage.

A. Lot total 50 percent

a. Stormwater Reduction Incentive.

Lot coverage up to 70% may be allowed if the stormwater management plan reduces projected runoff rate more than required. For every one percent reduction in the rate of stormwater runoff, the allowable lot coverage may be increased by one percent, up to 70% maximum lot coverage.

B. Front yard 25 percent of front yard.

(d) Alley Development.

Any new construction, addition, or alteration which is proposed on a lot/parcel having frontage exclusively on one or more public alleys shall be subject to the additional alley development provisions as set forth in Section 1141.03(j).

(Ord. 3186. Passed 9-18-12. Subsection (b)(1)(D) amended by Ord. 3583, passed 9-15-20. Subsections (b) & (c) amended by Ord. 3611, passed 1-19-21.)

1143.065 – R-4 Multi-Family Residential District.

(a) Purpose.

This zone is intended to accommodate multi-family structures suited to the lifestyles of individuals and families, generally located in the outlying areas adjacent to major thoroughfares and commercial areas.

(b) Uses.

(1) Permitted uses.

A. Single-family dwellings.

B. Two-family dwellings.

C. Multi-family dwellings.

D. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.

E. 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 and Congregate 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.
- I. Nursing homes for convalescent patients.
- J. Professional Offices.

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements [or Alley Development Provisions](#))

(1) Lot requirements.

- A. Minimum lot area
 - 1. One-family dwelling 6,000 sq. feet
 - 2. Two-family dwelling 7,500 sq. feet
 - 3. Three and Four-family dwelling 9,000 sq. feet
 - 4. Five-family dwelling and up 2,000 sq. feet per unit
- B. Minimum Lot Width/Frontage
 - 1. One-family dwelling 60 feet
 - 2. Two-family dwelling 75 feet
 - 3. Three and Four-family dwelling 100 feet
 - 4. Five-family dwelling and up 120 feet

(2) Yard requirements.

- A. Minimum front yard depth 30 feet
- B. Minimum rear yard depth
 - 1. One, two, and three-family dwelling 35 feet
 - 2. Four-family dwelling 40 feet
 - 3. Five-family dwelling and up 45 feet
- C. Minimum side yard width on each side
 - 1. One- and two-family dwelling 7.5 feet
 - 2. Three-family dwelling and up 15 feet

(3) Structural requirements.

- A. Maximum building height 35 feet
- B. Number of Principal Buildings Per Lot or Development Site.
The project shall follow the Planned Development process in Chapter 1145 in order to permit more than one principal building per lot.
- C. Minimum floor area per dwelling unit in multi-family dwellings
 - 1. Efficiency 400 sq. feet

- | | | |
|----|---------------|----------------|
| 2. | One-Bedroom | 600 sq. feet |
| 3. | Two-Bedroom | 800 sq. feet |
| 4. | Three-Bedroom | 1,000 sq. feet |
| 5. | Four-bedroom | 1,200 sq. feet |

(4) Lot coverage.

- A. Lot total 35 percent

a. Stormwater Reduction Incentive.

Lot coverage up to 50% may be allowed if the stormwater management plan reduces projected runoff rate more than required. For every one percent reduction in the rate of stormwater runoff, the allowable lot coverage may be increased by one percent, up to 50% maximum lot coverage.

- B. Front yard 25 percent of front yard.

(d) Alley Development.

Any new construction, addition, or alteration which is proposed on a lot/parcel having frontage exclusively on one or more public alleys shall be subject to the additional alley development provisions as set forth in Section 1141.03(j).

(Ord. 3199. Passed 2-19-13. Subsection (b)(1)(D) amended by Ord. 3583, passed 9-15-20.)

1143.07 – R3MS Single, Two and Three-Family Mile-Square Residential District.

(a) Purpose.

The purpose of this district is to preserve and encourage a mix of single-family, two-family, and three-family dwellings in an urban environment while maintaining the urban form of development within the Mile-Square District. Furthermore, it is the intent of this district to be located in areas that are in close proximity to commercial services, public institutions, and adequate infrastructure to serve the residents within this district.

(b) Uses.

(1) Permitted uses.

- A. Single-family dwellings
- B. Two-family dwellings
- C. Three-family dwellings
- D. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
- E. Day Care Home Type B family.

(2) Conditional uses.

The following Conditional Uses are subject to review and regulation in accordance with Chapter 1141.

- A. Community-Oriented Residential Social Service Facilities (CORSSF's).
- B. Shared Housing and Congregate Housing for the elderly.

- C. Government owned and/or operated parks and recreation facilities.
- D. Bed & Breakfasts.
- E. Publicly owned and operated neighborhood recreation centers.
- 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. Fraternity and sorority houses.
- I. Places of worship.
- J. Parking lots.
- K. Accessory dwelling units

- (c) Site Development Regulations. (Unless superseded by Conditional Use Requirements [or Alley Development Provisions](#))

Any parcel, property or structure that is within the Historic District Overlay shall also consult the current design guidelines of the Historical Architectural Preservation Commission and Chapter 1331 of the Oxford Codified Ordinances and shall follow the procedures for approval contained therein.

	Single-Family Dwellings	Two-Family Dwellings	Three-Family Dwellings
Lot Requirements			
Minimum Lot Area (Square Feet)	4,000	6,000	8,000
Minimum Lot Width (Feet)	40	50	60
Minimum Lot Frontage (Feet)	40	50	60
Yard Requirements			
Minimum Front Yard	15 feet		
Maximum Front Yard Depth	25 feet		
Minimum Rear Yard Depth	35 feet		
Minimum Side Yard Width	5 feet		
Structural Requirements			
Maximum Building Height	35 feet		
Lot Coverage for Lots with Vehicular Access from a Public Street			
Lot Total	45 percent of lot		
Front Yard	35 percent of front yard		
Lot Coverage for Lots with Vehicular Access from a Rear or Side Alley with No Access from a Public Street			

Lot Total Maximum	45 percent of lot
Front Yard Maximum	15 percent of front yard

(d) Mile Square Design Standards.

(1) Purpose and Applicability.

- A. The purpose of the Mile Square Design Standards is to establish design standards for all new, expanded, or renovated buildings so they are part of the urban form and character of the Mile Square District. These standards are not intended to dictate any specific architectural style or design but rather are intended to allow imaginative design that is respectful to surrounding properties and the overall district.. The Mile Square Design Standards are intended to provide predictable requirements while also allowing for flexibility in design.
- B. The design of all new construction and exterior alteration or renovation in the R3-MS District shall conform to the following requirements.

(2) Front Façade.

- A. All development shall be located parallel to the associated public street with the main entry door designed to face onto the associated public street unless an alternative orientation is consistent with the majority of homes along the same block face.

(3) Foundations.

- A. Any new construction, including expansions, shall not include exposed concrete block or poured concrete foundations of more than two (2) feet in height, unless parged or covered by a historically appropriate facing treatment (e.g. stucco).

(4) Siding.

- A. Brick, stone, authentic stucco, or material replicating stone Veneer are permitted building materials in all residential districts.
- B. Decorative, wood shingles are an acceptable treatment for the residential structures in the Mile Square Residential Districts.
- C. The use of cementitious siding materials (e.g., Hardiplank) or engineered wood that resembles wood siding treatments is permitted.
- D. The use of aluminum or vinyl siding for residential structures within the Mile Square is strongly discouraged.
- E. Plank siding treatments shall be horizontally oriented. Vertical planking may be allowed in a 90 degree board and batten treatment.
- F. Brick or masonry that has not previously been painted shall not be painted unless the painting of brick or masonry is consistent with the architectural style or era of the building.
- G. All wood siding materials shall be painted.
- H. Any additions or expansions of an existing building shall also comply with Section 1141.03(h) (Residential Building Additions).

- (5) Roofs.
- A. Flat roofs are prohibited for residential buildings except for small areas on a rear roof that are used and sized for the placement of roof-mounted mechanical systems.
 - B. Roof pitches for residential structures must be steep. A minimum pitch ratio of 6 to 12 is required with the exception of porch roofs that should have a minimum pitch ratio of 4 to 12.
 - C. Decorative cornices and parapets are encouraged.
 - D. The addition of antennae, satellite dishes, and skylights should be placed on the rear of the building, roof, or on a non-visible accessory building to the maximum extent feasible
- (6) Doors.
- A. Doors shall be made of wood or "wood appearing" types of material.
 - B. All doors shall be constructed to be exterior doors. The use of an indoor door on the exterior of the building is prohibited.
- (7) Windows.
- A. Windows must be proportionally vertical where practical. Examples of instances where windows are not required to be vertical include kitchens and basements. For purposes of applying this provision, the vertical proportion is required only for each individual window frame; a horizontal row of vertical windows is acceptable.
 - B. Reflective glass (such as blue or gold tinted glass) is prohibited.
 - C. Skylights can be added to increase the availability of natural light. These must generally be flat and unobtrusive (especially from any public ways). They shall not be located on the front side of the roof slope facing the street.
- (8) Porches, Stoops and Decks.
- A. New residential structures are encouraged to include porches and stoops as design elements, which serve to enhance the physical and social components of the neighborhood.
 - B. All porches, stoops and decks shall comply with the provisions set forth in Chapter 1141.
 - C. Porches and stoops are permitted in any yard, however stoops may not exceed twenty five (25) square feet in front yards.
 - D. Decks shall only be permitted rear yards, with the exception of corner lots having frontage on two public streets, in which case a deck may be installed in the side yard so long as it is set back at least 10 feet from the front façade of the building.
 - E. The use of treated or untreated lumber that is not painted shall be prohibited for use on the front or side façades.
 - F. The table below outlines the standards defining the differences and distinctions between porches, stoops and decks consistent with definitions as provided in Chapter 1159. The standards in this table shall not preclude any other applicable provisions of this Zoning Code which are more restrictive in terms of location, size, material, etc.

