ORDINANCE NO.

AN ORDINANCE REQUIRING FACE COVERINGS INSIDE ANY PUBLIC SPACE WITHIN THE CITY OF OXFORD, OHIO, TO LIMIT THE SPREAD OF COVID-19, AND DECLARING AN EMERGENCY.

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and can be easily spread from person to person; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) recently reported 52.8 million cases of COVID-19 in the United States, resulting in over 818,000 deaths; and

WHEREAS, COVID-19 endangers the lives of the citizens and residents of Oxford, creating an emergency to life and public safety and disrupting commerce; and

WHEREAS**,** the return of students to Miami University will result in a large influx of people from across the country and international students; and

WHEREAS**,** the University requires facial coverings to be worn indoors in all University owned properties, including University buildings and facilities; and

WHEREAS**,** the CDC continues to recommend that people wear face coverings in public indoor settings in areas of substantial or high transmission regardless of vaccination status; and

WHEREAS**,** Butler County, Ohio is an area of high transmission with a fully vaccinated rate of the total population below the state and United States rates; and

WHEREAS, requiring face coverings to be worn by any person in a public place within the City of Oxford best promotes health, safety, and efforts to limit the spread of COVID-19 while enabling the continuation of essential services, businesses, and travel necessary to protect public health and safety, and for the continuity of social and commercial life; and

WHEREAS**,** after weighing the known information about the COVID-19 virus, especially the Omicron variant and considering the guidance from the CDC, City Council concludes that the safety of City of Oxford citizens, residents and guests is best protected by implementing a requirement to wear face coverings in public places as set forth herein; and

WHEREAS**,** that for the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect at the earliest date permitted by law; now, therefore:

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

SECTION 1**:** All individuals within the City of Oxford shall wear a face covering over the individual's nose and mouth and chin in accordance with the following:

a. When entering a place of business that is open to the public and while inside a place of business as to the areas within the place of business that are accessible to and are intended for public use.

i. For purposes of this Ordinance, “business” means any for-profit, non-profit, educational entities, or governmental entities (other than federal or state university) regardless of the nature of the service, the function it performs, or its corporate or entity structure.

“Place of business" means any facility, building, or structure operated by or for a business engaged in the sale or other transaction of any kind for anything of value in exchange for goods, commodities, services, or temporary lodging and that is open to the general public or by appointment, and includes, but is not limited to, grocery stores, retail stores, pharmacies, health care facilities, restaurants and bars, hotels and motels (excluding the rented room or suite), gyms and similar facilities, and the local school district; but excluding religious facilities.

b. When inside a City of Oxford operated building or facility that is open to the public, and while inside a City of Oxford operated building or facility as to the areas within such City of Oxford facility that are accessible to, and are intended for the use of, the public.

c. In any public transportation such as a bus or other public transit vehicle, a taxi or ridesharing vehicle or any other vehicle for hire, or at a transit stop or waiting area for any public transportation.

SECTION 2: All places of business shall require all employees that interact with the public to wear a face covering; and all places of business shall only sell or otherwise enter into any transaction of any kind for anything of value in exchange for goods, commodities, services, or provide temporary lodging to those who comply with this Ordinance. Any manager, owner, or person in charge of a place of business who fails or refuses to comply with this Ordinance may be in violation of this Ordinance.

SECTION 3: The requirement to wear a face covering through this Ordinance does not apply in the following situations:

a. Any individual who cannot wear a face covering because of a medical condition, mental health condition or developmental disability, or who is unable to remove the face covering without assistance, and any individual who should not wear face coverings under the CDC guidance. An individual is not required to produce medical documentation of the condition or disability, provided an employer may require such documentation from an employee in accordance with state and federal law.

b. Individuals under 2 years old.

c. Restaurant and bar patrons while eating or drinking.

d. In settings where it is not practicable or feasible to wear a face covering such as when receiving dental services, medical treatments, or while swimming.

e. While actually engaged in exercising in a gym or other similar indoor facility so long as physical separation of not less than six feet is maintained and the individual wears a face covering at all times when not actually engaged in exercising.

f. The individual is actively participating in athletic practice, scrimmage, or competition.

g. When an individual is in his or her work office, conference room, or other workspace not intended for use by the general public.

h. When inside a personal or commercial vehicle either parked or moving that is not a vehicle described in Section 1(c).

i. Individuals while acting in their official capacity as a public safety employee or emergency responder when wearing a face covering would interfere with or limit their ability to carry out their official duties or functions. These include peace officers, firefighters, and other public safety or emergency medical personnel that support public safety operations.

j. Individuals complying with the directions of public safety employees or emergency responders as described in 3(i).

SECTION 4: For the purposes of this Ordinance, "face covering" means a piece of cloth, fabric, or other material that fully covers the mouth and nose and that is secured with ear straps or otherwise tied so as to prevent slipping. A face covering may be factory-made or may be handmade and improvised from household materials. Face coverings include, but are not limited to, bandanas, scarfs, medical masks, and cloth masks; and also include respirators, N95 masks or other personal protective equipment that provides a higher level of protection than a face covering defined in this Section. A face covering shall be worn so as to cover the mouth and nose in compliance with the CDC's guidance on wearing face coverings.

SECTION 5: A violation of this Ordinance shall be governed and processed by the provisions set forth in Chapter 507 of the Oxford Code of Codified Ordinances titled: Administrative Ticketing, Code Compliance and Hearing. Whoever violates this Ordinance may be subject to a civil penalty in the amount of $100.00.

SECTION 6: For the reasons set forth in the preamble hereof, the Council declares this Ordinance to be an emergency measure which shall take effect at the earliest possible date permitted by law and shall remain in effect until February 28, 2022.

_____
MAYOR

ADOPTED:

ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

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

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Sam Perry
DATE PREPARED:	December 28, 2021
COUNCIL MEETING DATE:	January 4, 2022
AGENDA TITLE:	December 14, 2021 Planning Commission Summary
CITY MANAGER/DEPT HEAD APPROVAL:	Sam Perry — DRE 12-29-21

All Planning Commission members were in attendance.

Appointments and Updates

Updates were provided by Environmental, Community Improvement, Housing, Historic and Transportation representatives.

The Commission voted to maintain existing board representatives until a discussion is scheduled at the next regular meeting.

New Business

Summaries of the following cases are included in the staff reports for First Readings of the associated ordinances for each case.

PC-2021-31, 6610 Brookville Road, PRELIMINARY SUBDIVISON, Owl's Landing, 86 single-family lots, Todd Homes LLC, Applicant

PC-2021-32, 6610 Brookville Road, PRELIMINARY PLANNED DEVELOPMENT, Owl's Landing, 86 single-family lots, Todd Homes LLC, Applicant

PC-2021-34, 4381 Oxford Reily Road, PRELIMINARY SUBDIVISION, subdivide 47-acre parcel into three (3) parcels, including a seven (7) acre parcel for residential development, ERS, Applicant/Agent

PC-2021-35, 4381 Oxford Reily Road, PRELIMINARY PLANNED DEVELOPMENT, Western Knolls, 42 new apartments for senior housing, ERS, Applicant/Agent

There were no prior administrative decisions reported at this meeting.

The meeting adjourned at 10:27 p.m.

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

STAFF REPORT

ORIGINATING DEPARTMENT:	City Manager
PREPARED BY:	Doug Elliott
DATE PREPARED:	12-28-2021
COUNCIL MEETING DATE:	1-4-2022
AGENDA TITLE:	A Resolution Authorizing the City Manager to enter into a New Agreement with Milford Township, Butler County, Ohio, and Authorizing the City of Oxford to Provide EMS Services to the Western Portion of Milford Township pursuant to the Agreement.
BUDGETED AMOUNT:	N/A
ACCOUNT CODE:	N/A
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	DRE 12-29-21

DISCUSSION:

MILFORD TOWNSHIP EMS CONTRACT

The contract between the City of Oxford and Milford Township for the provision of EMS services in the western portion of Milford Township expires on December 31, 2018. The contract was for three years at $20,200 for the first two years and $24,000 for the year 2021. I have proposed a new agreement with Milford Township at a cost of $24,000 for 2022, $26,000 for 2023, and $28,000 for 2024. On the legislative agenda is a resolution authorizing the City Manager to sign a new three-year agreement with Milford Township Trustees for the provision of EMS services in the Western portion of Milford Township. I recommend adoption of this resolution.

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW AGREEMENT WITH MILFORD TOWNSHIP, BUTLER COUNTY, OHIO, AND AUTHORIZING THE CITY OF OXFORD TO PROVIDE EMERGENCY MEDICAL SERVICES TO THE WESTERN PORTION OF MILFORD TOWNSHIP PURSUANT TO THE AGREEMENT.

WHEREAS, the City Manager and the Fire Chief recommend Council authorize the City Manager to enter into a new agreement with Milford Township, Butler County, Ohio, and authorize the City of Oxford to provide Emergency Medical Services to the western portion of Milford Township pursuant to an agreement in a form substantially similar to the agreement attached hereto as Exhibit "A" and acceptable to the Law Director.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Fire Chief and hereby authorizes the City Manager to enter into a new agreement with Milford Township, Butler County, Ohio and authorizes the City of Oxford to provide Emergency Medical Services to the western portion of Milford Township, Butler County, Ohio, pursuant to an agreement in a form substantially similar to the agreement attached hereto as Exhibit "A" and acceptable to the Law Director.

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

_____
MAYOR

ADOPTED:

ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

EXHIBIT 'A'

AGREEMENT BETWEEN THE CITY OF OXFORD AND MILFORD TOWNSHIP, BUTLER COUNTY, OHIO

This **Agreement** is made and entered into this ____day of December, 2021, by and between the City of Oxford and Milford Township, Butler County, Ohio.

WITNESSETH:

Whereas, Milford Township desires to avail itself of the emergency medical service offered and provided by the City of Oxford for the western 18 square mile portion of Milford Township and to fairly compensate the City of Oxford for such service; and

Whereas, the City of Oxford wishes to provide such services and to be fairly compensated.

Now, therefore, it is mutually agreed and undertaken by and between the parties as follows:

1. The City of Oxford, Ohio agrees to furnish Milford Township, Ohio emergency medical services in the western 18 square mile portion of Milford Township for a period beginning January 1, 2022 and continuing through December 31, 2024, unless sooner terminated by either party as provided hereafter.

2. The City of Oxford agrees to provide the above services on a twenty-four (24) hours per day, seven (7) days per week basis for the term of this agreement.

3. Milford Township agrees to compensate the City of Oxford a total sum of $24,000 for year 2022. In 2023 the payment will be $26,000. In 2024 the payment will be $28,000. Payment for services will be due as follows: 50% of the annual amount on or before January 1 of the contract year and the remaining 50% on or before June 1 of the same year.

4. The City of Oxford shall be under no obligation to provide emergency medical service for Milford Township in the event that Milford Township defaults or intentionally terminates its payments under this agreement.

5. Oxford's response under this agreement will be limited to one squad with a minimum of two EMT's for emergency medical service (EMS) calls only. Oxford will not provide routine transportation that can be handled by private ambulance service.

6. All patient transportation will be to the McCullough-Hyde Memorial Hospital only, unless the responding Oxford Fire Division crew chief determines transportation to Fort Hamilton Hospital is required for unique emergency care. The Oxford Fire Division will only provide transport to other facilities if there is an extreme medical need.

7. When an additional squad is required within the Milford Township service area, either at the same EMS emergency or another simultaneous EMS emergency; or when Oxford does not have adequate resources to respond due to a preceding fire or EMS incident within its coverage area, Oxford will request mutual aid response, first from the squad contracted for the Eastern half of Milford Township, then from surrounding departments. Oxford will not respond with a second squad into Milford Township except under an extreme circumstance or where mutual aid is not available.

8. Unless the initial dispatch indicates an on-scene injury or illness, Oxford will not automatically respond for stand-by on Milford Township fire dispatches within its response area except for reported structure fires. Subject to the limitations above, Oxford will respond to any fire scene for stand-by when the severity of the incident warrants as specifically requested by the Milford Township Fire Chief or officer-in-charge after their arrival on scene.

9. The Milford Township Fire Department will respond automatically on all motor vehicle accident or other rescue calls within Milford Township. The Milford Township Fire Department will respond as requested by Oxford for lifting assistance or other manpower assistance at any EMS emergency within Milford Township. The Milford Township Fire Department will be dispatched to all cardiac arrest calls for additional manpower.

10. The parties agree that negotiations for a new contract will begin no later than July 1, 2024.

11. The City agrees to provide general liability insurance with a limit of One Million Dollars ($1,000,000) and to list Milford Township as an additional insured for any and all claims related to the services performed under this agreement. Milford Township agrees to carry general liability insurance with a limit of One Million Dollars ($1,000,000) with the City of Oxford listed as an additional insured for any and all claims related to the services performed under this agreement. Each party shall be responsible for the cost of its own insurance.

12. The City of Oxford agrees to provide Milford Township with an annual report of all calls/runs in Milford Township including type of response.

13. The City of Oxford further agrees to provide Milford Township with a copy of the Comprehensive Annual Financial Report prepared by the City of Oxford,

which shall include all income received and all expenses incurred by the Fire/EMS Division.

14. This Agreement constitutes the entire understanding between the parties concerning the City of Oxford's obligation to Milford Township for providing emergency medical service in the western 18 square mile portion of Milford Township, Butler County, Ohio. Any amendment or modifications to this Agreement shall only be effective when reduced to writing and signed by both parties.

15. In order to facilitate communications between the City of Oxford and Milford Township, the following individuals are designated as the persons to whom all inquiries or communication should be directed on behalf of their respective entity:

City of Oxford Douglas R. Elliott Jr. City Manager 15 South College Avenue Oxford, OH 45056	Milford Township Paul Gillespie, President Milford Township Trustees P.O. Box 68 Collinsville, OH 45004

16. This contract shall become effective upon its execution by both parties. Executed on the day and date first above written.

CITY OF OXFORD, OHIO

_____
Douglas R. Elliott, Jr.
City Manager
Pursuant to Resolution
No.

MILFORD TOWNSHIP

_____
Paul Gillespie
Board President

_____
Amy Butterfield
Trustee

_____
Brad Mills
Trustee

OXFORD CITY COUNCIL

Meeting Minutes

Tuesday, December 21, 2021

Roll Call.
William Snavely, Mayor , Chantel Raghu, Vice-Mayor, Amber Franklin, Jason Bracken, Alex French, Glenn Ellerbe, David Prytherch

A regular meeting of the Oxford City Council was called to order by Mayor William Snavely on Tuesday December 21, 2021 at 6:30 p.m. Members in attendance were, Jason Bracken, Amber Franklin, Alex French, Chantel Raghu, Glenn Ellerbe, and David Prytherch.

Staff members in attendance were: Mr. Doug Elliott, City Manager; Ms. Jessica Greene, Assistant City Manager; Mr. Joe Newlin, Finance Director; Mr. John Jones, Police Chief; Mr. Sam Perry, Community Development Director; Mr. Ben Mazer, Attorney; and Ms. Heather Barbour, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Ms. Raghu moved to adjourn to Executive Session immediately pursuant to Ohio Revised Code Section 121.22(G)(4) of the Ohio Revised Code for the purpose of collective bargaining. Ms. Franklin seconded. The motion passed by the following roll call:

AYE: Ms. French, Mr. Prytherch, Ms. Raghu, Mr. Bracken, Mr. Ellerbe, Ms. Franklin, Mayor Snavely (7)

NAY: None (0)

ABS None (0)

ADJOURN FROM EXECUTIVE SESSION

Ms. Raghu moved to adjourn from Executive Session at 6:45 p.m. Mr. Bracken seconded. The motion passed 7-0-0.

Work Session - American Rescue Plan Act Discussion

The Work Session of the Oxford City Council was called to order by Mayor, William Snavely on Tuesday December, 21 2021 at 6:46 p.m.

Ms. Greene shared a PowerPoint presentation with Council, slides can be found in the minutes. Ms. Greene mentioned establishing a Community Land Trust and Nonprofit Partnerships, following up with housing approaches. Ms. Greene outlined three options, a Public-Private Partnership Approach, and a Public-Nonprofit Partnership Approach, and a City Lead Construction Approach. Ms. Greene listed the pros and cons of each approach. Ms. Greene shared the staff recommendation of $25K to the Family Resource Center for housing case manager staff. $45K Master Plan Creation. $150K Cottage Community. $1M Option 3: investment in construction of affordable units. Ms. Greene noted future proceeds from the initial home sales can be invested in affordable housing projects. Pairing funds with CDBG/HOME funds to either build new homes or acquire property around town and work with nonprofits to build/repair homes for LMI residents. This recommendation uses $1,220,000 of ARPA Funds.

Mr. Prytherch noted his agreement with the Community Land Trust, and the Master Plan creation. Mr. Prytherch asked who would manage construction.

Mr. Elliott noted City Staff wanted to present ideas to Council to gain guidance on what Council would like to pursue. Mr. Elliott advised that Council would be voting on each element.

Ms. Greene shared the Economic Development and Infrastructure objective: high quality job growth in the community. Ms. Greene noted infrastructure projects already in process and work force development partnership to build an Industrial Arts Education Center with TSD, Butler Tech, Cincinnati State, and Miami University. Ms. Greene presented the Staff recommendation for Economic Development: College@Elm partnership $113K, and Curb/Sidewalk ADA completion $266K, and Workforce Development Building $400K, and Acquire commercial land or support infrastructure for a commercial project $400K. Making the ARPA Investment: $1,179,000.

Mr. Ellerbe mentioned his involvement with Career Services at Miami University and how this Industrial Arts Center could provide a place where graduates could take certification tests.

Ms. Greene introduced the last section of her presentation, Pivot and use ARPA for existing Capital Projects. Ms. Greene shared s few Capital Project Ideas; Water or wastewater treatment improvements, Oxford Area Trail or bike /ped Infrastructure, Courthouse refresh: Improve accessibility, AV equipment, etc. Purchase equipment for snow removal in business districts for ADA accessibility (CCP Uptown Locust Etc.), Amtrak Infrastructure, Climate infrastructure investments.

Ms. Greene thanked Seth Cropenbaker and the Housing Advisory Commission for all the work they put into researching for this presentation.

Approval of Agenda.

Mr. Bracken moved to approve the agenda with the addition of item #7 COVID Discussion. Mr. Prytherch seconded. The motion passed 7-0-0.

Public Participation.

Presentation- BCRTA – Matthew Dutkevicz

Mr. Dutkevicz with BCRTA introduced Mr. Ken Emling the Director of Public Architecture with Bowen+ who presented a Schematic Design Presentation on the BCRTA Chestnut Street Multimodal Station. Mr. Emling outlined the basic structure, providing details on the public concourse, and bus storage, and vehicle maintenance. Both Mr. Dutkevicz and Mr. Emling offered to answer any questions.

Mr. Ellerbe asked about customer amenities, such as vending machines.

Mr. Emling answered by identifying the area in the public concourse.

Mr. Prytherch asked how can the City be a good partner, in helping with accessibility design.

Mr. Emling referenced to some of the accessibility design details.

Mr. Prytherch asked Mr. Perry what the zoning process would be for this project.

Mr. Perry answered that the property is owned by Miami University.

Mr. Detkevicz mentioned a property lease agreement with Miami along with discussions about parking use.

Ms. French asked about the ability to use the parking canopy to support solar panels.

Mr. Emling noted having discussions with Mr. Dutkevicz about solar panels and engineering the structure to carry the additional weight.

Mr. Dutkevicz advised rainwater will be collected for the bus wash, to be mindful of sustainability.

Ms. Franklin asked about the community space and what is the capacity and what types of events or meetings would be held there.

Mr. Emling answered if in certain seating arrangements the room could hold up to 50 people.

Mr. Dutkevicz remarked on the importance of having a public meeting room that is easily accessible to public transportation.

Ms. Greene introduced David Wormald Senior Project Engineer, Project Manager with AECOM. Mr. Wormald presented a PowerPoint presentation on the Chestnut Fields Passenger Rail Platform.

Mr. Wormald outlined project tasks with a tentative timeline and the preliminary engineering phase. Mr. Wormald provided a list of the next steps and offered to answer any questions.

Both PowerPoint presentations can be found in the minutes.

Notice of Legislative Authority – New D6 Permit for Speedway LLC DBA Speedway #1251 260S Locust Street Oxford, Ohio 45056 (Doug Elliott, City Manager)

Ms. Raghu moved to accept without comment. Mr. Ellerbe seconded. The motion passed 7-0-0.

Public Comments. – Previously Submitted Public Comment to Council Form- see attached

Public Comment to Council

Clarissa Snell - Oxford Ohio resident (address not stated) spoke in opposition of the possible reinstatement of the indoor mask mandate.

Amy Shiaman 111 Heather Ridge Court - Appreciates the efforts made by Council and City Staff to use the American Rescue Plan Act funds to further our goal for affordable housing in our Community.

Matt Rupel 1451 Dana Drive- Spoke in opposition of the possible reinstatement of the indoor mask mandate.

Consent Agenda.

Minutes of the December 7, 2021 City Council Meeting (Heather Barbour, Clerk of Council)

Report regarding the December 1, 2021 Environmental Commission Meeting (Mike Dreisbach, Service Director)

Report regarding the December 9, 2021 Historic & Architectural Preservation Commission Meeting (Sam Perry, Community Development Director)

Ms. Raghu moved to adopt the consent agenda. Ms. French seconded. The motion passed 7-0-0.

Resolutions.

Non- Commissioned Police Division Contract

A Resolution approving the contract between The City of Oxford, Ohio and the Non-Commissioned Police Division Employees and Authorizing the City Manager to sign a contract on behalf of the City. (Doug Elliott, City Manager)

Mr. Elliott advised the City of Oxford has three Unions within the Police Division (Sergeants and Lieutenants, Patrol Officers, and Non-Commissioned Police Employees).

The Contract with the Non-Commissioned Police Division expires on 12-31-21. Mr. Elliott mentioned the negotiating parties met several times and were able to come to a tentative agreement. Mr. Elliott reviewed the tentative agreement this evening with Council in Executive Session.

There were no comments from the public.

Ms. French moved to adopt Resolution No. 7367. Ms. Raghu seconded. Mayor Snavely called for the roll to be read. The motion passed by the following roll call:

AYE: Mr. Prytherch, Ms. Raghu, Mr. Bracken, Mr. Ellerbe, Ms. Franklin, Ms. French, Mayor Snavely (7)

NAY: None (0)

ABS: None (0)

Ordinances.

First Reading.

None.

Second Reading

Supplemental Budget #9

An Ordinance Amending Ordinance No. 3600 Supplemental Budget Ordinance Number 9 To Make Appropriations For Fiscal Year 2021. (Joe Newlin, Finance Director)

Mr. Newlin went over the updates since the first reading. Details can be found on page 52 of Council's packet and offered to answer any questions.

There were no comments from the public.

Mayor Sanvely asked Ms. Barbour to call the roll. Ordinance No. 3654 passed by the following roll call:

AYE: Mr. Bracken, Mr. Ellerbe, Ms. Franklin, Ms. French, Mr. Prytherch, Ms. Raghu, Mayor Snavely (7)

NAY: None (0)

ABS None (0)

Repeal Ordinance No. 2535

An Ordinance Repealing Ordinance No. 2535 (Joe Newlin, Finance Director)

Mr. Newlin noted there were no changes since the first reading and offered to answer any questions. Details can be found on page 61 of the Council's packet.

There were no comments from the public.

Mayor Snavely asked Ms. Barbour to call the roll. Ordinance No. 3655 passed by the following roll call:

AYE: Mr. Ellerbe, Ms. Franklin, Ms. French, Mr. Prytherch, Ms. Raghu, Mr. Bracken, Mayor Snavely (7)

NAY: None (0)

ABS: None (0)

Repeal Section 729.10

An Ordinance Repealing Oxford Codified Ordinance Section 729.10 Entitled Sales On Certain Municipal Property Prohibited, And Adopting New Oxford Codified Ordinance Section 729.10 Entitled Sales on Certain Municipal Property Prohibited. (Doug Elliott, City Manager)

Mr. Elliott reminded Council that during the November 16, 2021 Council Meeting a Resolution No. 7355 authorizing alcoholic beverages to be served at an event held at the Oxford Seniors Citizens and Community Center which is a City owned facility. The consensus of Council was that the City Manager should have the authority to approve such a request.

There were no comments from the public.

Mr. Ellerbe moved to adopt Ordinance No. 3656. Ms. Raghu seconded. The Motion passed by the following roll call:

AYE: Ms. Franklin, Ms. French, Mr. Prythech, Ms. Raghu, Mr. Bracken, Mr. Ellerbe, Mayor Snavely (7)

NAY: None (0)

ABS: None (0)

COVID- Discussion.

COVID- Discussion - added agenda item. Mr. Elliott read the following statement he had prepared. **I read a recent article from the Atlantic entitled: DON'T PANIC ABOUT OMICRON. DON'T BE INDIFFERENT, EITHER.** It further stated that "The next wave of the pandemic requires charting a **middle course** between **dismay and dismissal**." "Both perspectives are understandable, but neither is helpful." I think the article provides a useful strategy for us.

It suggests "Charting a middle course" which requires keeping clear goals in mind: preventing deaths, protecting our hospital from crushing caseloads, and keeping businesses and schools open. Presently, MHMH has only one Covid patient and plenty of capacity according to Mike Everett. Also, the Knolls of Oxford retirement community has a very high rate of fully vaccinated and boosted residents and employees according to Tim McGowan. As we know, the omicron variant is very transmissible. Experts expect a very large wave of infections similar to what is happening in New York City to quickly spread throughout the country. Ohio is no exception. In Ohio, average new cases per day have increased to 9,390 cases per day this week from 7,201 cases per day last week. In our zip code of 45056, new cases for the most recent 7 day period declined by 10 to 43 new cases from the previous 7 day period. I expect this to change with the next BCGHD Epidemiology Report. Nationwide, cases are expected to rise in the next few weeks peaking sometime in mid-January and returning to low numbers by the end of February. Thus, it is important for all of us to properly manage this over the next 6 to 8 weeks. What should our plan over the next several weeks of the Holiday season be?

1. City Staff's focus should be on getting more people fully vaccinated and boosted. As vaccines (both the MRNA Moderna and Pfizer vaccines and the viral vector J & J vaccine) remain the most powerful and effective tool in our arsenal. Establishing vaccine clinics, providing transportation to the clinics, and informing the public about the benefits of vaccines will be our focus.
2. I also want to review and possibly increase the availability of rapid tests in our community.
3. Finally, staff and I will encourage mask wearing as opposed to implementing a mask mandate.

Avoid large holiday parties and other unmasked indoor gatherings! Mr. Elliott offered to answer any questions.

Mr. Bracken asked for an updated death toll for Butler County.

Mr. Elliott answered on December 11, 2021 in Butler County reported 843 verified deaths. Mr. Elliott will request the death toll by zip code for the next meeting.

Mr. Prytherch noted seeing the indoor mask mandate expire on its own with compliance dropping and high vaccination rates it felt like the mandate had run its course. Mr. Prytherch agrees with the middle course of action but remains conflicted.

Ms. Raghu requested a show of hands of those who have been fully vaccinated and received a booster. Ms. Raghu shared a personal story about the stresses of COVID and the effects it had on her family. Ms. Raghu stated she would be in favor of encouraging compliance.

Mr. Bracken supports renewing the indoor mask mandate and wished Council could have done something before it expired. Mr. Bracken remarked you won't see the people you save by wearing a mask.

Ms. French mentioned the pressure on both sides of this topic. Ms. French agrees with a threshold-biased Ordinance. Ms. French mentioned enforcement, and what that looks like, and possibly increasing the fine.

Ms. Franklin commented on the division within the Community the Mask Mandate has caused, and the threat to the Community it could bring.

Ms. Franklin noted she also agreed that she wished Council could have done something before the Indoor Mask Mandate expired. Ms. Franklin shared she would be in support of a threshold biased mandate.

Mr. Ellerbe mentioned adding a COVID - Update to the Agenda, so that each meeting facts could be revisited, and action could be taken if needed. Mr. Ellerbe noted having an Emergency Ordinance at the ready. Mr. Ellerbe advised of social issues that could arise by reinstating the Indoor Mask Mandate while that half of the City's population is currently out of town.

Mayor Snavely echoed being conflicted regarding this issue. Mayor Snavely mentioned getting vaccinated is still the best course of action. Mayor Snavely shared his agreement with Mr. Ellerbe's views and concerns about the City's businesses. Mayor Snavely also mentioned half of the City's population being out of town, and not wanting to decide with so many people out of town. Mayor Snavely agrees with having an Emergency Ordinance at the ready just in case, but encourage vaccines and boosters, rapid testing, and wearing a mask, and discourage large indoor gatherings.

Mr. Bracken advised that Omicron might be in our City before the students get back from Winter Break. Mr. Bracken closed by mentioning the risk of shutting down schools and businesses again.

Mr. Prytherch noted the quarantine requirement still being 10 days, which will be very disruptive and a problem for staffing. Mr. Prytherch stated masking could help businesses staff their way through a difficult time. Mr. Prytherch asked for Emergency Legislation to be prepared for the January 4, 2022 meeting.

Mr. Elliott will contact Mike Everett to invite him to speak on McCullough- Hyde Memorial Hospital's COVID policies and procedures at the January 4, 2022 Council meeting.

A. Announcements & Communications.

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

Mr. Elliott received notification from Rich Perkins of Glenwood Energy to make updates to Ordinance No. 3483 seeking a rate increase for the general service rate and service charge. Mr. Elliott will be engaging with an Attorney to create a possible recommendation in February.

Mr. Newlin wished everyone a Happy Holidays.

Ms. Greene wished everyone a Happy Holidays.

Mr. Ellerbe wished everyone a Happy Holidays.

Ms. French thanked the public for staying for the meeting and wished everyone a Happy Holidays.

Ms. Raghu mentioned the businesses having a hard time paying rent and would like to explore options to help businesses.

Ms. Franklin would like everyone to remember the people of Kentucky, who suffered the devastating tornados. Please consider donating to the Kentucky Tornado Relief Fund. Ms. Franklin reminded everyone to treat people warmly, even when wearing a mask a smile can be felt, and wished everyone a Happy Holidays.

Mr. Bracken urged everyone to get boosted as soon as possible. Mr. Bracken noted his willingness to explore taxes from the township as a new source of revenue.

Mr. Prytherch thanked everyone for staying for the meeting and wished everyone a Happy Holidays.

Mayor Snavely noted that this City does care about affordable housing and the Council is doing what they can and will continue to do so. Mayor Snavely wished everyone a Happy Holidays, be nice to one another, and please wear a mask when you are around others and get boosted.

Adjourn.

Ms. Raghu moved to adjourn at 9:27 p.m. Ms. Franklin seconded. The Motion passed 7-0-0.

City of Oxford OHIO

HOME OF MIAMI UNIVERSITY

American Rescue Plan Act

Review of allowable uses and adjusted staff recommendations.

Funds Available: $2,420,796

Distributed in two payments, a year apart.

How it can be used:

- Respond to public health emergency and negative economic impacts.
- Revenue loss for the City.
- Premium Pay.
- Water, sewer, and broadband infrastructure.

Of special consideration...

- This is a once in a generation opportunity.
  - **How are you investing for the future of your community?**

- What is the harm or disparity caused/exasperated by COVID that you are trying to address?
  - **How are the proposed projects addressing that need?**

- Is your proposed project self-sustainable without future aid?

We can take our time

- We have until 2024 to decide how to use funds
- They need to be utilized by 2026

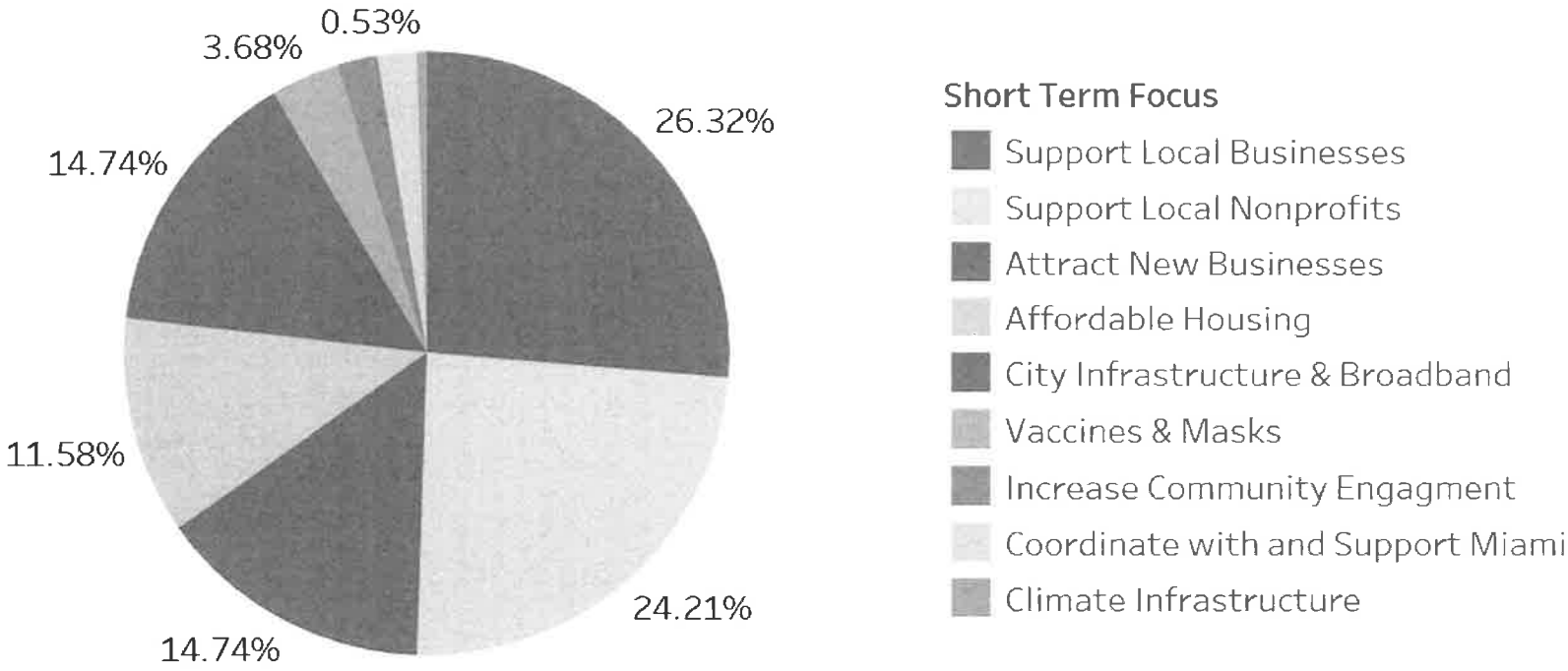
We've done a lot of research!

- Tried to align with Council goals
  - **Housing, Economic Development, Climate Sustainability, Service Excellence and Town&Gown Relations.**
- Reviewed input from the community.
- It's time for an update and lots of discussion.

Community Input

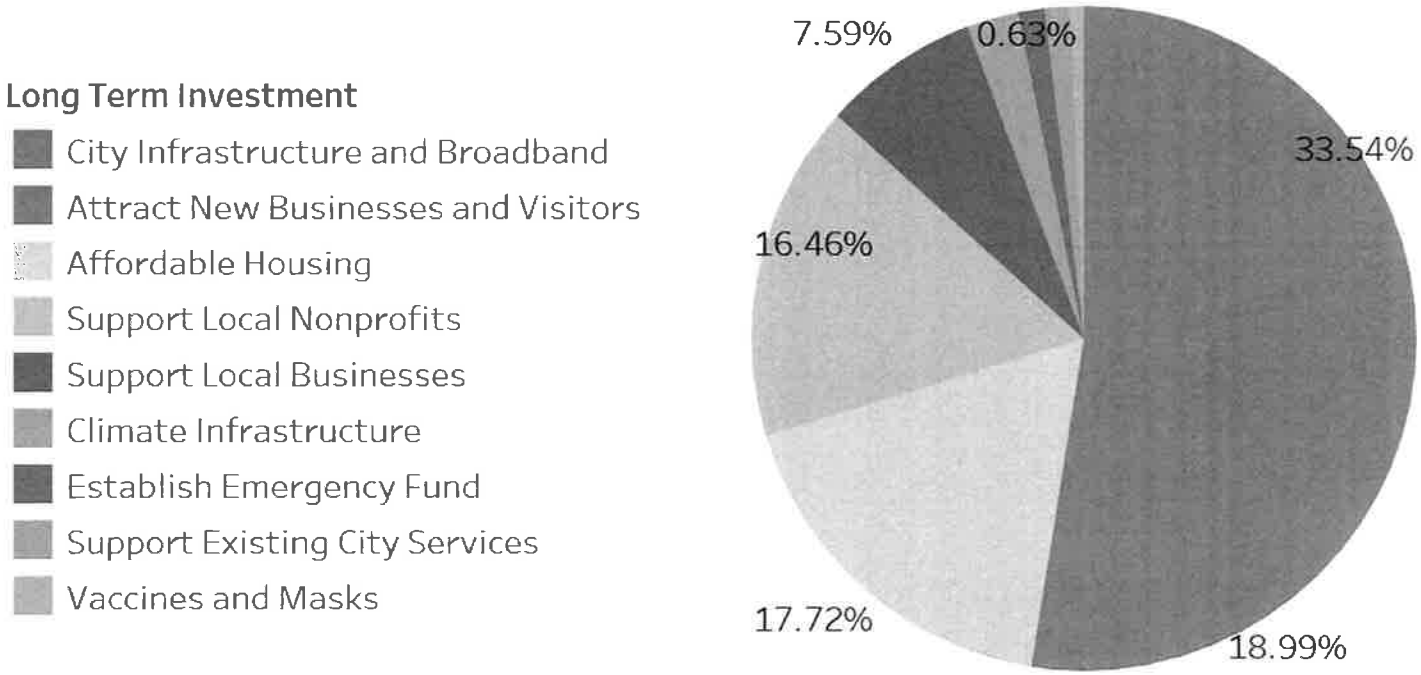
- Business Listening Session hosted on May 11, 2021
  - **Business Survey: 35 online responses.**
- Community Survey: 183 online responses
- Non Profit Partners Listening Session hosted on May 4, 2021
- Marginalized resident outreach at PVA and MMHP October/November 2021.

Short Term Focus



Red = Business Focused | **Yellow** = Resident Focused | **Teal** = Infrastructure Focused | **Gray** = Other

Long Term Focus



Red = Business Focused | **Teal** = Infrastructure Focused | **Yellow** = Resident Focused | **Gray** = Other

Public Funds in Ohio

Income Tax = **Lifeblood of Cities**

Property Tax = **Lifeblood of Schools**
(& Township/County-wide Services)

Impact to City Income Base:

With COVID shutdowns and closures, we lost

- -$739,038 in income tax revenue
- -$147,143 in lodging tax revenue
- -$248,495 in charges for services

Made us start to think about diversifying our economic tax base.

Housing Needs

A critical need exists for affordable rental housing for those households making 50% of the area median income (AMI) or less.

There is a **high need for rental and owner-occupied housing** for households making more than 80% AMI.

HOUSING COST BY TYPE, OCCUPANCY AND NUMBER OF BEDROOMS

NUMBER OF BEDROOMS	APARTMENTS		NON-CONVENTIONAL RENTALS*		FOR-SALE HOUSING
	Student Median Rent	Non-Student Median Rent	Student Average Rent	Non-Student Average Rent	Median List Price
One-Bedroom	$999/mo.	$550/mo.	N/A	$750/mo.	N/A
Two-Bedroom	$1,398/mo.	$700/mo.	$2,350/mo.	$867/mo.	$114,200
Three-Bedroom	$1,572/mo.	$950/mo.	$3,240/mo.	$954/mo.	$224,900
Four-Bedroom	$2,036/mo.	$1,038/mo.	$3,515/mo.	$1,611/mo.	$277,500

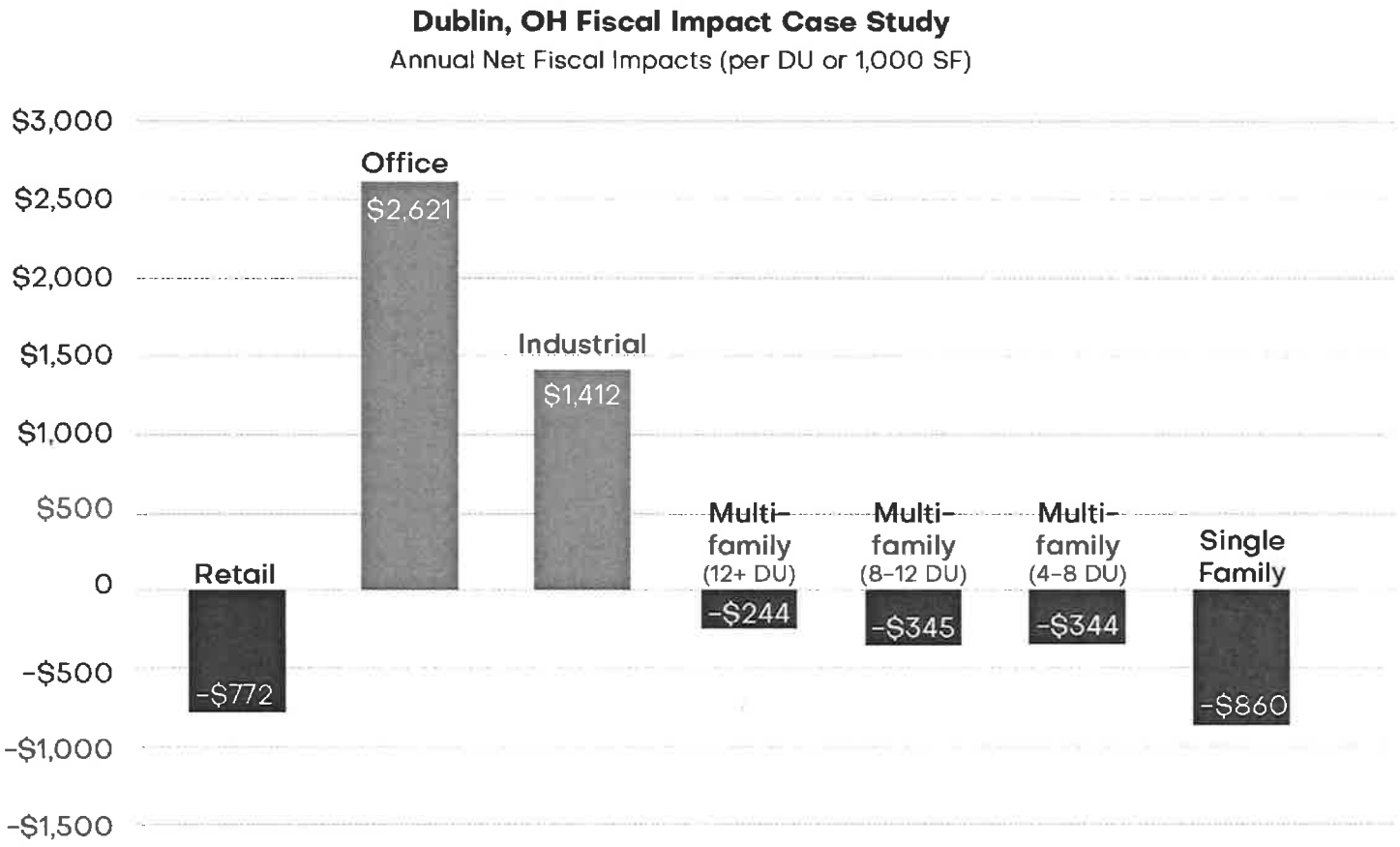
Source: Oxford, Ohio 2020 Housing Needs Assessment | *Non-Conventional Rentals include single-family homes, duplexes, units over storefronts, mobile homes, etc.

HOUSING UNIT GAP ESTIMATES

INCOME SEGMENT	RENTAL HOUSING			OWNER HOUSING		
	Rent Range	Units Needed	Priority	Price Range	Units Needed	Priority
50% AMI* or less ($43,000 or less)	$0–999	323	Critical	$0–160,000	92	Moderate
51% - 80% AMI* ($43,001 - $69,000)	$1,000–1,700	69	Moderate	$160,001–260,000	91	Moderate
81% AMI* and above ($69,001 and above)	$1,701 and up	135	High	$260,001 and up	221	High

Source: Oxford, Ohio 2020 Housing Needs Assessment | *AMI is an acronym for Area Median Income

Land Use Decisions Have Fiscal Impacts



Housing:

Objective: Address affordable housing needs in our community.

Transitional Housing

Already invested $150K

Purchase the land for the Cottage Home Community.

CDP will build 12 cottage homes.

Status: In process

Establish Community Land Trust & Nonprofit Partnerships

Local Nonprofit

$25K ARPA Funds.

$20K/yr. from Short Term Rental (STR) Lodging Tax ongoing.

Give Family Resource Center (FRC) $25K of ARPA funds this year, to give time for the STR fund to build a balance for future years.

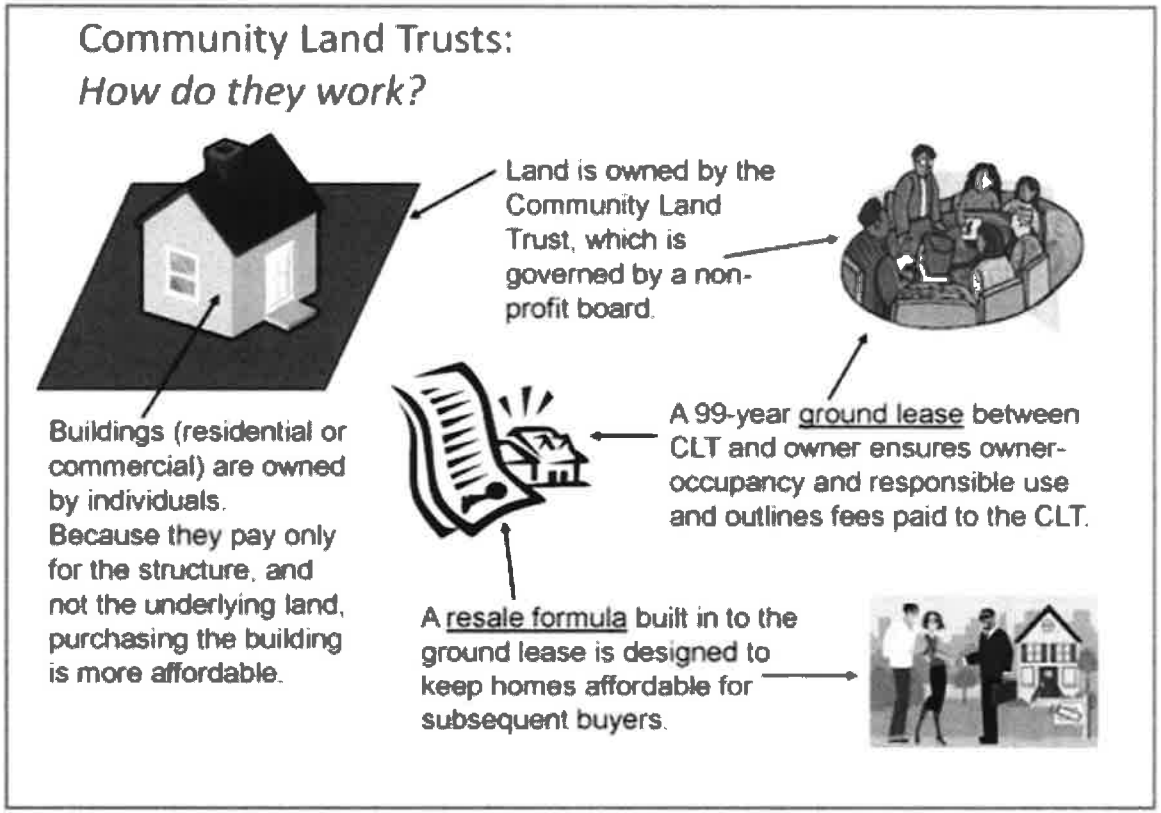
Annual contribution of our STR funds (estimated $20K) to local non profit, FRC, to hire social worker to assist with housing needs.

This is in addition to the $48,600 annual contribution that we give to them.

In 2020, we gave $21K additional funds to FRC for a .6 FTE case manager. Their program was able to find 13 families permanent housing after using their cold shelter.

FRC has asked for more to hire 2 FTE case managers, but ARPA funds are not recommended for operational costs.

Partner with a Housing Nonprofit and Create Community Land Trust



https://www.youtube.com/watch?v=iWzmZjym8d4

How we believe a CLT can be established:

Where and How?

- Use a portion of 47 acres of City owned land.
- Hire a Master Plan that will outline these possibilities-
    - Natural/Park area near current single family homes
    - Area for Episcopal Retirement Services Senior Homes (8 Acres. 40 units)
    - Area for CLT
    - Area for additional single family homes

And/Or

- Acquire and/or purchase property around town
    - Identify blighted homes and acquire
        - Currently no blight is formally identified
    - Need to find willing sellers at the right price.
        - As of this presentation, none have been formally identified.

Master Plan Cost
$45K

What will the nonprofit partner do?

- Manage proposed Community Land Trust (CLT)
- Manage future sales of homes owned on CLT land
- With City Assistance, apply for CDBG, Home Funds and other grants
    - Administer funds in partnership with City
- Develop protocols for CLT and educate public about options.
- Build capacity for future CLT investments
- Longer term- build infrastructure to assist with more affordable housing.

Nonprofit cost:
% of home sale fees.
Similar to a realtor.

Establish Community Land Trust

Recommend targeting Low to Moderate Income (LMI) individuals for housing.

Important Note: This threshold is low and may exclude some working families.

- However, allows use of CDBG and HOME Funds

Housing Study indicates that we have critical need of 323 units in the *under* $1K/Month price range.

Our research indicates that many non profits that manage CLTs hold 50% of their property as rentals (the income going to nonprofit operations) and 50% of their property being sold to increase home ownership for LMI families.

U.S. Department Of HUD 2020 Adjusted Home Income Limits

Band	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
30%	$18,150	$20,750	$23,350	$25,900	$28,000	$30,050	$32,150	$34,200
50%	$30,250	$34,550	$38,850	$43,150	$46,650	$50,100	$53,550	$57,000
60%	$36,300	$41,460	$46,620	$51,780	$55,980	$60,120	$64,260	$68,400
80%	$48,350	$55,250	$62,150	$69,050	$74,600	$80,100	$85,650	$91,150

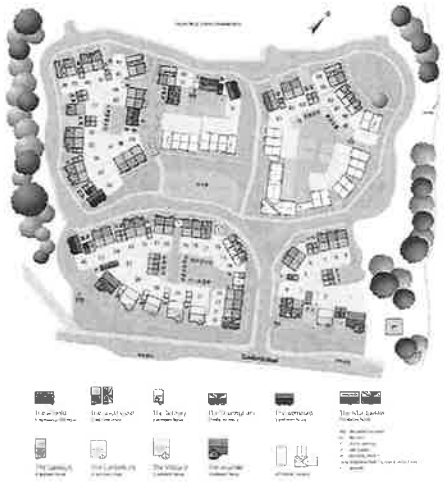
Housing Approaches

Option 1: Public - Private Partnership Approach, $1M Investment

City Invests $1M in housing infrastructure at City Owned Land
Roads, sidewalks, sewer.

RFP for best ideas and set price range to address housing needs in community.

May lead to an increase in new homes at a better market rate.
Developer gets proceeds of first sale of homes. Future sales through CLT nonprofit partner at fixed formula.



Future CDBG Funds and HOME funds (estimated $200K-$300K) can be applied for, to continue efforts to assist private developers willing to help build home for LMI individuals.

Pros and Cons Review

Pros:

Uses city land to prompt home investment and the city can choose it's partner through an RFP process.

Based on developer resources may yield more homes in shorter time frame because they will get first proceeds of home sales.

Cons:

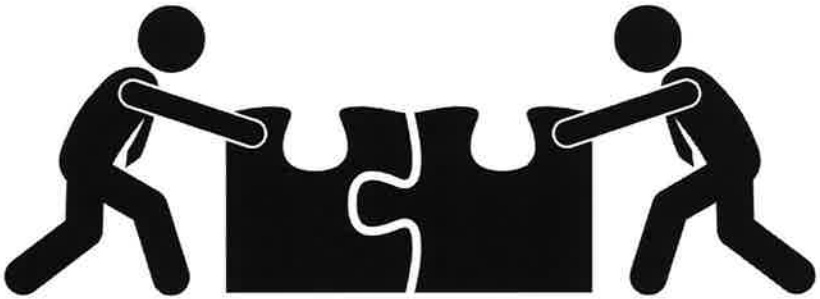
Limits the development of affordable homes in one area.

It is unknown if a developer will be interested or have the resources to build homes up front. May take time.

May face neighborhood concerns.

In the future, incentives may not be large enough to entice developers to provide LMI.

Option 2: Public-Nonprofit Partnership Approach, $1M



These funds may be used to:

- Acquire vacant property, build out infrastructure, and work with non profit to build new homes for LMI families.
- Acquire existing homes. Work with nonprofit to fix it up and sell to LMI family.

Future CDBG Funds and HOME funds (Estimated $200-$300K a year) can be applied for, to continue efforts to acquire property or provide infrastructure build outs for nonprofit partners.

Pros and Cons Review

Pros:

Allows LMI properties to be built/acquired around the city. Not all in one place.

Slow and steady approach, working with existing knowledgeable housing partners (Butler County Neighborhood Housing Authority, Habitat for Humanity, CDP etc.)

Cons:

Acquiring property may be a challenge if property owners do not want to sell.

Will take a long time before several LMI units are built.

Option 3: City Lead Construction Approach, $1M Investment:

4 or 5 total units possible if we invest in home construction directly.

Build New Single Family Home
and/or Multi Family Units
Est. Cost $250K per unit
Capacity: 4

Order modular homes
Est. Cost $200K per unit
Capacity: 5

Purchase existing property
Estimated Cost: $200K per unit
Capacity: 5

Houses are sold through nonprofit partner (who acts as a realtor) that manages the CLT.
Proceeds from the sale of homes will be re-invested in future affordable housing solutions.

Pros and Cons Review

Pros:

Takes steps toward housing affordability, can be built over time.

By having the sale of the homes come back to the City (or our partner) we can direct the reinvestment of that home sale proceeds into future affordable housing projects.

Allows over time, for LMI homes to be placed in several locations in the City.

Will allow home ownership for LMI families.

Cons:

Capacity is very small, maximum five units at launch. Will take a very long time to grow to an impactful size.

Staffing time resource may be impacted by project management needs.

May face neighborhood concerns.

Staff Recommendations for Housing:

$25K to Family Resource Center for housing case manager staff
$45K Master Plan Creation
$150K Cottage Community
$1M Option 3: City investment in construction of affordable units.

In the future, the proceeds from the initial home sales can be invested in affordable housing projects. Can be paired with CDBG/HOME funds to either build new homes or acquire property around town and work with nonprofits to build/repair homes for LMI residents.

Uses $1,220,000 of ARPA Funds

Special note:

This recommendation does not leave funds for the one stop social service center or city sponsored cold shelter.

- We have been able to secure other funding for the winter cold shelter this year.

We continue to explore other housing options too such as working with area employers to provide workforce housing.

No agreement has been formalized with any nonprofit but we feel confident that the presented models can be worked out.

Economic Development & Infrastructure

Objective: Encourage high quality job growth in our community .
As measured by 100 new jobs making $20+/hr.

Infrastructure

Already Invested $113K

Parking lot for work force development center-College@Elm that will result in 50 new FT Jobs making $18/Hr +

Possible Investment: $266K

Finishes curb ADA compliance and frees up CDBG funds to support a future housing nonprofit.

Status: In process

Work Force Development

Possible Investment $400K

Goal: Residents learn skills/knowledge that allow them to enter workforce at higher rates of pay but with little or no debt. These are needed jobs skills our area employers have identified.

Objective: 100 new job placements at rates $18/hr or higher.

Funds to assist with the start up of an Industrial Arts Educational Center partnership with TSD, Butler Tech, Cincinnati State and Miami University.

- High School Students learn skills in carpentry, welding, electrical work, etc. on location at TSD. Can intern at local companies and/or have an associates upon HS graduation.

- Adult Education and workforce re-development can occur in the evenings.

Time and credit can be applied toward admission at Miami University or roll into WorkPlus program providing PT work and free tuition.

Work Force Development

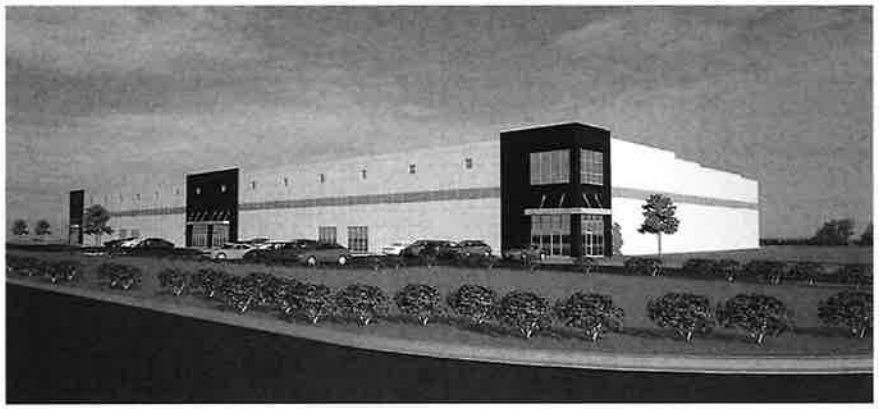
Pros:

- Educate youth in skills area employers need.
- Many partners available to assist with education.
- Adult re-education without needing to drive long distances.
- Direct pathways to employment or advanced placement on degree pathways.
- Goal- place participants with area regional employers and remain Oxford residents.
- Goal- participants may start their own local businesses in the Oxford vicinity.

Cons:

- Funds do not fully cover construction or build out of space. Will need additional grants and funds to complete.
- Sustainability of this facility may need corporate support.
- Do we have enough population to support a facility such as this?
- Risk of training participants that then leave our community if they can't find a local job.

Economic Development



Possible Investment $400K

Attempt to purchase Office/Industrial Land to entice commercial development. (CLT model)

Or

Invest in water/sewer infrastructure build out for a commercial project that will create new jobs.

Economic Development

Pros:

- Invests in new jobs for the region. Builds our income tax base.
- Could likely attract research & development or light industrial.
- Many cities have had success with this model.
- Miami a very willing partner in business recruitment.
- Increase in stable quality jobs, may lead to more local owner-occupied housing.

Cons:

- Finding willing land seller in OI zone.
- Risk of investment and attracting unknown employer.

Staff Recommendations for Economic Development:
College@Elm partnership $113K
Curb/Sidewalk ADA completion $266K
Workforce Development Building $400K
Acquire commercial land or support infrastructure for a commercial project $400K

ARPA Investment: $1,179,000

Pivot and use ARPA for existing Capital Projects.

Transfer funds we would have used for existing projects and create savings for other Council initiatives.

Capital Project Ideas

Water or waste water treatment improvements

Oxford Area Trail or other bike/ped Infrastructure

Courthouse refresh: Improve accessibility, AV equipment etc.

Purchase equipment for snow removal in business districts for ADA accessibility (CCP, Uptown, Locust Etc.)

Amtrak Infrastructure

Climate infrastructure investments

Discussion

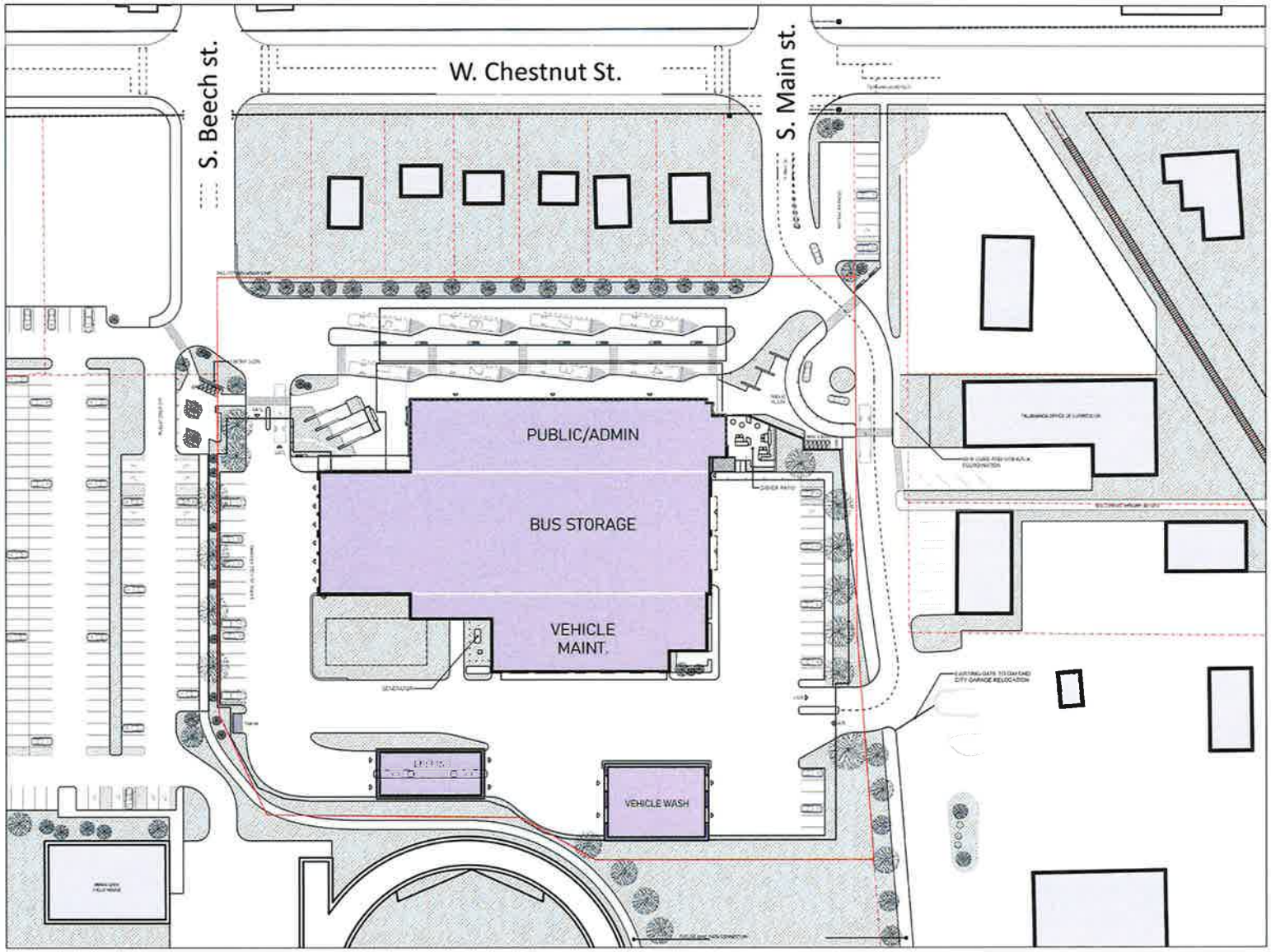
BCRTA Chestnut Street Multimodal Station

Schematic Design Presentation

City Council Meeting

12.21.21

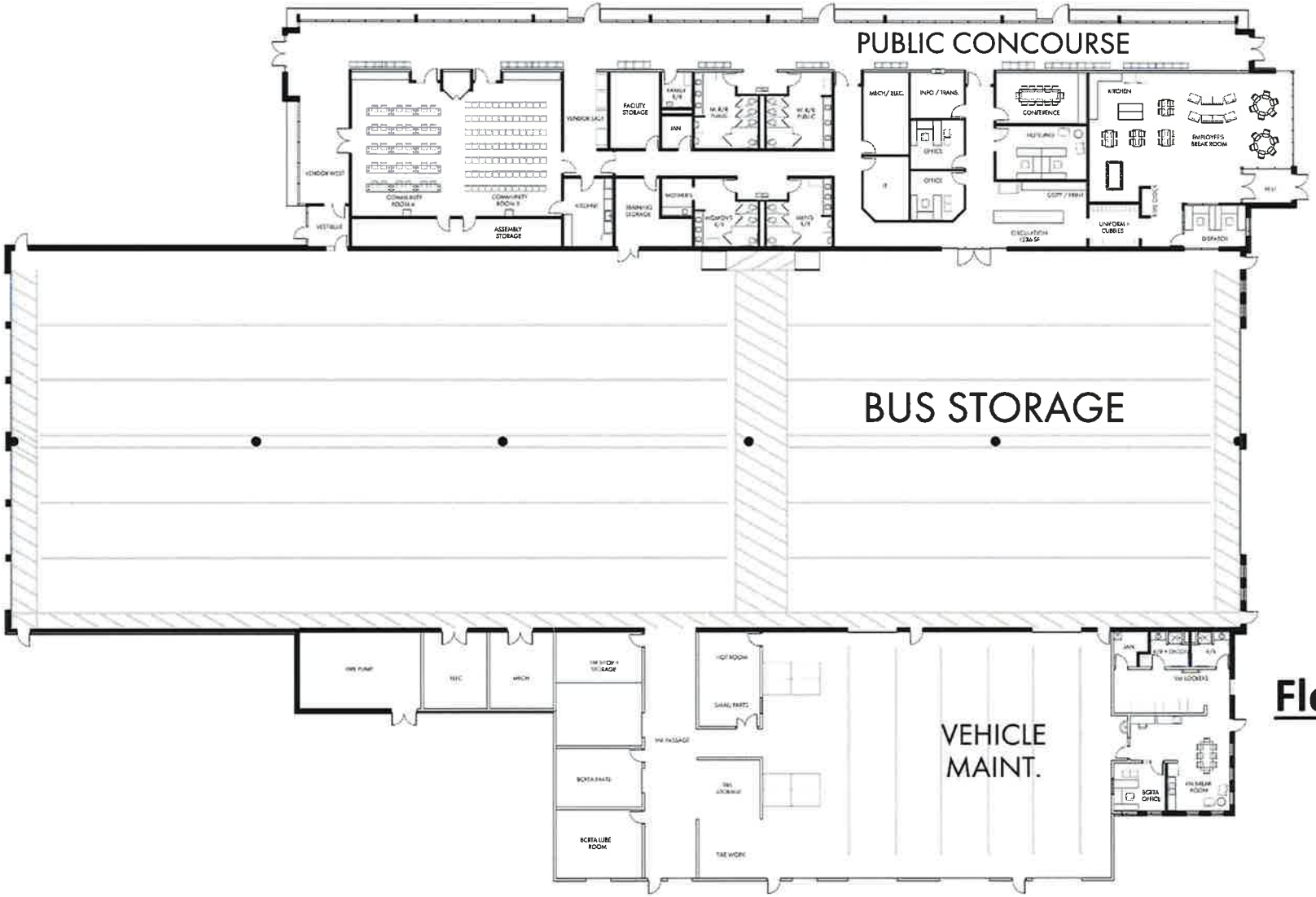
Bowen+



Site Plan

Bowen+
13405

Bcrta



Floor Plan

Bowen+
13405

Bcrta

Bowen+
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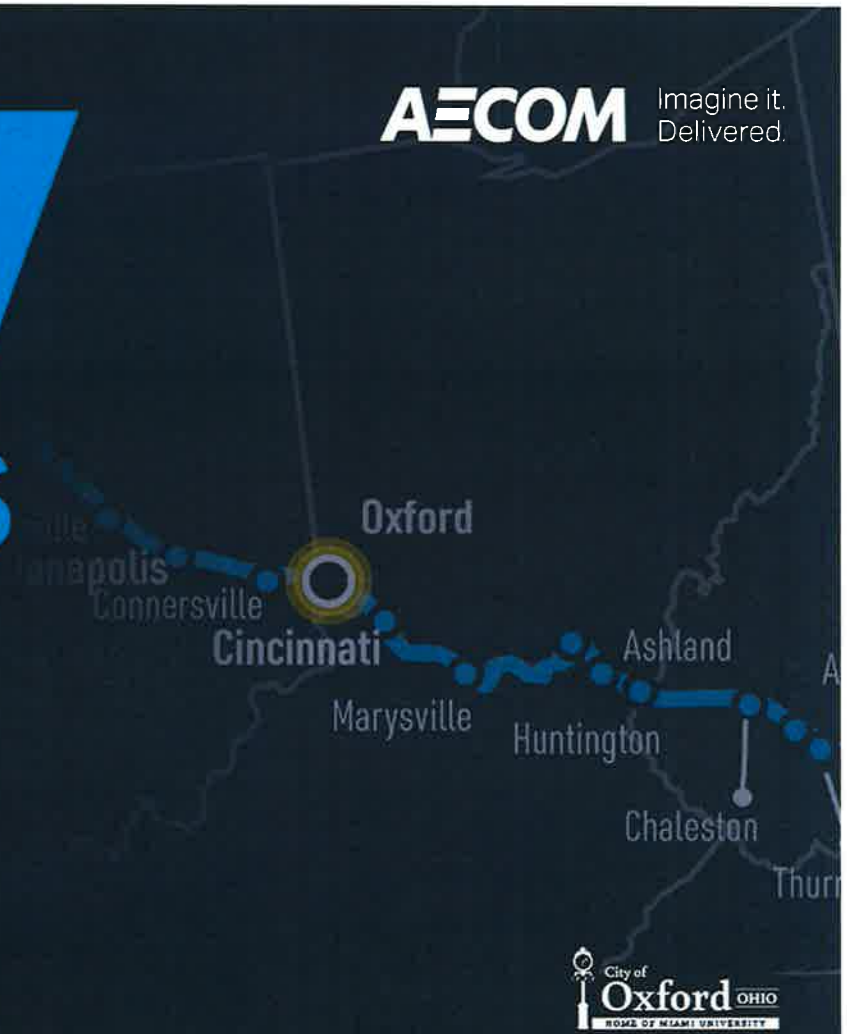
CHESTNUT FIELDS PASSENGER RAIL PLATFORM



CITY OF OXFORD

December 21, 2021

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

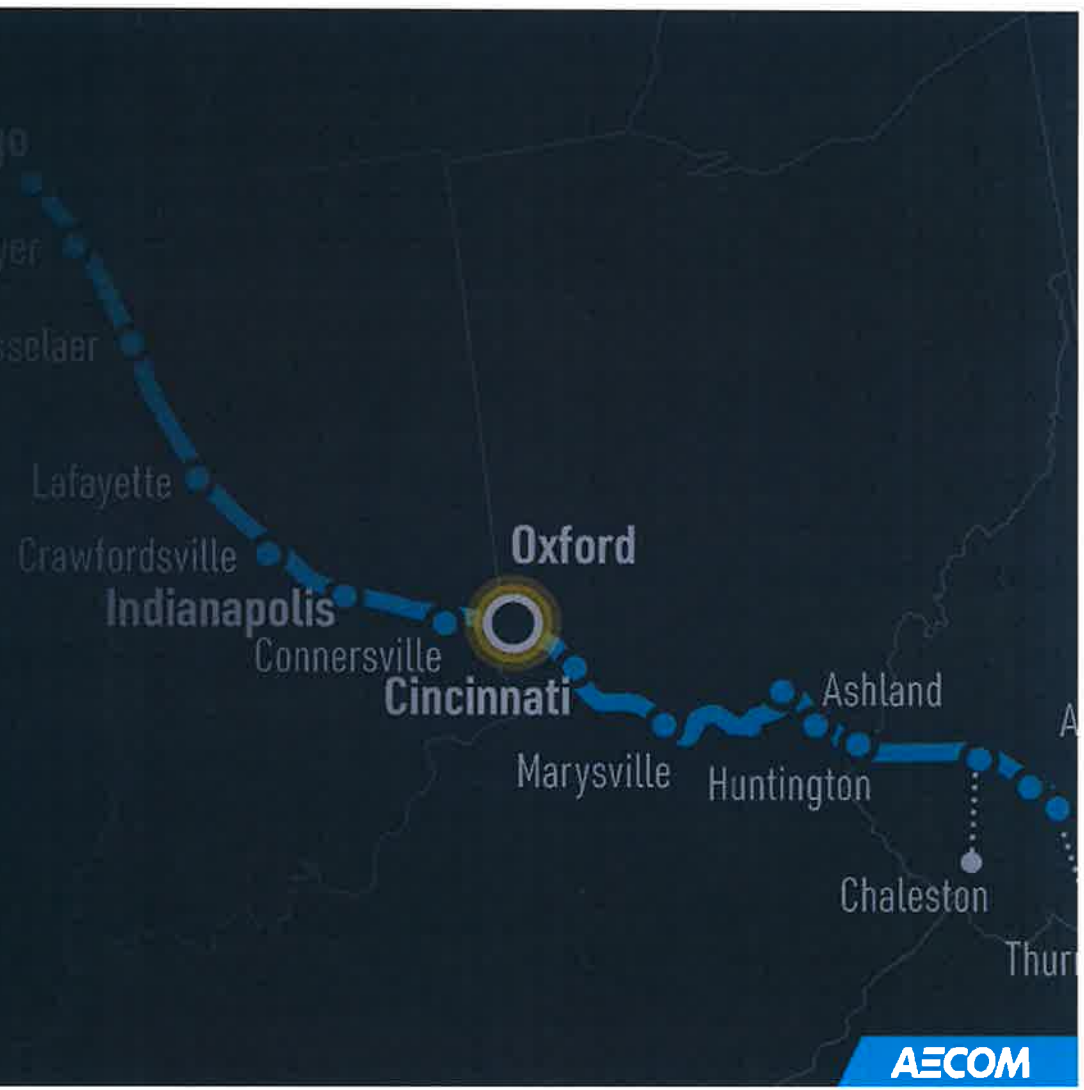
AGENDA

/ Introduction

/ Response to Questions

- 01 Background
- 02 Stakeholders
- 03 Amtrak Cardinal
- 04 Timeline
- 05 Preliminary Engineering
- 06 Next Steps

/ Q&A



AECOM

BACKGROUND

Project Planning Initiated in 2015

Oxford and Miami University – Fund Design

Amtrak agrees to add Oxford Stop to Cardinal

AECOM retained in Summer 2021

CSX Approves Amtrak Stop April 2021/PE Agreement August 2021

Survey Completed September 2021

Geotechnical Study Completed December 2021

Preliminary Engineering Complete Spring 2022

CONCEPTUAL PLATFORM & SHELTER DESIGN

AMTRAK CARDINAL

Amtrak Long Distance Corridor

Chicago to New York Via Washington DC

Nearest Stops Connersville, IN and Cincinnati

Three day a week service on alternative days

Would serve Oxford at approximately 2:30AM

Operates with mixed freight on CSX Track

Provides, sleepers and dining service

Potential expansion of service in the future.

Project Stakeholders

- Oxford – Own/Maintain Facility
- Amtrak – Cardinal Passenger Service
- CSX Host Railroad
- BCRTA – Indoor Waiting Area, Restrooms, Support Facilities
- FRA coordination – NEPA, Funding
- Talawanda School District – Property Owner
- Miami University – Funding Partner Advocate

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

AMTRAK

CSX

Bcrta
Butler County Regional Transit Authority

U.S. Department of Transportation
Federal Railroad Administration

Subconsultants

GEOTECHNICAL ENGINEERING
Geotechnology, Inc.