Standards	Porch	Stoop	Deck
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Allowable Yards	Any	Any	Only Rear Yards, except per (D) above
Maximum Size	No max	No max, except in front yards max is 25 sq ft	No max
Roof	Roof required	Roof allowed	Roof not allowed
Material	Any	Any, though typically concrete or masonry	Any, though typically wood

(9) Garages & Accessory buildings.

- A. Street facing garages shall not comprise more than 50 percent of the ground floor building frontage. Any garage with more than two (2) car parking capacity should not directly face onto any street. The garage with more than two parking bays should have the side wall facing the street (i.e., side loading garage). All garage doors shall be compatible with the dwelling style and colors.
- B. The front façade of any garage facing on to the street shall be set back a distance equal to or more than the front façade of the remainder of the principal building.
- C. To the maximum extent feasible, a detached garage shall be accessed from the alley if alleys are available for vehicular traffic.
- D. The architectural style and materials of any accessory building generally shall be compatible with the principal building as should the roof type and roof slope. Roofs for any accessory building shall be subject to the same standards as for principal structures pursuant to Subsection (5) above.

(10) Fences & Gates.

- A. Chain link fences are prohibited.
- B. When fencing is to be used, traditional fence forms, such as picket fences and plain board fences, shall be utilized and shall comply with the fencing height restrictions of Section 1141.01.
- C. Fencing shall only be constructed of wood, wrought iron, decorative metal fencing, or fencing material that resembles wood materials

(11) Chimneys.

- A. Where a building is designed with chimneys or where a chimney is to be added to an existing structure, brick or stone are the preferred materials. Other siding may be allowed if the entire building is sided in similar materials.

(11) Shutters.

- A. Shutters do not have to be operable. However, when present they must appear to be functional and they must be proportionally equal to the adjacent window opening.



The shutters on the left window are appropriately shaped and sized for the related window even if they are not operable. The replacement shutters on the right are not appropriate due to the length and shape that do not correlate to the related window.

(13) Driveways & Parking Lots.

- A. Individual curb cuts for driveways are strongly discouraged. No curb cuts are allowed if an alley is present. Alleys must be utilized as much as possible to provide automobile access.

(14) Landscaping.

- A. Landscaping of the site shall comply with the requirements of Chapter 1148.

(15) Architectural Features for Three-Family Dwellings

- A. At least three of the following design features shall be provided on the front façade of each dwelling unit with frontage on a public street.
1. One or more dormer windows or cupolas;
 2. A recessed entrance;
 3. A covered porch or balcony;
 4. Pillars, posts, or pilasters;
 5. One or more bay windows with a minimum of 12 inch projection from the façade plane;
 6. A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or
 7. Multiple windows with a minimum of four inch wide trim.

- B. To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimal visual impact as seen from the street.



Illustrative example of acceptable architectural design for multi-family dwellings



Illustrative example of unacceptable architectural design for multi-family dwellings

(16) Accessory Dwelling Units

In addition to the standards applicable to all conditional use reviews, any new accessory dwelling unit shall be subject to the following standards:

- A. An accessory dwelling unit may be in a stand-alone structure or may be located above a garage.
- B. In no case shall there be more than three dwelling units on any single lot, including any approved accessory dwelling unit.
- C. Accessory dwelling units shall only be allowed on lots with a area of 5,000 square feet.
- D. The maximum square footage of an accessory dwelling unit shall not exceed 1000 square feet or 50% of the footprint of the principal structure whichever is smaller, unless approved by the Planning Commission and City Council.
- E. The accessory dwelling unit shall be located in the rear yard.
- F. The accessory dwelling unit shall be designed to be smaller in mass, height, and square footage than the principal dwelling.
- G. The accessory dwelling unit structure shall be subject to the accessory building design guidelines of this section.

(e) Alley Development.

Any new construction, addition, or alteration which is proposed on a lot/parcel having frontage exclusively on one or more public alleys shall be subject to the additional alley development provisions as set forth in Section 1141.03(j).

(Ord. 3428. Passed 9-19-17. Subsection (d)(13) amended by Ord. 3560, passed 5-5-20. Subsections (b) & (c) amended by Ord. 3611, passed 1-19-21.)

1143.08 – R-MH Planned Mobile and Manufactured Home Residential District.

(a) Purpose.

This district is intended to permit the development of Mobile and Manufactured Home Parks while maintaining a reasonable population density and by providing for the unique requirements for this type of development. The provisions of this district are established to assure that the site design and arrangement in relation to other areas together with the provision of associated facilities result in an attractive, orderly and efficient residential environment of sustained desirability in harmony with adjacent areas.

(b) Uses.

(1) Permitted uses.

A. Mobile home parks.

1. Mobile homes (not self-propelled vehicles) as defined in the Ohio Revised Code.
2. Manufactured Homes as defined in the Ohio Revised Code.

(2) Accessory uses.

- A. Coin-operated laundry, laundry and dry cleaning pick-up stations for use of tenants only. No external sign shall be permitted.
- B. Other accessory uses, buildings or structures customarily incidental to the aforesaid use.
- C. On-site Manufactured Home Sales.

The sale of manufactured homes within a mobile/manufactured home park or subdivision shall be a Conditional Use having one-year duration. Said use shall be reviewed at the end of the first year for possible extension for an additional year in total representing a maximum two-year duration. Such sales areas shall be well screened from the residential section of the park or subdivision and shall be located at the periphery of the site. All signs used for advertising shall be unobtrusive to the surrounding property.

- D. Neighborhood commercial facilities. In mobile home parks of 50 acres or more, neighborhood commercial facilities such as markets, barbers, beauty shops, or doctor's offices, may be planned in conjunction with a mobile home park but may not be physically occupied until the park is 75 percent occupied by residents.

(c) Site Development Regulations.

(1) Minimum floor area.

Individual mobile/manufactured homes located within the district shall have a minimum floor area of 600 square feet.

(2) Area requirements.

Each mobile/manufactured home park shall have a minimum gross site area of not less than 20 acres.

(3) Density requirements.

Gross density for a mobile/manufactured home park shall not exceed five dwelling units per acre.

(4) Minimum lot size.

The minimum lot size within mobile/manufactured home parks or subdivision shall be determined by the size of the residential unit occupied lot area, ratios, building setback and separation, and parking requirements.

(5) Occupied lot area ratio.

A mobile or manufactured home shall not occupy an area in excess of one-third of its respective lot area. The total occupied area of a mobile or manufactured home and its accessory buildings on a lot shall not exceed two-thirds of the lot area.

(6) Utilities.

- A. Each mobile/manufactured home park shall be served by public water and sewer systems.
- B. In each mobile/manufactured home park all wires, cables and lines providing telecommunication, including cable television, and electric utility services and connections of such utility systems to buildings and light poles in such parks, shall be located underground.
- C. Mobile/manufactured home parks shall meet all pertinent requirements of the Ohio Department of Health District and the Butler County Health Department.

(7) Landscaping.

- A. Trees of at least two inch caliper shall be installed on both sides of all streets within the mobile/manufactured home park at a maximum spacing of 50 feet between trees.

(8) Setback requirements.

The following setback requirements for all mobile or manufactured homes located in a mobile/manufactured home park shall apply:

- A. From all perimeter lot lines: see Perimeter Requirements.
- B. From any mobile or manufactured home located in the mobile home park: 20 feet, however, end-to-end clearance may be reduced to ten feet.
- C. From any community building: 50 feet.
- D. From any public or private street located within the park: 20 feet.

(9) Perimeter requirements.

A perimeter setback with respective screening requirements shall be provided which is adequate to protect the residential use in the development and, in any case, shall not be less than the following:

- A. Where the adjoining land use (existing or permitted) is of similar or higher density use or is a collector street, a distance of 30 feet containing a 90 percent, visually solid, year-round landscaped buffer six feet in height.
- B. Where the adjoining land use is an arterial street, a residential use of lower density, or a nonresidential use, protection shall be provided by providing a distance of 40 feet containing berms, walls, solid or louvered fencing, open fencing with appropriate planning, or a visually solid, year-round landscaped buffer six feet in height.

- C. The Planning Commission may waive all or part of the perimeter landscaping requirements if, due to the nature of the existing typography or other existing conditions, if the Planning Commission finds it is unreasonable to require a wall, fence or screen.

(10) Required open space.

A minimum of 10 percent of the gross site area shall be set aside and reserved for usable open space. Said open space shall be in one or more parcels, not less than one acre each. The minimum dimension of said open space shall be 200 feet in any direction. For the purposes of this section, "Usable Open Space" shall be construed to mean parks, common open areas, and areas containing a combination of community service buildings (clubhouses, swimming pools, etc.) and outdoor recreation areas.

(11) Access.

Each mobile/manufactured home park shall have direct access to a collector or arterial thoroughfare.

(12) Private streets.

A mobile/manufactured home park shall have an entrance drive from a public street, and access to individual units shall be from private paved drives within the site. A paved walk shall be located along at least one side of each drive. The width and design of the entrance drive and access drives shall be adequate to accommodate fire protection vehicles and equipment as determined upon review by the Planning Commission and the City Council. The following are minimum pavement widths:

28 feet	One-way traffic with parking
20 feet	One-way traffic, no parking
36 feet	Two-way traffic with parking
28 feet	Two-way traffic, no parking

(d) Parking Requirements.

Two paved, off-street parking spaces having a minimum area of 180 square feet each shall be provided for each mobile/manufactured home site. Said parking space shall be located either on the home site, behind the front setback area, or in a common parking area within the mobile/manufactured home park.

(e) Signs.

Signs within the mobile/manufactured home development shall be limited to an identification sign containing the name of the park not to exceed 32 square feet, a name plate attached to each home, which is no larger than one square foot, directional signs indicating the location of utility buildings, including management office, parking and common recreation area, traffic control signs.

(f) Miscellaneous Requirements.

(1) Lighting:

Appropriate lighting shall be provided along interior roadways and walkways. All lights shall be so positioned and shaded to avoid a glare on adjoining properties.

(2) Drainage:

Each mobile/manufactured home space shall be so constructed to provide adequate storm water drainage from ramps, patios, and all walls and foundations of the home to the roadway.