SURVEYING
Bayer & Becker Inc.

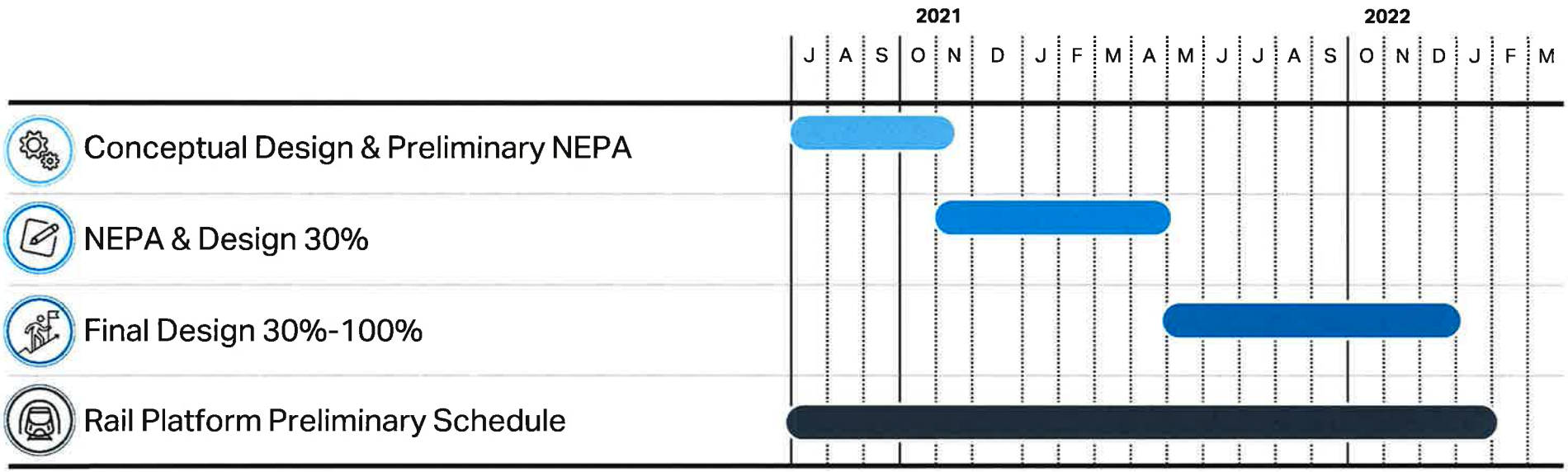
ENVIRONMENTAL SUPPORT
Stone Environmental Engineering & Science, Inc.

EDGE

Project Tasks

PHASE	AECOM HOURS
Survey & Geotech	Summer Fall 2021
Railroad Coordination	Ongoing
Preliminary Engineering (30%)	July2021 - April 2022
Basis of Design Report (100%) Design	Summer - Fall 2022
NEPA Review	Feb-April 2022
Benefit Cost Analysis	2022 (If Needed)
Construction of Rail Platform	2023 + (6 to 9 months)

Schedule


2021
2022
J A S O N D J F M A M J J A S O N D J F M
Conceptual Design & Preliminary NEPA
NEPA & Design 30%
Final Design 30%-100%
Rail Platform Preliminary Schedule

PRELIMINARY ENGINEERING
Assumptions

Project Designed for Current Service but accommodate increased service

Forecasted Annual Ridership of 3,000 (existing service).

Low level platform west side of track (550 ft long with 12 ft width)

ADA pedestrian and vehicular access to Platform from South Main Street

Indoor waiting and support services in BCRTA facility (no baggage handling)

Dedicated short term parking for Amtrak near platform.

Long Term Parking at Chesnut Fields

Owned and Maintained by City of Oxford

Architectural design, lighting site furnishings coordinated with BCRTA

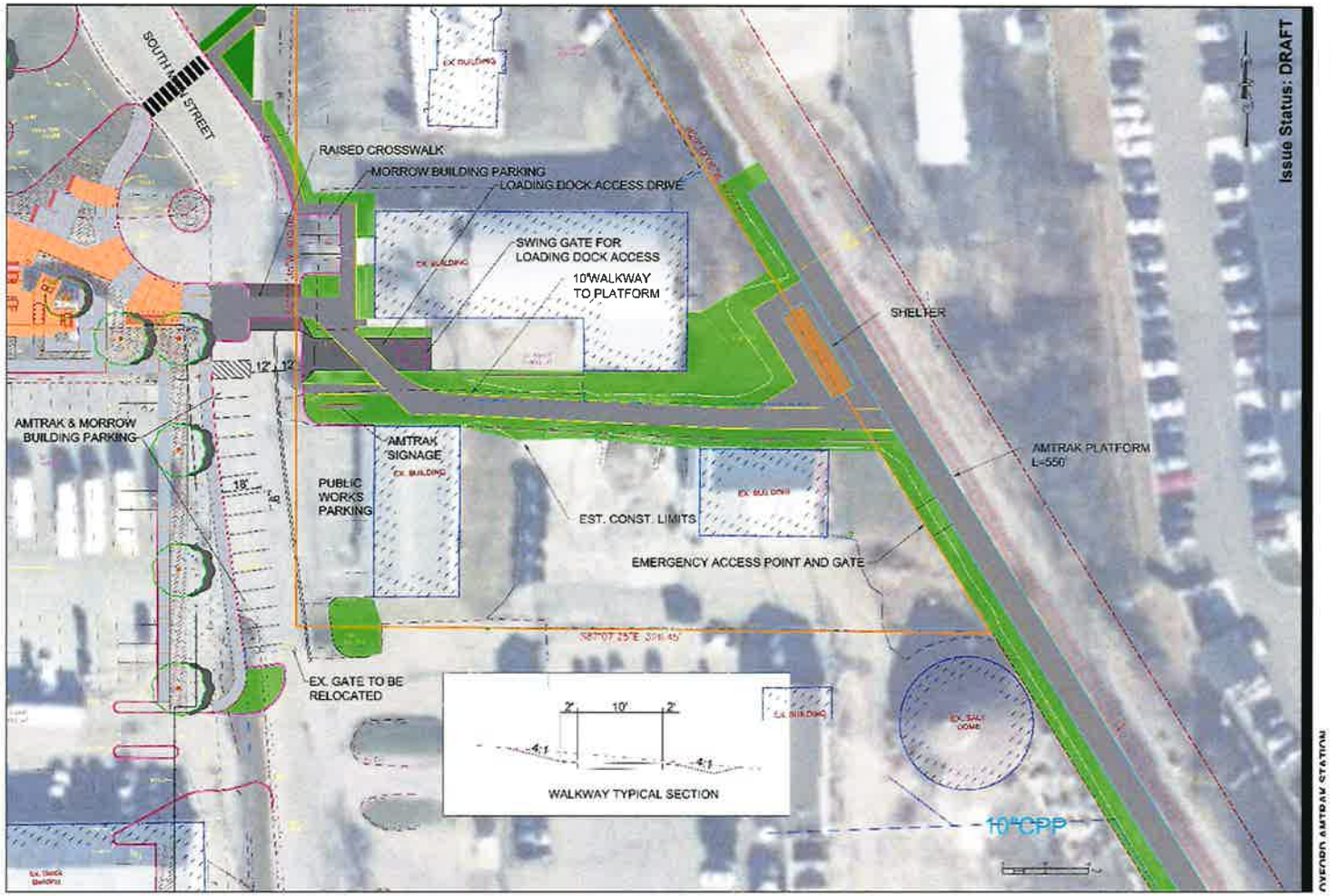
Amtrak branded signage and wayfinding

PRELIMINARY ENGINEERING

- Accommodation of Existing Railroad Drainage
- Will require permanent easements from CSX, as well as Talawanda, Township and City parcels.
- Temporary easements
- Impacts parking at Nelson Morrow Building
- Mobile wheel-chair lift at Platform
- Will include shelter at platform (design details TBD)
- Permitter fencing and landscaping
- May include small walls to limit earthwork and provide architectural interest

ALTERNATIVE 1 SITE PLAN

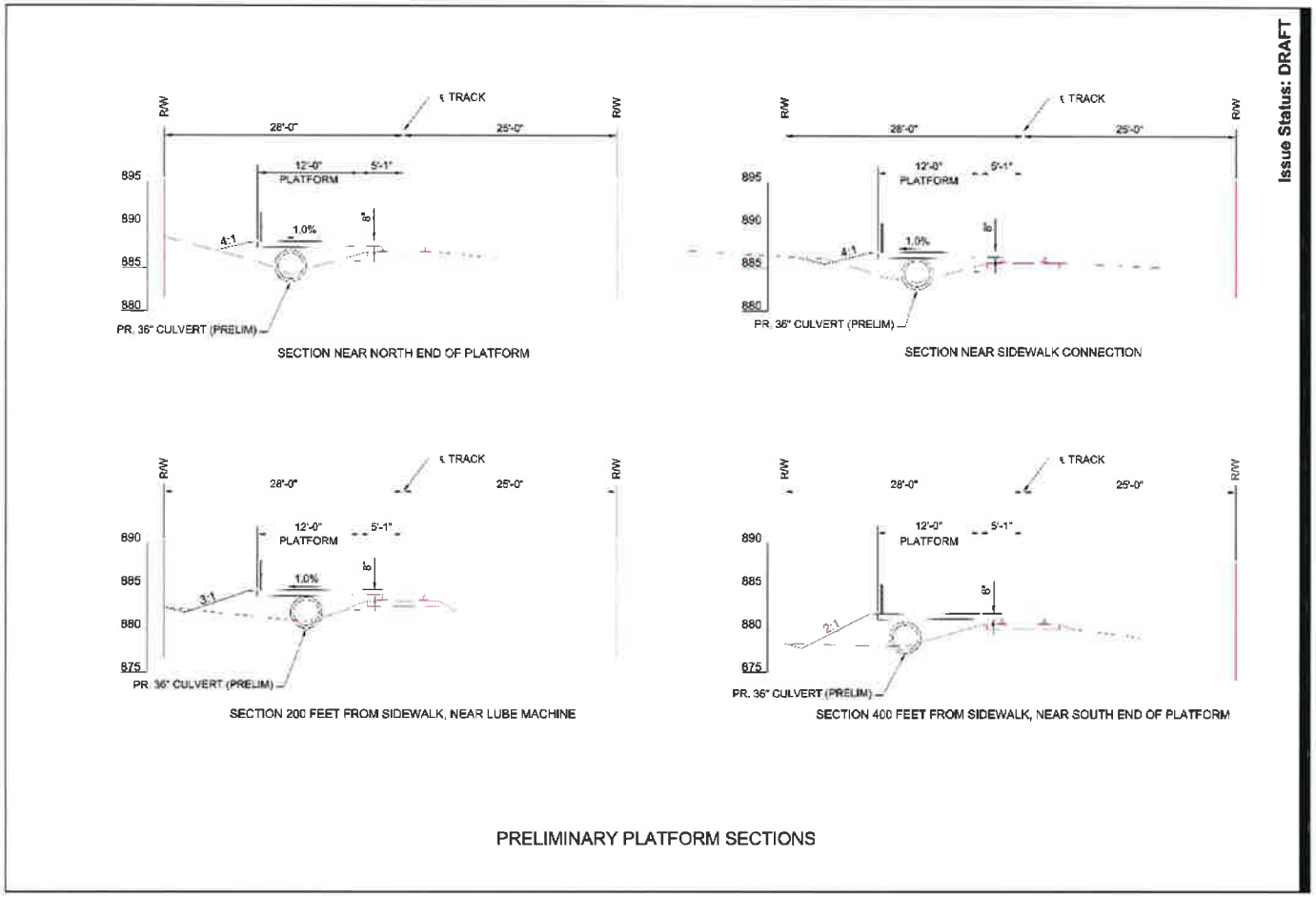
ALTERNATIVE 1 ACCESS PARKING



ALTERNATIVE 2 SITE PLAN

ALTERNATIVE 2 ACCESS PARKING

PRELIMINARY SECTIONS



NEXT STEPS

- Develop Term Sheet Agreement Among Stakeholders.
- Complete Preliminary Engineering
- Coordinate requirements for BCRTA Facility use by Amtrak patrons.
- Develop Construction Cost estimate for Platform and improvements.
- Determine disposition of Nelson Morrow parcel
- Complete FRA NEPA documentation
- Complete Cost Benefit Analysis
- Seek Federal Funding or Identify local sources
- Complete Final Design
- Construct Facility and finalize operational planning

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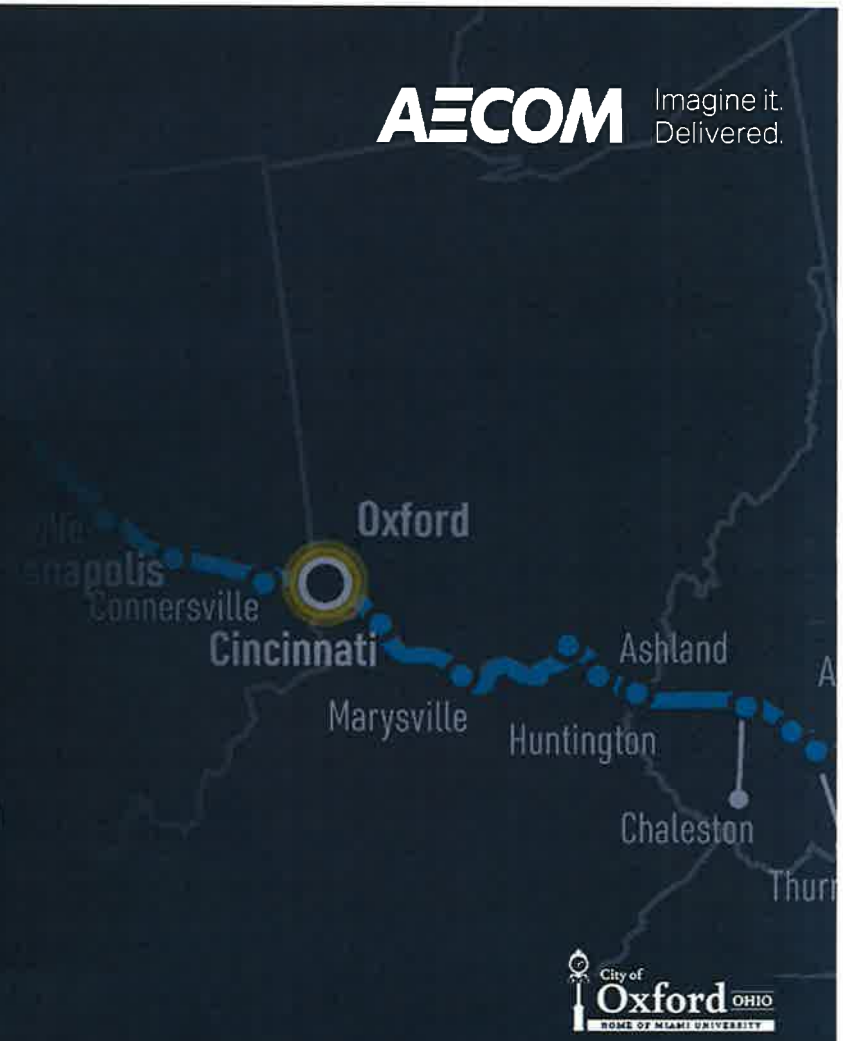
QUESTIONS &ANSWERS



City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

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

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Zachary Moore
DATE PREPARED:	December 21, 2021
COUNCIL MEETING DATE:	January 4, 2021
AGENDA TITLE:	PC-2021-34, PRELIMINARY SUBDIVISION, 4381 Oxford Reily Rd, subdivide 47 acres into three parcels including 7 acre parcel for residential development, & PC-2021-35, PRELIMINARY PLANNED DEVELOPMENT, Western Knolls, 42 new apartments for senior housing, ERS, Applicant/Agent
CITY MANAGER/DEPT HEAD APPROVAL:	

Proposal Summary:

The applicant is requesting approval of a Preliminary Subdivision for the purpose of subdividing out a 7-acre parcel from a 47-acre tract of land currently owned by the City of Oxford. The 7-acre parcel is to be accessed by a new public street connecting the northernmost end of Dana Drive in the Western Knolls subdivision to the intersection of Oxford-Reily Road & Melissa Drive. The rest of the 47 acres would be split between two other parcels totaling 12.25 acres and 23.49 acres, and remain undeveloped for the time being. Within the newly created 7-acre site, the applicant also proposes a Preliminary Planned Development to develop 42 affordable rental housing units for seniors ages 55 and older. The units will be accessed by a loop of private parking, as well as internal footpaths linking to a new public sidewalk along the south side of the extended Dana Drive. All 42 units are to serve tenants with incomes at or below 60% of Area Median Income (AMI) and will also accept Housing Choice Vouchers. To finance the project, the applicant plans to apply in February 2022 for Low Income Housing Tax Credit (LIHTC) funding from the Ohio Housing Finance Agency. It is anticipated the development would be called "Oxford Court Village."

Background:

The subject site has been through numerous City approvals since the 1980s, mostly associated with the development of the existing Western Knolls subdivision. The City currently owns the 47 acres involved, which had been a result of a 2008 court settlement over a 2001 rezoning decision. The Community

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

Development Department held a Design Charrette event in 2019, which had produced five different development concepts for the 47 acres. An official Master Plan has not yet been developed for the property.

Discussion and Recommended Conditions:

The staff report for the December 14 Planning Commission meeting recommended approval of the application, subject to 9 conditions. Several Western Knolls residents (Alex Murano, Greg Wilhelm, and Jenny Wright) provided comments to the Commission. Comments delivered touched on such subjects as light pollution, street name (Dana vs. Melissa) & connection, water pressure, property values, potential transit service, traffic, and intersection improvements at Oxford-Reily. Bill Levenderis, resident on Contreras Road, spoke in favor of the proposal.

Following the comment and question period, the Planning Commission discussed the proposal. All members were in favor of the concept and felt this would help fill a present housing need in the community. Some of the notable design-oriented topics included responsibility for sidewalk construction along a future north-south road, the character/classification of the Dana Drive extension (including consistency with the City's Complete Streets Policy), and architectural character/materials of the rear of buildings. The Commission voted 7-0-0 to recommend approval of the Preliminary Subdivision and Preliminary Planned Development applications subject to staff's conditions, while also adding additional conditions as highlighted as a **bold underline** below:

1. The proposal is recognized as an affordable housing community for seniors. If the applicant fails to obtain LIHTC funding from OHFA and another applicant wishes to move forward with the development prior to the expiration of this approval, the Planning Commission shall re-evaluate the application pursuant to Section 1145.10 of the Oxford Zoning Code.
2. All buildings on the 7-acre development site shall maintain a minimum 30-foot setback from the northern and eastern property lines.
3. An access and construction easement shall be established so that the connector walkway in the southeast corner of the development site may eventually be extended to the eastern property line by the City, or a development entity authorized by the City.
4. Provisions for mail delivery, including possible installation of cluster mailboxes for USPS, shall be evaluated at the Final Planned Development stage.

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5. Buildings shall substantially conform to the submitted architectural elevations and renderings dated 11/1/2021. Architectural standards may be further evaluated at the Final Planned Development stage.
6. A freestanding sign (if installed) shall be situated as shown on the submitted plans, shall be limited to indirect or natural illumination, and shall not exceed the dimensional parameters of the example sign plan provided ("Manse Apartments") unless alternative sign standards and details are approved at the Final Planned Development stage.
7. A waiver to Section 1148.05(b)(2)(A) is hereby granted to relieve the developer from the Tree Survey requirement, on condition that the submitted Landscaping Plan is fulfilled, and designated open space areas remain undisturbed as noted.
8. A waiver to Section 1149.05 is hereby granted to reduce the required number of parking spaces per unit from 2.5 to 1.26.
9. Bicycle parking shall be provided.
10. The property owner shall be responsible for constructing sidewalk on the west side of the future north-south roadway at the time it is built.
11. A Complete Streets Policy analysis shall be performed prior to approval/recording of the final plans.

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVING THE PRELIMINARY SUBDIVISION AND PRELIMINARY PLANNED DEVELOPMENT APPLICATIONS FOR OXFORD COURT VILIAGE (EPISCOPAL RETIREMENT SERVICES) WITH CONDITIONS.

WHEREAS, Council hereby finds the Planning Commission held a public hearing on December 14, 2021 in accordance with Chapters 1101 and 1145 of the Codified Ordinances of the City of Oxford, on the application of Episcopal Retirement Services (ERS) for a Preliminary Subdivision and Preliminary Planned Development for an affordable senior apartment community entitled Oxford Court Village consisting of 42 units on 7 acres; and

WHEREAS, the Planning Commission, after due deliberation found the application satisfied the basic code requirements in Chapters 1101 and 1145 of the Codified Ordinances of the City of Oxford, and recommended approval of the Preliminary Subdivision and Preliminary Planned Development applications for Oxford Court Village with conditions.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and further approves the Preliminary Subdivision and Preliminary Planned Development applications from Episcopal Retirement Services for Oxford Court Village with the following conditions:

1. The proposal is recognized as an affordable housing community for seniors. If the applicant fails to obtain LIHTC funding from OHFA and another applicant wishes to move forward with the development prior to the expiration of this approval, the Planning Commission shall re-evaluate the application pursuant to Section 1145.10 of the Oxford Zoning Code.
2. All buildings on the 7-acre development site shall maintain a minimum 30-foot setback from the northern and eastern property lines.
3. An access and construction easement shall be established so that the connector walkway in the southeast corner of the development site may eventually be extended to the eastern property line by the City, or a development entity authorized by the City.
4. Provisions for mail delivery, including possible installation of cluster mailboxes for USPS, shall be evaluated at the Final Planned Development stage.
5. Buildings shall substantially conform to the submitted architectural elevations and renderings dated 11/1/2021. Architectural standards may be further evaluated at the Final Planned Development stage.
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9. Bicycle parking shall be provided.

10. The property owner shall be responsible for constructing sidewalk on the west side of the future north-south roadway at the time it is built.
11. A Complete Streets Policy analysis shall be performed prior to approval/recording of the final plans.

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

_____
MAYOR

ADOPTED:

ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Community Development Department
Planning Commission Action Letter
513-524-5204

December 17, 2021

VIA EMAIL:
info@erslife.org
johnbayer@bayerbecker.com

Ms. Janet Westrich
Episcopal Retirement Services
3870 Virginia Avenue
Cincinnati, OH 45227

RE: PC-2021-34, 4381 Oxford Reily Road, PRELIMINARY SUBDIVISION, subdivide 47-acre parcel into three parcels, including a seven acre parcel for residential development, **ERS, Applicant/Agent**

RE: PC-2021-35, 4381 Oxford Reily Road, PRELIMINARY PLANNED DEVELOPMENT, Western Knolls, 42 new apartments for senior housing, **ERS, Applicant/Agent**

Dear Ms. Westrich:

On December 14, 2021, the City of Oxford Planning Commission voted 7-0-0 to recommend approval of your Preliminary Subdivision and Preliminary Planned Development applications subject to the following conditions:

1. The proposal is recognized as an affordable housing community for seniors. If the applicant fails to obtain LIHTC funding from OHFA and another applicant wishes to move forward with the development prior to the expiration of this approval, the Planning Commission shall re-evaluate the application pursuant to ***Section 1145.10*** of the Oxford Zoning Code.

2. All buildings on the 7-acre development site shall maintain a minimum 30-foot setback from the northern and eastern property lines.

3. An access and construction easement shall be established so that the connector walkway in the southeast corner of the development site may eventually be extended to the eastern property line by the City, or a development entity authorized by the City.

4. Provisions for mail delivery, including possible installation of cluster mailboxes for USPS, shall be evaluated at the Final Planned Development stage.

5. Buildings shall substantially conform to the submitted architectural elevations and renderings dated 11/1/2021. Architectural standards may be further evaluated at the Final Planned Development stage.

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9. Bicycle parking shall be provided.

10. The property owner shall be responsible for constructing sidewalk on the west side of the future north-south roadway at the time it is built.

11. A Complete Streets Policy analysis shall be performed prior to approval/recording of the final plans.

Unless otherwise notified, the Oxford City Council will hold their First Reading on Tuesday, January 4, 2022 and their Second Reading on Tuesday, January 18, 2022 regarding these applications.

Should you have any questions related to this action, please contact the Community Development Department at 513-524-5204.

Respectfully,

Eunike Miller

Eunike Miller
Administrative Assistant
Community Development Department

Cc: File

Case No:
PC-2021-34 / PC-2021-35

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Meeting Date:
December 14, 2021

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant	Episcopal Retirement Services (ERS), c/o Janet Westrich
Proposal	42-unit affordable senior apartment community
Location	4381 Oxford Reily Road – Parcel ID H4100119000029
Engineer	Bayer Becker, c/o John Bayer
Architect	ATA Beilharz Architects, c/o Greg Hackett
Property Owner	City of Oxford
Action Request	**PC-2021-34:** Preliminary Subdivision **PC-2021-35:** Preliminary Planned Development (PD)
Current Use	Undeveloped / Vacant Land
Current Zoning	R-1B Residential Single-Family Medium Density Residential District
Site Area	**Overall Site:** 46.55 acres **Proposed Development Site:** 7 acres
Surrounding Land Uses	Cedar Creek Condominiums (four- and five-family dwellings) to the north Western Knolls Subdivision (single-family dwellings) to the west & south Southern Knolls Subdivision (single-family dwellings) to the east
Staff Recommendation	**Approval**, subject to recommended conditions

PROPOSAL SUMMARY

The applicant is requesting approval of a Preliminary Subdivision for the purpose of subdividing out a 7-acre parcel from a 47-acre tract of land currently owned by the City of Oxford. The 7-acre parcel is to be accessed by a new public street connecting the northernmost end of Dana Drive in the Western Knolls subdivision to the intersection of Oxford-Reily Road & Melissa Drive. The rest of the 47 acres would be split between two other parcels totaling 12.25 acres and 23.49 acres, and remain undeveloped for the time being.

Within the newly created 7-acre site, the applicant also proposes a Preliminary Planned Development to develop 42 affordable rental housing units for seniors ages 55 and older. The units will be accessed by a loop of private parking, as well as internal footpaths linking to a new public sidewalk along the south side of the

extended Dana Drive. All 42 units are to serve tenants with incomes at or below 60% of Area Median Income (AMI) and will also accept Housing Choice Vouchers. To finance the project, the applicant plans to apply in February 2022 for Low Income Housing Tax Credit (LIHTC) funding from the Ohio Housing Finance Agency.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and signs were posted on the property. No public comments have been received as of the writing of this report.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Seth Cropenbaker, Assistant to the City Manager	Returned with Comments
• *The proposed development at 4381 Oxford Reily Road as an affordable rental housing senior living community is a positive addition to the City of Oxford.* • *Affordable housing and housing for adult seniors are of high need within our community.* • *The proposed development represents a first step of development in an under-utilized section of Oxford and opportunity for further development of City-owned property.* • *Increasing affordable housing to support a local workforce is among the primary goals of the Community Improvement Corporation and economic development in Oxford.* • *The proposal by Episcopal Retirement Services utilizes 7 of 47 total undeveloped acres of City-owned property, and could act as a catalyst for additional development in this area.* • *Development of a masterplan for the full 47 acres would allow for conscious development of additional residential units to serve a variety of other areas of need for Oxford.* • *The placement of this project, near the Cedar Creek condominimum community, maintains the character of the area.* • *The extension and connection of Dana Dr. and Melissa Dr., west of Oxford-Reily Rd. creates another entry and exit point for the Western Knolls development, potentially improving access and traffic flow.*		
Engineering	Scott Otto, City Engineer	Returned with Comments
• *Further review of detailed construction plans may require additional information to verify proposed utilities will be designed to allow for utility service to future development adjacent to this project. Revisions to proposed water, storm sewer, and sanitary sewer utilities are potentially necessary.* • *The traffic study recommends a westbound left turn lane on W. Chestnut St. at the Oxford-Reily Rd. intersection. Design and construction of this improvement will need to be approved by the City of Oxford Engineering Division.*		
Fire	John Detherage, Fire Chief	Returned without Comments

Police	John Jones, Police Chief	Returned without Comments

CASE HISTORY

The subject site and surrounding area has been involved in numerous past applications and approvals by the City of Oxford since the early 1980s. A summary of relevant case history is provided below:

Case No.	Application	Decision
PC-1980-05	**Zoning Map Amendment**	Council approved 9/15/1981 by Ord No. 1643
This action involved the rezoning of approximately 90.5 acres of previously R-1 single-family zoning. Of this acreage, 46.7 acres were rezoned R-2 (single-family), 12.1 acres to R-3 (single- and two-family), 19.6 acres to R-4a (multi-family), and 12 acres to C-2 (commercial).		
PC-1988-11	**Preliminary Subdivision**	Council approved 4/5/1988 by Ord No. 1997
The original Preliminary Subdivision Plan for the Western Knolls site contained 162 lots, inclusive of a single large parcel occupying the commercially zoned area fronting on Oxford-Reily Road. The plan showed Dana Drive forming a complete loop by intersecting twice with Oxford-Reily. Additional streets, including Ryan Drive, Randall Drive, and Josie Lane were planned with access from Dana. Ryan and Josie eventually came to fruition as originally planned, though only a short 120 foot long stub of Randall Drive ended up being constructed. A total of 3 shorter cul-de-sacs were also shown off Brookville Road, intended to provide access to 16 of the 162 lots. None of these cul-de-sac streets were ever built as originally planned. The Cedar Creek condominiums, built in the early 1990s, now occupy the area where two of the original cul-de-sacs had been planned.		
PC-1988-25	**Final Subdivision – Section 1**	Council approved 8/16/1988 by Ord No. 2013
The first platted section of Western Knolls consisted of 8 lots along the west side of Oxford-Reily Rd, 10 lots along Dana Drive, and 9 lots along Ryan Drive.		
PC-1990-23	**Final Subdivision – Section 2**	Council approved 2/19/1991 by Ord No. 2143
The second platted section of Western Knolls consisted of 4 more lots along Dana Drive, and 5 more lots along Ryan Drive.		
PC-1992-01	**Final Subdivision – Section 3**	Council approved 2/4/1992 by Ord No. 2215
The third platted section of Western Knolls consisted of 8 more lots along Ryan Drive.		
PC-1992-33	**Final Subdivision – Section 4**	Council approved 2/2/1993 by Ord No. 2276
The fourth platted section of Western Knolls effectively completed Ryan Drive with the installation of an "elbow" and cul-de-sac, and created 10 additional lots.		
PC-1994-01	**Final Subdivision – Sections 5 & 6**	Council approved 4/5/1994 by Ord No. 2347
Western Knolls Section 5 extended Dana Drive northward and resulted in the platting of 7 additional lots. Section 6 contained 10 total lots, and created a short cul-de-sac street (Josie Lane) as well as a short stub street (Randall Drive) off Dana Drive. Both Sections were recorded at the same time.		

PC-1994-21	**Final Subdivision – Section 7**	Council approved 2/3/1998 by Ord No. 2571
The last recorded section of the Western Knolls subdivision consisted of 12 lots along Dana Drive. A temporary turnaround was constructed at the northernmost end of Dana Drive, to remain in place until such time that the street was extended.		
PC-2000-23	**Final Subdivision – Section 8**	Council denied 9/4/2001
An application was submitted in October of 2000 to record an eighth final plat section for Western Knolls. Section 8 would have been the first to break into portions of the 1988 Preliminary Plan that were zoned to allow for more intense residential uses, including two-family and multi-family. The plat would have contained 27 lots, and connected the end of Dana Drive in Section 7 with the intersection of Oxford-Reily Rd and Melissa Drive. Along this new segment of street, a T-intersection for another stub street (Randall Drive) also would have been provided.		
PC-2001-12	**Zoning Map Amendment**	Council approved 9/18/2001 by Ord No. 2731
At the urging of Western Knolls residents at the time, Council filed a petition to consider amendment of the Zoning Map to re-classify acreage between the existing Western Knolls subdivision and Oxford-Reily Rd as R-2 Single-Family. The zoning classifications previous to this action were R-3, R-4A, and C-2 commercial. This decision resulted in court action against the City by Western Knolls Inc., which was eventually settled in December 2008 by the City agreeing to pay $3.75 million to acquire the land.		

COMMENTARY

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

- **Buildings and Uses:** A total of six (6) buildings are proposed on the 7-acre site. Three buildings would contain 6 units each, and the other three would contain 8 units each. One of the 8-unit buildings would also provide space for a community center. Of the 42 planned units, 32 would be one-bedroom and 10 would be two-bedroom units. All buildings are one-story and proposed with various exterior materials, including brick veneer, vinyl lap siding, and shake siding. Each dwelling unit would have its own "front door" on the exterior of the building, with off-street parking provided close-by.

- **Density:** Development built by-right in the R-1B District must adhere to a minimum lot size of 7,500 square feet, where each lot supports a single-family dwelling unit. Multi-family residential however is possible through the Planned Development process, though density must be capped at no greater than 110% of underlying district density. The 7,500 square foot lot size in R-1B translates to a maximum density of **5.81** dwelling units per acre (du/ac), thus the maximum possible density via the Planned Development process is **6.39** du/ac (5.81 * 110%) which amounts to a maximum of **44** dwelling units allowed by Code on a 7 acre site. Therefore, the proposal for **42** units – and a resulting density of **6** du/ac – is compliant from a density standpoint.

- **Landscaping and Tree Preservation:** The project is subject to the standards of Chapter 1148 Landscaping and Tree Preservation, which includes both tree planting and tree preservation requirements. It should be noted however that the Commission has the ability to waive or modify such standards, or impose more stringent requirements, inherent to a more discretionary review process involved with a Planned Development. Summaries by subject are provided below:

    - **Tree Planting:** Minimum tree planting standards for nonresidential and multi-family developments are provided in ***Section 1148.04(c)*** of the Oxford Zoning Code. For every ten

(10) feet of site frontage along a public right-of-way, a minimum of one (1) tree must be provided somewhere on the site. Total frontage for the development site is approximately 927 feet, thus a total of 92 trees are required on-site. The applicant provides a total of 103 trees on their Landscaping Plan, exclusive of 18 street trees shown in the right-of-way which are figured separately from on-site trees.

- **Tree Preservation:** Chapter 1148 also requires a tree survey for nonresidential and multi-family developments. The Code provides for certain areas to be exempted from surveying as well as replanting, including areas within fifteen (15) of new structures and within five (5) feet of parking or walkway surfaces. In addition, areas more than one hundred (100) feet from proposed construction areas are exempt from survey. When accounting for the various exemptions, 52% of the site is exempt from tree preservation/replanting and 63% is exempt from surveying. Most of the remaining half of the development is proposed as open space, and would be left undisturbed. The applicant notes in their narrative that they deliberately concentrated the footprint of the development in an effort to best comply with the City's tree requirements. Unlike a single-family subdivision where the extent of construction footprints is not precisely known at the preliminary stage, this development is being planned comprehensively on a single site. Therefore, the extent of construction is clear and thus preservation of open space all but guaranteed. For these reasons, staff believes the spirit of the tree preservation provisions is met by the proposal without the need for a tree survey of open space areas.

- **Parking Area Trees:** The Parking Code also specifies tree planting requirements based on the number of parking spaces provided. The standard, per ***Section 1149.07(e)(6)(B)***, is a minimum of 2 trees per facility plus 1 tree for every 5 parking spaces or fraction thereof. If the entire site is considered 1 facility, based on a total of 53 parking spaces this amounts to a minimum of 13 trees to be planted in close proximity to parking. The applicant more than meets this requirement with the submitted Landscaping Plan.

- **Lighting:** Lighting details have yet to be provided. Such details may be considered at the Final Planned Development stage. Street lighting along Dana / Melissa Drive will need to be provided consistent with the Subdivision Regulations. In addition, internal site lighting along parking areas will need to be provided consistent with requirements in the Parking Chapter (1149) of the Oxford Zoning Code.

- **Lot Coverage:** The maximum lot coverage in the R-1B District is **35** percent. The proposed development layout constitutes 1.74 acres of coverage, amounting to **25** percent of the 7 acre site.

- **Non-Vehicular Mobility:** Relevant topics are discussed below:

  - **Pedestrian Facilities:** The submitted plan provides a network of internal pathways linking dwelling unit entrances to parking, and to a new public sidewalk to be provided along the south side of the extended Dana/Melissa Drive. The new sidewalk would link to existing sidewalk at the end of Dana Drive in the Western Knolls subdivision, as well as to a segment of the OATS trail (Phase 4) planned along Oxford-Reily Road. At this time, a crosswalk improvement at the intersection of Melissa and Oxford-Reily is not shown. The applicant has submitted a separate request to the City asking for financial support in constructing the street and associated infrastructure, to ensure the feasibility of keeping the development affordable.

  - **Bicycle Parking:** The Zoning Code typically requires bicycle parking to be provided for multi-family developments. These standards work well for conventional multi-family

housing complexes, as well as those which are purpose-built for student renters. For this particular development, the Code requires a minimum of 10 spaces that can be provided either in the form of racks or lockers. Staff brought this to the attention of the applicant during the review process. The applicant expressed their view that bicycle use is expected to be minimal due to the senior living focus of the development. Additionally, since all units are planned at ground level with dedicated entrances, the natural place for bike storage will be within or next to each unit. For these reasons, staff is supportive of waiving bicycle parking requirements.

- **Open Space:** There is a **20%** minimum open space requirement for Planned Developments per ***Section 1145.12(f)(1)***, which cannot include any area less than 50 feet by 50 feet nor can it include the required 25-foot perimeter setback for a residential zoning district. The proposed development sets aside 2.95 acres of open space, equivalent to **42%** of the 7 acre site.

- **Signage:** One freestanding sign is proposed to be located in proximity to the easternmost curb cut off the extended Dana Drive. The applicant provides a sample sign design from another ERS property in the region, which as designed would comply with the Zoning Code's freestanding sign standards for multi-family development sites. Signage details may be revisited and further refined during the Final Planned Development stage.

- **Stormwater Management:** The applicant proposes a stormwater basin in the southeast corner of the site, due to the site's topography sloping from west to east. Storm sewers within the 7 acre site will feed into this basin, and then be gradually released at the pre-development rate into a separate storm sewer planned along the extended Dana/Melissa Drive. Runoff generated by the development would eventually flow northward toward an existing stream located just south of the Cedar Creek condominiums.

- **Traffic Circulation:** Various topics are discussed below:

    - **Proposed Street Extension (Dana/Melissa Dr.):** The 2007 Oxford Transportation Thoroughfare Plan (as reflected in the Oxford Transportation Plans compilation document most recently approved by Council in May 2020) shows a future Minor Collector roadway (Segment 8) running east-west between Oxford-Reily Rd (SR 732) and the northernmost existing end of Dana Drive. Another north-south Minor Collector road is also shown, to serve as a connector between the east-west road and Brookville Road, intersecting approximately 680 feet west of Quail Ridge Drive. While the Thoroughfare Plan's Typical Section for a Minor Collector provides 80 feet of right-of-way with 36 feet of pavement, the Subdivision Regulations alternatively specify a 58-foot right-of-way width with 33 feet of pavement for the same classification. The applicant proposes a 60-foot right-of-way with 36 feet of pavement, which should closely align with the existing Dana Drive stub street.

    - **Future North-South Street:** During the review process, staff asked the applicant to revise the plan to illustrate where a future north-south street could be positioned in relationship to the ERS development and extended Dana/Melissa Drive. To accommodate the area for this future street, the overall ERS development layout (buildings, parking, etc.) was shifted roughly 60 feet to the west in order to preserve a four-acre area to the east as originally envisioned. A T-intersection/stub and dead-end signage for the future street is to be provided just northeast of the 7 acre development site. This intersection could also serve as the junction point where Melissa Drive ends and Dana Drive begins, thus ensuring there are not two intersections signed as Dana Drive off Oxford-Reily. At some point in the future when either a master plan is developed, and/or additional development is proposed, allocating area for a future north-south street will allow for inter-connectivity between

developments on the rest of the Western Knolls site. The applicant has also provided a "pathway stub" in the southeast corner of the ERS development, to guarantee a shortcut into the community if and when the future street is ever constructed.

- **Request for Financial Assistance:** The applicant has submitted a separate request to the City to share in the cost of constructing the public street (Dana/Melissa) and associated infrastructure. If such request is considered, it will ultimately be a Council decision, so the Planning Commission does not need to consider this aspect as part of its recommendation.

- **Parking:** An off-street parking area is proposed in a loop configuration with two curb cuts off the extended public street. The Oxford Zoning Code requires a minimum of 2.5 parking spaces for unit for multi-family residential developments. The proposed application falls short of the normal minimum, and requests a waiver to this provision. Below is a table providing a comparison between the proposed ERS development and four other existing ERS developments (data on these from applicant). Providing additional parking spaces to better achieve the Code minimum would undoubtedly add extra impervious surface area and disturb more natural ground, and as the applicant suggests, would likely remain empty most of the time. If by chance there is a point in time where demand exceeds the 53 available spaces, the adjoining street could accommodate overflow on-street. For these reasons, staff is supportive of the waiver request.

Community	Units	Parking Spaces Provided	Min. Parking Required by Oxford Code	Parking Spaces per Unit	Typical Parking Utilization
Knowlton Place	56	39	140	0.7	90%
Marlowe Court	53	50	132	0.9	60%
St. Paul Village	168	118	420	0.7	58%
Madison Villa	95	82	237	0.9	61%
Oxford Court Village (subject application)	**42** (proposed)	**53** (proposed)	**105**	**1.26**	**N/A**

- **Utilities:** Comments on individual utility services are provided below.

  - **Sanitary Sewer:** The sanitary sewer lines to be installed will gravity feed into existing infrastructure located west of the Oxford-Reily/Melissa intersection.

  - **Water:** An 8-inch water main is currently installed on the site, between the Dana Drive stub and Oxford-Reily/Melissa intersection. Water service will tap into this existing main.

  - **Electric:** Information on electric utility connections is not shown at this time. The preference is for such utilities to be located underground.

  - **Garbage & Recycling Collection:** Two trash enclosure areas are proposed within the site, access from parking aisles. These enclosures will need to meet the City's sizing and material standards and requirements at the time of Building Permit review.

DECISION CRITERIA

All Planned Developments shall satisfy the General Decision Standards provided in ***Section 1145.06(b)***. The standards found within this section are below with staff analysis provided for each:

1. **The proposed planned development is in fact permitted in the zoning districts in which it is proposed.**
   The underlying R-1B zoning district allows single-family residential use by-right. However, when undergoing a Planned Development process, any residential land use is potentially permissible so long as the resulting density is at or below what would be allowed in the underlying zone. This proposal is technically multi-family residential, given that multiple principal buildings containing multiple units each will be constructed on a single site. The proposed development satisfies this criterion, since the planned density of 6 du/ac falls below 110% of the underlying district density of 5.81 du/ac.

2. **If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.**
   This criterion does not apply, since this is the first Planned Development proposal for this site. The Preliminary Subdivision portion of the application (dividing into 3 parcels) would effectively supersede the previous 1988 Preliminary Plan.

3. **The uses and site plan will satisfy the general intent of the Zoning Code.**
   The Oxford Zoning Code provides a purpose statement and lists a number of goals for Planned Developments. The general purpose is to encourage creative and flexible land development that would not be permitted by-right within the underlying zoning district, while also planning sites in an environmentally sensitive and cohesive way. One of the stated goals that is particularly relevant to this proposal is the facilitation of a variety of dwelling types to enable diverse and affordable housing. Overall, staff believes the proposal satisfies the general intent of the Code.

4. **The uses and site plan will be compatible with the general intent of the Comprehensive Plan.**
   Map 3.6 (Conservation and Development Map) in the Oxford Comprehensive Plan establishes preferred land uses for undeveloped sites within the City limits. This Map designates the site for "Traditional Neighborhood Development" (TND) which calls for residential development to have a distinct center and edge, open spaces, well designed streets and public spaces, and multiple housing options. While this proposal may not fully embrace all TND traits, staff believes the proposal represents a good design that is sensitive to its surroundings and will be able to integrate with future development that may occur to the east or south later on down the road. The Comprehensive Plan also provides a number of housing-related objectives which the subject application will help meet, including: (1) expanding housing options; (2) supporting the development of new senior housing with community resources and services; and (3) encouraging diverse and affordable housing choices.

5. **The size and shape of the site are sufficient for the proposed planned development.**
   The size of the development site has already been pre-determined, more or less, by ERS entering into an Option-to-Purchase agreement with the City in April 2021 for the potential future purchase of approximately 8 acres. With this proposal, the applicant has decided 7 acres is sufficient for the extent of the envisioned development to create a total of 42 dwelling units. Given that development features have been concentrated to the greatest extent possible, thus reserving 42% of the site as open space when the minimum is only 20%, this proves the size of the site is more than sufficient.

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

Staff believes the proposed community footprint is well-positioned in relationship to other surrounding developments. The closest distance between a planned building and an existing dwelling in Western Knolls is approximately 200 feet. The distance is also roughly the same when measuring between the edge of the planned street (Dana/Melissa) and the nearest developed feature on the Cedar Creek Condominiums site. Therefore, staff does not believe the proposed development will be hazardous or disturbing to these existing uses. In addition, it should be noted the buildings are "inwardly" focused, with vegetation planned around the outer perimeter to provide a screening effect; this will help keep the units insulated from any future development that may occur in proximity, while also remaining connected from both a vehicular and pedestrian standpoint.

7. **The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.**
This criterion is generally not applicable to a residential proposal, as these external effects mostly pertain to activities or processes associated with commercial or industrial businesses. The applicant submitted a traffic study focusing on the anticipated traffic to be generated by the 42-unit development, which concluded no other off-site roadway improvements were warranted. If the City were to create a master plan for the 47-acre site at some point in the future, a more thorough traffic study could be performed which examines the maximum potential traffic demand generated by the total number of residential units and/or any commercial, office, or service-oriented development anticipated for the overall site.

8. **Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.**
In a sense, the proposed Community Center could be seen as an accessory use to the planned principal use of the development site as multi-family residential. So long as this Center remains primarily dedicated to serving residents of the community wherein and not residents from elsewhere in the City, it would be seen as ancillary to – and not independent of – the principal use.

9. **The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.**
The applicant has provided preliminary details for all such services as part of their application. The Fire and Police Chiefs reviewed the application and did not have any comments or concerns to share. The provision of water and sewer utilities will be coordinated with the City's Service Department. Staff has discussed the submitted traffic study with the City Engineer, and together determined that no off-site roadway improvements are warranted by the development; this is inclusive of a west-bound left turn lane on W Chestnut Street, which the study concluded was warranted by existing traffic conditions.

10. **Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**
The applicant has submitted a separate request to the City to help fund construction of the extended public street (Dana/Melissa Drive). Normally a developer is required to foot the cost of constructing all public infrastructure that enables and supports their development. The applicant has expressed a willingness to contribute $50,000 toward the extended street, on top of the agreed upon price to purchase the 7 acres from the City at $25,000/acre. The total anticipated cost of constructing the street and associated infrastructure/utilities is not known at this time.

11. **The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures**

to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
Staff believes this criterion can be addressed by requiring building architecture to have a substantially similar appearance to the submitted elevations and renderings. More precise architectural standards may be explored as part of the Final Planned Development.

12. **The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.**
The anticipated development is not expected to have a significant adverse impact on traffic patterns. In addition to providing access to the subject development, connecting Dana Drive to Melissa Drive & Oxford-Reily Road will also entail the benefit of providing more than one way to access homes within the existing Western Knolls subdivision. The planned street network, including a future connection to the south, is actually reminiscent of the original network envisioned in the 1980s.

13. **Proposed construction will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.**
The site is heavily wooded and includes a significant amount of coniferous trees. The applicant has recognized this fact, and has made a conscious effort to create a condensed layout that would enable as much of the existing woods to be preserved as possible. The location of preserved areas makes sense in terms of buffering the development from existing single-family units to the west, as well as from whatever future development (most likely residential) may arise in the future to the south. In addition, by situating the development site on the south side of Dana/Melissa, this leaves an area with steeper slopes, mature trees, and streams to the north untouched.

14. **Proposed construction will not result in the complete elimination of existing mature tree canopy. Effort shall be made to direct disturbance and construction around or away from existing mature tree canopy without completely taking away use of the site or connectivity to existing infrastructure.**
The site is mostly covered by coniferous vegetation, but also includes some relatively tall deciduous trees in the western corner near the existing Dana Drive stub/turnaround. The development plan for the 7 acres enables a significant portion of this pocket of deciduous trees to be preserved.

STAFF RECOMMENDATION

There are no decision criteria for a Preliminary Subdivision application, as the review is based on meeting the spirit of the design standards in ***Section 1101.4*** of the Subdivision Regulations. ***Section 1101.4(400)*** provides some general statements for the Commission to consider in reviewing a subdivision proposal (see Appendix B).

On the other hand, consideration of a Preliminary Planned Development must rely on decision criteria provided in ***Section 1145.06(b)*** as touched upon in the previous section.

In consideration of the relevant standards and criteria, staff recommends **approval** of both the Preliminary Subdivision and Preliminary Planned Development proposed by Episcopal Retirement Services (ERS) subject to the following conditions:

1. The proposal is recognized as an affordable housing community for seniors. If the applicant fails to obtain LIHTC funding from OHFA and another applicant wishes to move forward with the development prior to the expiration of this approval, the Planning Commission shall re-evaluate the application pursuant to ***Section 1145.10*** of the Oxford Zoning Code.

2. All buildings on the 7-acre development site shall maintain a minimum 30-foot setback from the northern and eastern property lines.

3. An access and construction easement shall be established so that the connector walkway in the southeast corner of the development site may eventually be extended to the eastern property line by the City, or a development entity authorized by the City.

4. Provisions for mail delivery, including possible installation of cluster mailboxes for USPS, shall be evaluated at the Final Planned Development stage.

5. Buildings shall substantially conform to the submitted architectural elevations and renderings dated 11/1/2021. Architectural standards may be further evaluated at the Final Planned Development stage.

6. A freestanding sign (if installed) shall be situated as shown on the submitted plans, shall have indirect illumination, and shall not exceed the dimensional parameters of the example sign plan provided ("Manse Apartments") unless alternative sign standards and details are approved at the Final Planned Development stage.

7. A waiver to ***Section 1148.05(b)(2)(A)*** is hereby granted to relieve the developer from the Tree Survey requirement, on condition that the submitted Landscaping Plan is fulfilled, and designated open space areas remain undisturbed as noted.

8. A waiver to ***Section 1149.05*** is hereby granted to reduce the required number of parking spaces per unit from 2.5 to 1.26.

9. A waiver to ***Section 1149.07(e)(5)(A)*** is hereby granted to relieve the applicant from bicycle parking requirements.

SUBMITTED BY: Zachary W. Moore

Zachary Moore, AICP
Planner

DATE: December 8, 2021

APPENDIX A
RELEVANT PROVISIONS FROM THE ZONING CODE

Within the Oxford Zoning Code, ***Section 1143.02*** provides the base zoning standards for the R-1B zoning district and ***Chapter 1145*** governs Planned Development applications.

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

(a) Purpose.
This district is designed to provide and preserve single family residential development of a moderately low density character within and adjacent to areas of similar development.

(b) Uses.
- (1) Permitted uses.
  - A. Single-family dwellings.
  - B. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
  - C. Day Care Home Type B family.
- (2) Conditional uses.
  The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.
  - A. Community-Oriented Residential Social Service Facilities (CORSSF's).
  - B. Shared Housing for the elderly.
  - C. Government owned and/or operated parks and recreation facilities.
  - D. Bed & Breakfasts.
  - E. Open space recreation areas that are privately or publicly owned, such as golf courses, tennis courts, parks, forests, or wildlife preserves.
  - F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
  - G. Schools: primary, intermediate, and secondary, both public and private.
  - H. Places of worship.

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)
- (1) Lot requirements.
  - A. Minimum lot area 7,500 sq. feet
  - B. Minimum lot width 65 feet
  - C. Minimum lot frontage 65 feet (not applicable to cul-de-sac lots)
- (2) Yard requirements.
  - A. Minimum front yard depth 30 feet
  - B. Minimum rear yard depth 35 feet
  - C. Minimum side yard width 8 feet on each side
- (3) Structural requirements.
  - A. Maximum building height 35 feet
- (4) Lot coverage.
  - A. Lots with vehicular access from a public street
    - 1. Lot total – Maximum 35 percent
    - 2. All enclosed buildings – Maximum 25 percent of lot
    - 3. Front yard – Maximum 25 percent of front yard
  - B. Lots with vehicular access from a rear or side alley, and no access from a public street
    - 1. Lot total – Maximum 40 percent
    - 2. All enclosed buildings – Maximum 25 percent of lot
    - 3. Front yard – Maximum 15 percent of front yard

1145.06 Planning Commission and Council review.

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

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

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

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

(a) Burden of Proof.

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

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

(b) General Decision Standards.

All planned developments shall satisfy these general decision standards:

(1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed

(2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.

(3) The uses and site plan will satisfy the general intent of this Zoning Code.

(4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.

(5) The size and shape of the site are sufficient for the proposed planned development.

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

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

(8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.

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

privately.

(10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.

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

(12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.

(13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(14) Proposed construction will not result in the complete elimination of existing mature tree canopy. Effort shall be made to direct disturbance and construction around or away from existing mature tree canopy without completely taking away use of the site or connectivity to existing infrastructure.

1145.07 Action by Planning Commission

(a) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.

(b) The Planning Commission shall base its recommendation and Council its decision upon how well the application satisfies the Decision Standards. Planning Commission, in its recommendation, and Council in its decision may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code. Dwelling unit density cannot be waived.

(c) Council may require the developer to file performance bonds with the City to guarantee completion of any public utilities associated with the planned development and any elements of the plan that are necessary to its success, if abandoned by the developer.

1145.12 Design.

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

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

(c) Land Use.

(1) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing residential zoning district:

A. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.

B. Institutional, public, and semi-public land uses that serve the planned development or the general public.

C. Commercial land uses, if the total land area of the planned development is greater than 10 acres and if the commercial land use is intended to serve the planned development only. Such commercial land uses shall be limited as follows:

1. No signs that are visible from outside of the development.
2. No direct vehicular access to a public thoroughfare.
3. No less than 95 percent of the total land area shall be devoted to residential land uses.
4. No separate structure intended to be used, in whole or part, for commercial land uses shall be constructed prior to the construction of not less than 50 percent of the dwelling units.

(2) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing commercial zoning district:

A. Any land use permitted in the underlying zoning district.

B. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.

(3) The following land uses are permitted only in the portions of a planned development that overlay an existing industrial zoning district:

A. Any land use permitted in the underlying zoning district.

(4) The land uses permitted in a planned development may be distributed as follows:

A. If a single planned development overlays more than one zoning district, then the land uses permitted according to this Section may be distributed throughout the entire planned development site.

B. If a planned development includes land uses permitted only in an industrial zoning district, then those land uses may only be located in that portion of the planned development that overlays the industrially zoned land.

(d) Residential Density.

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

(e) Dimensional Regulations.

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

(2) Front setbacks shall be limited as in the underlying zoning district.

(3) All buildings and vehicle management areas shall be setback from the perimeter of a planned development no less than:

A. Residential zoning district - 25 feet.

B. Commercial zoning district - 25 feet.

C. Industrial zoning district - 50 feet.

(f) Open Space.

(1) No planned development shall have less than 20 percent open space, which includes any area not less than 50 by 50 feet, not including the required setbacks, and includes nothing other than natural area.

(2) Lot coverage shall be regulated according to the underlying zoning district, except that lot coverage for the residential portion of any planned development shall not exceed 40 percent.

(g) Sensitive Development Area.

A. A Sensitive Development Area is defined as any land(s) or soil(s) proposed to be developed that, if subjected to improper use or management, is otherwise determined to be incapable or unsuitable of urban use. Sensitive Development Areas can also be considered those lands that pose special hazards to development

or the environment, consisting of lands or soils of such sensitive character that they may require special use, design and engineering restrictions.

B. For the Preliminary Planned Development, the applicant must create an inventory of sensitive environmental area identified in subsection (g)D.(1) to (8) from publicly available resources such as Butler County Soil and Conservation District, OKI, OEPA, ODNR, HAPC, FEMA, USFWS, OHPO and other public entities. This information shall be provided with the preliminary application. Design of the site shall be based on site information obtained from those public entities. An existing landscape plan shall be submitted with each application. The landscape plan shall identify existing trees, natural features and other landscaping elements.

C. After the approval of the Preliminary Planned Development, the applicant must develop a detailed site analysis of sensitive environmental areas on the site, conducted by firm(s) specialized in the areas, at a minimum: Ecological Survey, and Environmental Site Assessment. Other documentation may be required based on the site and the discretion of the Planning Commission, including, but not limited to: Stream and Wetland Mitigation, Water Way Permits, Archaeological Inventory, Historic Architecture Inventory. The applicant must also provide reports of the analyses following current professional norms for the discipline. It will be the Planning Commission's role to review information submitted by the applicant on each discipline to make the recommendations to City Council.

D. Design of the proposed Planned Development site shall be based on the site information obtained from those public entities. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features. The following specific areas shall be preserved as undeveloped open space, and in accordance with the U.S. and Ohio Constitutions and state or federal regulations:

(1) Unique and/or fragile areas, including wetlands, as may be defined in Section 404, Federal Clean Water Act, as amended; and in Ohio Environmental Protection Agency standards.

(2) Land in the floodway as identified and mapped using the Federal Emergency Management Agency's Flood Hazard Boundary Maps. Federal Emergency Management Agency in scientific and engineering reports entitled 'Flood Insurance Study for Butler County, Ohio and Incorporated Areas' effective 12/17/2010, with accompanying Flood Insurance Rate Maps for Butler County, Ohio and Incorporated Areas effective 12/17/2010 and any revisions thereto are hereby adopted by reference and declared to be part of this chapter.

a. 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands. Development of this area is regulated as follows:

1. Natural vegetation shall be maintained.

2. No structures shall be built or improvements made, except as follows:

(a). Walking paths, bicycling paths, and the like, including infrastructure necessary to facilitate their development are permitted anywhere within the buffer.

(b). Roads and associated infrastructure are permitted in the buffer to facilitate crossing such water elements.

(c) Any improvements approved in a final plan.

(d). Any public safety or public utility improvements not associated with the planned development, but deemed necessary by the Service Director, Police Chief or Fire Chief.

(3) Steep slopes fifteen (15%) percent or more, unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account.

(4) Habitats of endangered wildlife, as identified on federal and state lists.

(5) Historically and culturally significant structures and sites, as listed on, but not limited to, the National Register of Historical Places or on the local inventory of historic places maintained by the City of Oxford's Historic Architectural Preservation Commission.

(6) Aquifers and tributary drainage systems.

(7) Tree growth areas or urban forested areas as defined in Chapter 935, of the Codified Ordinances of Oxford.

(8) Any area as identified on Map 3.3 of the Comprehensive Plan.

E. The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce excavation and embankment; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties. The placement of buildings shall take into consideration topography, building height, orientation and drainage. Storm water Best Management Practices in Low Impact Development Designs are desirable and encouraged. City guidelines for these practices and designs can be found in the City of Oxford Storm Water Management Design Manual

F. If the Planning Commission, or its designated representative, may require the applicant to submit a statement in order to demonstrate that satisfactory efforts have been made to mitigate any special hazards posed to the site if these sensitive lands are subjected to improper use or management. The statement, if required, shall be submitted in one or more of the following forms:

(1) The statement shall describe in detail the extent of encroachment on any Sensitive Development Area, the extent and nature of the proposed alteration, the environmental impacts resulting from the proposed alteration, and the proposed methods of mitigation.

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

(h) Landscaping and Screening.

(1) A planned development shall satisfy all landscaping elements required by other sections of this Code.

(2) The required perimeter setback area shall be retained in natural woods or suitably landscaped with grass, ground cover, shrubs, trees, or earthen mound.

(3) A planned development that overlays a commercial or industrial zoning district that is adjacent to a residential zoning district shall be screened from the residential zoning district by a dense evergreen hedge a minimum of 8 feet tall and 10 feet wide at planting and that will maintain at least 90 percent opacity over time.

(i) Access and Mobility.

(1) At residential densities greater than would be permitted in the R-1A District, have direct and principal access from a collector or arterial road.

(2) Bicycle rack spaces shall be provided at all planned developments that overlay a commercial zoning district at a rate of 3 per acre.

(3) Adequate pedestrian connectivity shall be provided to and through a planned development.

(j) Utilities and Infrastructure.

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

(k) Plan-Specific.

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

APPENDIX B
RELEVANT PROVISIONS FROM THE SUBDIVISION REGULATIONS

Section 1101.4 of the Oxford Subdivision Regulations provides the design standards applicable to major subdivisions.

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.

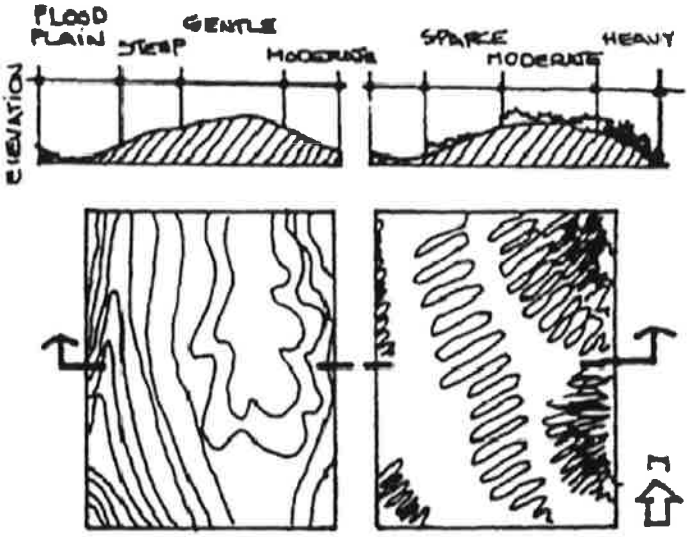
(8) Any area as identified on Map 3.3 of the Comprehensive Plan.

(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.

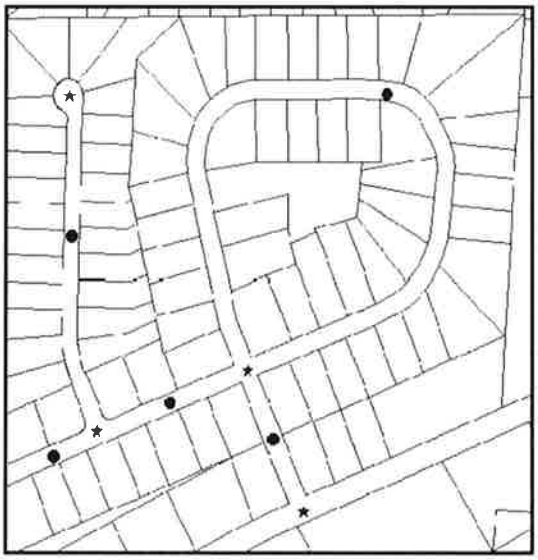
(D) Street Connectivity

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.

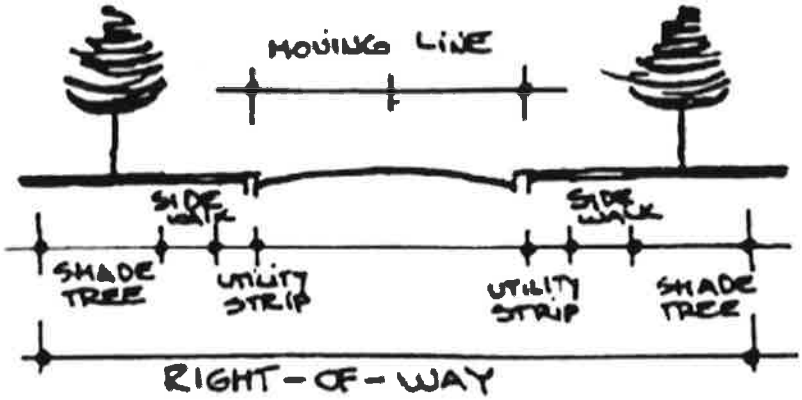
(3) Any proposed private street shall serve a minimum of six (6) lots in order to be platted and recorded as a private street.

(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.

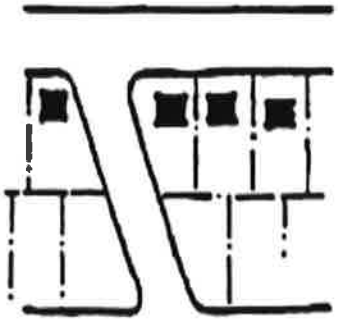
(B) Where blocks are over 600 feet in length, a public walkway which traverses the block may be required to be dedicated and installed by the subdivider.

(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.

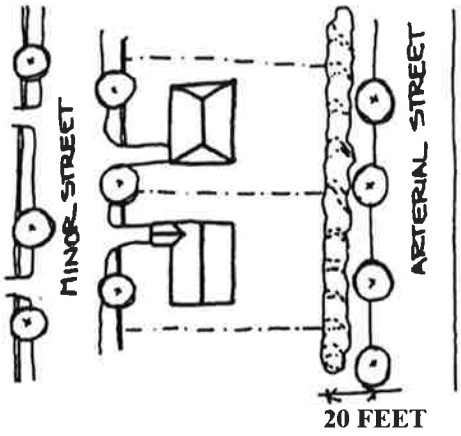
(D) No lot shall have an area or width less than that required by applicable sections of the Zoning Code except those pursuant to the Open Space Residential Development Regulations.

(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.

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

PC-2021-34
PC-2021-35

Surrounding Property Owners Notifications Map

Legend

- Subject Area
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- 16.5' Vacated ROW
- Building Footprint

N

1 inch = 300 feet

Prepared on Tuesday, November 02, 2021

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

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Memo

Service Department
Engineering Division
513/524-5208

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: Application #PPC-2021-35
4381 Oxford Reily Road Episcopal Retirement Services – Preliminary Planned Development

DATE: November 24, 2021

The Engineering Division offers the following comments:

- Further review of detailed construction plans may require additional information to verify proposed utilities will be designed to allow for utility service to future development adjacent to this project. Revisions to proposed water, storm sewer, and sanitary sewer utilities are potentially necessary.

- The traffic study recommends a westbound left turn lane on W. Chestnut St. at the Oxford-Reily Rd. intersection. Design and construction of this improvement will need to be approved by the City of Oxford Engineering Division.

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Internal Use Only:
Case No. _____
Date Filed _____

Preliminary Subdivision Application

Applicant Information

Attach a Letter of Agency if the Applicant is not the property owner.

Name * Episcopal Retirement Services

Mailing Address * 3870 Virginia Avenue

City, State & Zip Code * Cincinnati, Ohio 45227

Telephone Number(s) * 513-979-2240

Email Address

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address * 110 South College Avenue

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-336-6600

Email Address johnbayer@bayerbecker.com

Location and Lot Information

Location of Property *

Legal Description * Part of Lot 2102 as platted in the City of Oxford

Zoning District * R-1B Proposed Lots * 2 Total Area * 47.4 Acres

Requirements and Documentation

Plat

Twenty (20) copies of the plat on bond. Drawing size must be at least 17x22" and should never exceed 24x36." The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1137, Zoning Code of the City of Oxford[1]. Scale should not exceed 1" = 100.' Plats containing less than three lots are exempted from the provisions of this section. The preliminary plat shall show:

No.	Required Item Description
1	20 sets (17" x 22" minimum)
2	Electronic version of all documentation submitted (PDF preferred)
3	Digital copy in Auto CAD format submitted on a CD. Shall utilize the NAD-83 Ohio South State Plane Coordinate System for horizontal control and the NAVD-1988 for vertical control. All subdivision boundary corners shall also be tied to the NAD-83 Ohio South State Plane Coordinate System and labeled with a northing and easting, as well as centerline intersections, temporary turn-around center points and easement centerline that does not follow a lot line.
4	The name, mailing address, and telephone number of the applicant and owner.
5	Letter of Agency. (A statement from the owner that the applicant is entitled to apply on his or her behalf.)

No.	Required Item Description
6	Attach a written, detailed description of the request.
7	Metes and bounds description of the property (Legal Description).
8	Vicinity Map
9	The zoning district in which the site is located.
10	Required Fee.
11	Number of proposed lots.
12	Preliminary Plat shall show the following:
12	A. The location of present property and section lines, streets, buildings, lakes and watercourses.
12	B. Boundary lines, size and tract of whole site and each individual lot in square feet and/or acres.
12	C. Any existing water mains, culverts, sewer lines, railroads, easements, parks, permanent buildings, power poles, other underground structures and streets within the tract or immediately adjacent thereto, including the location, dimension and size of the nearest water main and sewer line.
12	D. The proposed location and width of streets, alleys, lots, parking areas, pedestrian walks, ingress/egress, setback lines and easements.
12	E. The title under which the proposed subdivision is to be recorded and the name of the subdivider and owner if other than the subdivider platting the tract.
12	F. The names and boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels including mailing addresses and parcel numbers within 200 feet of the site.
12	G. North point, scale and date.
12	H. Existing contours with intervals of five feet or less referred to U.S.G.S. datum and obtained from a field survey.
12	I. The seal, registry number and signature of the registered surveyor and professional engineer who prepared the plat.
12	J. The plan should evaluate existing watercourses, channels, storm sewers, culverts and proposed improvements pertaining to drainage and flood control in regard to their ability to handle the anticipated greater volume of run-off and peak flows.
12	K. Any existing building(s) to remain or to be razed.
12	L. Location of any wooded areas, topographic and natural features that are within and adjacent to the proposed project area to be preserved.
12	M. If and how the proposed subdivision will be subdivided in Phases.
12	N. Site Analysis as stipulated in Section 402(b).
12	O. Landscaping Plan
12	P. Building Concepts, as applicable.
12	R. Any other information that may be necessary as determined by Staff.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search[2] is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

Fees & Receipt

The required fee for preliminary plan is $570.00 plus $10.00 per lot, plus $10.00 postage charge.

Sign and Date

Applicant Signature *

Date * 11/1/2021

Submit Application, Plans and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required copies of the preliminary plans containing all required information as attachments and a check for the fee and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the proposed Planning Commis-sion meeting on which the action is requested. City Staff will place a public hearing sign on the subject property. **The Applicant is re-sponsible for removing the signage at the completion of the hearing(s)**.

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[1] City of Oxford Codified Ordinances: http://www.cityofoxford.org/fees-ordinances-and-charter/
[2] Butler County Auditor Real Estate Search: http://www.butlercountyauditor.org/

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Internal Use Only:
Case No. _____
Date Filed _____

Planned Development Application

Application Type

Choose One

(●) Preliminary ( ) Final ( ) Preliminary & Final

Applicant Information

Attach a Letter of Agency if the Applicant is not the property owner.

Name * Episcopal Retirement Services

Mailing Address * 3870 Virginia Avenue

City, State & Zip Code * Cincinnati, Ohio 45227

Telephone Number * 513-979-2240 Email Address _____

Owner Information

Name * The City of Oxford

Mailing Address * 15 South College Avenue

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 513-524-5200 Email Address zmoore@cityofoxford.org

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address * 110 South College Avenue

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 513-336-6600 Email Address johnbayer@bayerbecker.com

Location and Lot Information

Name of Subdivision * _____

Location of Property * west of Oxford Reilly Road, south of Brookville Road, northwest of Melissa Dr

Legal Description * Part of Lot 2102 as platted in the City of Oxford

Zoning District * R1-B Total Area * 7.0 Acres

Submission Requirements and Documentation

The application requirements (Section 1145.05[1]) for a preliminary and final planned development are different. The final planned development application requires a greater degree of accuracy and completeness than does the preliminary planned development application. This section describes the application content requirements for each step of the process.

Thirteen (13) complete sets of all information shall be submitted with each preliminary and final application. If any information is submitted in color or on non-standard paper, more copies may be required. The Zoning Administrator may modify this requirement based upon

the type of materials included. **The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement.**

(a) Preliminary Plan.

(1) Application fee.

(2) The name, mailing address, and telephone number of the applicant and all property owners.

(3) If the applicant is not the owner, or if there are multiple owners within the proposed area, a statement from all owners that the applicant is entitled to apply on their behalf, and that they agree to be legally bound to any decision reached according to this Chapter.

(4) The name, mailing address, and telephone number of any planner, engineer, surveyor, or other design professional who assisted with preparation of the plans.

(5) Description of use and site. A written, detailed description shall include the following information. A separate response is required for each subsection.

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

B. A description of the existing uses of the site.

C. The zoning districts in which the site is located.

D. A description of the proposed planned development.

1. The number of housing units by size and type proposed within each phase.
2. A description of any nonresidential operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.
3. The hours of operation of any nonresidential use.
4. A phased development schedule, if applicable, that indicates the location and timing of phases and demonstrates that each completed phase would form a reasonably independent unit if succeeding phases were abandoned.

E. A narrative statement that evaluates the compatibility of the proposed planned development with the general vicinity and adjacent properties.

1. How the proposed uses are similar to or different from existing area uses and if there will be any interaction between the proposed site and adjacent sites.
2. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.
3. If the proposed uses will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
4. How any potential negative effects on adjacent land will be mitigated.

F. A statement about why the location proposed is appropriate for the planned development.

G. A statement of the necessity or desirability of the proposed planned development to the neighborhood or community.

H. How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity, affordability and market changes (e.g. adaptability of flats versus townhomes)

I. Proposals for the provision of public utilities and services, if insufficient or not available for the planned development, or for the provision of suitable private utilities and services.

J. A general analysis of expected traffic impact, including vehicular and pedestrian safety, resulting from the proposed development.

K. The substance of proposed covenants, easements, and other restrictions on the land and structures.

L. A list of the names and mailing addresses of all landowners within 200 feet of the site.

M. Such other information regarding the proposed uses, site design, or surrounding area as may be pertinent to the application or required by Planning Commission or Council.

(6) 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.

A. North arrow.

B. Scale.

C. Vicinity map.

D. All existing and proposed lot lines within the site.

E. Dimensions of all lots and of the entire site and any adjacent rights-of-way.

F. The location and intended purpose of all open spaces

G. Approximate location, height, dimensions, and use of all proposed and existing structures.

H. Approximate location and number of different uses (i.e. dwelling types and/or commercial uses).

I. Approximate location and design of all proposed vehicle and pedestrian routes and nonresidential vehicle management areas.

J. Approximate location and size of all existing and proposed utilities that will serve the planned development.

K. Approximate location, size, and type of all proposed signs.

L. Approximate location, height, and type of all proposed screening and landscaping.

M. Distances to residential zoning districts if within 1,000 feet.
N. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
O. The location of any nearby schools and commercial facilities.
P. Other information as required by the Planning Commission or Council.

(7) Landscape plan.
A. The plan shall demonstrate compliance with the requirements of Chapter 1148.

(8) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.

(9) Other. Photographs of the existing site and its surroundings.

(10) Digital Submittal. Adobe PDF version of all information submitted to also be submitted on a current digital format.

(b) Final Plan.