(3) Fuel Supply:

Where fuel is stored in outdoor storage tanks, they shall be supported by a concrete base and screened from view of surrounding home spaces and the street.

(4) Enclosed Undercarriage:

All mobile homes located in the mobile/manufactured home parks shall be enclosed from the bottom of the structure to the ground.

(5) Stand:

Each mobile home site shall be provided with a stand consisting of a solid concrete slab or two concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. Where concrete ribbons are used, the area between the ribbons shall be filled with layer of crushed rock.

(6) Foundation:

A manufactured home must be attached to a foundation in accordance with plans prepared by a registered engineer in compliance with the prevailing building code provision for vertical loads, uplift, and lateral forces.

(7) Refuse Containers:

All refuse containers shall be screened from view of surrounding home spaces and the street.

(g) Subdivision Regulation Compliance.

All mobile/manufactured home park proposals intended to sell individual lots and thus subject to regulation as a subdivision shall comply with all pertinent provisions of the City's Subdivision Regulations with the exception of requirements or standards which are superseded by provisions of this section.

(Ord. 2782. Passed 5-20-03.)

1143.09 – RO Office Residential District.

(a) Purpose.

This district is designed to encourage a residential environment in established areas of historically significant character. Offices and service facilities are permitted to support community needs in suitable locations that do not produce incompatible effects on adjacent residential neighborhoods. A mix of uses within one structure is encouraged. This district is appropriate adjacent to higher volume thoroughfares, as well as between commercial areas and residential neighborhoods. This district shall be considered a residential district.

(b) Uses.

(1) Permitted uses.

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
- D. Professional offices of doctors, dentists, chiropractors, lawyers, engineers and similar-type professions limited to 2,500 square feet of gross floor area.
- E. Hospitals

- F. Real estate, insurance and similar-type offices limited to 2,500 square feet of gross floor area.
- G. Barber and beauty shops.
- H. Instructional studios.

(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 and Congregate Housing for the elderly.
- C. Government owned and/or operated parks and recreation facilities.
- D. Bed & Breakfasts.
- E. Publicly owned and operated neighborhood recreation centers.
- F. 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.
- G. Schools: primary, intermediate, and secondary, both public and private.
- H. Places of worship.
- I. Funeral homes.
- J. Parking lots.
- K. Offices of non-profit organizations and foundations, 2,500 sq. ft. maximum.

(Ord. 2782. Passed 5-20-03. Subsection (b)(1)(C) amended by Ord. 3583, passed 9-15-20.)

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements [or Alley Development Provisions](#))

Any parcel, property or structure that is within the Historic District Overlay shall also consult the current design guidelines of the Historical Architectural Preservation Commission and Chapter 1331 of the Oxford Codified Ordinance and shall follow the procedures for approval contained therein.

(Ord. 3062. Passed 7-7-09.)

	Office & 1-family	2-family residential
(1) <u>Lot requirements.</u>		
A. Minimum lot area per dwelling unit	5,000 sq. ft.	3,750 sq. ft.
B. Minimum lot width	50 feet	75 feet
C. Minimum lot frontage	50 feet	75 feet
(2) <u>Yard requirements.</u>		
A. Minimum front yard depth	20 feet	20 feet
B. Minimum rear yard depth	35 feet	35 feet

- | | | | | |
|--|----|-------------------------|----------|----------|
| | C. | Minimum side yard width | 7.5 feet | 7.5 feet |
|--|----|-------------------------|----------|----------|
- (3) Structural requirements.
- | | | | | |
|--|----|-------------------------|---------|---------|
| | A. | Maximum building height | 35 feet | 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
- (d) Supplementary Regulations.
- (1) To minimize traffic congestion on major roads and to protect the surrounding residential areas from any adverse activities that may be associated with such business uses, a site plan, shall be submitted to, and approved by, the Zoning Administrator prior to issuing a zoning certificate. The site plan shall show the site layout, including the locations and dimensions of vehicular and pedestrian entrances, exits, driveways, and the vehicular circulation pattern, structure siting and dimensions, off-street parking spaces, landscaped yards, and the location and type of lighting facilities and signs.
- (2) No zoning certificate shall be issued for an “RO” use until the applicant shall have certified to the Zoning Administrator that:
- A. The business activity is open to the public only between the hours of 7:00 a.m. and 9:00 p.m.
 - B. The business activity shall be conducted wholly within a completely enclosed building.
 - C. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or Portland cement concrete, wood, tile, terrazzo or similar material, and except for parking areas, the grounds shall be planted and landscaped.
- (3) Failure to comply with any of the above conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Ordinance.

(e) Alley Development.

Any new construction, addition, or alteration which is proposed on a lot/parcel having frontage exclusively on one or more public alleys shall be subject to the additional alley development provisions as set forth in Section 1141.03(j).

(Ord. 2782. Passed 5-20-03. Subsections (b) & (c) amended by Ord. 3611, passed 1-19-21.)

1143.10 – UP Uptown District.

(a) Purpose.

The purpose of this district is to preserve and encourage the continued vitality of the City's historic central business and civic activity area. Selected uses and regulatory standards are provided to guide development so as to achieve a mixture of appropriate uses in a functional, aesthetic and pedestrian compatible manner.

(b) Uses.

(1) Permitted uses.

- A. Any combination of residential dwelling types as defined in Section 1159.05(8), A through E., on the second floor or higher.
- B. Retail services shall not exceed 10,000 square feet of floor area on any given floor.
 - 1. Apparel and jewelry.
 - 2. Bars and establishments serving alcohol.
 - 3. Books, stationery, newspapers, magazines, office equipment and office supply stores.
 - 4. Drugs and pharmaceuticals.
 - 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 improvements 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.
 - 11. Other similar establishments engaged in retail trade except those included as Conditional Uses in subsection (b)(2) hereof.
- C. Personal and professional services shall not exceed 10,000 square feet of floor area on any given floor.
 - 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).

8. Theaters, not including drive-ins.
 9. Other similar personal and professional services, such as employment agencies, travel bureaus, and ticket offices.
- D. Accessory buildings incidental to the principal use.
- E. Sidewalk uses.
1. This section is intended to provide for active use of private and public property in the Uptown District for outdoor cafes and retail sales. A sidewalk use requires a permit, shall be operated according to the provisions of this section, and is valid for one year and only for the location, design, and use approved.
 2. A sidewalk use may include outdoor activity on both private and public property as follows:
 - a. Private property in the front setback area or any courtyard or other partially enclosed area adjacent to a right-of-way may be utilized only for the same commercial activity as the principal use on the first floor of the principal structure.
 - b. The public sidewalk and other paved portions of the right-of-way that are designed and constructed to accommodate pedestrians may be utilized only for the same commercial activity as the principal use on the first floor of an immediately adjacent principal structure.
 3. A sidewalk use permit application shall include a fee, a scaled site plan, and other information sufficient to determine compliance with all of the following provisions:
 - a. The use may not result in less than five feet of open and unobstructed public sidewalk adjacent to the sidewalk use; and
 - b. The adjacent property owner and the operator of the use have a liability insurance policy that covers accidents and injuries on the public right-of-way for a minimum of one hundred thousand dollars (\$100,000) per person and three hundred thousand dollars (\$300,000) per accident, premiums are fully paid for the calendar year of the permit, and the City of Oxford shall be named as an additional insured upon such liability policy; and
 - c. The use shall employ only displays, counters, tables, chairs, umbrellas, and planters that are moveable; and
 - d. Nothing related to the operation of the use shall be permanently installed on public or private property except anchors that do not protrude above the adjacent sidewalk surface and do not otherwise create a trip hazard; and
 - e. All materials shall be lightweight and easily removable; and
 - f. All roofs shall be made of a flame-resistant (per Ohio Basic Building Code and Ohio Fire Code), nonstructural material such as treated canvas or vinyl fabric; and
 - g. All illumination shall be confined within the perimeter of the use; and

- h. All partitions shall be transparent 3 feet above the adjacent sidewalk surface.
- 4. The City Manager or designee shall require removal of anything or correction of any condition associated with a sidewalk use that threatens the public health, safety, or general welfare and shall revoke an approved permit if its holder fails to comply with any such order in a timely manner.
- 5. The City Manager shall reinstate a revoked permit if the holder removes the immediate threat and provides sufficient proof that the threat will not recur.
- 6. If a sidewalk use permit is revoked more than once during the year that the permit is valid, the permit shall not be reinstated and a new permit shall not be issued until after the original expiration date of the revoked permit.

(2) Conditional Uses.

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

A. Retail services:

- 1. Any permitted retail use that exceeds 10,000 sq. ft. on any given floor.
- 2. Banks with drive-through facilities.
- 3. Building supplies, garden supplies.
- 4. Temporary or outdoor sales of plants and garden supplies.
- 5. Retail uses which do not provide a minimum ratio of 0.7:1 of the lot area.
- 6. Additional retail uses above the street level which would cause the maximum permitted gross floor area ratio to exceed the 3:1 ratio.

B. Personal and public services:

- 1. Any permitted personal or public service that exceeds 10,000 sq. ft. on any given floor.
- 2. Cultural institutions, including libraries, art galleries and museums.
- 3. Hotels and motels.
- 4. Places of worship.
- 5. Funeral homes.
- 6. Night clubs, discotheques, and other entertainment facilities.
- 7. Personal and Professional Services which do not provide a minimum of 0.7:1 of the lot area.
- 8. Additional personal and professional services above the street level which would cause the maximum permitted gross floor area ratio to exceed the 3:1 ratio.

C. Other uses.

- 1. Any combination of dwelling types as defined in Section 1159.05(8), A through E, on the first floor or basement.

2. Community-Oriented Residential Social Service Facilities (CORSSF's).
3. Shared Housing and Congregate Housing for the elderly.
4. Government owned and/or operated parks and recreation facilities.
5. Bed & Breakfasts.
6. Publicly owned and operated neighborhood recreation centers.
7. 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.
8. Schools: primary, intermediate, and secondary, both public and private.
9. Hospitals

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

(1) Lot requirements.