(1) The same items and information as required for the preliminary plan, except that the approximations shall be refined to specific locations, dimensions, and descriptions.

(2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer

(3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.

(4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search[2] is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

Decision Process

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval. The review is based on the General Decision Standards found in Section 1145.06[1].

Fees & Receipt

The fees for a Preliminary, Final, or combined Preliminary and Final Planned Development application are $570.00 plus $100.00 per acre, plus $10.00 postage charge.

Sign and Date

Applicant Signature * _____

Date * 1/1/2021

Submit Application, Submission Requirements and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required plans containing all required information as attachments and a check for fees and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

Direct questions to the Community Development Dept. at 513-524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the proposed Planning Commission meeting on which the action is requested. City Staff will place a public hearing sign on the subject property. **The Applicant is responsible for removing the signage at the completion of the hearing(s).**

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[1] See City of Oxford Codified Ordinances: https://www.cityofoxford.org/fees-ordinances-and-charter

[2] Butler County Auditor Real Estate Search: https://www.butlercountyauditor.org/

October 21, 2021

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: Parcel H4100-119-000-029

Dear Mr. Moore,

Please be advised that Episcopal Retirement Services and Model Group have permission from the City of Oxford to submit applications for the approval of a Preliminary Planned Development and Preliminary Subdivision on Parcel H4100-119-000-029 located west of Oxford Reilly Road across from Melissa Drive in the City of Oxford, Ohio.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Douglas R. Elliott, Jr.

Mr. Douglas R. Elliott, Jr.
City Manager

bayer becker

bayerbecker.com
513.336.6600
mason | cincinnati | oxford | fort mitchell

November 1, 2021

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: Western Knolls Property
Oxford Reily Road
Episcopal Retirement Services
Preliminary Subdivision

Dear Mr. Moore:

Enclosed please find the following items in support of Episcopal Retirement Services's (ERS) Application for Preliminary Subdivision approval for the above noted project located on Oxford Reily Road north and west of Melissa Drive:

1) Executed Preliminary Subdivision Application.
2) An affidavit from the City of Oxford granting Episcopal Retirement Services permission to submit an application for approval of a Preliminary Planned Development and Preliminary Subdivision.
3) List of property owners within 200 feet of the site.
4) Preliminary Plat.
5) Preliminary Building Elevations.
6) Planting Plan.
7) Legal Description of the entire parcel to be subdivided.

It is understood the invoice for application fee will be provided by City staff upon receipt of this application. An application for Preliminary Planned Development has been submitted for this project under a separate cover letter. Please place each of these items on the December 14th Planning Commission agenda. Should you have any questions, or need any additional information, please do not hesitate to contact us.

Sincerely,

John Bayer

John A. Bayer, PE

Enclosures

Cc: Greg Hackett, ATA Beilharz Architects LLC
Janet Westrich, Episcopal Retirement Services
David Thompson, Model Group

bayer becker

bayerbecker.com
513.336.6600
mason | cincinnati | oxford | fort mitchell

November 1, 2021

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: Western Knolls Property
Oxford Reily Road
Episcopal Retirement Services
Preliminary PUD Submittal

Dear Mr. Moore:

Enclosed please find the following items in support of Episcopal Retirement Services's (ERS) Application for Preliminary Planned Development approval for the above noted project located on Oxford Reily Road north and west of Melissa Drive:

1) It is understood the invoice for application fee will be provided by City staff upon receipt of this application

2) Digital copies of each of the following:

   a. Executed Planned Development Application.

   b. An affidavit from the City of Oxford granting Episcopal Retirement Services permission to submit an application for approval of a Preliminary Planned Development and Preliminary Subdivision.

   c. List of property owners within 200 feet of the site.

   d. Preliminary Planned Development Plan.

   e. Preliminary Building Elevations.

   f. Planting Plan.

   g. Photos of the subject site and surrounding area.

   h. Legal Description of the site.

   i. Traffic Evaluation

   j. Oxford Firetruck Vehicle Turning Exhibit

3) Applicant:

   Episcopal Retirement Services

   3870 Virginia Avenue

   Cincinnati, Ohio 45227

   513-979-2240

Owner:

The City of Oxford

15 South College Avenue

Oxford, Ohio 45056

513-524-5200

4) Design Professionals:

Engineer, Surveyor and Landscape Architect:

Bayer Becker

110 S. College Ave., Suite 101

Oxford, OH 45056

513-336-6600

Architect

ATA Beilharz Architects LLC

1063 Central Avenue

Cincinnati, Ohio 45202

513-241-4422

5) Description of use and site:

a. A legal description of the subject property is – part of lot 2102 as platted in the City of Oxford.

b. The site is currently undeveloped.

c. The site is currently zoned R1-B.

d. A description of the proposed development

i. The number of housing units by size and type proposed within each phase.

Western Knolls is a senior housing residential development consisting of 42 apartment units located on approximately 7 acres. The units will be comprised of 32 one-bedroom units and 10 two-bedroom units. These units will be designed, built, and operated as affordable rental housing for Oxford area seniors. All units will be one-story residential structures constructed as multi-unit buildings space throughout the development. Included with these units will be a community space which will provide services specifically tailored to the community residences.

ii. A description of any nonresidential operations, including types of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.

Not applicable.

iii. The hours of operation of any nonresidential use.

Not applicable.

iv. A phased development schedule, if applicable, that indicates the location and timing of phases and demonstrates the each completed phase would form a reasonably independent unit if succeeding phases were abandoned.

Not applicable, this development is intended to develop as one single phase.

e. A narrative statement that evaluates the compatibility of the proposed planned development with the general vicinity and adjacent properties.

i. How the proposed uses are similar to or different from existing area uses and if there will be any interaction between the proposed site and adjacent sites.

The proposed multi-family use is similar to much of the surrounding developed areas. The Cedar Creek condominiums located north of the site and Chestnut Hill condominiums located northeast of the site are similar in density and use to the proposed development. The remaining developed areas in the vicinity of the proposed development consist primarily of single family residential.

As part of the project, Melissa Drive (public) shall be extended across the site's northern boundary to provide dual accesses to the site and form a connection to Dana Drive to the west as shown by the 2020 Oxford Transportation Plan. In conjunction with this application, the applicant has requested funding from the City of Oxford for construction of the Melissa Drive extension and any other required infrastructure that would benefit more than this project. The sites internal sidewalks will connect to the sidewalk along the south side of Melissa Drive. A segment of the Oxford Area Trails System (OATS) is currently planned along Oxford Reily Road (S.R. 732) to be constructed by the City of Oxford. The sidewalks along the Melissa Drive are to connect to the OATS.

The site currently contains dense vegetation. In order to align with the City of Oxford Tree Preservation requirements, the site has been designed to condense development areas to the smallest footprint practical within the site. Additionally, due to the flat site topography and condensed site plan layout, tree clearing beyond the limits of exempted areas (within private accessways, within 5 feet of walkways and parking areas, stormwater retention and utility areas) is expected to be minor. The southern and western parts of the site are to remain unimpacted by the development and left in the natural state. Landscaping plantings have been provided throughout the site in accordance with the City of Oxford Tree Planting Requirements.

ii. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.

No structures currently exist on the site. With a combination of brick veneer and vinyl siding, the proposed structures are to be similar in exterior finishes and building materials to the nearby multi-family structures located in Cedar Creek condominiums and Chestnut Hill condominiums and similar in appearance to the surrounding single-family residences. All proposed structures are to be one-story.

iii. If the proposed uses will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibrations or emissions.

Not applicable.

iv. How any potential negative affects on adjacent land will be mitigated.

Western Knolls will have minimal impact on adjacent land. The site has been designed to provide natural open space to the west and south of proposed structures to provide a buffer to nearby residences. Landscape buffering has

also been provided along the project's eastern boundary, adjacent to expected future development. Street tree buffering has been provided along Melissa Drive to buffer future developments on the north side of Melissas Drive. Lastly, the site has been designed with interior circulation to mitigate possible negative impacts to adjacent land uses.

f. A statement about why the location proposed is appropriate for the planned development.

The Request for Proposal developed by the City of Oxford for sale of the Western Knolls property specifically noted the economic objective of "provide housing for people that cannot afford to live in Oxford currently". This developed has been designed to fill this need. Additionally, as noted above, the proposed structures are similar in character to surrounding residences.

g. A statement of the necessity or desirability of the proposed planned development to the neighborhood or community.

The Housing Needs Assessment published by the Oxford Housing Advisory Committee in early 2021 details housing demand projections through 2025. Those projections state that "overall, there is a housing need for over 500 additional rental units in the city over the next five years. More than 60% of this need is for households earning at or below $43,000... it appears that approximately one-quarter to one-third of the demand for new rental housing could be specifically targeted to meet the needs of area seniors". These needs are echoed by the mission of the Oxford Housing Advisory Committee which details affordable housing and senior housing as two keypoints in its mission. This development is aligned to both of these specific needs by providing attainable housing that is specifically designed for area seniors.

h. How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity, affordability and market changes.

The goal of this development is for ERS to provide affordable senior living with services not often found in communities for seniors with limited incomes. As noted above, this development aligns with and advances many goals stated by the Oxford Housing Advisory Committee.

i. Proposals for the provision of public utilities and services, if insufficient or not available for the planned development, or for the provision of suitable private utilities and services.

Public water and sanitary sewer are available to the property and will be extended into the property as needed to provide service. Stormwater detention is to be provided in a proposed stormwater basin on the south side of the development.

j. A general analysis of expected traffic impact, including vehicular and pedestrian safety resulting from the proposed development.

A Traffic Analysis has been prepared for this project based upon requirements provided by the Oxford City Engineer. A copy of the analysis has been included with this application.

k. The substance of proposed covenants, easements and other restrictions on the land and structures.

Easements are to be provided as needed for public utilities servicing the development. As the development is to remain privately owned, there is not a need for covenants and restrictions as typically required for a subdivision development.

In addition to the request for approval of the Preliminary Development Plan, Episcopal Retirement Services requests that the following waiver be granted:

1) Per Section 1149.03 (i) Multi-Family in District other than R-3 District requires 2.5 parking spaces per dwelling unit. The applicant requests a waiver from this requirement to allow 1.2 parking spaces per unit. With the experience of 27 affordable senior living communities in the region, this parking ratio is provided at other communities ERS operates and is sufficient for the households they serve. ERS completed parking counts on several of their communities in the region and found that typical utilization is less than one parking space per unit. Data from these parking counts is provided below for reference:

Community	Parking Spaces Provided	Units	Parking Spaces per Unit	Typical Parking Utilization
Knowlton Place	39	56	0.7	90%
Marlowe Court	50	53	0.9	60%
St. Paul Village	118	168	0.7	58%
Madison Villa	82	95	0.9	61%

An application for Preliminary Subdivision has been submitted for this project under a separate cover letter. Please place each of these items on the December 14th Planning Commission Meeting agenda. Should you have any questions, or need any additional information, please do not hesitate to contact us.

Sincerely,

John Bayer

John A. Bayer, PE

Enclosures

Cc: Greg Hackett, ATA Beilharz Architects LLC
Janet Westrich, Episcopal Retirement Services
David Thompson, Model Group

Date: November 24, 2021

Description: Part of Lot #2102
7.0003 Acres
City of Oxford

Location: City of Oxford
Butler, Ohio

Situated in the State of Ohio, Congress Lands West of the Miami River, Section 28, Town 5, Range 1, City of Oxford, Butler County and being 7.0003 Acres of land in part of Lot #2102 of the designated list of lots of said City of Oxford and being in part of the lands of the City of Oxford as recorded in Official Record 8067, Page 2189 of the Butler County, Ohio Recorder's Office and being further described as follows:

Beginning at the northeast corner of Lot #3155 of Western Knolls Subdivision, Section 7 as recorded in Plat Envelope 2942, Pages A-B of the Butler County, Ohio Recorder's Office and being the **True Point of Beginning**:

thence, leaving the northeast corner of said Lot #3155 and with the northerly boundary of said Western Knolls Subdivision, Section 7, North 50° 34' 50" West, 135.00 feet;

thence, leaving the northerly boundary of said Western Knolls Subdivision, Section 7 and with a new division line through said Part of Lot #2102 for the following twelve courses:

1) North 39° 25' 07" East, 15.95 feet;
2) with a curve to the right, having a central angle of 37° 59' 47", a radius of 370.00 feet, an arc length of 245.37 feet, and a chord bearing and distance of North 58° 25' 00" East, 240.90 feet;
3) North 77° 24' 53" East, 265.10 feet;
4) with a curve to the right, having a central angle of 14° 02' 19", a radius of 420.00 feet, an arc length of 102.91 feet, and a chord bearing and distance of North 84° 26' 03" East, 102.65 feet;
5) with a curve to the right, having a central angle of 03° 22' 18", a radius of 1470.00 feet, an arc length of 86.50 feet, and a chord bearing and distance of South 86° 51' 39" East, 86.49 feet;
6) with a curve to the right, having a central angle of 14° 06' 32", a radius of 820.00 feet, an arc length of 201.92 feet, and a chord bearing and distance of South 78° 07' 14" East, 201.41 feet;
7) with a curve to the right, having a central angle of 00° 25' 01", a radius of 980.00 feet, an arc length of 7.13 feet, and a chord bearing and distance of South 71° 16' 28" East, 7.13 feet;
8) with a curve to the right, having a central angle of 87° 14' 36", a radius of 18.00 feet, an arc length of 27.41 feet, and a chord bearing and distance of South 27° 51' 41" East, 24.84 feet;
9) South 15° 45' 37" West, 45.01 feet;
10) with a curve to the left, having a central angle of 13° 13' 26", a radius of 430.00 feet, an arc length of 99.24 feet, and a chord bearing and distance of South 09° 08' 54" West, 99.02 feet;
11) South 02° 32' 11" West, 226.20 feet;

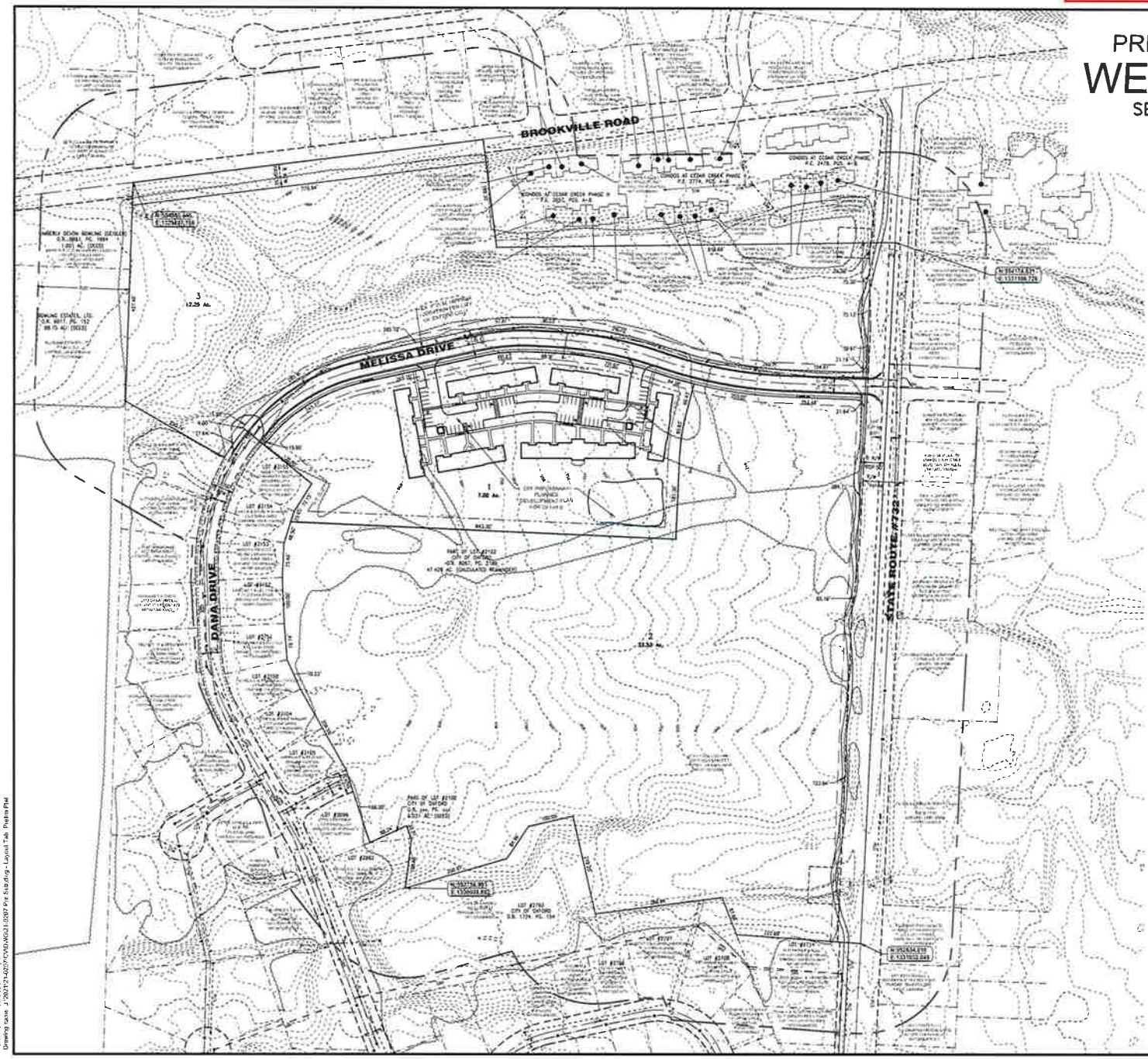
12) North 87° 27' 49" West, 790.65 feet to the easterly boundary of said Western Knolls Subdivision, Section 7;

thence, leaving said new division line and with the easterly boundary of said Western Knolls Subdivision, Section 7 for the following two courses:

1) North 17° 36' 09" East, 51.935 feet;

2) North 32° 08' 48" East, 72.15 feet to the **True Point of Beginning,** containing 304,934 square feet or 7.0003 Acres of land, more or less.

ORIGINAL PLAN received 11/1/2021



PRELIMINARY SUBDIVISION
WESTERN KNOLLS
SECTION 28, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

OWNER
THE CITY OF OXFORD
15 SOUTH COLLEGE AVENUE
OXFORD, OHIO 45056
513-524-5290

APPLICANT
EPISCOPAL RETIREMENT SERVICES
3870 VIRGINIA AVENUE
CINCINNATI, OHIO 45227
513-975-2219

ARCHITECT
KEA BERNHARD ARCHITECTS LLC
1063 CENTRAL AVENUE
CINCINNATI, OHIO 45202
513-241-5465

SURVEYOR, ENGINEER & LANDSCAPE ARCHITECT
BAYER BECKER
110 SOUTH COLLEGE AVENUE SUITE 101
OXFORD, OHIO 45056
513-523-4270

PARCEL AREA SUMMARY:

TOTAL SITE AREA	47.43	ACRES
BROOKVILLE ROAD RIGHT-OF-WAY (OXFORD REILLY ROAD NO. 732)	0.62	ACRES
MELISSA DRIVE RIGHT-OF-WAY	1.62	ACRES
RIGHT-OF-WAY DEDICATION	1.94	ACRES
NO. OF PROPOSED LOTS	3	
PLANNED DEVELOPMENT AREA	7.00	ACRES
PARCEL REMAINDER AREA	35.75	ACRES

SITE ANALYIS:

- EXISTING ZONING RULE
- THE SITE DOES NOT CONTAIN ANY EXISTING STRUCTURES. ALL PROPOSED STRUCTURES ARE TO BE CONSIDERED.
- THE SITE DOES NOT CONTAIN MAPPED FLOODPLAIN AND IS DENOTED AS ZONE X PER FEMA COMMUNITY PANELS 39017C0136E.
- PER THE NRCS WEB SOIL SURVEY, MUCH OF THE SITE CONTAINS SOILS DENOTED AS PRIME FARMLAND. HOWEVER, THE PROPOSED MULTI FAMILY USE WILL BE COMPARABLE TO THE ADJACENT USES.
- THE PROJECT SITE IS NOT LOCATED WITHIN AREAS NOTED BY THE CITY OF OXFORD HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION.
- THE SITE IS NOT LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.
- THE OKI ENVIRONMENTAL RESOURCES AND GREENSPACE FEATURES MAPPING DOES NOT LIST ANY WETLANDS WITHIN THE SITE. TREE CANOPY COVER IS LISTED THROUGHOUT MUCH OF THE SITE.
- THE SITE DOES NOT CONTAIN ANY SIZEABLE AREAS OF SLOPES GREATER THAN 15%.
- PROPERTY CORNER COORDINATES PROVIDED FOR REFERENCE AND PLAN REVIEW PURPOSES ONLY.
- EXISTING UTILITY INFORMATION SHOWN AS PER GIS INFORMATION PROVIDED BY THE CITY OF OXFORD.
- 1-FOOT INTERVAL CONTOURS PROVIDED BY BUTLER COUNTY GIS, DATED 2017, AND BASED ON NAD83 (HARN) GEOGRAPHIC COORDINATE SYSTEM.

VICINITY MAP
NO SCALE

Bearing Base Plane NAD83 (2011)
SCALE: 1" = 100'

STATE OF OHIO
JOHNA BAYER
11/1/2021

Revision Description	Date

EPISCOPAL RETIREMENT SERVICES
WESTERN KNOLLS
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 28, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

bayer becker
www.bayerbecker.com
8001 Tylersville Road, Suite 3

Drawing: 21-0097.dwg
Drawn by:
Checked by:
Initial Date: 10
Scale: 1 of

Plot time: Nov 01, 2021 - 1:44pm
Drawing name: J:\2021\21-0097\CVD\XG\21-0097 Pre Sub Dwg - Layout Tab Prelim Plat

LATEST PLAN received 11/29/2021

PRELIMINARY SUBDIVISION
WESTERN KNOLLS

SECTION 28, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

OWNER

THE CITY OF OXFORD
15 SOUTH COLLEGE AVENUE
OXFORD, OHIO 45056
513-524-5300

APPLICANT

EPISCOPAL RETIREMENT SERVICES
3870 VIRGINIA AVENUE
CINCINNATI, OHIO 45227
513-272-2280

ARCHITECT

ATA BILLIARZ ARCHITECTS LLC
1043 CENTRAL AVENUE
CINCINNATI, OHIO 45202
513-241-6227

SURVEYOR, ENGINEER & LANDSCAPE ARCHITECT

BAYER BECKER
110 SOUTH COLLEGE AVENUE SUITE 101
OXFORD, OHIO 45056
513-523-4270

PARCEL AREA SUMMARY:

TOTAL SITE AREA	47.42	ACRES
BROOKVILLE ROAD RIGHT-OF-WAY	0.02	ACRES
OXFORD-BELLBY ROAD (CH 732) RIGHT-OF-WAY	1.02	ACRES
MELISSA DRIVE & DANA DRIVE RIGHT-OF-WAY DEDICATION	1.14	ACRES
NO. OF PROPOSED LOTS	3	
PLANNED DEVELOPMENT AREA	7.59	ACRES
PARCEL REMAINDER AREA	45.75	ACRES

SITE ANALYIS:

- EXISTING ZONING R-1B
- THE SITE DOES NOT CONTAIN ANY EXISTING STRUCTURES ALL PROPOSED STRUCTURES ARE TO BE ONE-STORY.
- THE SITE DOES NOT CONTAIN MAPPED FLOODPLAIN AND IS DENOTED AS ZONE X PER FEMA COMMUNITY PANELS 3017170139F.
- PER THE NRCS WEB SOIL SURVEY, MUCH OF THE SITE CONTAINS SOILS DENOTED AS PRIME FARMLAND. HOWEVER, THE PROPOSED MULTI FAMILY USE WILL BE COMPARABLE TO THE ADJACENT USES.
- THE PROJECT SITE IS NOT LOCATED WITHIN AREAS NOTED BY THE CITY OF OXFORD HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION.
- THE SITE IS NOT LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.
- THE OKI ENVIRONMENTAL RESOURCES AND GREENSPACE FEATURES MAPPING DOES NOT LIST ANY WETLANDS WITHIN THE SITE. TREE CANOPY COVER IS LISTED THROUGHOUT MUCH OF THE SITE.
- THE SITE DOES NOT CONTAIN ANY SIZEABLE AREAS OF SLOPES GREATER THAN 15%.
- PROPERTY CORNER COORDINATES PROVIDED FOR REFERENCE AND PLAN REVIEW PURPOSES ONLY.
- EXISTING UTILITY INFORMATION SHOWN AS PER GIS INFORMATION PROVIDED BY THE CITY OF OXFORD.
- 1-FOOT INTERVAL CONTOURS PROVIDED BY BUTLER COUNTY GIS, DATED 2017, AND BASED ON NAD83 (HARN) GEOGRAPHIC COORDINATE SYSTEM.

VICINITY MAP
NO SCALE

EPISCOPAL RETIREMENT SERVICES
WESTERN KNOLLS
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 28, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

bayer becker

1 of

Plot time: Nov 29, 2021 - 1:27pm
Drawing name: J:\2021\21-0207\DWG\21-0207 Pre Sub Engr - Layout Tab: Preliminary Plat

PRELIMINARY PLANNED DEVELOPMENT

WESTERN KNOLLS

SECTION 28, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

VICINITY MAP
NO SCALE

OWNER
THE CITY OF OXFORD
15 SOUTH COLLEGE AVENUE
OXFORD, OHIO 45056
513-524-2060

APPLICANT
EPISCOPAL RETIREMENT SERVICES
3679 VIRGINIA AVENUE
CINCINNATI, OHIO 45227
513-271-2245

ARCHITECT
ATA BELLMAN ARCHITECTS LLC
1900 CENTRAL AVENUE
CINCINNATI, OHIO 45202
513-621-1414

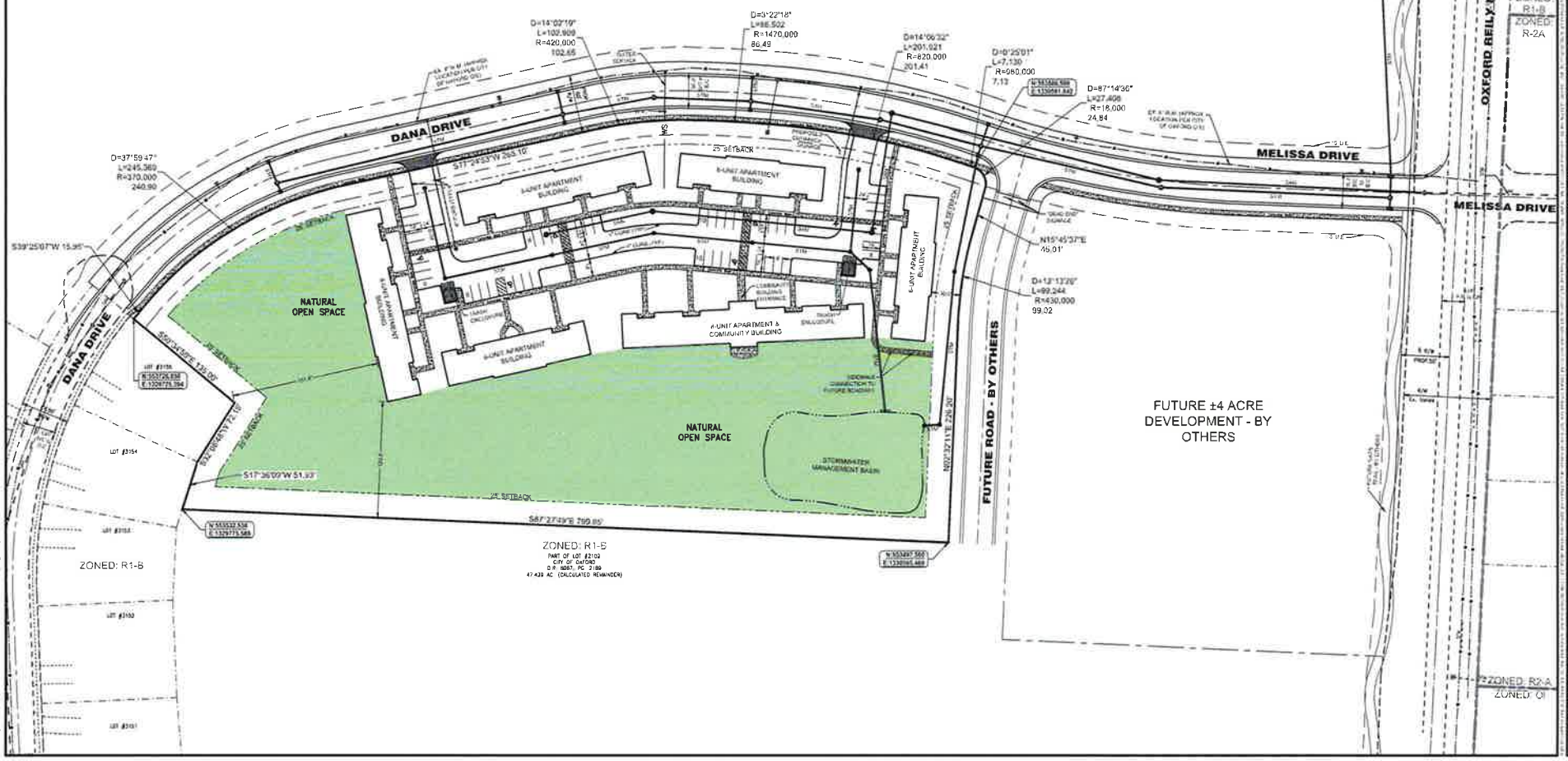
SURVEYOR, ENGINEER & LANDSCAPE ARCHITECT
BAYER BECKER
110 SOUTH COLLEGE AVENUE, SUITE 101
OXFORD, OHIO 45056
513-524-4070

PROJECT SUMMARY:
EXISTING ZONING: R-1B
PROPOSED ZONING: R-1B RESIDENTIAL
PLANNED UNIT DEVELOPMENT

PLANNED DEVELOPMENT AREA	7.10	ACRES
OPEN SPACE	1.95	ACRES (47%)
UNIT COVERAGE	1.69	ACRES (24%)
PARKING SPACES PROVIDED	53	
ACCESSIBLE SPACES REQUIRED	3	
ACCESSIBLE SPACES PROVIDED	6	

OPEN SPACE

NOTES:
1. FIBER TO BE PROVIDED BY DUKE ENERGY.
2. GAS TO BE PROVIDED BY DUKE ENERGY.
3. SANITARY SEWER, STORM SEWER AND WATER MAIN SHALL BE CONNECTED TO EXISTING CITY OF OXFORD SYSTEMS AND CONSTRUCTED PER CITY OF OXFORD STANDARDS AND SPECIFICATIONS.
4. 1 FOOT INTERVAL CONTOURS PROVIDED BY BUTLER COUNTY GIS, DATED 2017, AND BASED ON NAD83 (HARN) GEOGRAPHIC COORDINATE SYSTEM.
5. STREET LIGHTING TO BE PROVIDED ALONG MELISSA DRIVE.
6. MAIL SERVICE TO BE DELIVERED TO AND DISTRIBUTED FROM THE COMMUNITY BUILDING. SEE PLAN FOR LOCATION.
7. ALL DIMENSIONS ARE TO EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
8. ALL PROPOSED STRUCTURES ARE TO BE ONE-STORY.
9. PROPERTY CORNER COORDINATES PROVIDED FOR REFERENCE AND PLAN REVIEW PURPOSES ONLY.



EPISCOPAL RETIREMENT SERVICES
WESTERN KNOLLS
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 28, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

bayer becker

PLANT SCHEDULE

DECIDUOUS TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
ACE MON	9	Acer saccharum 'Green Mountain' TM	Green Mountain Sugar Maple	B & B	2.0" Cal
GIN AUT	16	Ginkgo biloba 'Autumn Gold' TM	Autumn Gold Maidenhair Tree	B & B	2.0" Cal
LIQ SHO	4	Liquidambar styraciflua 'Slobodnick' TM	Slobodnick Locust	B & B	2.0" Cal
PLA BLO	11	Platanus x acerifolia 'Bloodgood'	Bloodgood London Plane Tree	B & B	2.0" Cal
TIL STE	13	Tilia tomentosa 'Sterling'	Sterling Silver Linden	B & B	2.0" Cal
ULM PRI	10	Ulmus americana 'Princeton'	Princeton American Elm	B & B	2.0" Cal

EVERGREEN TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
PIN NIG	5	Pinus nigra	Austrian Black Pine	B & B	6' Ht.
PIN PAS	5	Pinus strobus 'Pendula'	Pyramidal White Pine	B & B	6' Ht.
THU PFB	22	Thuja occidentalis 'Pyramidalis' TM	Pyramidal Upright Western Red Cedar	B & B	5' Ht.
THU GIA	15	Thuja plicata 'Green Giant'	Green Giant Western Red Cedar	B & B	6' Ht.

ORNAMENTAL TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
CER CHE	7	Cornus florida 'Cherokee Brave'	Cherokee Brave Dogwood	B & B	1.5" Cal

DECIDUOUS SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
HYD ROH	6	Hydrangea quercifolia 'Ruby Slippers'	Ruby Slippers Hydrangea	3 gal	24" Ht.
ILEX VER	5	Ilex verticillata 'Jim Dandy'	Jim Dandy Winterberry	B & B	30" Ht.
ILE RED	6	Ilex verticillata 'Red Sprite'	Red Sprite Winterberry	3 gal	24" Ht.
PHY OPU	16	Physocarpus opulifolius 'Diablo'	Diablo Ninebark	3 gal	24" Ht.
RHO ELI	16	Rhododendron spp. 'Elite' PJM	Azalea	B & B	30" Ht.

EVERGREEN SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
CHA GTS	10	Chamaecyparis pisifera 'Golden Mop'	Golden Mop Threadbeal False Cypress	B & B	24" Ht.
JUN FOR	23	Juniperus chinensis 'Sea Green'	Sea Green Juniper	B & B	30" Ht.
TAX DEN	37	Taxus x media 'Densiformis'	Dense Yew	B & B	30" Ht.

OXFORD ZONING NOTES:

SECTION 1146.03 STREET TREE REQUIREMENTS:

TREES SHALL BE PLANTED IN THE TREE LAWN OR OTHER APPROPRIATE AREAS IN THE STREET RIGHTS-OF-WAY AS REQUIRED IN CHAPTER 935.

CHAPTER 935.04 SPACING

- MIN SPACING: SMALL TREES, 30FT, MEDIUM TREES, 40FT, LARGE TREES, 50FT
- ALL NEWLY PLANTED STREET TREES SHALL BE PLANTED EQUAL DISTANCE BETWEEN THE SIDEWALK AND THE CURB OR THE PROPERTY LINE AND THE CURB

(18) LARGE STREET TREES ADDED ALONG MELISSA DRIVE

SECTION 1149 PARKING & SITE ACCESS:

(a) PARKING LOT DESIGN

(8) NO PARKING SPACE ORIENTED TO HAVE HEADLIGHTS SHINE INTO A RESIDENTIAL STRUCTURE SHALL HAVE A FENCE, WALL, OR SOLID HEDGE OF NO LESS THAN 4 IN HEIGHT.

6' SHRUB SCREEN ADDED BETWEEN RESIDENTIAL UNITS & PARKING LOT

(b) LANDSCAPING

- TREES: ALL PARKING AREAS SHALL HAVE (1) TREE EVERY 5 PARKING SPACES LANDSCAPED

53 PARKING SPACES / 5 = 11 PARKING LOT TREES REQ. & PROVIDED

- LANDSCAPED AREAS: ALL AREAS THAT ARE NOT PAVED SHALL BE LANDSCAPED W/ SHRUBS, VINES, GROUND COVER, OR LAWN (SHRUBS SHALL NOT EXCEED 3' ADJACENT TO PARKING)

SECTION 1145.12 PLANNED DEVELOPMENT DESIGN

H. LANDSCAPING & SCREENING

(2) THE REQUIRED PERIMETER SETBACK AREA SHALL BE RETAINED IN NATURAL WOODS OR SUITABLY LANDSCAPED WITH GRASS, GROUND COVER, SHRUBS, TREES, OR EARTHEN MOUNDS.

- NORTH: STREET TREES + FRONT YARD LANDSCAPING
- EAST: LANDSCAPE BUFFER ADDED
- SOUTH: EXISTING NATURAL WOODS RETAINED
- WEST: EXISTING NATURAL WOODS RETAINED

SECTION 1149.04 TREE PLANTING REQUIREMENTS:

C. RESIDENTIAL MULTI-FAMILY STANDARDS

- (1) OVERALL SITE TREES: (1) TREE FOR EVERY (10) LF OF LOT FRONTAGE ON PUBLIC STREET R.O.W.