A. Minimum Lot Area:

1. Lots in the Uptown District shall be a minimum of three thousand (3,000) square feet.

B. Minimum Lot Frontage:

1. 33 feet

(2) Yard requirements.

Front Yard 16.5 feet minimum except * On High Street - at least 70 percent of building must meet the right-of-way line

Rear Yard none except * Adjacent to a residential district 10 feet minimum

Side Yard none except * Adjacent to a residential district 6 feet minimum

(3) Structural requirements.

A. Building height:

Minimum - 23 feet and a minimum of 2 stories above street grade

Maximum - 48 feet and 4 stories maximum above street grade.

B. Gross Floor Area Ratio:

1. The maximum permitted gross floor area ratio of a structure at or above grade in the Uptown District shall be 3. (Lot area x 3 = total bldg. sq. ft.)

a. Commercial space shall provide a minimum ratio of 0.7:1 of the lot area on the street level subject to the following:

- i. The basement of a structure may be used for retail, personal and professional uses but shall not be computed into the minimum 0.7:1 ratio.

ii. Uncovered outdoor areas shall:

- a. Be associated with the first floor commercial occupant,

- b. Be located on the property and/or on the public sidewalk, only with a valid sidewalk permit.
- c. Be computed into the minimum 0.7:1 ratio, but not the overall 3:1 ratio.

b. Residential space shall provide a maximum ratio of 2:1 of the lot area subject to the following:

- i. Stairways, hallways, elevators outdoor patios, decks, and balconies, for residential use shall be computed into the maximum 2:1 ratio.

(4) Maximum Residential Density.

A. Occupancy shall be limited to one person per 200 square feet of lot area.

(Ord. 3323. Passed 8-18-15. Subsections (b) & (c) amended by Ord. 3611, passed 1-19-21.)

1143.11 – MU University District.

(a) Purpose.

The purpose of this district is to accommodate the academic, administrative, cultural, recreational, residential and ancillary uses comprising and supportive of the respective requirements of a college or university. Any parcel, property or structure that is within the Historic District Overlay shall also consult the current design guidelines of the Historical Architectural Preservation Commission and Chapter 1331 of the Oxford Codified Ordinance and shall follow the procedures for approval contained therein.

(b) Uses.

(1) Permitted uses.

- A. University complex, including all affiliated educational structures and other supporting uses owned, operated, affiliated, leased or licensed by the university, such as dormitories, eating facilities, recreational and athletic facilities, laboratories, retail facilities, library, etc.
- B. Single-family dwellings.

(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. Publicly owned and operated neighborhood recreation centers.
- 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 [or Alley Development Provisions](#))

(1) Lot requirements.

- A. Minimum lot area 6,000 sq. feet
- B. Minimum lot width 60 feet
- C. Minimum lot frontage 60 feet

(2) Yard requirements.

- A. Minimum front yard depth 20 feet
- B. Minimum rear yard depth 35 feet
- C. Minimum side yard width 7.5 feet on each side

(3) Structural requirements.

- A. Maximum building height 35 feet
- B. 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

(4) Mile Square Design Standards.

Single family dwellings shall comply with the Mile Square Design Standards of the R1MS District.

(5) Proposals requiring major infrastructure improvements shall be referred to Planning Commission and City Council as determined by the City Manager. Site development specifications and a project overview for all university uses shall be submitted to the Planning Department for review for the following:

- A. Integration of transportation improvements with existing and planned services and facilities.
- B. Adequacy of public utilities and services.
- C. Conformance with Ordinances regulating the Historic Architectural Preservation Commission.
- D. Potential incompatibility with abutting zoning districts necessitating modifications to the site plan to mitigate potential negative impacts.

(6) A descriptive text shall be submitted indicating the nature of the proposed activity, expected levels of noise, odor, dust, smoke, light, glare, and vibration from normal operations, and a plan for addressing these impacts. Administrative review shall be conducted and response made within 30 days of receipt.

(d) Alley Development.

[Any new construction, addition, or alteration which is proposed on a lot/parcel having frontage exclusively on one or more public alleys shall be subject to the additional alley development provisions as set forth in Section 1141.03\(j\).](#)

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 recreation 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.

(Ord. 3362. Passed 8-16-16. Subsection (d)(2) amended by Ord. 3561, passed 5-5-20. Subsections (b) & (c) amended by Ord. 3611, passed 1-19-21.)

1143.13 – OI Office & Light Industrial District.

(a) Purpose.

This district is intended to provide for research and development and professional office facilities that have minimal impact upon the surrounding environment

(b) Uses.

(1) Permitted uses.

- A. Professional, business, government, and medical offices with no retail sales to the general public, with no storage of goods for sale.
- B. Professional Offices relying on advanced scientific and engineering capabilities.

- C. Research, experimental, or testing laboratories conducted entirely within enclosed buildings.
- D. Electronic data processing.
- E. Public service facilities.

(2) Conditional uses.

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

- A. Operations designed to attract little or no customer or client traffic other than employees.
- B. Semi-public uses.

(c) Site Development Regulations.

(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 front yard depth 50 feet
- B. Minimum rear yard depth and side yard width
 - 1. If side or rear yard abuts onto a Residential District, yard shall have a minimum 50 feet for Permitted Use and minimum 100 feet for Conditional Use, and landscaped screening provided.
 - 2. Each side and rear yard shall be equal to the height of the principal building.
 - 3. Opaque fence may be substituted for plantings if approved by the Board of Zoning Appeals.

(3) Structural requirements.

- A. Maximum height 45 feet
- B. Lot coverage 70 percent

(d) Supplementary Regulations.

(1) Site plan approval required.

A site plan shall be submitted that shows graphically the location and dimensions of vehicular entrances, exits, internal circulation pattern, off-street parking and loading facilities, building location and dimensions, storage facilities, landscaping and screening facilities.

(2) Impact statement.

Prior to being issued a zoning certificate in the Office/Industrial District, the applicant must obtain approval of a descriptive text indicating the nature of the proposed activity, expected levels of noise, odor, dust, smoke, light, glare and/or vibration from normal operations and a plan for addressing these impacts. The expected number of employees per shift, at the outset and at full

expansion, shall be indicated. Other information, as required, shall be submitted either in text or plans.

(3) Storage of material.

Storage of material and equipment shall be within an enclosed building, unless located behind the principal structure and visually screened from the street and adjacent properties by a landscaped screen, fence or wall. Such screening of open storage and trash containers must meet the requirements of Sections 1141.01 and 1141.04.

(Ord. 3294. Passed 12-16-14. Subsection (c) amended by Ord. 3611, passed 1-19-21.)

1143.14 – LI Light Industrial District.

(a) Purpose.

This district is intended to provide for those analytical and associated fabrication activities associated with research and development, as well as for office and industrial uses having minimum impact upon the surrounding environment in areas that are suitable for industrial development by reason of location and the availability of adequate utility and transportation systems. Permitted uses are those that can be operated in a clean and quiet manner, subject only to those regulations and performance standards necessary to prohibit congestion and for the protection of adjacent residential and business activities.

(b) Uses.

(1) Permitted uses.

- A. Any use whose principal function is basic research, design and/or pilot or experimental product development or technical training.
- B. Office buildings of an executive or of an administrative nature or incidental to those uses previously listed.
- C. Sales offices related to the principal manufacturer on the same site provided that any retail trade with the general public shall be of a limited nature and that no stock of goods is maintained for sale to the general public.
- D. Sales offices related to the principal manufacturer on the same site provided that any retail trade with the general public shall be of a limited nature.
- E. Business and industrial service facilities.
- F. Laboratories including experimental, film, testing, research, or engineering.
- G. Printing, publishing, binding, and typesetting plants.
- H. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to bakery goods, business machinery, candy, clocks and toys, cosmetics, electrical and electronics products, components and equipment, food products, hardware and cutlery, tools, and pharmaceuticals.
- I. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to, bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, sheet metal (excluding large stampings, such as automobile fenders or bodies) shell, textiles, tobacco, wax, wire, wood, (excluding saw and planing mills), and yarns.
- J. Medical, dental, optical manufacturing.

- K. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
- L. The manufacture and repair of electric and neon signs.
- M. Motion picture production.
- N. Adult Entertainment Facilities.
- O. Accessory buildings and uses incidental to the principal use.

(2) Conditional uses.

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

- A. Any permitted use over 100,000 square feet of gross floor area
- B. Electroplating
- C. Graphic products manufacturer
- D. Light sheet metal products, including heating and ventilating equipment, cornices or eaves
- E. Cold storage plants
- F. Tool and die shops, wrought iron shops, machine shops, excluding drop hammers
- G. Banks, including drive-in facilities
- H. Restaurants, including fast food and drive-ins
- I. Taverns
- J. Wholesale facilities
- K. Other manufacturing, processing, or storage uses determined by the Planning Commission to be of the same general character as the permitted uses previously listed and found not to be a nuisance or offensive by reason the potential emission or transmission of noise, vibration, smoke, dust, glare, heat, water or air pollution. In this regard, the Planning Commission may seek expert advice on what conditions should be imposed on a particular operation to carry out the purposes of this zone: the cost of such expert assistance shall be borne by the applicant.
- L. Mini-Warehouse (Self-Storage Units)
- M. Business Incubator

(c) Site Development Regulations.

(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 front yard depth 50 feet

B. Minimum rear yard depth and side yard width

1. If side or rear yard abuts onto a Residential District, yard shall have a minimum 50 feet for Permitted Use and minimum 100 feet for Conditional Use, and landscaped screening provided.
2. Each side and rear yard shall be equal to the height of the principal building.
3. Opaque fence may be substituted for plantings if approved by the Zoning Board of Appeals.

(3) Structural requirements.

- | | | |
|----|----------------------|------------|
| A. | Maximum height | 45 feet |
| B. | Maximum Lot coverage | 70 percent |

(d) Supplementary Regulations.

(1) Site plan approval required.

A site plan shall be submitted that shows graphically the location and dimensions of vehicular entrances, exits, internal circulation pattern, off-street parking and loading facilities, building location and dimensions, storage facilities, landscaping and screening facilities.

(2) Impact statement.

Prior to being issued a zoning certificate in the Office/Industrial District, the applicant must obtain approval of a descriptive text indicating the nature of the proposed activity, expected levels of noise, odor, dust, smoke, light, water and air pollution, glare and/or vibration from normal operations and a plan for addressing these impacts. The expected number of employees per shift, at the outset and at full expansion, shall be indicated. Other information, as required, shall be submitted either in text or plans.

(3) Storage of material.

Storage of material and equipment shall be within an enclosed building, unless located behind the principal structure and visually screened from the street and adjacent properties by a landscaped screen, fence or wall. Such screening of open storage and trash containers must meet the requirements of Sections 1141.01 and 1141.04.

(Ord. 3294. Passed 12-16-14. Subsection (c) amended by Ord. 3611, passed 1-19-21.)

1143.15 – Agricultural Open Space District.

(a) Purpose.

This district is intended to provide areas within the City that: allow properties to continuously be used for agricultural purposes which have no future land use purpose at this time, or that may be in a transitional stage with regard to development; will conserve areas that have value as open space; and will incorporate conservation practices by preserving and enhancing the natural environment, rural character and areas that may have development constraints.

(b) Uses.

(1) Permitted Uses.

- | | |
|----|--|
| A. | The conduct of agricultural operation such as: farming, apiculture, horticulture, viticulture. |
|----|--|

- B. Horse ranches, horse boarding stables, riding stables and academies, and structures normally associated with such as; stables and training facilities.
- C. Single-family dwelling.
- D. Accessory building and uses incidental to the principal use as provided in Chapter 1141.
- E. 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. Dairying, pasturage and animal and poultry husbandry.
- B. Kennel.
- C. Community-Oriented Residential Social Service Facilities (CORSSF's).
- D. Shared Housing and Congregate Housing for the Elderly.
- E. Government owned and/or operated parks and recreation facilities.
- F. Bed & Breakfasts.
- G. Open space recreation areas that are privately or publicly owned, such as golf courses, tennis courts, parks, forests, or wildlife preserves.
- H. Cemeteries.
- I. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
- J. Schools; primary, intermediate, and secondary, both public and private.
- K. Places of Worship.

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

(1) Lot requirements.

- A. Minimum lot area 20 acres
- B. Minimum lot width 200 feet
- C. Minimum lot frontage 200 feet

(2) Yard Requirements.

- A. Minimum front yard depth 50 feet
- B. Minimum rear yard depth 200 feet
- C. Minimum side yard width 50 feet

(3) Structural requirements.

- A. Maximum building height 35 feet

(4) Maximum Lot coverage shall not exceed 10 percent of the lot area.

- (d) When the Agricultural Open Space District is used as a "holding zone" upon an annexation, the use, lot size and dimension requirements shall be as it existed upon annexation.

(Ord. 3166. Passed 1-17-12. Subsection (b)(1)(D) amended by Ord. 3583, passed 9-15-20. Subsections (b) & (c) amended by Ord. 3611, passed 1-19-21.)

1143.16 – NB Neighborhood Business District.

- (a) Purpose.

This district is intended to provide small-scale retail and services on sites in or near residential areas, while having little impact on them. Uses are limited in scope to promote local orientation. Development is intended to be compatible with the scale of surrounding residential areas development through pedestrian-orientation (or limited auto-orientation when the site is adjacent to collector streets)

- (b) Uses.

- (1) Permitted Uses.

- A. Two dwelling units of any combination of dwelling types as defined in Section 1159.05(8), A, C and D, on the upper floor.
- B. Professional services limited to 2,500 square feet of gross floor area.
- C. Retail services limited to 2,500 square feet of gross floor area.
- D. Personal services limited to 2,500 square feet of gross floor area.
- E. Child daycare center limited to 2,500 square feet of gross floor area.
- F. Cultural facilities, including museums, art gallery, library limited to 2,500 square feet of gross floor area.

- (2) Conditional Uses:

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

- A. Residential dwelling types as defined in Section 1159.05(8), A, or C or D, on the first floor or basement.
- B. Restaurant
- C. Professional, retail, personal services, daycare center, cultural facilities that have more than 2,500 square feet of gross floor area.
- D. Community-Oriented Residential Social Service Facilities (CORSSF's).
- E. Shared Housing and Congregate Housing for the Elderly.
- F. Government owned and/or operated parks and recreation facilities.
- G. Bed & Breakfasts.
- H. Open space recreation areas that are privately or publicly owned, such as golf courses, tennis courts, parks, forests, or wildlife preserves.
- I. Schools; primary, intermediate, and secondary, both public and private.
- J. Places of Worship.
- K. Hotel,

L. Animal hospital

M. Extended business hours beyond the hours of operation as permitted.

(c) Site Development Regulations. (unless superseded by Conditional Use Requirements [or Alley Development Provisions](#))

(1) Lot requirements.

A. Minimum lot frontage and width: 50 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 front yard depth

20 feet in the Mile Square or the average front yard setback of the block face, whichever is higher.

30 feet outside of the Mile Square.

B. Minimum rear yard depth See table below.

C. Minimum side yard width See table below.

(3) Structural requirements.

A. Maximum building height 35 feet.

	Minimum building setback from residential zoned properties	
Height of the Building	Lots abutting a side lot line of a residential zoned lot	Lots abutting a rear lot line of a residential zoned lot
20 feet or less in height	7.5 feet	35 feet
More than 20 feet, but less than 35 feet in height	10 feet	40 feet

(4) Maximum Lot coverage 50 percent

(d) Supplementary Regulations:

(1) Landscaping of the site shall comply with the requirements of Chapter 1148.

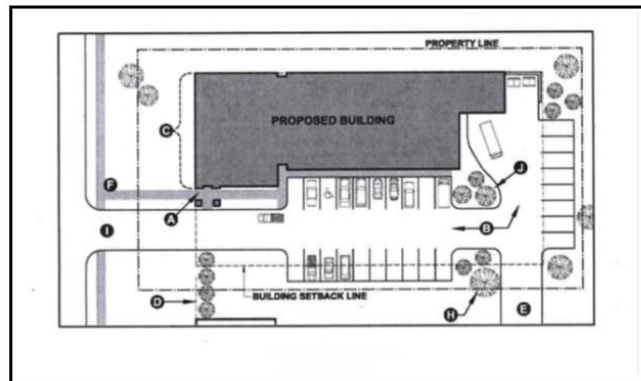
(2) The placement of any proposed building shall be consistent with the average setback of the blockface.

(3) Development should preserve the historic character of Oxford while embracing high quality design that complements existing building.

(4) New building shall be designed in style, mass, scale and materials compatible with the surrounding properties.

- (5) Addition to an existing building shall be sympathetic to the architectural scale and style of the existing building. The material for the addition shall also be similar and consistent with the existing building.
- (6) The maximum pedestrian walking distance from the street to the entrance of the building shall not be more than 150% of the required front yard setback, or the average front yard setback distance, whichever is larger.
- (7) Buffering shall be provided along the property lines adjacent to residential zoned properties. Such buffering shall consist of a solid green or dense green hedge a minimum of 6 feet tall. Green hedges shall be 6 feet tall at planting and maintain at least 90 percent opacity over time.
- (8) Hours of operation shall be limited to 8 am to 9 pm, or subject to the approval from the Planning Commission.
- (9) All parking shall be located to the side or to the rear of the building. No more than 50% of the frontage upon the street could be used for parking area.

**Location of Off-Street Parking
Illustration Only**



(e) Alley Development.

Any new construction, addition, or alteration which is proposed on a lot/parcel having frontage exclusively on one or more public alleys shall be subject to the additional alley development provisions as set forth in Section 1141.03(j).

(Ord. 3362. Passed 8-16-16. Subsection (d) amended by Ord. 3561, passed 5-5-20. Subsections (b) & (c) amended by Ord. 3611, passed 1-19-21.)

Chapter 1149 – Vehicle Management/Parking and Site Access

1149.01 – Purpose.

- (a) The regulations of this section are intended to minimize the traffic impacts of development on public streets and to assure that all developments adequately and safely provide storage and movement of vehicles in a manner consistent with good site design and site engineering practices without creating excessive amounts of parking spaces. This section regulates off-street parking and loading, handicapped accessibility, and vehicular access from public streets.
- (b) This section includes provisions that are intended to minimize potential nuisance to adjacent properties by limiting light pollution, minimizing dust and debris, improving public safety and managing storm water run-off.
- (c) This section includes provisions which are intended to benefit the community by minimizing vehicular and pedestrian conflicts in parking lots, reducing the urban heat island effect, fostering air and water quality, promoting alternative modes of transportation and maximizing the efficient use of land.

(Ord. 3307. Passed 3-17-15.)

1149.02 – Applicability.

(a) New Uses

No new building or new land use shall be authorized unless the standards of this Chapter, including the minimum number of required parking spaces, are met.

(b) Change of Use

No change of use shall be authorized unless the new use meets the standards of this Chapter, including the minimum number of required parking spaces.

(c) Expanded Uses

- (1) Whenever a building or use created prior to the effective date of this provision is changed or enlarged in floor area, number of units, seating capacity, or otherwise that will create a need for an increase in the number of parking spaces, loading spaces, or vehicle stacking spaces, the additional spaces shall be provided on the basis of the new demand created by the area of the alteration, addition, or change.
- (2) If the proposed expansion or enlargement will increase the floor area, number of units, seating capacity, or other area to an extent larger than twenty five (25) percent of the building or use prior to the effective date of this provision, then the entire site must come into compliance with the requirements of this Chapter.
- (3) Any expansion or enlargement smaller than that established in subsection (2) above shall comply with the requirements of this Chapter for any new parking, loading, or stacking space areas required for the expansion. In cases where these small expansions or enlargements occur over a period of time after the effective date of this provision, the site shall come into full compliance with the requirements of this Chapter once the total expansion or enlargement of the floor, number of units, seating capacity or other area exceeds twenty five (25) percent of the original size at the time this provision became effective.