1800LF (MELISSA DR.) / 10 = 180 SITE TREES REQ. & PROVIDED

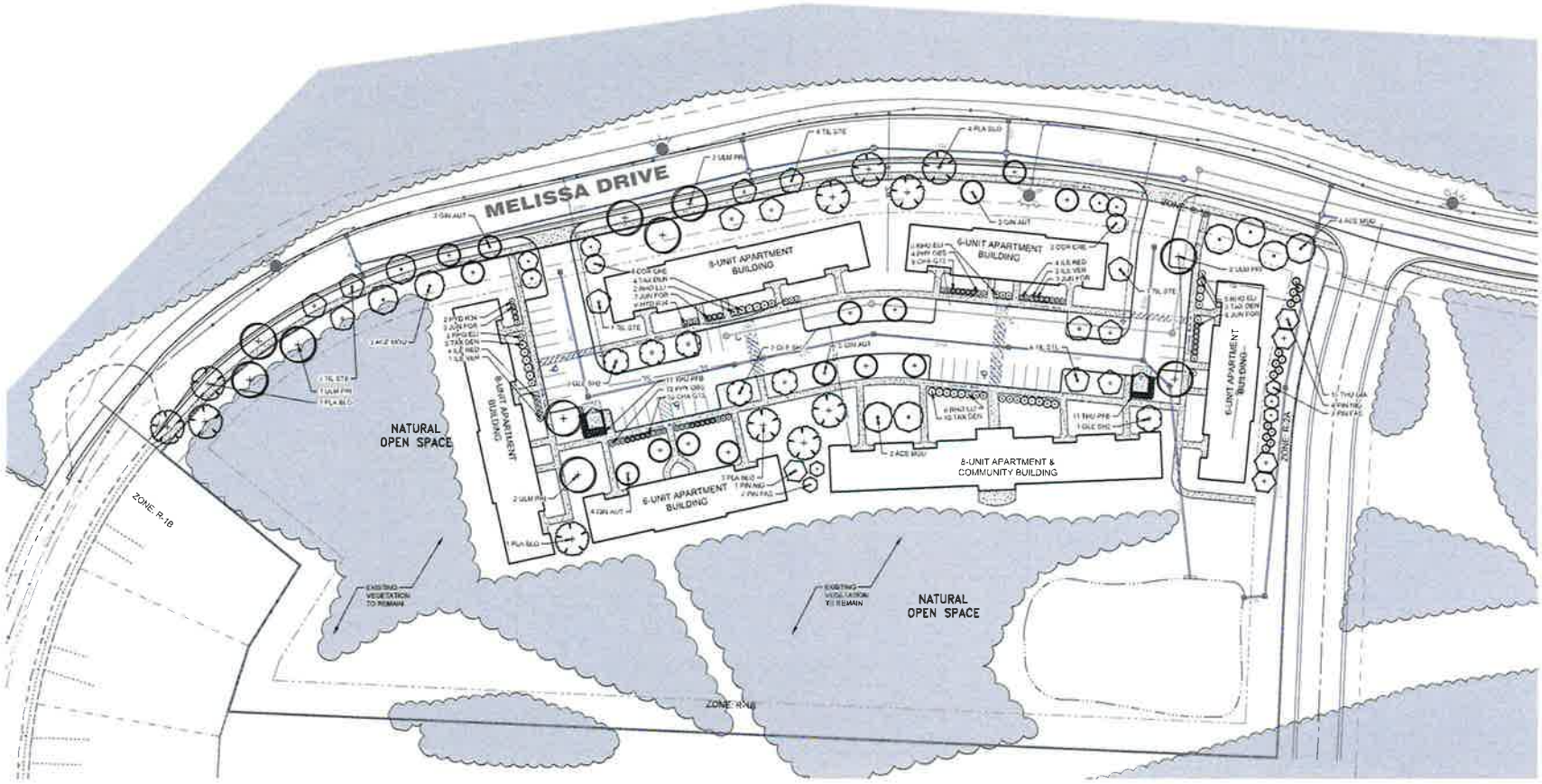
- (2) FRONT YARD TREES: (1) TREE EVERY (20) LF OF LOT FRONTAGE ON A PUBLIC STREET R.O.W. REQUIRED IN FRONT YARD AREA (STREET COUNT TOWARDS OVERALL SITE TREES)

1800LF/20 = 40 FRONT YARD TREES REQ. & PROVIDED ALONG MELISSA DRIVE.

- (3) PARKING AREA TREES: SECTION 1149.03(b)(8) HAS PARKING LOT REQUIREMENTS (TREES COUNT TOWARDS OVERALL SITE TREES, BUT NOT FRONT YARD TREES.

SEE SECTION 1149(b) FOR PARKING AREA TREE REQ.

EACH EXISTING TREE MEETING THE STANDARDS FOR MINIMUM CALIPER AND PLACEMENT THAT IS PRESERVED MAY BE COUNTED AS ONE (1) REQUIRED TREE, AND EACH EXISTING TREE THAT IS TEN (10) INCHES OR GREATER IN DIAMETER MAY BE COUNTED AS TWO (2) REQUIRED TREES.



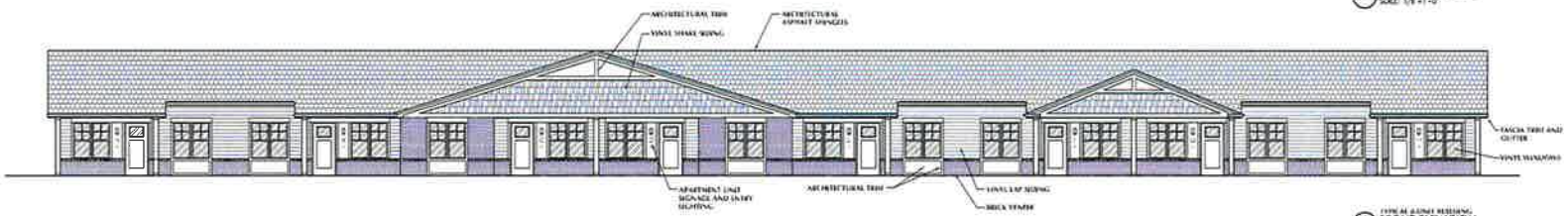
No.	Description	Date
1	REVISED PER TAFF REVIEW	12.16.21

EPISCOPAL RETIREMENT SERVICES
WESTERN KNOLLS
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 28, TOWN 3, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

bayer becker
10014 CINCINNATI-DAYTON ROAD
COLERAIN TOWNSHIP, OHIO 45251
(513) 385-9001 FAX (513) 385-9006
www.bayerbecker.com

Drawn by: JS
Checked by:
Date: 11.5.21
Project: 11-0

L1.0



ATA BEILHART ARCHITECTS

ERS

modelgroup

WESTERN KNOLLS

PROPOSED SENIOR APARTMENTS FOR ERS
OXFORD-REILY ROAD
OXFORD, OHIO

CERTIFICATE

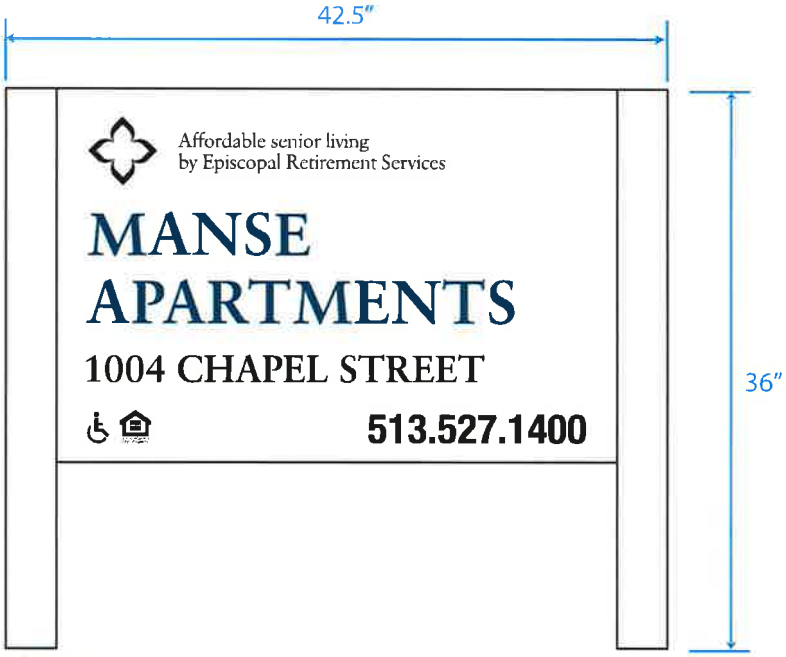
ISSUE DATE

1 [illegible]
[illegible]
2 [illegible]
[illegible]

PROJECT NO 2007
DRAWN CHECKED

PROPOSED EXTERIOR ELEVATIONS

Front View



Back View

asi
394 Wards Corner Road
Suite 100
Cincinnati, OH 45140
www.asisignage.com

This drawing is property of ASI. All Rights for its use and reproduction are reserved by ASI.

Project: ERS Manse Apartments

Address: 1004 Chapel Street

City, State: Cincinnati, OH 45206

Sales: Kim Moscarino

Project Manager: Heather Knox

Client Contact: Doug Feldkamp

Revision Number: "

Revision Date: "

Description:

Post & Panel Sign
@ 36"(h) x 42-1/2"(w) x 3.25"(t) to include the following:
Double-sided, non-illuminated, aluminum post & panel sign
Panel @ 24" (h) x 36" (w) x .090" (t)
Square aluminum mounting posts
@ 3.25" x 72" long, flat caps, 3
3' above grade, 3' below grade
Cut vinyl copy / graphics
Background Color: Cool Grey 1
Copy color: (Oracal #751-608 Petrol) and Black

Scale: 1/8" = 1"

Designer: Sam Moscarino

Date: February 18, 2021

Sheet: 1 of 1

WOMEN OWNED

MANSE
APARTMENTS
1004 CHAPEL STREET
513.527.1400

bayer becker

bayerbecker.com
513.336.6600
mason | cincinnati | oxford | fort mitchell

November 1, 2021

Mr. Scott Otto, P.E.
City Engineer
City of Oxford
15 S. College Ave
Oxford, Ohio 45056

Re: Episcopal Retirement Services Development
Western Knolls Property
Traffic Evaluation

Dear Mr. Otto,

Bayer Becker has prepared the following Traffic Evaluation for the proposed Episcopal Retirement Services development to be located west of Oxford Reily Road (SR 732) on the south side of extended Melissa Drive in the Western Knolls Property, in the City of Oxford, Butler County, Ohio.

Proposed Development

The proposed Episcopal Retirement Services development will consist of 42 apartments for Oxford area seniors. Direct access for the development is proposed via 2 driveways off the extension of Melissa Drive.

A concept plan is provided by attachment.

Area Conditions

In the vicinity of the site, Oxford Reily Road (SR 732) is a north-south, two-lane roadway with a posted speed limit of 35 mph. According to the City of Oxford Thoroughfare Plan, dated May 19, 2020, Oxford Reily Road (SR 732) is classified as a minor arterial.

West Chestnut Street, changes to Brookville Road west of Oxford Reily Road (SR 732), is an east-west, two-lane roadway with a posted speed limit of 35 mph. Per the Oxford Thoroughfare Plan, West Chestnut Street is classified as a minor arterial and Brookville Road a major collector.

Melissa Drive will be a 2 lane roadway extended from Oxford Reily Road (SR 732) to the end of Dana Drive, with a posted speed limit of 25 mph. Per the City of Oxford Thoroughfare Plan, it is classified as a minor collector.

To determine the existing traffic volumes at the intersections of Oxford Reily Road (SR 732) and Melissa Drive and Oxford Reily Road (SR 732) and West Chestnut Street/Brookville Road, Bayer Becker conducted peak hour turning movement traffic counts at both intersections on Tuesday, October 26th, 2021, from 7:00 AM to 9:00 AM and from 4:00 PM to 6:00 PM.

The complete traffic count information is provided by attachment. The 2021 AM and PM peak hour existing traffic volumes are presented in Figure 1.

Projected Traffic

Trip generation for the proposed Episcopal Retirement Services development was estimated using the data and methodology presented in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition*. Site trips generated during the weekday AM and PM peak hours are presented in the following table.

Table 1
Trip Generation – Episcopal Retirement Services Development

Land Use	ITE Code	Size	Units	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Senior Adult Housing - Multifamily	252	42	Dwellings	3	6	9	6	5	11

Trip generation rate information is attached for reference.

Peak hour site trips generated by the proposed development were distributed at the intersections of Oxford Reily Road (SR 732) and Melissa Drive, and Oxford Reily Road (SR 732) and West Chestnut Street/Brookville Road based upon existing traffic distribution, as presented in Figure 1.

Site trips generated by the proposed development are presented in Figure 2.

As previously mentioned, Melissa Drive will extend from Oxford Reily Road (SR 732) to Dana Drive. It is anticipated with this extension, that approximately 25 homes located on Dana Drive and Josie Lane will the utilize this new connection to Oxford Reily Road (SR 732), instead of the existing Dana Drive intersection. In order to account for this traffic, trips to be generated by these 25 homes were determined using ITE Trip Generation information.

Table 2
Trip Generation – Existing Homes on Dana Drive & Josie Lane

Land Use	ITE Code	Size	Units	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Single Family Residential	210	25	Dwellings	5	16	21	17	10	27

Trips generated by the existing 25 homes on Dana Drive and Josie Lane were distributed at the intersections of Oxford Reily Road (SR 732) with Melissa Drive and West Chestnut Street/Brookville Road, based upon the existing distribution of traffic in the area, see Figure 3.

Total Traffic

The 2022 Build traffic volumes were obtained by adding the proposed site traffic volumes and the Dana Drive/Josie Lane volumes to the corresponding existing traffic volumes.

The 2022 Build traffic volumes are presented in Figures 4, respectively.

Turn Lane Warrant Analysis

The need for turn lanes on all approaches of the intersections of Oxford Reily Road (SR 732) at Melissa Drive and Oxford Reily Road (SR 732) at Brookville Road/West Chestnut Street were determined using turn lane warrants from the Ohio Department of Transportation (ODOT) *Location and Design Manual, Volume 1*, Sections 401.2.2, 401.6.1, and 401.6.3 and Figures 401-5a and 401-6a.

Based on the analysis, the following turn lane is warranted for 2021 Existing Conditions:

- Westbound left turn on West Chestnut Street at Oxford Reily Road (SR 732).

No additional turn lanes are warranted for 2022 Build Conditions (including site development traffic).

The turn lane warrant analysis is provided in the Attachments.

The ODOT *Location and Design Manual, Volume 1* Figures 401-9 and 401-10, were used to calculate the storage length for the warranted turn lane.

Based on calculations, the following turn lane storage length is recommended for 2021 Existing Conditions:

- 225' westbound left turn on West Chestnut Street at Oxford Reily Road (SR 732)

The storage length includes a 50' diverging taper. Storage length calculations are provided in the Attachments.

Capacity and Level of Service

Level of Service (LOS), as defined in the *Highway Capacity Manual, 6th Edition* (*HCM 2016*), is "a quality measure describing operational conditions within a traffic stream, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience." LOS is a function of the control delay per vehicle, and it is the standard used to evaluate traffic flow at an intersection.

According to ODOT's *State Highway Access Management Manual*, every movement should operate at LOS of E or better, with the overall intersection at a LOS D or better.

The criteria used by *HCM* are provided in Table 3 below.

Table 3
Level of Service Criteria for Unsignalized Intersections

Level of Service	Delay Range (sec/veh)	Expected Delay
A	<10	Little or No Delay
B	>10 and < 15	Short Traffic Delay
C	>15 and < 25	Average Traffic Delay
D	>25 and < 35	Long Traffic Delay
E	>35 and < 50	Very long Traffic Delay
F	>50	Excessive Traffic Delay

Capacity analysis of the intersections of Oxford Reily Road (SR 732) and Melissa Drive, and Oxford Reily Road (SR 732) and Brookville Road/West Chestnut Street was performed for both the 2021 Existing and 2022 Build Conditions, both with and without the warranted westbound left turn lane on West Chestnut Street at Oxford Reily Road (SR 732).

Intersection levels of service for the unsignalized intersections are presented in Table 4. For complete capacity analysis, see Attachments.

Table 4
Levels of Service (Delay, Seconds)

		2021 Existing Conditions				2022 Proposed Conditions			
		Existing Geometry		Proposed Geometry		Existing Geometry		Proposed Geometry	
		AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
Oxford Reily Rd. (SR 732) & Brookville Rd./West Chestnut St. (Unsignalized)									
EB		A (9.7)	A (9.3)	A (10.0)	A (9.4)	A (9.7)	A (9.3)	B (10.0)	A (9.4)
WB	Left/Thru	B (10.3)	C (16.8)	-	-	B (10.4)	C (17.0)	-	-
	Left	-	-	B (11.1)	B (13.0)	-	-	B (11.2)	B (13.1)
	Thru	-	-	A (8.6)	B (10.6)	-	-	A (8.6)	B (10.6)
NB		A (10.0)	B (11.0)	B (10.1)	B (10.7)	B (10.1)	B (11.1)	B (10.2)	B (10.8)
Overall		B (10.0)	B (13.9)	B (10.2)	B (11.2)	B (10.1)	B (14.1)	B (10.3)	B (11.3)
Oxford Reily Rd. & Melissa Dr. (Unsignalized)									
EB		-	-	-	-	B (11.9)	B (12.7)	B (11.9)	B (12.7)
WB		B (11.3)	B (10.7)	B (11.3)	B (10.7)	B (11.9)	B (10.9)	B (11.9)	B (10.9)
NB		-	-	-	-	A (7.6)	A (7.8)	A (7.6)	A (7.8)
SB		A (7.9)	A (7.8)	A (7.9)	A (7.8)	A (7.9)	A (7.8)	A (7.9)	A (7.8)

Based on the capacity analysis completed for the intersections of Oxford Reily Road (SR 732) and Melissa Drive and Oxford Reily Road (SR 732) and Brookville Road/West Chestnut Street, the LOS for each movement is acceptable, in both the AM and PM Peak Hours for 2021 Existing and 2022 Build Conditions with and without the proposed left turn lane on West Chestnut Street at Oxford Reily Road (SR 732).

Findings and Recommendations

Based on the traffic analysis contained herein, the following roadway improvement is recommended to accommodate 2021 Existing Conditions:

- Construct a 225' westbound left turn lane on West Chestnut Street at Oxford Reily Road (SR 732).

The storage length includes a 50' diverging taper.

All improvements shall be constructed in accordance with City of Oxford requirements.

Should you have any questions or need any additional information, please do not hesitate to contact us.

Sincerely,

Etta Reed

Etta Reed, P.E.

Attachments

Butler Soil and Water Conservation District
1802 Princeton Road Suite 300
Hamilton, Ohio 45011
Telephone: (513) 887-3720
Fax: (513) 785-6668
www.butlerswcd.org

Zachary Moore
City of Oxford
15 S. College Avenue
Oxford, Ohio 45056

December 8th, 2021

Subject: Episcopal Retirement Services Natural Resource Review

Dear Mr. Moore,

This letter and attachments provide our review of natural resources of the Episcopal Retirement Services Preliminary PUD submission to the City of Oxford. The Butler Soil & Water Conservation District (SWCD) checklist established with the City of Oxford was reviewed and the following are items to note.

- The receiving watershed through this area is approximately 2 acres with an average slope of 4% (see attached map). This area is set within the Four Mile Creek HUC 11 Watershed and the Acton Lake Dam-Four Mile Creek HUC 12 Watershed.
- The soils found within this area are Russell-Miamian silt loams (RvB2), Xenia silt loams (XeA), and Miamian-Russell silt loams (MsC2). Russell-Miamian silt loams and Xenia silt loams are historically prime farmland soils, and Miamian-Russell silt loams are historically farmland of local importance soils. According to the USDA Web Soil Survey, Xenia silt loams and Miamian-Russell silt loams are present and are very limited to dwellings with or without basements due to saturation zone, shrink-swell potential components, and potential for ponding. This means the developer will have to take special precautions to prevent these soil features from negatively impacting the infrastructure. There is a high water table where the Xenia silt loams and the Miamian-Russell silt loams are located, which may negatively impact construction, especially of basements.
- A note is to be placed on the Final Plat: "High water tables are apparent in this area. If basements are constructed, it is the responsibility of the builder to take special precautions to ensure the basement stays dry."
- The tree and shrub list planting appear to all be native.

Butler SWCD is not a regulatory agency; therefore, this information is technical advice to address natural resource concerns before future developed. If you have any additional questions or concerns, please do not hesitate to contact us at (513)-887-3720.

Sincerely,

Ashlee Widener

Ashlee N. Widener
Water Resource Specialist,
Butler Soil and Water Conservation District

Case No:
PC-2021-34 / PC-2021-35

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Meeting Date:
December 14, 2021

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant	Episcopal Retirement Services (ERS), c/o Janet Westrich
Proposal	42-unit affordable senior apartment community
Location	4381 Oxford Reily Road – Parcel ID H4100119000029
Engineer	Bayer Becker, c/o John Bayer
Architect	ATA Beilharz Architects, c/o Greg Hackett
Property Owner	City of Oxford
Action Request	**PC-2021-34:** Preliminary Subdivision **PC-2021-35:** Preliminary Planned Development (PD)
Current Use	Undeveloped / Vacant Land
Current Zoning	R-1B Residential Single-Family Medium Density Residential District
Site Area	**Overall Site:** 46.55 acres **Proposed Development Site:** 7 acres
Surrounding Land Uses	Cedar Creek Condominiums (four- and five-family dwellings) to the north Western Knolls Subdivision (single-family dwellings) to the west & south Southern Knolls Subdivision (single-family dwellings) to the east
Staff Recommendation	**Approval**, subject to recommended conditions

PROPOSAL SUMMARY

The applicant is requesting approval of a Preliminary Subdivision for the purpose of subdividing out a 7-acre parcel from a 47-acre tract of land currently owned by the City of Oxford. The 7-acre parcel is to be accessed by a new public street connecting the northernmost end of Dana Drive in the Western Knolls subdivision to the intersection of Oxford-Reily Road & Melissa Drive. The rest of the 47 acres would be split between two other parcels totaling 12.25 acres and 23.49 acres, and remain undeveloped for the time being.

Within the newly created 7-acre site, the applicant also proposes a Preliminary Planned Development to develop 42 affordable rental housing units for seniors ages 55 and older. The units will be accessed by a loop of private parking, as well as internal footpaths linking to a new public sidewalk along the south side of the

extended Dana Drive. All 42 units are to serve tenants with incomes at or below 60% of Area Median Income (AMI) and will also accept Housing Choice Vouchers. To finance the project, the applicant plans to apply in February 2022 for Low Income Housing Tax Credit (LIHTC) funding from the Ohio Housing Finance Agency.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and signs were posted on the property. No public comments have been received as of the writing of this report.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Seth Cropenbaker, Assistant to the City Manager	Returned with Comments
• *The proposed development at 4381 Oxford Reily Road as an affordable rental housing senior living community is a positive addition to the City of Oxford.* • *Affordable housing and housing for adult seniors are of high need within our community.* • *The proposed development represents a first step of development in an under-utilized section of Oxford and opportunity for further development of City-owned property.* • *Increasing affordable housing to support a local workforce is among the primary goals of the Community Improvement Corporation and economic development in Oxford.* • *The proposal by Episcopal Retirement Services utilizes 7 of 47 total undeveloped acres of City-owned property, and could act as a catalyst for additional development in this area.* • *Development of a masterplan for the full 47 acres would allow for conscious development of additional residential units to serve a variety of other areas of need for Oxford.* • *The placement of this project, near the Cedar Creek condominimum community, maintains the character of the area.* • *The extension and connection of Dana Dr. and Melissa Dr., west of Oxford-Reily Rd. creates another entry and exit point for the Western Knolls development, potentially improving access and traffic flow.*		
Engineering	Scott Otto, City Engineer	Returned with Comments
• *Further review of detailed construction plans may require additional information to verify proposed utilities will be designed to allow for utility service to future development adjacent to this project. Revisions to proposed water, storm sewer, and sanitary sewer utilities are potentially necessary.* • *The traffic study recommends a westbound left turn lane on W. Chestnut St. at the Oxford-Reily Rd. intersection. Design and construction of this improvement will need to be approved by the City of Oxford Engineering Division.*		
Fire	John Detherage, Fire Chief	Returned without Comments

Police	John Jones, Police Chief	Returned without Comments

CASE HISTORY

The subject site and surrounding area has been involved in numerous past applications and approvals by the City of Oxford since the early 1980s. A summary of relevant case history is provided below:

Case No.	Application	Decision
PC-1980-05	**Zoning Map Amendment**	Council approved 9/15/1981 by Ord No. 1643
This action involved the rezoning of approximately 90.5 acres of previously R-1 single-family zoning. Of this acreage, 46.7 acres were rezoned R-2 (single-family), 12.1 acres to R-3 (single- and two-family), 19.6 acres to R-4a (multi-family), and 12 acres to C-2 (commercial).		
PC-1988-11	**Preliminary Subdivision**	Council approved 4/5/1988 by Ord No. 1997
The original Preliminary Subdivision Plan for the Western Knolls site contained 162 lots, inclusive of a single large parcel occupying the commercially zoned area fronting on Oxford-Reily Road. The plan showed Dana Drive forming a complete loop by intersecting twice with Oxford-Reily. Additional streets, including Ryan Drive, Randall Drive, and Josie Lane were planned with access from Dana. Ryan and Josie eventually came to fruition as originally planned, though only a short 120 foot long stub of Randall Drive ended up being constructed. A total of 3 shorter cul-de-sacs were also shown off Brookville Road, intended to provide access to 16 of the 162 lots. None of these cul-de-sac streets were ever built as originally planned. The Cedar Creek condominiums, built in the early 1990s, now occupy the area where two of the original cul-de-sacs had been planned.		
PC-1988-25	**Final Subdivision – Section 1**	Council approved 8/16/1988 by Ord No. 2013
The first platted section of Western Knolls consisted of 8 lots along the west side of Oxford-Reily Rd, 10 lots along Dana Drive, and 9 lots along Ryan Drive.		
PC-1990-23	**Final Subdivision – Section 2**	Council approved 2/19/1991 by Ord No. 2143
The second platted section of Western Knolls consisted of 4 more lots along Dana Drive, and 5 more lots along Ryan Drive.		
PC-1992-01	**Final Subdivision – Section 3**	Council approved 2/4/1992 by Ord No. 2215
The third platted section of Western Knolls consisted of 8 more lots along Ryan Drive.		
PC-1992-33	**Final Subdivision – Section 4**	Council approved 2/2/1993 by Ord No. 2276
The fourth platted section of Western Knolls effectively completed Ryan Drive with the installation of an "elbow" and cul-de-sac, and created 10 additional lots.		
PC-1994-01	**Final Subdivision – Sections 5 & 6**	Council approved 4/5/1994 by Ord No. 2347
Western Knolls Section 5 extended Dana Drive northward and resulted in the platting of 7 additional lots. Section 6 contained 10 total lots, and created a short cul-de-sac street (Josie Lane) as well as a short stub street (Randall Drive) off Dana Drive. Both Sections were recorded at the same time.		

PC-1994-21	**Final Subdivision – Section 7**	Council approved 2/3/1998 by Ord No. 2571
The last recorded section of the Western Knolls subdivision consisted of 12 lots along Dana Drive. A temporary turnaround was constructed at the northernmost end of Dana Drive, to remain in place until such time that the street was extended.		
PC-2000-23	**Final Subdivision – Section 8**	Council denied 9/4/2001
An application was submitted in October of 2000 to record an eighth final plat section for Western Knolls. Section 8 would have been the first to break into portions of the 1988 Preliminary Plan that were zoned to allow for more intense residential uses, including two-family and multi-family. The plat would have contained 27 lots, and connected the end of Dana Drive in Section 7 with the intersection of Oxford-Reily Rd and Melissa Drive. Along this new segment of street, a T-intersection for another stub street (Randall Drive) also would have been provided.		
PC-2001-12	**Zoning Map Amendment**	Council approved 9/18/2001 by Ord No. 2731
At the urging of Western Knolls residents at the time, Council filed a petition to consider amendment of the Zoning Map to re-classify acreage between the existing Western Knolls subdivision and Oxford-Reily Rd as R-2 Single-Family. The zoning classifications previous to this action were R-3, R-4A, and C-2 commercial. This decision resulted in court action against the City by Western Knolls Inc., which was eventually settled in December 2008 by the City agreeing to pay $3.75 million to acquire the land.		

COMMENTARY

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

- **Buildings and Uses:** A total of six (6) buildings are proposed on the 7-acre site. Three buildings would contain 6 units each, and the other three would contain 8 units each. One of the 8-unit buildings would also provide space for a community center. Of the 42 planned units, 32 would be one-bedroom and 10 would be two-bedroom units. All buildings are one-story and proposed with various exterior materials, including brick veneer, vinyl lap siding, and shake siding. Each dwelling unit would have its own "front door" on the exterior of the building, with off-street parking provided close-by.

- **Density:** Development built by-right in the R-1B District must adhere to a minimum lot size of 7,500 square feet, where each lot supports a single-family dwelling unit. Multi-family residential however is possible through the Planned Development process, though density must be capped at no greater than 110% of underlying district density. The 7,500 square foot lot size in R-1B translates to a maximum density of **5.81** dwelling units per acre (du/ac), thus the maximum possible density via the Planned Development process is **6.39** du/ac (5.81 * 110%) which amounts to a maximum of **44** dwelling units allowed by Code on a 7 acre site. Therefore, the proposal for **42** units – and a resulting density of **6** du/ac – is compliant from a density standpoint.

- **Landscaping and Tree Preservation:** The project is subject to the standards of Chapter 1148 Landscaping and Tree Preservation, which includes both tree planting and tree preservation requirements. It should be noted however that the Commission has the ability to waive or modify such standards, or impose more stringent requirements, inherent to a more discretionary review process involved with a Planned Development. Summaries by subject are provided below:

    - **Tree Planting:** Minimum tree planting standards for nonresidential and multi-family developments are provided in ***Section 1148.04(c)*** of the Oxford Zoning Code. For every ten

(10) feet of site frontage along a public right-of-way, a minimum of one (1) tree must be provided somewhere on the site. Total frontage for the development site is approximately 927 feet, thus a total of 92 trees are required on-site. The applicant provides a total of 103 trees on their Landscaping Plan, exclusive of 18 street trees shown in the right-of-way which are figured separately from on-site trees.

- **Tree Preservation:** Chapter 1148 also requires a tree survey for nonresidential and multi-family developments. The Code provides for certain areas to be exempted from surveying as well as replanting, including areas within fifteen (15) of new structures and within five (5) feet of parking or walkway surfaces. In addition, areas more than one hundred (100) feet from proposed construction areas are exempt from survey. When accounting for the various exemptions, 52% of the site is exempt from tree preservation/replanting and 63% is exempt from surveying. Most of the remaining half of the development is proposed as open space, and would be left undisturbed. The applicant notes in their narrative that they deliberately concentrated the footprint of the development in an effort to best comply with the City's tree requirements. Unlike a single-family subdivision where the extent of construction footprints is not precisely known at the preliminary stage, this development is being planned comprehensively on a single site. Therefore, the extent of construction is clear and thus preservation of open space all but guaranteed. For these reasons, staff believes the spirit of the tree preservation provisions is met by the proposal without the need for a tree survey of open space areas.

- **Parking Area Trees:** The Parking Code also specifies tree planting requirements based on the number of parking spaces provided. The standard, per ***Section 1149.07(e)(6)(B)***, is a minimum of 2 trees per facility plus 1 tree for every 5 parking spaces or fraction thereof. If the entire site is considered 1 facility, based on a total of 53 parking spaces this amounts to a minimum of 13 trees to be planted in close proximity to parking. The applicant more than meets this requirement with the submitted Landscaping Plan.

- **Lighting:** Lighting details have yet to be provided. Such details may be considered at the Final Planned Development stage. Street lighting along Dana / Melissa Drive will need to be provided consistent with the Subdivision Regulations. In addition, internal site lighting along parking areas will need to be provided consistent with requirements in the Parking Chapter (1149) of the Oxford Zoning Code.

- **Lot Coverage:** The maximum lot coverage in the R-1B District is **35** percent. The proposed development layout constitutes 1.74 acres of coverage, amounting to **25** percent of the 7 acre site.

- **Non-Vehicular Mobility:** Relevant topics are discussed below:

  - **Pedestrian Facilities:** The submitted plan provides a network of internal pathways linking dwelling unit entrances to parking, and to a new public sidewalk to be provided along the south side of the extended Dana/Melissa Drive. The new sidewalk would link to existing sidewalk at the end of Dana Drive in the Western Knolls subdivision, as well as to a segment of the OATS trail (Phase 4) planned along Oxford-Reily Road. At this time, a crosswalk improvement at the intersection of Melissa and Oxford-Reily is not shown. The applicant has submitted a separate request to the City asking for financial support in constructing the street and associated infrastructure, to ensure the feasibility of keeping the development affordable.

  - **Bicycle Parking:** The Zoning Code typically requires bicycle parking to be provided for multi-family developments. These standards work well for conventional multi-family

housing complexes, as well as those which are purpose-built for student renters. For this particular development, the Code requires a minimum of 10 spaces that can be provided either in the form of racks or lockers. Staff brought this to the attention of the applicant during the review process. The applicant expressed their view that bicycle use is expected to be minimal due to the senior living focus of the development. Additionally, since all units are planned at ground level with dedicated entrances, the natural place for bike storage will be within or next to each unit. For these reasons, staff is supportive of waiving bicycle parking requirements.

- **Open Space:** There is a **20%** minimum open space requirement for Planned Developments per ***Section 1145.12(f)(1)***, which cannot include any area less than 50 feet by 50 feet nor can it include the required 25-foot perimeter setback for a residential zoning district. The proposed development sets aside 2.95 acres of open space, equivalent to **42%** of the 7 acre site.

- **Signage:** One freestanding sign is proposed to be located in proximity to the easternmost curb cut off the extended Dana Drive. The applicant provides a sample sign design from another ERS property in the region, which as designed would comply with the Zoning Code's freestanding sign standards for multi-family development sites. Signage details may be revisited and further refined during the Final Planned Development stage.

- **Stormwater Management:** The applicant proposes a stormwater basin in the southeast corner of the site, due to the site's topography sloping from west to east. Storm sewers within the 7 acre site will feed into this basin, and then be gradually released at the pre-development rate into a separate storm sewer planned along the extended Dana/Melissa Drive. Runoff generated by the development would eventually flow northward toward an existing stream located just south of the Cedar Creek condominiums.

- **Traffic Circulation:** Various topics are discussed below:

    - **Proposed Street Extension (Dana/Melissa Dr.):** The 2007 Oxford Transportation Thoroughfare Plan (as reflected in the Oxford Transportation Plans compilation document most recently approved by Council in May 2020) shows a future Minor Collector roadway (Segment 8) running east-west between Oxford-Reily Rd (SR 732) and the northernmost existing end of Dana Drive. Another north-south Minor Collector road is also shown, to serve as a connector between the east-west road and Brookville Road, intersecting approximately 680 feet west of Quail Ridge Drive. While the Thoroughfare Plan's Typical Section for a Minor Collector provides 80 feet of right-of-way with 36 feet of pavement, the Subdivision Regulations alternatively specify a 58-foot right-of-way width with 33 feet of pavement for the same classification. The applicant proposes a 60-foot right-of-way with 36 feet of pavement, which should closely align with the existing Dana Drive stub street.

    - **Future North-South Street:** During the review process, staff asked the applicant to revise the plan to illustrate where a future north-south street could be positioned in relationship to the ERS development and extended Dana/Melissa Drive. To accommodate the area for this future street, the overall ERS development layout (buildings, parking, etc.) was shifted roughly 60 feet to the west in order to preserve a four-acre area to the east as originally envisioned. A T-intersection/stub and dead-end signage for the future street is to be provided just northeast of the 7 acre development site. This intersection could also serve as the junction point where Melissa Drive ends and Dana Drive begins, thus ensuring there are not two intersections signed as Dana Drive off Oxford-Reily. At some point in the future when either a master plan is developed, and/or additional development is proposed, allocating area for a future north-south street will allow for inter-connectivity between

developments on the rest of the Western Knolls site. The applicant has also provided a "pathway stub" in the southeast corner of the ERS development, to guarantee a shortcut into the community if and when the future street is ever constructed.

- **Request for Financial Assistance:** The applicant has submitted a separate request to the City to share in the cost of constructing the public street (Dana/Melissa) and associated infrastructure. If such request is considered, it will ultimately be a Council decision, so the Planning Commission does not need to consider this aspect as part of its recommendation.

- **Parking:** An off-street parking area is proposed in a loop configuration with two curb cuts off the extended public street. The Oxford Zoning Code requires a minimum of 2.5 parking spaces for unit for multi-family residential developments. The proposed application falls short of the normal minimum, and requests a waiver to this provision. Below is a table providing a comparison between the proposed ERS development and four other existing ERS developments (data on these from applicant). Providing additional parking spaces to better achieve the Code minimum would undoubtedly add extra impervious surface area and disturb more natural ground, and as the applicant suggests, would likely remain empty most of the time. If by chance there is a point in time where demand exceeds the 53 available spaces, the adjoining street could accommodate overflow on-street. For these reasons, staff is supportive of the waiver request.

Community	Units	Parking Spaces Provided	Min. Parking Required by Oxford Code	Parking Spaces per Unit	Typical Parking Utilization
Knowlton Place	56	39	140	0.7	90%
Marlowe Court	53	50	132	0.9	60%
St. Paul Village	168	118	420	0.7	58%
Madison Villa	95	82	237	0.9	61%
Oxford Court Village (subject application)	**42** (proposed)	**53** (proposed)	**105**	**1.26**	**N/A**

- **Utilities:** Comments on individual utility services are provided below.

  - **Sanitary Sewer:** The sanitary sewer lines to be installed will gravity feed into existing infrastructure located west of the Oxford-Reily/Melissa intersection.

  - **Water:** An 8-inch water main is currently installed on the site, between the Dana Drive stub and Oxford-Reily/Melissa intersection. Water service will tap into this existing main.

  - **Electric:** Information on electric utility connections is not shown at this time. The preference is for such utilities to be located underground.

  - **Garbage & Recycling Collection:** Two trash enclosure areas are proposed within the site, access from parking aisles. These enclosures will need to meet the City's sizing and material standards and requirements at the time of Building Permit review.