(d) Changes or Expansions to Parking Areas

- (1) So long as no expansion is proposed to any building or structure on a site, an existing parking area may be expanded, improved, or otherwise made more conforming in accordance with the design standards of this Chapter, except as provided in subsection (2) below.

- (2) In the UP and RO districts, any new off-street parking areas, or expansions to existing parking areas greater than twenty five (25) percent as compared to the area existing on the effective date of this provision, are subject to Conditional Use review as provided in Chapter 1147. This provision shall not apply to any new or expanded off-street parking provided to comply with minimum requirements for single-, two-, or three-family dwellings on individual lots.

(e) Existing Uses

The requirements of this Chapter shall not apply to buildings and uses legally in existence on the effective date of this provision unless modified in a manner as stated in subsections (a) – (d) above. Furthermore, any facilities regulated by this Chapter that serve such existing buildings or uses shall not be reduced below the requirements established in this Chapter in the future. Notwithstanding these provisions, Utilization standards shall always apply to existing uses.

1149.03 – General Regulations.

- (a) All off-street parking and maneuvering areas shall be hard surfaced (includes concrete, asphalt, brick, stone, or bonded gravel). Loose materials, including gravel, are not permitted. The Zoning Administrator in collaboration with the City Engineer may allow alternative standards, such as for porous paving, if they satisfy the general intent of all other provisions of this section.
- (b) Pre-existing parking areas of any material which straddle a property boundary may be paved or resurfaced with a compliant hard surface material without needing to comply with setback requirements, so long as each property can maintain its own accessibility from a public street or alley without having to use any other property. In cases where separate access for each property cannot be achieved, a shared-access easement may be recorded as a way of satisfying applicable setback provisions.
- (c) All off-street parking shall be located on the same site as the use for which it is required or intended, except that off-site parking may be permitted by a Conditional Use Permit according to procedures set forth in Chapter 1147. Shared-use parking may also be permitted by Conditional Use Permit according to procedures in Chapter 1147.
- (d) All off-street parking spaces shall contain a minimum sized rectangular area. Standard spaces are 9 feet wide by 18 feet long. Compact spaces are 8 feet wide by 16 feet long.

(Original language adopted by Ord. 3307. Passed 3-17-15. Amended by Ord. 3609, passed 1-19-21.)

1149.04 – Dimensional Standards.

- (a) Tables 1149.04-1 and 1149.04-2 below outline nonresidential and multi-family parking lot minimum dimensional requirements for spaces and aisles based on angle.

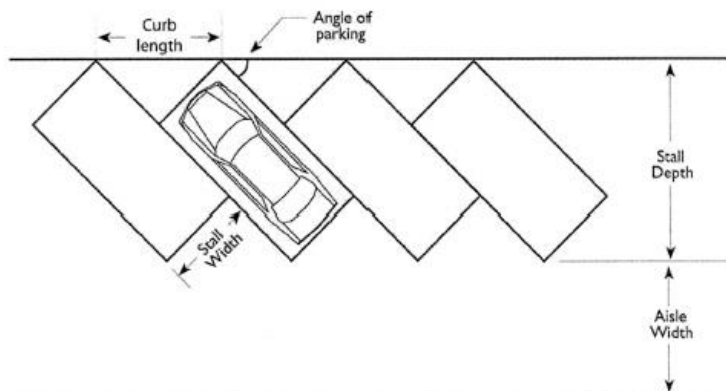


Table 1149.04-1 Min. Standard Parking Space and Aisle Dimensions

Angle of Parking	Stall Width	Curb Length Per Stall	Stall Depth	One-Way Aisle Width	Two-Way Aisle Width
Parallel	9'-0"	22'0"	9'0"	12'	20'
30 deg	9'-0"	18'0"	17'4"	11'	20'
40 deg	9'-0"	14'0"	19'2"	12'	22'
45 deg	9'-0"	12'9"	19'10"	13'	24'
50 deg	9'0"	11'9"	20'5"	15'	25'
60 deg	9'0"	10'5"	21'0"	18'	24'
70 deg	9'-0"	9'8"	21'0"	10'	24'
90 deg	9'0"	9'0"	18'0"	24'	24'

Table 1149.04-2 Min. Compact Parking Space and Aisle Dimensions

Angle of Parking	Stall Width	Curb Length Per Stall	Stall Depth	One-Way Aisle Width	Two-Way Aisle Width
Parallel	8'-0"	22'0"	8'0"	11'	20'
30 deg	8'-0"	18'0"	14'11"	11'	20'
40 deg	8'-0"	14'0"	16'5"	11'	22'
45 deg	8'-0"	12'9"	17'0"	11'	24'
50 deg	8'-0"	11'9"	17'5"	13'	24'
60 deg	8'-0"	10'5"	17'10"	16'	24'
70 deg	8'-0"	9'8"	17'9"	16'	25'
90 deg	8'-0"	8'0"	16'0"	21'	24'

(b) Computation Rules:

- (1) Any mixed-use structures or lots must provide parking in an amount equal to the sum of all individual uses combined.
 - (2) Any fractional spaces required shall be rounded up to the next whole number.
- (c) One-way drive aisles that do not provide direct access to parking spaces shall be at least 12 feet wide. Two-way drive aisles that do not provide direct access to parking spaces shall be at least 20 feet wide.
- (d) Parking spaces for motorcycles and scooters shall be at least 5 feet wide by 9 feet long.

- (e) Compact spaces must be clustered but clusters must be dispersed in parking lots with over 40 spaces. Compact spaces can take up to 25% of the required number of spaces. Compact spaces must be clearly marked.

(Original language adopted by Ord. 3307. Passed 3-17-15. New Section 1149.04 created and amended by Ord. 3609, passed 1-19-21.)

1149.05 – Required Parking Spaces.

- (a) Table 1149.05-1 below outlines the minimum number of parking spaces required by land use. The maximum number of spaces is limited to no more than 150% of the minimum unless approved by Conditional Use Permit. Single, Two and Three-Family uses on individual lots are exempt from the maximum.

Table 1149.05-1 Schedule of Required Parking Spaces by Use	
Residential Uses	Minimum Number of Spaces Up to Maximum of 150%
Single-Family	2 per dwelling unit (exempt from max)
Two-Family	2 per dwelling unit (exempt from max)
Three-Family	2 per dwelling unit (exempt from max)
Multi-family in District other than R-3 District	2.5 per dwelling unit
Multi-family in R-3 District	1 per 2 permitted occupants
(EDITOR’S NOTE: The following items 1 through 5 are exemptions only applicable to multi-family uses in the R-3 Districts.	
1. For R-3 District, the minimum number of off-street parking spaces may be reduced based on the following criteria, but not less than 25% of the permitted occupants.	
2. Building distance to transit stops. (R-3 only)	
a. Less than 500 feet	10% reduction
b. Less than 1000 feet	5% reduction
c. Less than 2000 feet	1% reduction
d. More than 2000 feet.	No reduction
3. Sheltered bike facility (R-3 only)	
a. Each 10 bike shelter parking facility qualifies for 1% reduction	
4. Building distance to the MU campus (R-3) only	
a. Less than 500 feet	10% reduction
b. Less than 1000 feet	5% reduction
c. Less than 2000 feet	1% reduction

d. More than 200 feet no reduction	
5. Numbers of on-street parking: Each legal, adjacent, on-street parking space would reduce one required off-street parking space (R-3 only).	
Efficiency	1 per dwelling unit
Fraternity and Sorority	2 per each 5 beds permitted by a valid City of Oxford rental permit
Family community residence	1 plus 1 per each 2 support staff members
Group community residence	1 plus 1 per each 2 support staff members
Community residence	1 plus 1 per each 2 support staff members
Family day-care home, Type A	1 per each 6 children potentially enrolled
Family day-care home, Type B	1 per each 6 children potentially enrolled
Child day-care center	1 per each 6 children potentially enrolled
Auditoriums, churches, temples & other places of public assembly	1 per each 8 seats in main auditorium (for bench seating 20 inches equals one seat)
Hotel, Bed & Breakfast	1 per guest room
Bowling alley	5 per each alley
Car wash	1 per 6 wash bays
Club or lodge	1 per each 5 members
Community center, library, museum, art gallery	1 per each 250 square feet of floor area plus 1 per each employee on largest shift
Funeral home	1 per each 100 square feet of usable visitation and funeral service area plus 1 per each employee on largest shift plus 1 per each funeral vehicle
Golf facility	4 per each hole plus 1 per tee at a driving range plus 50 percent of the spaces required for other on-site accessory uses
Hospital	1 per each 2 beds (excluding infant beds); plus 1 per each employee based on largest shift
Industrial warehousing & manufacturing uses	2 per each 3 employees on largest shift for which building is designed plus 1 per each motor vehicle routinely stored on premises or in ratio of 1 space for every 1,000 square feet of total building area; provided, however, that if the number of spaces required by the building ratio is greater than that required by the employee ratios, additional parking spaces need not be provided physically but sufficient spaces shall be reserved for future physical development

Miniature golf facility	1.5 per each hole
Nursing home	1 per each 3 beds plus 1 for each employee based on largest shift
Other	As determined by Zoning Administrator based upon similarity to requirements for listed uses
Professional offices	3 plus 1 additional per each 400 square feet of usable floor area over 1,000 square feet
Restaurant	1 per each 150 square feet of usable floor area. If a drive-through is present, each 20 feet of queuing between the points at which the order is taken and where the food is served shall count as 1 space toward the total requirements, up to a maximum of 3 spaces.
Retail store , personal service establishment	1 per each 300 square feet of usable floor area.
School, elementary	1 per employee on largest shift plus 1 per classroom.
School, high	1 per employee on largest shift plus 1 per each four students potentially enrolled
School, Junior High	1 per employee on largest shift plus 1 per classroom
Skating rink	1 per each 300 square feet of floor area
Stadium or spectator arena	1 per each 10 seats (for bench seating 22 inches equals one seat)
Swimming pool	1 per each 75 square feet of water surface area.

(b) Unlisted Uses

- (1) Upon receiving an application for a use not specifically listed in Table 1149.05-1 above, the Zoning Administrator shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use in regard to use, size and intensity of use.
- (2) If the Zoning Administrator determines that there is no listed use similar to the proposed use, intensity, or size, he or she may refer to the estimates of parking demand based on the recommendations of the Institute of Traffic Engineers (ITE).

(c) Exceptions

- (1) In the UP District, all uses are exempt from parking requirements.
- (2) All non-residential uses in the RO Districts are exempt from parking requirements.
- (3) A deviation from the number parking spaces provided may be permitted through a Conditional Use for shared use parking or off-site parking.

(Original language adopted by Ord. 3307. Passed 3-17-15. New Section 1149.05 created and amended by Ord. 3609, passed 1-19-21.)

1149.06 – Residential Regulations.

(a) Applicability.

The design-related standards and other regulations of this section shall apply to lots where the principal use is a single-family, two-family, or three-family dwelling. Structures with more than three (3) dwelling units, as well as mixed use sites that may contain single-, two, or three-family dwellings, are subject to the Nonresidential Regulations in Section 1149.07.

(b) Location.

- (1) 1 parking space may be located in a required front yard. All other parking spaces required or provided in excess of the minimum requirement shall not be located in the required front yard. In cases where a pre-existing nonconformity exists such that more than one parking space is already present within the front yard, such spaces may be counted toward the minimum number of spaces required under Section 1149.05.
- (2) 1 required parking space may be a stacked space. All other required off- street parking spaces shall have direct access to a driveway or alley, without crossing another space.
- (3) ~~Parking~~Unenclosed parking spaces shall not be located within 3 feet of any principal structure in order to provide ample room for motorists to enter/exit vehicles; this provision does not prevent pavement from continuing to the structure wall~~lot line~~. An exception shall apply in cases where parking spaces are oriented perpendicular to a structure wall, whereby a distance of 3 feet or less shall be permitted provided an elevated/curbed concrete platform is installed as a deterrent to vehicles impacting the structure.
- (4) All driveways and hard surface parking areas, including any areas to be utilized as unenclosed parking spaces, shall not be located within 3 feet of any lot line, except when spaces are situated perpendicular to a public alley in which case parking pavement may traverse across the property line provided both owners agree to the encroachment. ~~Unenclosed parking spaces shall be located at least 3 feet from any principal structure.~~

(c) Access and Maneuvering.

- (1) Curb cuts shall be a minimum of:
 - A. 30 feet from the intersection of two local roads
 - B. 50 feet from any intersection with a collector road
 - C. 70 feet from any intersection with an arterial road
- (2) Where a lot is adjacent to an alley, access may be from any location along the lot line except in a required front yard.
- (3) A residential use shall have a maximum of one curb cut per 100 feet of frontage, or fraction thereof (e.g. a lot with 101 feet of frontage may have two curb cuts).
- (4) A residential use on a corner lot shall have its access from a local street, if available.
- (5) In the R-1MS, R-2MS, R3MS and RO Districts, no new driveway situated upon a street right-of-way line shall exceed 12 feet in width. Driveways situated upon a street right-of-way line in all other zoning districts shall be a maximum of 18 feet wide ~~at the street right-of-way line~~. In all cases, maximum driveway widths shall apply only in front yard areas, defined as the area falling between the front lot line and the principal structure (i.e., a driveway to the side or rear of a principal structure need not adhere to these maximums). ~~and shall flare no greater than 30 degrees from perpendicular with the right-of-way line.~~

- (6) Parking and maneuvering areas shall be designed so that vehicles can enter and exit the area without driving over non-paved areas. When necessary, turn-arounds and appropriate radii shall be used. Tables 1149.04-1 and 1149.04-2 may be used for guidance.
- (7) The City Engineer may vary any of the above regulations in subsections (1) through (6) where the City Engineer determines that public safety or professional engineering design practice makes it acceptable to vary these regulations.

(d) Utilization.

- (1) No vehicle or trailer shall be parked in any off-street parking area to warehouse or distribute goods, except for loading and temporary sales.
- (2) Off-street parking spaces for a non-residential use shall not be used by commercial vehicles that do not fit entirely within the parking space.
- (3) Vehicles with signs attached to them shall not be parked in a manner such that they circumvent the Sign provisions (see Chapter 1151).
- (4) Off-street parking areas shall not be used to display vehicles for sale, except as a permitted use.
- (5) The off-street parking of any recreational vehicle, boat and/or boat trailer, dual purpose truck camper or converted van, pickup camper or coach (designed to be mounted on automotive vehicles), motorized dwelling, tent trailer, travel trailer, utility trailer, bus or semi-tractor or commercial vehicle designed or used for carrying merchandise or freight shall be permitted in a residential district only under the following conditions:
 - A. All such vehicles must be parked on a permanently hard surface.
 - B. No more than one camping or recreational vehicle may be parked in a residential district on a front driveway that is permanently hard-surfaced or at the curb in front of the residence of the owner of such recreational vehicle for a period of time not to exceed 48 hours for the purposes of loading and unloading and/or preparation, except where specifically prohibited by other parking regulations.
 - C. No more than one commercial vehicle having empty weight of less than 4,000 pounds and not more than seven feet in height may be parked on any lot in a residential district provided that it is on a driveway that is permanently hard-surfaced.
 - D. No more than one vehicle less than 8,000 pounds empty weight and/or ten feet in height, or buses, boats and trailers less than 30 feet in length may be parked or stored on any lot in a residential district. However, such parking or storing shall be prohibited in any front yard provided that it is parked on a permanently hard surface.
 - E. The conditions set forth in Subsections 2 through 4 above shall not apply to commercial vehicles making service calls, including vehicles being used for moving personal goods.
- (6) Vehicles owned, rented or leased by a church, school or other institutional use, provided that such vehicle is parked or stored only on the property where such use is located and that the location and screening of such storage or parking area complies with the provisions of Subsection 3 above.
- (7) All permitted camping and recreational vehicles and equipment and commercial vehicles shall be kept in good repair and carry a current year's license and/or registration. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

- (8) Parked or stored camping and recreational vehicles and equipment or other similar habitable vehicles shall not be permanently connected to electricity, water, gas or sanitary sewer facilities; and at no time shall these vehicles or equipment be used for living, sleeping or housekeeping purposes. No person shall permanently remove the wheels or similar transporting devices of any habitable vehicle parked in any residential district, nor shall such vehicle be otherwise fixed to the ground by any person in any manner that would prevent the ready removal of said habitable vehicle.

(Ord. 3307. Passed 3-17-15. Changed from 1149.04 to 1149.06 and amended by Ord. 3609, passed 1-19-21.)

1149.07 – Non-residential Regulations.

(a) Applicability.

The design-related standards and other requirements of this section shall apply to all nonresidential and multi-family land uses and developments, including mixed use sites.

(b) Location.

- (1) Parking Spaces shall not be located within the required front setback.
- (2) All paved areas of an off-street parking area shall be a minimum of 6 feet from any lot line or 10 feet from any lot line in a residential zoning district.
- (3) In the GB District, the maximum total number of off-street parking spaces provided on-site in front of the principal structure shall not exceed 70% of the total number of required off street spaces.

(c) Access and Maneuvering.

- (1) Curb cuts shall be a minimum of:
 - A. 40 feet from the intersection of two local roads
 - B. 50 feet from any intersection with a collector road
 - C. 70 feet from any intersection with an arterial road
 - D. 30 feet from any other curb cut (measured at the lot line)
- (2) Driveways shall be a maximum of 13 feet wide per lane at the right-of-way line.
- (3) The City Engineer may vary any of the above regulations in subsections (1) through (2) where the City Engineer determines that public safety or professional engineering design practice makes it acceptable to vary these regulations.

(d) Utilization.

- (1) No vehicle or trailer shall be parked in any off-street parking area to warehouse or distribute goods, except for loading and temporary sales.
- (2) Off-street parking spaces for a non-residential use shall not be used by commercial vehicles that do not fit entirely within the parking space.
- (3) Vehicles with signs attached to them shall not be parked in a manner such that they circumvent the Signs provisions (see Chapter 1151).
- (4) Off-street parking areas shall not be used to display vehicles for sale, except when associated with a legal principal use for vehicle sales.

(e) Additional Requirements.

(1) Handicapped accessible. The design and construction of all new, expanded, or comprehensively redesigned off-street parking areas shall comply with applicable requirements of Chapter 11, Accessibility, of the Ohio Building Code.

(2) Loading Spaces.

A. Number.

1. One loading space shall be required for all non-residential uses and for residential uses with greater than three dwelling units.
2. One additional loading space shall be required for each 20,000 square feet or fraction thereof of floor area over the first 10,000 square feet.
3. All residential and non-residential uses in the UP District are exempt from the loading space requirements.

B. Location.

1. Loading spaces may be located anywhere on a lot.

C. Design.

1. Loading spaces must be a minimum of 10 feet wide by 25 feet long.

D. Utilization.

1. Loading spaces shall be utilized primarily for loading purposes. No vehicle shall occupy a loading space continuously for more than 48 hours.

(3) Queue and Exit Spaces.

A. Queuing and exiting spaces are required for drive-through and other uses that result in cars lining up to access a service.

B. Queuing and exiting spaces shall not interfere with required parking or adequate area for vehicle maneuvering.

C. All queuing and exiting spaces shall contain a rectangular area a minimum of 9 feet wide and 18 feet long.

D. Queuing spaces shall not be located in the required front setback.

E. The following uses require queue and exit spaces:

USE	QUEUE SPACES	EXIT SPACES
Car wash bays	3 per bay	1 per bay
Vacuum stations	1 per station	None
Drive-through convenience store	7 per bay	1 per bay
Drive-up banking	3 per bay	1 per bay
Drive-up pharmacy	3 per bay	1 per bay

Fuel pumps	1 per pump	None
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(4) Parking Lot Design.