DECISION CRITERIA

All Planned Developments shall satisfy the General Decision Standards provided in ***Section 1145.06(b)***. The standards found within this section are below with staff analysis provided for each:

1. **The proposed planned development is in fact permitted in the zoning districts in which it is proposed.**
   The underlying R-1B zoning district allows single-family residential use by-right. However, when undergoing a Planned Development process, any residential land use is potentially permissible so long as the resulting density is at or below what would be allowed in the underlying zone. This proposal is technically multi-family residential, given that multiple principal buildings containing multiple units each will be constructed on a single site. The proposed development satisfies this criterion, since the planned density of 6 du/ac falls below 110% of the underlying district density of 5.81 du/ac.

2. **If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.**
   This criterion does not apply, since this is the first Planned Development proposal for this site. The Preliminary Subdivision portion of the application (dividing into 3 parcels) would effectively supersede the previous 1988 Preliminary Plan.

3. **The uses and site plan will satisfy the general intent of the Zoning Code.**
   The Oxford Zoning Code provides a purpose statement and lists a number of goals for Planned Developments. The general purpose is to encourage creative and flexible land development that would not be permitted by-right within the underlying zoning district, while also planning sites in an environmentally sensitive and cohesive way. One of the stated goals that is particularly relevant to this proposal is the facilitation of a variety of dwelling types to enable diverse and affordable housing. Overall, staff believes the proposal satisfies the general intent of the Code.

4. **The uses and site plan will be compatible with the general intent of the Comprehensive Plan.**
   Map 3.6 (Conservation and Development Map) in the Oxford Comprehensive Plan establishes preferred land uses for undeveloped sites within the City limits. This Map designates the site for "Traditional Neighborhood Development" (TND) which calls for residential development to have a distinct center and edge, open spaces, well designed streets and public spaces, and multiple housing options. While this proposal may not fully embrace all TND traits, staff believes the proposal represents a good design that is sensitive to its surroundings and will be able to integrate with future development that may occur to the east or south later on down the road. The Comprehensive Plan also provides a number of housing-related objectives which the subject application will help meet, including: (1) expanding housing options; (2) supporting the development of new senior housing with community resources and services; and (3) encouraging diverse and affordable housing choices.

5. **The size and shape of the site are sufficient for the proposed planned development.**
   The size of the development site has already been pre-determined, more or less, by ERS entering into an Option-to-Purchase agreement with the City in April 2021 for the potential future purchase of approximately 8 acres. With this proposal, the applicant has decided 7 acres is sufficient for the extent of the envisioned development to create a total of 42 dwelling units. Given that development features have been concentrated to the greatest extent possible, thus reserving 42% of the site as open space when the minimum is only 20%, this proves the size of the site is more than sufficient.

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

Staff believes the proposed community footprint is well-positioned in relationship to other surrounding developments. The closest distance between a planned building and an existing dwelling in Western Knolls is approximately 200 feet. The distance is also roughly the same when measuring between the edge of the planned street (Dana/Melissa) and the nearest developed feature on the Cedar Creek Condominiums site. Therefore, staff does not believe the proposed development will be hazardous or disturbing to these existing uses. In addition, it should be noted the buildings are "inwardly" focused, with vegetation planned around the outer perimeter to provide a screening effect; this will help keep the units insulated from any future development that may occur in proximity, while also remaining connected from both a vehicular and pedestrian standpoint.

7. **The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.**
This criterion is generally not applicable to a residential proposal, as these external effects mostly pertain to activities or processes associated with commercial or industrial businesses. The applicant submitted a traffic study focusing on the anticipated traffic to be generated by the 42-unit development, which concluded no other off-site roadway improvements were warranted. If the City were to create a master plan for the 47-acre site at some point in the future, a more thorough traffic study could be performed which examines the maximum potential traffic demand generated by the total number of residential units and/or any commercial, office, or service-oriented development anticipated for the overall site.

8. **Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.**
In a sense, the proposed Community Center could be seen as an accessory use to the planned principal use of the development site as multi-family residential. So long as this Center remains primarily dedicated to serving residents of the community wherein and not residents from elsewhere in the City, it would be seen as ancillary to – and not independent of – the principal use.

9. **The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.**
The applicant has provided preliminary details for all such services as part of their application. The Fire and Police Chiefs reviewed the application and did not have any comments or concerns to share. The provision of water and sewer utilities will be coordinated with the City's Service Department. Staff has discussed the submitted traffic study with the City Engineer, and together determined that no off-site roadway improvements are warranted by the development; this is inclusive of a west-bound left turn lane on W Chestnut Street, which the study concluded was warranted by existing traffic conditions.

10. **Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**
The applicant has submitted a separate request to the City to help fund construction of the extended public street (Dana/Melissa Drive). Normally a developer is required to foot the cost of constructing all public infrastructure that enables and supports their development. The applicant has expressed a willingness to contribute $50,000 toward the extended street, on top of the agreed upon price to purchase the 7 acres from the City at $25,000/acre. The total anticipated cost of constructing the street and associated infrastructure/utilities is not known at this time.

11. **The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures**

to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
Staff believes this criterion can be addressed by requiring building architecture to have a substantially similar appearance to the submitted elevations and renderings. More precise architectural standards may be explored as part of the Final Planned Development.

12. **The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.**
The anticipated development is not expected to have a significant adverse impact on traffic patterns. In addition to providing access to the subject development, connecting Dana Drive to Melissa Drive & Oxford-Reily Road will also entail the benefit of providing more than one way to access homes within the existing Western Knolls subdivision. The planned street network, including a future connection to the south, is actually reminiscent of the original network envisioned in the 1980s.

13. **Proposed construction will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.**
The site is heavily wooded and includes a significant amount of coniferous trees. The applicant has recognized this fact, and has made a conscious effort to create a condensed layout that would enable as much of the existing woods to be preserved as possible. The location of preserved areas makes sense in terms of buffering the development from existing single-family units to the west, as well as from whatever future development (most likely residential) may arise in the future to the south. In addition, by situating the development site on the south side of Dana/Melissa, this leaves an area with steeper slopes, mature trees, and streams to the north untouched.

14. **Proposed construction will not result in the complete elimination of existing mature tree canopy. Effort shall be made to direct disturbance and construction around or away from existing mature tree canopy without completely taking away use of the site or connectivity to existing infrastructure.**
The site is mostly covered by coniferous vegetation, but also includes some relatively tall deciduous trees in the western corner near the existing Dana Drive stub/turnaround. The development plan for the 7 acres enables a significant portion of this pocket of deciduous trees to be preserved.

STAFF RECOMMENDATION

There are no decision criteria for a Preliminary Subdivision application, as the review is based on meeting the spirit of the design standards in ***Section 1101.4*** of the Subdivision Regulations. ***Section 1101.4(400)*** provides some general statements for the Commission to consider in reviewing a subdivision proposal (see Appendix B).

On the other hand, consideration of a Preliminary Planned Development must rely on decision criteria provided in ***Section 1145.06(b)*** as touched upon in the previous section.

In consideration of the relevant standards and criteria, staff recommends **approval** of both the Preliminary Subdivision and Preliminary Planned Development proposed by Episcopal Retirement Services (ERS) subject to the following conditions:

1. The proposal is recognized as an affordable housing community for seniors. If the applicant fails to obtain LIHTC funding from OHFA and another applicant wishes to move forward with the development prior to the expiration of this approval, the Planning Commission shall re-evaluate the application pursuant to ***Section 1145.10*** of the Oxford Zoning Code.

2. All buildings on the 7-acre development site shall maintain a minimum 30-foot setback from the northern and eastern property lines.

3. An access and construction easement shall be established so that the connector walkway in the southeast corner of the development site may eventually be extended to the eastern property line by the City, or a development entity authorized by the City.

4. Provisions for mail delivery, including possible installation of cluster mailboxes for USPS, shall be evaluated at the Final Planned Development stage.

5. Buildings shall substantially conform to the submitted architectural elevations and renderings dated 11/1/2021. Architectural standards may be further evaluated at the Final Planned Development stage.

6. A freestanding sign (if installed) shall be situated as shown on the submitted plans, shall have indirect illumination, and shall not exceed the dimensional parameters of the example sign plan provided ("Manse Apartments") unless alternative sign standards and details are approved at the Final Planned Development stage.

7. A waiver to ***Section 1148.05(b)(2)(A)*** is hereby granted to relieve the developer from the Tree Survey requirement, on condition that the submitted Landscaping Plan is fulfilled, and designated open space areas remain undisturbed as noted.

8. A waiver to ***Section 1149.05*** is hereby granted to reduce the required number of parking spaces per unit from 2.5 to 1.26.

9. A waiver to ***Section 1149.07(e)(5)(A)*** is hereby granted to relieve the applicant from bicycle parking requirements.

SUBMITTED BY: Zachary W. Moore

Zachary Moore, AICP
Planner

DATE: December 8, 2021

APPENDIX A
RELEVANT PROVISIONS FROM THE ZONING CODE

Within the Oxford Zoning Code, ***Section 1143.02*** provides the base zoning standards for the R-1B zoning district and ***Chapter 1145*** governs Planned Development applications.

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

(a) Purpose.
This district is designed to provide and preserve single family residential development of a moderately low density character within and adjacent to areas of similar development.

(b) Uses.
- (1) Permitted uses.
  - A. Single-family dwellings.
  - B. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
  - C. Day Care Home Type B family.
- (2) Conditional uses.
  The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.
  - A. Community-Oriented Residential Social Service Facilities (CORSSF's).
  - B. Shared Housing for the elderly.
  - C. Government owned and/or operated parks and recreation facilities.
  - D. Bed & Breakfasts.
  - E. Open space recreation areas that are privately or publicly owned, such as golf courses, tennis courts, parks, forests, or wildlife preserves.
  - F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
  - G. Schools: primary, intermediate, and secondary, both public and private.
  - H. Places of worship.

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)
- (1) Lot requirements.
  - A. Minimum lot area 7,500 sq. feet
  - B. Minimum lot width 65 feet
  - C. Minimum lot frontage 65 feet (not applicable to cul-de-sac lots)
- (2) Yard requirements.
  - A. Minimum front yard depth 30 feet
  - B. Minimum rear yard depth 35 feet
  - C. Minimum side yard width 8 feet on each side
- (3) Structural requirements.
  - A. Maximum building height 35 feet
- (4) Lot coverage.
  - A. Lots with vehicular access from a public street
    - 1. Lot total – Maximum 35 percent
    - 2. All enclosed buildings – Maximum 25 percent of lot
    - 3. Front yard – Maximum 25 percent of front yard
  - B. Lots with vehicular access from a rear or side alley, and no access from a public street
    - 1. Lot total – Maximum 40 percent
    - 2. All enclosed buildings – Maximum 25 percent of lot
    - 3. Front yard – Maximum 15 percent of front yard

1145.06 Planning Commission and Council review.

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

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

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

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

(a) Burden of Proof.

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

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

(b) General Decision Standards.

All planned developments shall satisfy these general decision standards:

(1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed

(2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.

(3) The uses and site plan will satisfy the general intent of this Zoning Code.

(4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.

(5) The size and shape of the site are sufficient for the proposed planned development.

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

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

(8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.

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

privately.

(10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.

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

(12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.

(13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(14) Proposed construction will not result in the complete elimination of existing mature tree canopy. Effort shall be made to direct disturbance and construction around or away from existing mature tree canopy without completely taking away use of the site or connectivity to existing infrastructure.

1145.07 Action by Planning Commission

(a) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.

(b) The Planning Commission shall base its recommendation and Council its decision upon how well the application satisfies the Decision Standards. Planning Commission, in its recommendation, and Council in its decision may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code. Dwelling unit density cannot be waived.

(c) Council may require the developer to file performance bonds with the City to guarantee completion of any public utilities associated with the planned development and any elements of the plan that are necessary to its success, if abandoned by the developer.

1145.12 Design.

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

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

(c) Land Use.

(1) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing residential zoning district:

A. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.

B. Institutional, public, and semi-public land uses that serve the planned development or the general public.

C. Commercial land uses, if the total land area of the planned development is greater than 10 acres and if the commercial land use is intended to serve the planned development only. Such commercial land uses shall be limited as follows:

1. No signs that are visible from outside of the development.
2. No direct vehicular access to a public thoroughfare.
3. No less than 95 percent of the total land area shall be devoted to residential land uses.
4. No separate structure intended to be used, in whole or part, for commercial land uses shall be constructed prior to the construction of not less than 50 percent of the dwelling units.

(2) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing commercial zoning district:

A. Any land use permitted in the underlying zoning district.

B. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.

(3) The following land uses are permitted only in the portions of a planned development that overlay an existing industrial zoning district:

A. Any land use permitted in the underlying zoning district.

(4) The land uses permitted in a planned development may be distributed as follows:

A. If a single planned development overlays more than one zoning district, then the land uses permitted according to this Section may be distributed throughout the entire planned development site.

B. If a planned development includes land uses permitted only in an industrial zoning district, then those land uses may only be located in that portion of the planned development that overlays the industrially zoned land.

(d) Residential Density.

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

(e) Dimensional Regulations.

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

(2) Front setbacks shall be limited as in the underlying zoning district.

(3) All buildings and vehicle management areas shall be setback from the perimeter of a planned development no less than:

A. Residential zoning district - 25 feet.

B. Commercial zoning district - 25 feet.

C. Industrial zoning district - 50 feet.

(f) Open Space.

(1) No planned development shall have less than 20 percent open space, which includes any area not less than 50 by 50 feet, not including the required setbacks, and includes nothing other than natural area.

(2) Lot coverage shall be regulated according to the underlying zoning district, except that lot coverage for the residential portion of any planned development shall not exceed 40 percent.

(g) Sensitive Development Area.

A. A Sensitive Development Area is defined as any land(s) or soil(s) proposed to be developed that, if subjected to improper use or management, is otherwise determined to be incapable or unsuitable of urban use. Sensitive Development Areas can also be considered those lands that pose special hazards to development

or the environment, consisting of lands or soils of such sensitive character that they may require special use, design and engineering restrictions.

B. For the Preliminary Planned Development, the applicant must create an inventory of sensitive environmental area identified in subsection (g)D.(1) to (8) from publicly available resources such as Butler County Soil and Conservation District, OKI, OEPA, ODNR, HAPC, FEMA, USFWS, OHPO and other public entities. This information shall be provided with the preliminary application. Design of the site shall be based on site information obtained from those public entities. An existing landscape plan shall be submitted with each application. The landscape plan shall identify existing trees, natural features and other landscaping elements.

C. After the approval of the Preliminary Planned Development, the applicant must develop a detailed site analysis of sensitive environmental areas on the site, conducted by firm(s) specialized in the areas, at a minimum: Ecological Survey, and Environmental Site Assessment. Other documentation may be required based on the site and the discretion of the Planning Commission, including, but not limited to: Stream and Wetland Mitigation, Water Way Permits, Archaeological Inventory, Historic Architecture Inventory. The applicant must also provide reports of the analyses following current professional norms for the discipline. It will be the Planning Commission's role to review information submitted by the applicant on each discipline to make the recommendations to City Council.

D. Design of the proposed Planned Development site shall be based on the site information obtained from those public entities. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features. The following specific areas shall be preserved as undeveloped open space, and in accordance with the U.S. and Ohio Constitutions and state or federal regulations:

(1) Unique and/or fragile areas, including wetlands, as may be defined in Section 404, Federal Clean Water Act, as amended; and in Ohio Environmental Protection Agency standards.

(2) Land in the floodway as identified and mapped using the Federal Emergency Management Agency's Flood Hazard Boundary Maps. Federal Emergency Management Agency in scientific and engineering reports entitled 'Flood Insurance Study for Butler County, Ohio and Incorporated Areas' effective 12/17/2010, with accompanying Flood Insurance Rate Maps for Butler County, Ohio and Incorporated Areas effective 12/17/2010 and any revisions thereto are hereby adopted by reference and declared to be part of this chapter.

a. 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands. Development of this area is regulated as follows:

1. Natural vegetation shall be maintained.

2. No structures shall be built or improvements made, except as follows:

(a). Walking paths, bicycling paths, and the like, including infrastructure necessary to facilitate their development are permitted anywhere within the buffer.

(b). Roads and associated infrastructure are permitted in the buffer to facilitate crossing such water elements.

(c) Any improvements approved in a final plan.

(d). Any public safety or public utility improvements not associated with the planned development, but deemed necessary by the Service Director, Police Chief or Fire Chief.

(3) Steep slopes fifteen (15%) percent or more, unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account.

(4) Habitats of endangered wildlife, as identified on federal and state lists.

(5) Historically and culturally significant structures and sites, as listed on, but not limited to, the National Register of Historical Places or on the local inventory of historic places maintained by the City of Oxford's Historic Architectural Preservation Commission.

(6) Aquifers and tributary drainage systems.

(7) Tree growth areas or urban forested areas as defined in Chapter 935, of the Codified Ordinances of Oxford.

(8) Any area as identified on Map 3.3 of the Comprehensive Plan.

E. The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce excavation and embankment; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties. The placement of buildings shall take into consideration topography, building height, orientation and drainage. Storm water Best Management Practices in Low Impact Development Designs are desirable and encouraged. City guidelines for these practices and designs can be found in the City of Oxford Storm Water Management Design Manual

F. If the Planning Commission, or its designated representative, may require the applicant to submit a statement in order to demonstrate that satisfactory efforts have been made to mitigate any special hazards posed to the site if these sensitive lands are subjected to improper use or management. The statement, if required, shall be submitted in one or more of the following forms:

(1) The statement shall describe in detail the extent of encroachment on any Sensitive Development Area, the extent and nature of the proposed alteration, the environmental impacts resulting from the proposed alteration, and the proposed methods of mitigation.

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

(h) Landscaping and Screening.

(1) A planned development shall satisfy all landscaping elements required by other sections of this Code.

(2) The required perimeter setback area shall be retained in natural woods or suitably landscaped with grass, ground cover, shrubs, trees, or earthen mound.

(3) A planned development that overlays a commercial or industrial zoning district that is adjacent to a residential zoning district shall be screened from the residential zoning district by a dense evergreen hedge a minimum of 8 feet tall and 10 feet wide at planting and that will maintain at least 90 percent opacity over time.

(i) Access and Mobility.

(1) At residential densities greater than would be permitted in the R-1A District, have direct and principal access from a collector or arterial road.

(2) Bicycle rack spaces shall be provided at all planned developments that overlay a commercial zoning district at a rate of 3 per acre.

(3) Adequate pedestrian connectivity shall be provided to and through a planned development.

(j) Utilities and Infrastructure.

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

(k) Plan-Specific.

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

APPENDIX B
RELEVANT PROVISIONS FROM THE SUBDIVISION REGULATIONS

Section 1101.4 of the Oxford Subdivision Regulations provides the design standards applicable to major subdivisions.

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.

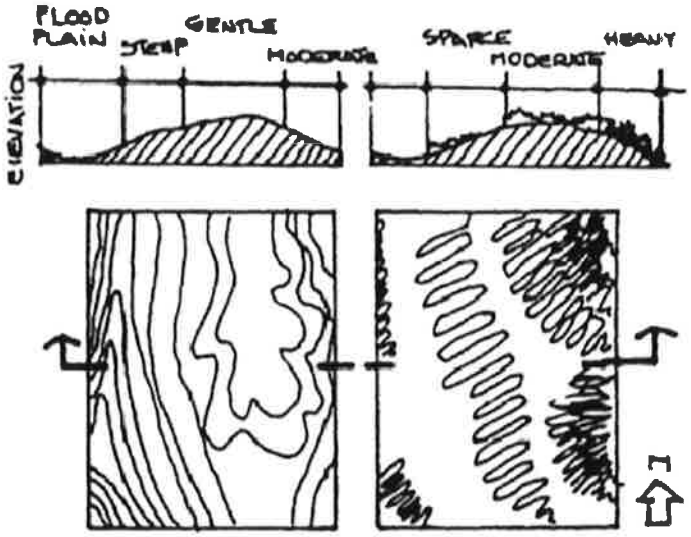
(8) Any area as identified on Map 3.3 of the Comprehensive Plan.

(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.

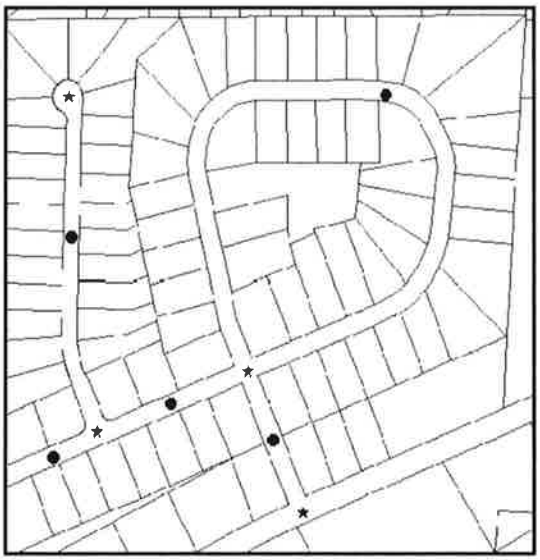
(D) Street Connectivity

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.

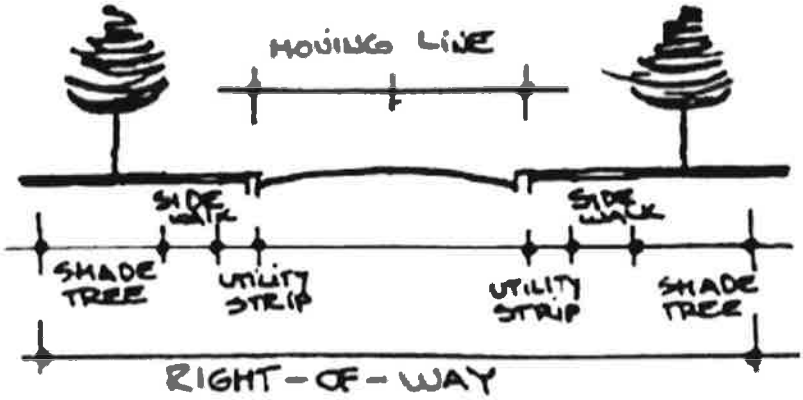
(3) Any proposed private street shall serve a minimum of six (6) lots in order to be platted and recorded as a private street.

(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.

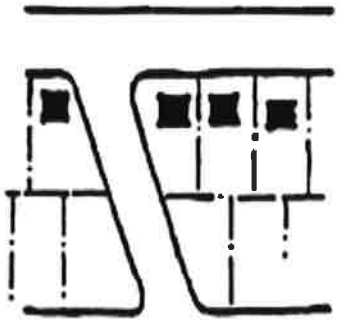
(B) Where blocks are over 600 feet in length, a public walkway which traverses the block may be required to be dedicated and installed by the subdivider.

(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.

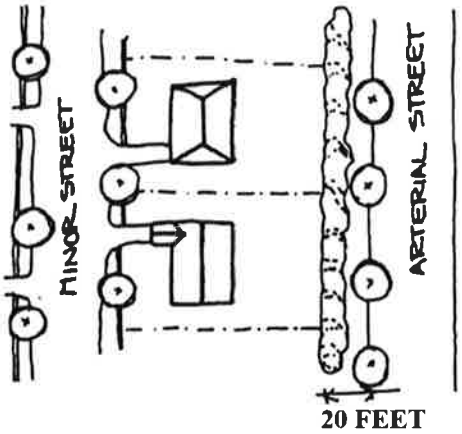
(D) No lot shall have an area or width less than that required by applicable sections of the Zoning Code except those pursuant to the Open Space Residential Development Regulations.

(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.

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

PC-2021-34
PC-2021-35

Surrounding Property Owners Notifications Map

Legend

- Subject Area
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- 16.5' Vacated ROW
- Building Footprint

N

1 inch = 300 feet

Prepared on Tuesday, November 02, 2021

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

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Memo

Service Department
Engineering Division
513/524-5208

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: Application #PPC-2021-35
4381 Oxford Reily Road Episcopal Retirement Services – Preliminary Planned Development

DATE: November 24, 2021

The Engineering Division offers the following comments:

- Further review of detailed construction plans may require additional information to verify proposed utilities will be designed to allow for utility service to future development adjacent to this project. Revisions to proposed water, storm sewer, and sanitary sewer utilities are potentially necessary.

- The traffic study recommends a westbound left turn lane on W. Chestnut St. at the Oxford-Reily Rd. intersection. Design and construction of this improvement will need to be approved by the City of Oxford Engineering Division.

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Internal Use Only:
Case No. _____
Date Filed _____

Preliminary Subdivision Application

Applicant Information

Attach a Letter of Agency if the Applicant is not the property owner.

Name * Episcopal Retirement Services

Mailing Address * 3870 Virginia Avenue

City, State & Zip Code * Cincinnati, Ohio 45227

Telephone Number(s) * 513-979-2240

Email Address

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address * 110 South College Avenue

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-336-6600

Email Address johnbayer@bayerbecker.com

Location and Lot Information

Location of Property *

Legal Description * Part of Lot 2102 as platted in the City of Oxford

Zoning District * R-1B Proposed Lots * 2 Total Area * 47.4 Acres

Requirements and Documentation

Plat

Twenty (20) copies of the plat on bond. Drawing size must be at least 17x22" and should never exceed 24x36." The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1137, Zoning Code of the City of Oxford[1]. Scale should not exceed 1" = 100.' Plats containing less than three lots are exempted from the provisions of this section. The preliminary plat shall show:

No.	Required Item Description
1	20 sets (17" x 22" minimum)
2	Electronic version of all documentation submitted (PDF preferred)
3	Digital copy in Auto CAD format submitted on a CD. Shall utilize the NAD-83 Ohio South State Plane Coordinate System for horizontal control and the NAVD-1988 for vertical control. All subdivision boundary corners shall also be tied to the NAD-83 Ohio South State Plane Coordinate System and labeled with a northing and easting, as well as centerline intersections, temporary turn-around center points and easement centerline that does not follow a lot line.
4	The name, mailing address, and telephone number of the applicant and owner.
5	Letter of Agency. (A statement from the owner that the applicant is entitled to apply on his or her behalf.)

No.	Required Item Description
6	Attach a written, detailed description of the request.
7	Metes and bounds description of the property (Legal Description).
8	Vicinity Map
9	The zoning district in which the site is located.
10	Required Fee.
11	Number of proposed lots.
12	Preliminary Plat shall show the following:
12	A. The location of present property and section lines, streets, buildings, lakes and watercourses.
12	B. Boundary lines, size and tract of whole site and each individual lot in square feet and/or acres.
12	C. Any existing water mains, culverts, sewer lines, railroads, easements, parks, permanent buildings, power poles, other underground structures and streets within the tract or immediately adjacent thereto, including the location, dimension and size of the nearest water main and sewer line.
12	D. The proposed location and width of streets, alleys, lots, parking areas, pedestrian walks, ingress/egress, setback lines and easements.
12	E. The title under which the proposed subdivision is to be recorded and the name of the subdivider and owner if other than the subdivider platting the tract.
12	F. The names and boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels including mailing addresses and parcel numbers within 200 feet of the site.
12	G. North point, scale and date.
12	H. Existing contours with intervals of five feet or less referred to U.S.G.S. datum and obtained from a field survey.
12	I. The seal, registry number and signature of the registered surveyor and professional engineer who prepared the plat.
12	J. The plan should evaluate existing watercourses, channels, storm sewers, culverts and proposed improvements pertaining to drainage and flood control in regard to their ability to handle the anticipated greater volume of run-off and peak flows.
12	K. Any existing building(s) to remain or to be razed.
12	L. Location of any wooded areas, topographic and natural features that are within and adjacent to the proposed project area to be preserved.
12	M. If and how the proposed subdivision will be subdivided in Phases.
12	N. Site Analysis as stipulated in Section 402(b).
12	O. Landscaping Plan
12	P. Building Concepts, as applicable.
12	R. Any other information that may be necessary as determined by Staff.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search[2] is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

Fees & Receipt

The required fee for preliminary plan is $570.00 plus $10.00 per lot, plus $10.00 postage charge.

Sign and Date

Applicant Signature *

Date * 11/1/2021

Submit Application, Plans and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required copies of the preliminary plans containing all required information as attachments and a check for the fee and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the proposed Planning Commis-sion meeting on which the action is requested. City Staff will place a public hearing sign on the subject property. **The Applicant is re-sponsible for removing the signage at the completion of the hearing(s)**.

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[1] City of Oxford Codified Ordinances: http://www.cityofoxford.org/fees-ordinances-and-charter/
[2] Butler County Auditor Real Estate Search: http://www.butlercountyauditor.org/

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Internal Use Only:
Case No. _____
Date Filed _____

Planned Development Application

Application Type

Choose One

- (●) Preliminary
- ( ) Final
- ( ) Preliminary & Final

Applicant Information

Attach a Letter of Agency if the Applicant is not the property owner.

Name * Episcopal Retirement Services

Mailing Address * 3870 Virginia Avenue

City, State & Zip Code * Cincinnati, Ohio 45227

Telephone Number * 513-979-2240 Email Address _____

Owner Information

Name * The City of Oxford

Mailing Address * 15 South College Avenue

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 513-524-5200 Email Address zmoore@cityofoxford.org

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address * 110 South College Avenue

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 513-336-6600 Email Address johnbayer@bayerbecker.com

Location and Lot Information

Name of Subdivision * _____

Location of Property * west of Oxford Reilly Road, south of Brookville Road, northwest of Melissa Dr

Legal Description * Part of Lot 2102 as platted in the City of Oxford

Zoning District * R1-B Total Area * 7.0 Acres

Submission Requirements and Documentation

The application requirements (Section 1145.05[1]) for a preliminary and final planned development are different. The final planned development application requires a greater degree of accuracy and completeness than does the preliminary planned development application. This section describes the application content requirements for each step of the process.

Thirteen (13) complete sets of all information shall be submitted with each preliminary and final application. If any information is submitted in color or on non-standard paper, more copies may be required. The Zoning Administrator may modify this requirement based upon

the type of materials included. **The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement.**

(a) Preliminary Plan.

(1) Application fee.

(2) The name, mailing address, and telephone number of the applicant and all property owners.

(3) If the applicant is not the owner, or if there are multiple owners within the proposed area, a statement from all owners that the applicant is entitled to apply on their behalf, and that they agree to be legally bound to any decision reached according to this Chapter.

(4) The name, mailing address, and telephone number of any planner, engineer, surveyor, or other design professional who assisted with preparation of the plans.

(5) Description of use and site. A written, detailed description shall include the following information. A separate response is required for each subsection.

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

B. A description of the existing uses of the site.

C. The zoning districts in which the site is located.

D. A description of the proposed planned development.

1. The number of housing units by size and type proposed within each phase.
2. A description of any nonresidential operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.
3. The hours of operation of any nonresidential use.
4. A phased development schedule, if applicable, that indicates the location and timing of phases and demonstrates that each completed phase would form a reasonably independent unit if succeeding phases were abandoned.

E. A narrative statement that evaluates the compatibility of the proposed planned development with the general vicinity and adjacent properties.

1. How the proposed uses are similar to or different from existing area uses and if there will be any interaction between the proposed site and adjacent sites.
2. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.
3. If the proposed uses will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
4. How any potential negative effects on adjacent land will be mitigated.

F. A statement about why the location proposed is appropriate for the planned development.

G. A statement of the necessity or desirability of the proposed planned development to the neighborhood or community.

H. How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity, affordability and market changes (e.g. adaptability of flats versus townhomes)

I. Proposals for the provision of public utilities and services, if insufficient or not available for the planned development, or for the provision of suitable private utilities and services.

J. A general analysis of expected traffic impact, including vehicular and pedestrian safety, resulting from the proposed development.

K. The substance of proposed covenants, easements, and other restrictions on the land and structures.

L. A list of the names and mailing addresses of all landowners within 200 feet of the site.

M. Such other information regarding the proposed uses, site design, or surrounding area as may be pertinent to the application or required by Planning Commission or Council.

(6) 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.

A. North arrow.

B. Scale.

C. Vicinity map.

D. All existing and proposed lot lines within the site.

E. Dimensions of all lots and of the entire site and any adjacent rights-of-way.

F. The location and intended purpose of all open spaces

G. Approximate location, height, dimensions, and use of all proposed and existing structures.

H. Approximate location and number of different uses (i.e. dwelling types and/or commercial uses).

I. Approximate location and design of all proposed vehicle and pedestrian routes and nonresidential vehicle management areas.

J. Approximate location and size of all existing and proposed utilities that will serve the planned development.

K. Approximate location, size, and type of all proposed signs.

L. Approximate location, height, and type of all proposed screening and landscaping.

M. Distances to residential zoning districts if within 1,000 feet.
N. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
O. The location of any nearby schools and commercial facilities.
P. Other information as required by the Planning Commission or Council.

(7) Landscape plan.
A. The plan shall demonstrate compliance with the requirements of Chapter 1148.

(8) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.

(9) Other. Photographs of the existing site and its surroundings.

(10) Digital Submittal. Adobe PDF version of all information submitted to also be submitted on a current digital format.

(b) Final Plan.

(1) The same items and information as required for the preliminary plan, except that the approximations shall be refined to specific locations, dimensions, and descriptions.

(2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer

(3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.

(4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search[2] is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

Decision Process

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval. The review is based on the General Decision Standards found in Section 1145.06[1].

Fees & Receipt

The fees for a Preliminary, Final, or combined Preliminary and Final Planned Development application are $570.00 plus $100.00 per acre, plus $10.00 postage charge.

Sign and Date

Applicant Signature * _____

Date * 1/1/2021

Submit Application, Submission Requirements and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required plans containing all required information as attachments and a check for fees and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

Direct questions to the Community Development Dept. at 513-524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the proposed Planning Commission meeting on which the action is requested. City Staff will place a public hearing sign on the subject property. **The Applicant is responsible for removing the signage at the completion of the hearing(s)**.

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[1] See City of Oxford Codified Ordinances: https://www.cityofoxford.org/fees-ordinances-and-charter

[2] Butler County Auditor Real Estate Search: https://www.butlercountyauditor.org/

October 21, 2021

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: Parcel H4100-119-000-029

Dear Mr. Moore,

Please be advised that Episcopal Retirement Services and Model Group have permission from the City of Oxford to submit applications for the approval of a Preliminary Planned Development and Preliminary Subdivision on Parcel H4100-119-000-029 located west of Oxford Reilly Road across from Melissa Drive in the City of Oxford, Ohio.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Douglas R. Elliott, Jr.

Mr. Douglas R. Elliott, Jr.
City Manager

bayer becker

bayerbecker.com
513.336.6600
mason | cincinnati | oxford | fort mitchell

November 1, 2021

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: Western Knolls Property
Oxford Reily Road
Episcopal Retirement Services
Preliminary Subdivision

Dear Mr. Moore:

Enclosed please find the following items in support of Episcopal Retirement Services's (ERS) Application for Preliminary Subdivision approval for the above noted project located on Oxford Reily Road north and west of Melissa Drive:

1) Executed Preliminary Subdivision Application.
2) An affidavit from the City of Oxford granting Episcopal Retirement Services permission to submit an application for approval of a Preliminary Planned Development and Preliminary Subdivision.
3) List of property owners within 200 feet of the site.
4) Preliminary Plat.
5) Preliminary Building Elevations.
6) Planting Plan.
7) Legal Description of the entire parcel to be subdivided.

It is understood the invoice for application fee will be provided by City staff upon receipt of this application. An application for Preliminary Planned Development has been submitted for this project under a separate cover letter. Please place each of these items on the December 14th Planning Commission agenda. Should you have any questions, or need any additional information, please do not hesitate to contact us.

Sincerely,

John Bayer

John A. Bayer, PE

Enclosures

Cc: Greg Hackett, ATA Beilharz Architects LLC
Janet Westrich, Episcopal Retirement Services
David Thompson, Model Group

bayer becker

bayerbecker.com
513.336.6600
mason | cincinnati | oxford | fort mitchell

November 1, 2021

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: Western Knolls Property
Oxford Reily Road
Episcopal Retirement Services
Preliminary PUD Submittal

Dear Mr. Moore:

Enclosed please find the following items in support of Episcopal Retirement Services's (ERS) Application for Preliminary Planned Development approval for the above noted project located on Oxford Reily Road north and west of Melissa Drive:

1) It is understood the invoice for application fee will be provided by City staff upon receipt of this application

2) Digital copies of each of the following:

   a. Executed Planned Development Application.

   b. An affidavit from the City of Oxford granting Episcopal Retirement Services permission to submit an application for approval of a Preliminary Planned Development and Preliminary Subdivision.

   c. List of property owners within 200 feet of the site.

   d. Preliminary Planned Development Plan.

   e. Preliminary Building Elevations.

   f. Planting Plan.

   g. Photos of the subject site and surrounding area.

   h. Legal Description of the site.

   i. Traffic Evaluation

   j. Oxford Firetruck Vehicle Turning Exhibit

3) Applicant:

   Episcopal Retirement Services

   3870 Virginia Avenue

   Cincinnati, Ohio 45227

   513-979-2240

Owner:

The City of Oxford

15 South College Avenue

Oxford, Ohio 45056

513-524-5200

4) Design Professionals:

Engineer, Surveyor and Landscape Architect:

Bayer Becker

110 S. College Ave., Suite 101

Oxford, OH 45056

513-336-6600

Architect

ATA Beilharz Architects LLC

1063 Central Avenue

Cincinnati, Ohio 45202

513-241-4422

5) Description of use and site:

a. A legal description of the subject property is – part of lot 2102 as platted in the City of Oxford.

b. The site is currently undeveloped.

c. The site is currently zoned R1-B.

d. A description of the proposed development

i. The number of housing units by size and type proposed within each phase.