- A. All non-residential parking areas shall be screened from an adjacent residential district by a 6-foot high visual screen.
- B. Any parking space oriented in such a way as to have headlights shine into a residential structure shall have a fence, wall, or solid hedge of no less than 4' in height screening the headlights.
- C. All off-street parking areas shall be designed, constructed, and maintained to ensure that stormwater, dust, and debris do not adversely impact any other lot. Storm water management shall be in compliance with Section 1141.04, Environmental Regulations.
- D. Parking areas shall provide a minimum security lighting level of 1 foot candle. Light fixtures shall be a maximum height of 16 feet above the adjacent ground. Glare and light pollution is regulated by Section 1141.04, Environmental Regulations.
- E. All unpaved areas adjacent to an off-street parking area shall be raised, landscaped, and separated from the parking area by a minimum 6-inch high concrete curb. Openings shall be permitted in specific locations for storm water quality management.
- F. A raised, landscaped, and curbed island a minimum of 4.5 feet wide (including the width of the curb) shall be provided at the front and at the ends of each row of parking spaces and at every interval of 15 parking spaces in a row. End islands shall extend to within 3 feet of the end of the parking space. The width requirement can be shared between adjacent facing rows or by the setback requirement adjacent to lot lines. Openings in curbing shall be permitted for storm water management.
- G. Interior rows of parking shall have an access aisle between each 15 parking spaces.
- H. Visibility shall be assured for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility.
- I. Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety.
- J. Off-street parking and loading areas shall be provided with sufficient maneuvering room so that all vehicles can enter and exit from a public street by forward motion only. The maneuvering of vehicles necessary to enter or exit loading areas shall not occur on City streets.
- K. Parking lots shall be designed so that solid waste, emergency, and other public service vehicles can provide service without backing unreasonable distances or making other dangerous or hazardous turning movements.
- L. Parking Lot Layout. No more than 200 parking spaces shall be allowed together in one group or cluster. Parking lot clusters shall be separated by landscaping, pedestrian connections, cross aisles, retention basins or similar features.

- M. In office-use and industrial projects, a minimum 25 percent of the required parking spaces shall be provided within 200 feet of the building served, with the balance of the required parking within 400 feet.
- N. In commercial and mixed use projects, a minimum of 50 percent of the required parking spaces shall be located within 300 feet of the building served.
- O. In multi-family residential projects, required parking spaces shall be arranged to provide at least one parking space per unit within 200 feet of the dwelling units they are intended to serve.
- P. Drive aisle intersections are to be perpendicular to each other.
- Q. Separate vehicular and pedestrian circulation systems shall be provided.
- R. Pedestrian Safety.

The design standards described below shall be provided for multi-family residential developments of 5 or more units and for commercial, mixed-use, and/or industrial developments that are 80 feet or more in depth and/or include 50 or more parking spaces.

1. Pedestrian Safety.

Parking lot design should be laid out in a way to minimize the times pedestrians would typically have to walk between parked cars and then cross a drive aisle to get to locations on the site. Internal circulations systems shall be clearly defined. For example, walkways should be incorporated into the median or landscape of some double loaded parking bays that terminate close to access points such as building entries or adjacent street intersections.

2. Materials and Width.

Walkways shall provide at least 5 feet of unobstructed width and be hard-surfaced with a material that differs from the drive aisle by composition, texture, or through the use of a differing color that is integral to the material. For areas beyond ADA accessible spaces, a combination of stepping stones and landscaping can be used, however ADA compliance must also be demonstrated.

3. Identification.

Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method. Surface striping alone, is insufficient.

4. Separation. Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least 6 inches high, decorative bollards, or other physical barrier.

(5) Bicycle and Motorcycle Parking.

A. Bicycle Parking.

1. Spaces Required.

- a. Bicycle parking is required for multi-unit residential buildings and nonresidential development. Unless otherwise expressly stated,

buildings and uses subject to bicycle parking requirements must provide the greatest of the following:

- i. At least 3 bicycle parking spaces; or
 - ii. At least 1 bicycle space per 10 on-site vehicle parking spaces actually provided; or
 - iii. At least 1 bicycle space per 10 vehicle parking spaces required by Section 1149.05.
- b. After the first 50 bicycle parking spaces are provided, the required number of additional bicycle parking spaces is 1 space per 20 vehicle parking spaces. Covered spaces are strongly encouraged.
- c. The requirements of subsection a, above, notwithstanding, the following minimum bicycle parking requirements apply to colleges, universities, schools and libraries:
- i. Elementary and junior high school: 1 bicycle parking space per 1000 square feet;
 - ii. High school: 1 bicycle parking space per 1500 square feet;
 - iii. Colleges and universities: 1 bicycle parking space per 5 vehicle parking spaces provided; and
 - iv. Libraries: 1 bicycle space per 5 vehicle parking spaces provided.

2. Design and Location.

a. General.

Required bicycle parking spaces must:

- i. Consist of racks or lockers anchored so that they cannot be easily removed and of solid construction, resistant to rust, corrosion, hammers, and saws;
- ii. Allow both the bicycle frame and the wheels to be locked using a standard U-lock;
- iii. Be designed so as not to cause damage to the bicycle;
- iv. Facilitate easy locking without interference from or to adjacent bicycles and maintain a separation of at least 24 inches from the nearest wall; and
- v. Be located in close proximity to entrances and other high activity areas, highly visible, active, well-lighted areas without interfering with pedestrian movements.

b. Size.

Required bicycle parking spaces for nonresidential uses must have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

c. Location.

Required bicycle parking may be located indoors or outdoors. Such spaces must be located out of the ROW unless an encroachment agreement is approved. If required bicycle parking facilities are not visible from the abutting street or the building's main entrance, signs must be posted indicating their location.

B. Motorcycle and Scooter Parking.

For any nonresidential use providing 50 or more off-street spaces, a maximum of 2 required off-street parking spaces per 50 vehicle spaces may be reduced in size or otherwise redesigned to accommodate parking for motorcycles and scooters. When provided, motorcycle and scooter parking must be identified by a sign. Motorcycle and Scooter parking shall be counted concurrently as part of the minimum number of vehicle spaces required for the development.

(6) Landscaping.

A. Purpose and Applicability.

1. Trees and other vegetation help to limit the negative effects of large, paved areas by improving stormwater control, reducing erosion, avoiding unnatural microclimates, and improving aesthetics.
2. This section sets forth minimum landscaping requirements for parking areas containing more than 4 spaces to satisfy this purpose.

B. Trees and Landscaped Areas

1. Trees

- a. A parking area shall have 2 trees per parking facility plus 1 tree for every 5 parking spaces or fraction thereof generally distributed throughout the parking area. Any dead or severely diseased trees used to fulfill these regulations shall be replaced at the request of the Zoning Administrator.
- b. Trees shall be selected for the local soil and climate. The area and soil depth of the site shall be adjusted to sustain the tree. Immediately following planting, each tree shall be a minimum of 6 feet tall and have a minimum 2-inch caliper. At maturity, each tree shall have a clear trunk at least four feet above the adjacent parking surface and average mature crown greater than 12 feet.
- c. Each existing healthy tree meeting the minimum caliper standard that is preserved may be counted as one (1) required tree, and each existing healthy tree with a diameter at breast height (DBH) of ten (10) inches or greater that is preserved may be counted as two (2) required trees, provided that any such trees are properly documented in accordance with 1148.05(b) and are situated no further than ten (10) feet from the proposed parking area.
- d. Tree species shall be selected from the City's Tree List, or deemed by the Zoning Administrator (or his/her designee) to be an acceptable species for the location.

C. Landscaped areas.

All areas that are not paved shall be landscaped and shall satisfy the following regulations:

1. Shrubs, vines, and ground cover shall be healthy stock.
2. Shrubs shall be a minimum of 1 gallon.
3. Shrubs shall be maintained so that their height does not exceed 3 feet above the adjacent parking surface.
4. Lawn grass shall be a species common to Southwest Ohio. Sod shall be used in areas subject to erosion.
5. Synthetic or artificial lawns or plants may not be used in lieu of plant requirements.
6. Concrete and asphalt shall not be used in landscaped areas. Decorative aggregate and other pervious surfaces may be used in landscaped areas if approved by the Zoning Administrator.

(7) Pedestrian Access/Connectivity.

A. Required Sidewalks

1. A concrete sidewalk of appropriate width shall be required for all portions of a parcel that front along a public street. If the project is located in an area devoid of sidewalks, the minimum width is five (5) feet. The City Engineer shall have the authority to apply the standards of the City of Oxford Curb, Gutter, & Sidewalk Specifications Manual for the construction of any sidewalk.
2. Sidewalks shall be located within the public right-of-way wherever possible. When the right-of-way does not permit the location of a sidewalk, such sidewalk will be located on the property and recorded as a public access easement.
3. A paved bicycle/multi-purpose pathway may be permitted in lieu of the required sidewalk at the discretion of the City Engineer. The City Engineer may consult the City's latest plans for trails and pathways in making a determination as to whether a pathway is an appropriate substitute for a sidewalk.
4. In cases where sidewalk segment(s) already exist in the required locations, the City Engineer may require replacement of all or some of such segments due to being in a state of disrepair or lack of sufficient width.

B. Required Walkway Connection

1. Where a sidewalk exists in a public right-of-way adjacent to the site, or is required to be installed pursuant to subsection (A) above, a pedestrian walkway shall be constructed between the entrance(s) of the developed building/use(s) and the public sidewalk.
2. The pedestrian walkway shall be a durable hard surface path with a minimum width of five (5) feet.
3. The pedestrian walkway may consist of one or more crosswalks across drive aisles provided they are hard-surfaced with a material that differs from the drive aisle by composition, texture, or through the use of a differing color that is integral to the material.

(Ord. 3307. Passed 3-17-14. Original subsection (e)(6)(B) amended by Ord. 3564, passed 5-5-20. Changed from 1149.04 to 1149.06 and amended by Ord. 3609, passed 1-19-21.)