Western Knolls is a senior housing residential development consisting of 42 apartment units located on approximately 7 acres. The units will be comprised of 32 one-bedroom units and 10 two-bedroom units. These units will be designed, built, and operated as affordable rental housing for Oxford area seniors. All units will be one-story residential structures constructed as multi-unit buildings space throughout the development. Included with these units will be a community space which will provide services specifically tailored to the community residences.

ii. A description of any nonresidential operations, including types of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.

Not applicable.

iii. The hours of operation of any nonresidential use.

Not applicable.

iv. A phased development schedule, if applicable, that indicates the location and timing of phases and demonstrates the each completed phase would form a reasonably independent unit if succeeding phases were abandoned.

Not applicable, this development is intended to develop as one single phase.

e. A narrative statement that evaluates the compatibility of the proposed planned development with the general vicinity and adjacent properties.

i. How the proposed uses are similar to or different from existing area uses and if there will be any interaction between the proposed site and adjacent sites.

The proposed multi-family use is similar to much of the surrounding developed areas. The Cedar Creek condominiums located north of the site and Chestnut Hill condominiums located northeast of the site are similar in density and use to the proposed development. The remaining developed areas in the vicinity of the proposed development consist primarily of single family residential.

As part of the project, Melissa Drive (public) shall be extended across the site's northern boundary to provide dual accesses to the site and form a connection to Dana Drive to the west as shown by the 2020 Oxford Transportation Plan. In conjunction with this application, the applicant has requested funding from the City of Oxford for construction of the Melissa Drive extension and any other required infrastructure that would benefit more than this project. The sites internal sidewalks will connect to the sidewalk along the south side of Melissa Drive. A segment of the Oxford Area Trails System (OATS) is currently planned along Oxford Reily Road (S.R. 732) to be constructed by the City of Oxford. The sidewalks along the Melissa Drive are to connect to the OATS.

The site currently contains dense vegetation. In order to align with the City of Oxford Tree Preservation requirements, the site has been designed to condense development areas to the smallest footprint practical within the site. Additionally, due to the flat site topography and condensed site plan layout, tree clearing beyond the limits of exempted areas (within private accessways, within 5 feet of walkways and parking areas, stormwater retention and utility areas) is expected to be minor. The southern and western parts of the site are to remain unimpacted by the development and left in the natural state. Landscaping plantings have been provided throughout the site in accordance with the City of Oxford Tree Planting Requirements.

ii. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.

No structures currently exist on the site. With a combination of brick veneer and vinyl siding, the proposed structures are to be similar in exterior finishes and building materials to the nearby multi-family structures located in Cedar Creek condominiums and Chestnut Hill condominiums and similar in appearance to the surrounding single-family residences. All proposed structures are to be one-story.

iii. If the proposed uses will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibrations or emissions.

Not applicable.

iv. How any potential negative affects on adjacent land will be mitigated.

Western Knolls will have minimal impact on adjacent land. The site has been designed to provide natural open space to the west and south of proposed structures to provide a buffer to nearby residences. Landscape buffering has

also been provided along the project's eastern boundary, adjacent to expected future development. Street tree buffering has been provided along Melissa Drive to buffer future developments on the north side of Melissas Drive. Lastly, the site has been designed with interior circulation to mitigate possible negative impacts to adjacent land uses.

f. A statement about why the location proposed is appropriate for the planned development.

The Request for Proposal developed by the City of Oxford for sale of the Western Knolls property specifically noted the economic objective of "provide housing for people that cannot afford to live in Oxford currently". This developed has been designed to fill this need. Additionally, as noted above, the proposed structures are similar in character to surrounding residences.

g. A statement of the necessity or desirability of the proposed planned development to the neighborhood or community.

The Housing Needs Assessment published by the Oxford Housing Advisory Committee in early 2021 details housing demand projections through 2025. Those projections state that "overall, there is a housing need for over 500 additional rental units in the city over the next five years. More than 60% of this need is for households earning at or below $43,000... it appears that approximately one-quarter to one-third of the demand for new rental housing could be specifically targeted to meet the needs of area seniors". These needs are echoed by the mission of the Oxford Housing Advisory Committee which details affordable housing and senior housing as two keypoints in its mission. This development is aligned to both of these specific needs by providing attainable housing that is specifically designed for area seniors.

h. How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity, affordability and market changes.

The goal of this development is for ERS to provide affordable senior living with services not often found in communities for seniors with limited incomes. As noted above, this development aligns with and advances many goals stated by the Oxford Housing Advisory Committee.

i. Proposals for the provision of public utilities and services, if insufficient or not available for the planned development, or for the provision of suitable private utilities and services.

Public water and sanitary sewer are available to the property and will be extended into the property as needed to provide service. Stormwater detention is to be provided in a proposed stormwater basin on the south side of the development.

j. A general analysis of expected traffic impact, including vehicular and pedestrian safety resulting from the proposed development.

A Traffic Analysis has been prepared for this project based upon requirements provided by the Oxford City Engineer. A copy of the analysis has been included with this application.

k. The substance of proposed covenants, easements and other restrictions on the land and structures.

Easements are to be provided as needed for public utilities servicing the development. As the development is to remain privately owned, there is not a need for covenants and restrictions as typically required for a subdivision development.

In addition to the request for approval of the Preliminary Development Plan, Episcopal Retirement Services requests that the following waiver be granted:

1) Per Section 1149.03 (i) Multi-Family in District other than R-3 District requires 2.5 parking spaces per dwelling unit. The applicant requests a waiver from this requirement to allow 1.2 parking spaces per unit. With the experience of 27 affordable senior living communities in the region, this parking ratio is provided at other communities ERS operates and is sufficient for the households they serve. ERS completed parking counts on several of their communities in the region and found that typical utilization is less than one parking space per unit. Data from these parking counts is provided below for reference:

Community	Parking Spaces Provided	Units	Parking Spaces per Unit	Typical Parking Utilization
Knowlton Place	39	56	0.7	90%
Marlowe Court	50	53	0.9	60%
St. Paul Village	118	168	0.7	58%
Madison Villa	82	95	0.9	61%

An application for Preliminary Subdivision has been submitted for this project under a separate cover letter. Please place each of these items on the December 14th Planning Commission Meeting agenda. Should you have any questions, or need any additional information, please do not hesitate to contact us.

Sincerely,

John Bayer

John A. Bayer, PE

Enclosures

Cc: Greg Hackett, ATA Beilharz Architects LLC
Janet Westrich, Episcopal Retirement Services
David Thompson, Model Group

Date: November 24, 2021

Description: Part of Lot #2102
7.0003 Acres
City of Oxford

Location: City of Oxford
Butler, Ohio

Situated in the State of Ohio, Congress Lands West of the Miami River, Section 28, Town 5, Range 1, City of Oxford, Butler County and being 7.0003 Acres of land in part of Lot #2102 of the designated list of lots of said City of Oxford and being in part of the lands of the City of Oxford as recorded in Official Record 8067, Page 2189 of the Butler County, Ohio Recorder's Office and being further described as follows:

Beginning at the northeast corner of Lot #3155 of Western Knolls Subdivision, Section 7 as recorded in Plat Envelope 2942, Pages A-B of the Butler County, Ohio Recorder's Office and being the **True Point of Beginning**:

thence, leaving the northeast corner of said Lot #3155 and with the northerly boundary of said Western Knolls Subdivision, Section 7, North 50° 34' 50" West, 135.00 feet;

thence, leaving the northerly boundary of said Western Knolls Subdivision, Section 7 and with a new division line through said Part of Lot #2102 for the following twelve courses:

1) North 39° 25' 07" East, 15.95 feet;
2) with a curve to the right, having a central angle of 37° 59' 47", a radius of 370.00 feet, an arc length of 245.37 feet, and a chord bearing and distance of North 58° 25' 00" East, 240.90 feet;
3) North 77° 24' 53" East, 265.10 feet;
4) with a curve to the right, having a central angle of 14° 02' 19", a radius of 420.00 feet, an arc length of 102.91 feet, and a chord bearing and distance of North 84° 26' 03" East, 102.65 feet;
5) with a curve to the right, having a central angle of 03° 22' 18", a radius of 1470.00 feet, an arc length of 86.50 feet, and a chord bearing and distance of South 86° 51' 39" East, 86.49 feet;
6) with a curve to the right, having a central angle of 14° 06' 32", a radius of 820.00 feet, an arc length of 201.92 feet, and a chord bearing and distance of South 78° 07' 14" East, 201.41 feet;
7) with a curve to the right, having a central angle of 00° 25' 01", a radius of 980.00 feet, an arc length of 7.13 feet, and a chord bearing and distance of South 71° 16' 28" East, 7.13 feet;
8) with a curve to the right, having a central angle of 87° 14' 36", a radius of 18.00 feet, an arc length of 27.41 feet, and a chord bearing and distance of South 27° 51' 41" East, 24.84 feet;
9) South 15° 45' 37" West, 45.01 feet;
10) with a curve to the left, having a central angle of 13° 13' 26", a radius of 430.00 feet, an arc length of 99.24 feet, and a chord bearing and distance of South 09° 08' 54" West, 99.02 feet;
11) South 02° 32' 11" West, 226.20 feet;

12) North 87° 27' 49" West, 790.65 feet to the easterly boundary of said Western Knolls Subdivision, Section 7;

thence, leaving said new division line and with the easterly boundary of said Western Knolls Subdivision, Section 7 for the following two courses:

1) North 17° 36' 09" East, 51.935 feet;

2) North 32° 08' 48" East, 72.15 feet to the **True Point of Beginning,** containing 304,934 square feet or 7.0003 Acres of land, more or less.

ORIGINAL PLAN received 11/1/2021

PRELIMINARY SUBDIVISION
WESTERN KNOLLS

SECTION 28, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

OWNER

THE CITY OF OXFORD
15 SOUTH COLLEGE AVENUE
OXFORD, OHIO 45056
513-524-5200

APPLICANT

EPISCOPAL RETIREMENT SERVICES
3679 VIRGINIA AVENUE
CINCINNATI, OHIO 45227
513-979-2210

ARCHITECT

RTA ARCHITECTS LLC
1845 CENTRAL AVENUE
CINCINNATI, OHIO 45202
513-579-9922

SURVEYOR, ENGINEER & LANDSCAPE ARCHITECT

BAYER BECKER
110 SOUTH COLLEGE AVENUE SUITE 101
OXFORD, OHIO 45056
513-523-4279

PARCEL AREA SUMMARY:

TOTAL SITE AREA	47.41	ACRES
BROOKVILLE ROAD RIGHT-OF-WAY	0.02	ACRES
OXFORD RILEY ROAD (CH 732) RIGHT-OF-WAY	1.62	ACRES
MELISSA DRIVE RIGHT-OF-WAY DEDICATION	1.94	ACRES
NO. OF PROPOSED LOTS	3	
PLANNED DEVELOPMENT AREA	7.00	ACRES
PARCEL REMAINDER AREA	35.75	ACRES

SITE ANALYIS:

- EXISTING ZONING: R1-8
- THE SITE DOES NOT CONTAIN ANY EXISTING STRUCTURES. ALL PROPOSED STRUCTURES ARE TO BE ONE-STORY.
- THE SITE DOES NOT CONTAIN MAPPED FLOODPLAIN AND IS DENOTED AS ZONE X PER FEMA COMMUNITY PANELS 3601720100F.
- PER THE NRCS WEB SOIL SURVEY, MUCH OF THE SITE CONTAINS SOILS DENOTED AS PRIME FARMLAND. HOWEVER, THE PROPOSED MULTI-FAMILY USE WILL BE COMPARABLE TO THE ADJACENT USES.
- THE PROJECT SITE IS NOT LOCATED WITHIN AREAS NOTED BY THE CITY OF OXFORD HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION.
- THE SITE IS NOT LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.
- THE OKI ENVIRONMENTAL RESOURCES AND GREENSPACE FEATURES MAPPING DOES NOT LIST ANY WETLANDS WITHIN THE SITE. TREE CANOPY COVER IS LISTED THROUGHOUT MUCH OF THE SITE.
- THE SITE DOES NOT CONTAIN ANY SIZEABLE AREAS OF SLOPES GREATER THAN 15%.
- PROPERTY CORNER COORDINATES PROVIDED FOR REFERENCE AND PLAN REVIEW PURPOSES ONLY.
- EXISTING UTILITY INFORMATION SHOWN AS PER GIS INFORMATION PROVIDED BY THE CITY OF OXFORD.
- 1-FOOT INTERVAL CONTOURS PROVIDED BY BUTLER COUNTY GIS, DATED 2017, AND BASED ON NAD83 (HARN) GEOGRAPHIC COORDINATE SYSTEM.

VICINITY MAP
NO SCALE

STATE OF OHIO
JOHN A. BAYER
8670
11/1/2021

EPISCOPAL RETIREMENT SERVICES
WESTERN KNOLLS
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 28, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

bayer becker

21-0207 BWD

1 of

Plot time: Nov 01, 2021 - 1:44pm
Drawing name: J:\2021\21-0207\CVD\NO\21-0207 Pre Site.dwg - Layout Tab: Prelim Plat

LATEST PLAN received 11/29/2021

PRELIMINARY SUBDIVISION
WESTERN KNOLLS

SECTION 28, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

OWNER
THE CITY OF OXFORD
13 SOUTH COLLEGE AVENUE
OXFORD, OHIO 45056
513.524.5300

APPLICANT
EPISCOPAL RETIREMENT SERVICES
3670 VIRGINIA AVENUE
CINCINNATI, OHIO 45227
513.871.7249

ARCHITECT
ATA BELLINER ARCHITECTS LLC
863 CUNIFIAL AVENUE
CINCINNATI, OHIO 45202
513.241.4122

SURVEYOR, ENGINEER & LANDSCAPE ARCHITECT
BAYER BECKER
119 SOUTH COLLEGE AVENUE SUITE 101
OXFORD, OHIO 45056
513.523.4275

PARCEL AREA SUMMARY:

TOTAL SITE AREA	47.44	ACRES
BROOKVILLE ROAD RIGHT-OF-WAY	0.02	ACRES
OXFORD REILLY ROAD (CH 732) RIGHT-OF-WAY	1.62	ACRES
MELISSA DRIVE & DANA DRIVE RIGHT-OF-WAY DEDICATION	1.94	ACRES
NO. OF PROPOSED LOTS	3	
PLANNED DEVELOPMENT AREA	7.00	ACRES
PARCEL REMAINDER AREA	35.75	ACRES

SITE ANALYIS:

- EXISTING ZONING: R1-E
- THE SITE DOES NOT CONTAIN ANY EXISTING STRUCTURES. ALL PROPOSED STRUCTURES ARE TO BE ONE-STORY.
- THE SITE DOES NOT CONTAIN MAPPED FLOODPLAIN AND IS DENOTED AS ZONE X PER FEMA COMMUNITY PANELS 0061722135F.
- PER THE NRCS WEB SOIL SURVEY, MUCH OF THE SITE CONTAINS SOILS DENOTED AS PRIME FARMLAND. HOWEVER, THE PROPOSED MULTI FAMILY USE WILL BE COMPARABLE TO THE ADJACENT USES.
- THE PROJECT SITE IS NOT LOCATED WITHIN AREAS NOTED BY THE CITY OF OXFORD HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION.
- THE SITE IS NOT LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.
- THE OHIO ENVIRONMENTAL RESOURCES AND GREENSPACE FEATURES MAPPING DOES NOT LIST ANY WETLANDS WITHIN THE SITE. TREE CANOPY COVER IS LISTED THROUGHOUT MUCH OF THE SITE.
- THE SITE DOES NOT CONTAIN ANY SIZEABLE AREAS OF SLOPES GREATER THAN 15%.
- PROPERTY CORNER COORDINATES PROVIDED FOR REFERENCE AND PLAN REVIEW PURPOSES ONLY.
- EXISTING UTILITY INFORMATION SHOWN AS PER GIS INFORMATION PROVIDED BY THE CITY OF OXFORD.
- 1-FOOT INTERVAL CONTOURS PROVIDED BY BUTLER COUNTY GIS, DATED 2017, AND BASED ON NAD83 (HARN) GEOGRAPHIC COORDINATE SYSTEM.

VICINITY MAP
NO SCALE

STATE OF OHIO
JOHN A. BAYER
86734
11/29/2021

Date	Revision Description	Drawn	Chk
1	11/29/2021 - 1st review		

EPISCOPAL RETIREMENT SERVICES
WESTERN KNOLLS
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 28, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

bayer becker
119 South College Avenue, Suite 101
Oxford, Ohio 45056
513.523.4275

21-0297.INIT
1/1

Plot time: Nov 29, 2021 - 1:27pm
Drawing name: J:\2021\21-0297\CIVIL\Civil\0297 Pre Sub.dwg - Layout: Tab - Preliminary Plat

PRELIMINARY PLANNED DEVELOPMENT
WESTERN KNOLLS
SECTION 28, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

VICINITY MAP
NO SCALE

OWNER
THE CITY OF OXFORD
16 SOUTH COLLEGE AVENUE
OXFORD, OHIO 45056
513-524-5290

APPLICANT
EPISCOPAL RETIREMENT SERVICES
3679 VIRGINIA AVENUE
CINCINNATI, OHIO 45227
513-979-2440

ARCHITECT
ATA GERHANZ ARCHITECTS LLC
1900 CENTRAL AVENUE
CINCINNATI, OHIO 45202
513-241-4462

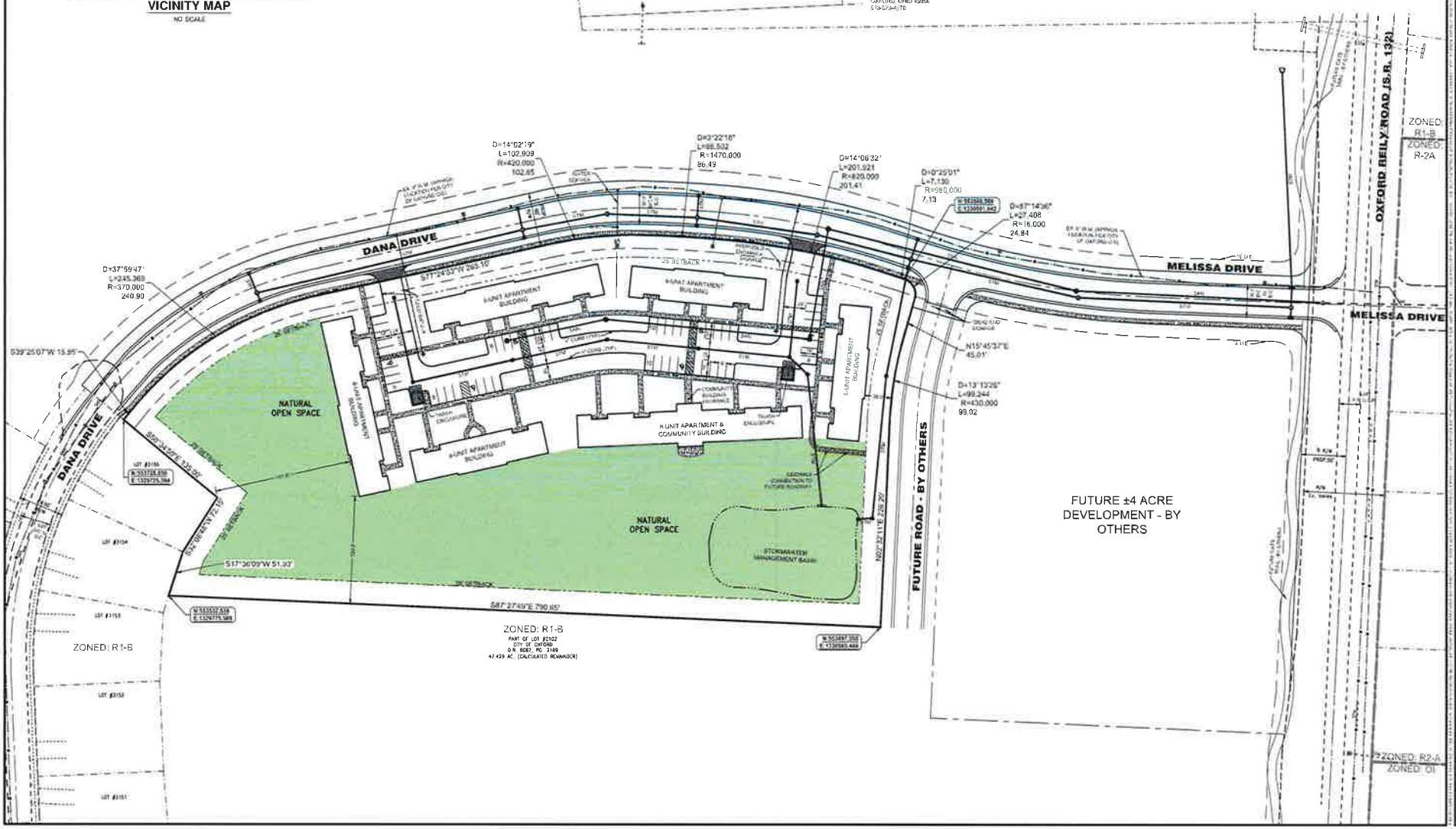
SURVEYOR, ENGINEER & LANDSCAPE ARCHITECT
BAYER BECKER
110 SOUTH COLLEGE AVENUE, SUITE 101
OXFORD, OHIO 45056
513-523-4170

PROJECT SUMMARY:
EXISTING ZONING: R-1B
PROPOSED ZONING: M-1 RESIDENTIAL
PLANNED UNIT DEVELOPMENT

PLANNED DEVELOPMENT AREA	7.00	ACRES
OPEN SPACE	2.95	ACRES (42%)
LOT COVERAGE	1.08	ACRES (15%)
PARKING SPACES PROVIDED	63	
ACCESSIBLE SPACES REQUIRED	4	
ACCESSIBLE SPACES PROVIDED	6	

OPEN SPACE

NOTES:
1. ELECTRIC TO BE PROVIDED BY DUKE ENERGY.
2. GAS TO BE PROVIDED BY GLENWOOD ENERGY.
3. SANITARY SEWER, STORM SEWER AND WATER MAIN SHALL BE CONNECTED TO EXISTING CITY OF OXFORD SYSTEMS AND CONSTRUCTED PER CITY OF OXFORD STANDARDS AND SPECIFICATIONS.
4. 1-FOOT INTERVAL CONTOURS PROVIDED BY BUTLER COUNTY GIS, DATED 2017, AND BASED ON NAD83 (HARN) GEOGRAPHIC COORDINATE SYSTEM.
5. STREET LIGHTING TO BE PROVIDED ALONG MELISSA DRIVE.
6. MAIL SERVICE TO BE DELIVERED TO AND DISTRIBUTED FROM THE COMMUNITY BUILDING. SEE PLAN FOR LOCATION.
7. ALL DIMENSIONS ARE TO EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
8. ALL PROPOSED STRUCTURES ARE TO BE ONE-STORY.
9. PROPERTY CORNER COORDINATES PROVIDED FOR REFERENCE AND PLAN REVIEW PURPOSES ONLY.



EPISCOPAL RETIREMENT SERVICES
WESTERN KNOLLS
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 28, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

bayer becker

1 of

Plot Time: Nov 29, 2021 - 1:25pm
Drawing name: J:\2021\21-022FCV\DWG\21-022 Fire PUD.dwg - Layout Tab: Fire PUD

PLANT SCHEDULE

DECIDUOUS TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
ACE MOU	4	Acer saccharum 'Green Mountain' TM	Green Mountain Sugar Maple	B & B	2.0" Cal
GIN AUT	15	Ginkgo biloba 'Autumn Gold' TM	Autumn Gold Maidenhair Tree	B & B	2.0" Cal
GLE SHO	4	Gleditsia triacanthos inermis 'Shademaster' TM	Shademaster Locust	B & B	2.0" Cal
PLA BLO	11	Platanus x acerifolia 'Bloodgood'	Bloodgood London Plane Tree	B & B	2.0" Cal
TIL STE	12	Tilia americana 'Sentry'	Sentry Silver Linden	B & B	2.0" Cal
ULM PRI	10	Ulmus americana 'Princeton'	Princeton American Elm	B & B	2.0" Cal

EVERGREEN TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
PIN NIG	4	Pinus nigra	Austrian Black Pine	B & B	6' HL
PIN PYR	3	Pinus strobus 'Pyramidal'	Pyramidal White Pine	B & B	6' HL
THU PRE	22	Thuja plicata 'PRECO' TM	Forever Green Western Red Cedar	B & B	5' HL
THU GIA	15	Thuja plicata 'Green Giant'	Green Giant Western Red Cedar	B & B	6' HL

ORNAMENTAL TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
CORN CRE	7	Cornus florida 'Cherokee Brave'	Cherokee Brave Dogwood	B & B	1.5" Cal

DECIDUOUS SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
HYD RIM	4	Hydrangea quercifolia 'Ruby Slippers'	Ruby Slippers Hydrangea	3 gal	24" HL
ILE VER	7	Ilex verticillata 'Jim Dandy'	Jim Dandy Winterberry	B & B	30" HL
ILE RED	6	Ilex verticillata 'Red Sprite'	Red Sprite Winterberry	3 gal	24" HL
PHY OBS	16	Physocarpus opulifolius 'Dickinsen'	Dickinsen Ninebark	3 gal	24" HL
RHO ELI	18	Rhododendron x obtusum 'Eldorado'	Azalea	B & B	30" HL

EVERGREEN SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
CHA GIG	15	Chamaecyparis pisifera 'Gold Mop'	Golden Mop Threadbeat False Cypress	B & B	24" HL
JUN FOR	25	Juniperus chinensis 'Sea Green'	Sea Green Juniper	B & B	30" HL
TAX DEN	20	Taxus x media 'Densiformis'	Dense Yew	B & B	30" HL

OXFORD ZONING NOTES:

SECTION 1149.03 STREET TREE REQUIREMENTS:

TREES SHALL BE PLANTED IN THE TREE LAWN OR OTHER APPROPRIATE AREAS IN THE STREET RIGHTS-OF-WAY AS REQUIRED IN CHAPTER 935.

CHAPTER 935.06 SPACING

- MIN SPACING: SMALL TREES, 30FT, MEDIUM TREES, 40FT, LARGE TREES, 60FT
- ALL NEWLY PLANTED STREET TREES SHALL BE PLANTED EQUAL DISTANCE BETWEEN THE SIDEWALK AND THE CURB OR THE PROPERTY LINE AND THE CURB
  (15) LARGE STREET TREES ADDED ALONG MELISSA DRIVE

SECTION 1149 PARKING & SITE ACCESS:

(f) PARKING LOT DESIGN

(8) ANY PARKING SPACE ORIENTED TO HAVE HEADLIGHTS SHINE INTO A RESIDENTIAL STRUCTURE SHALL HAVE A FENCE, WALL, OR SOLID HEDGE OF NO LESS THAN 4 IN HEIGHT.
6' SHRUB SCREEN ADDED BETWEEN RESIDENTIAL UNITS & PARKING LOT

(n) LANDSCAPING

- TREES: ALL PARKING AREAS SHALL HAVE (1) TREE EVERY 3 PARKING SPACES LANDSCAPED
  53 PARKING SPACES / 3 = 11 PARKING LOT TREES REQ. & PROVIDED
- LANDSCAPED AREAS: ALL AREAS THAT ARE NOT PAVED SHALL BE LANDSCAPED W/ SHRUBS, VINES, GROUND COVER, OR LAWN (SHRUBS SHALL NOT EXCEED 1' ADJACENT TO PARKING)

SECTION 1149.12 PLANNED DEVELOPMENT DESIGN

H. LANDSCAPING & SCREENING

(2) THE REQUIRED PERIMETER SETBACK AREA SHALL BE RETAINED IN NATURAL WOODS OR SUITABLY LANDSCAPED WITH GRASS, GROUND COVER, SHRUBS, TREES, OR EARTHEN MOUND

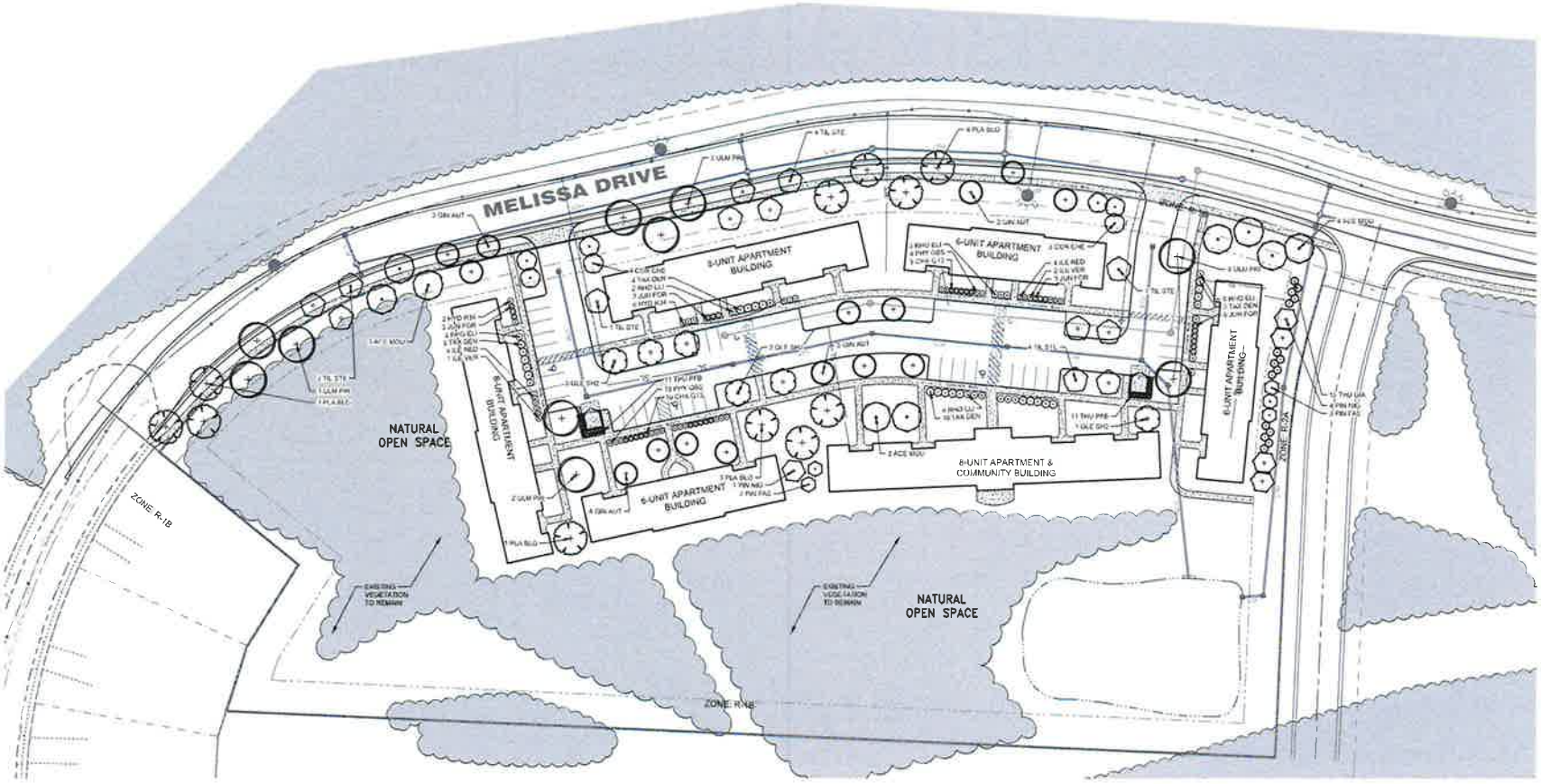
- NORTH: STREET TREES + FRONT YARD LANDSCAPING
- EAST: LANDSCAPE BUFFER ADDED
- SOUTH: EXISTING NATURAL WOODS RETAINED
- WEST: EXISTING NATURAL WOODS RETAINED

SECTION 1149.04 TREE PLANTING REQUIREMENTS:

C. RESIDENTIAL MULTI-FAMILY STANDARDS

- OVERALL SITE TREES: (1) TREE FOR EVERY (10) LF OF LOT FRONTAGE ON PUBLIC STREET R.O.W.
  1663LF (MELISSA DR.) / 10 = 166 SITE TREES REQ. & PROVIDED
- (2) FRONT YARD TREES: (1) TREE EVERY (25) LF OF LOT FRONTAGE ON A PUBLIC STREET R.O.W. REQUIRED IN FRONT YARD AREA (TREES COUNT TOWARDS OVERALL SITE TREES)
  1663LF/25 = 49 FRONT YARD TREES REQ. & PROVIDED ALONG MELISSA DRIVE
- (3) PARKING AREA TREES: SECTION 1149.03(n)(6) HAS PARKING LOT REQUIREMENTS (TREES COUNT TOWARDS OVERALL SITE TREES, BUT NOT FRONT YARD TREES)
  SEE SECTION 1149(n) FOR PARKING AREA TREE REQ.

EACH EXISTING TREE MEETING THE STANDARDS FOR MINIMUM LANDSCAPING PLACEMENT THAT IS PRESERVED MAY BE COUNTED AS ONE (1) REQUIRED TREE, AND EACH EXISTING TREE THAT IS TEN (10) INCHES OR GREATER IN DIAMETER MAY BE COUNTED AS TWO (2) REQUIRED TREES.



Ross of Banking
Saint Louis MO63131

SCALE: 1" = 40'

Item	Revision Description	Date	By	Chk
1	REVISED PER STAFF REVIEW	11/15/21	AEC	

EPISCOPAL RETIREMENT SERVICES
WESTERN KNOLLS
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 24, TOWN 3, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

bayer becker
10005 Brecksville Road
Brecksville, Ohio 44141-3501
(440) 526-4414 Fax (440) 526-4426

Drawing
Drawn by
Checked by
Date
Scale
Sheet

L1.0

Plot Date: Nov 23, 2021 - 11:15am
Drawing name: J:\PROJECTS\2017 LA DWG\24\2017 LA Dwg - Layout Tab - L.A.X. JAN.dwg

ATA BEILHARZ ARCHITECTS

ERS

modelgroup

WESTERN KNOLLS
PROPOSED SENIOR APARTMENTS FOR ERS
CROSS PARK ROAD
OAKLAND, OHIO

CERTIFICATION

	DATE
1	[illegible]
2	[illegible]

PROJECT NO. DATE
DRAWN CHECKED

PROPOSED EXTERIOR ELEVATIONS

Front View

Back View

asi
394 Wards Corner Road
Suite 100
Cincinnati, OH 45140
www.asisignage.com

This drawing is property of ASI. All Rights for its use and reproduction are reserved by ASI.

Project: ERS Manse Apartments

Address: 1004 Chapel Street

City, State: Cincinnati, OH 45206

Sales: Kim Moscarino

Project Manager: Heather Knox

Client Contact: Doug Feldkamp

Revision Number: *

Revision Date: *

Description:

Post & Panel Sign
@ 36"(h) x 42-1/2"(w) x 3.25"(t) to include the following:
Double-sided, non-illuminated, aluminum post & panel sign
Panel @ 24" (h) x 36" (w) x .090" (t)
Square aluminum mounting posts
@ 3.25" x 72" long, flat caps, 3
3' above grade, 3' below grade
Cut vinyl copy / graphics
Background Color: Cool Grey 1
Copy color: (Oracal #751-608 Petrol) and Black

Scale: 1/8" = 1"

Designer: Sam Moscarino

Date: February 18, 2021

Sheet: 1 of 1

WOMEN OWNED

MANSE
APARTMENTS
1004 CHAPEL STREET
513.527.1400

bayer becker

bayerbecker.com
513.336.6600
mason | cincinnati | oxford | fort mitchell

November 1, 2021

Mr. Scott Otto, P.E.
City Engineer
City of Oxford
15 S. College Ave
Oxford, Ohio 45056

Re: Episcopal Retirement Services Development
Western Knolls Property
Traffic Evaluation

Dear Mr. Otto,

Bayer Becker has prepared the following Traffic Evaluation for the proposed Episcopal Retirement Services development to be located west of Oxford Reily Road (SR 732) on the south side of extended Melissa Drive in the Western Knolls Property, in the City of Oxford, Butler County, Ohio.

Proposed Development

The proposed Episcopal Retirement Services development will consist of 42 apartments for Oxford area seniors. Direct access for the development is proposed via 2 driveways off the extension of Melissa Drive.

A concept plan is provided by attachment.

Area Conditions

In the vicinity of the site, Oxford Reily Road (SR 732) is a north-south, two-lane roadway with a posted speed limit of 35 mph. According to the City of Oxford Thoroughfare Plan, dated May 19, 2020, Oxford Reily Road (SR 732) is classified as a minor arterial.

West Chestnut Street, changes to Brookville Road west of Oxford Reily Road (SR 732), is an east-west, two-lane roadway with a posted speed limit of 35 mph. Per the Oxford Thoroughfare Plan, West Chestnut Street is classified as a minor arterial and Brookville Road a major collector.

Melissa Drive will be a 2 lane roadway extended from Oxford Reily Road (SR 732) to the end of Dana Drive, with a posted speed limit of 25 mph. Per the City of Oxford Thoroughfare Plan, it is classified as a minor collector.

To determine the existing traffic volumes at the intersections of Oxford Reily Road (SR 732) and Melissa Drive and Oxford Reily Road (SR 732) and West Chestnut Street/Brookville Road, Bayer Becker conducted peak hour turning movement traffic counts at both intersections on Tuesday, October 26th, 2021, from 7:00 AM to 9:00 AM and from 4:00 PM to 6:00 PM.

The complete traffic count information is provided by attachment. The 2021 AM and PM peak hour existing traffic volumes are presented in Figure 1.

Projected Traffic

Trip generation for the proposed Episcopal Retirement Services development was estimated using the data and methodology presented in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition*. Site trips generated during the weekday AM and PM peak hours are presented in the following table.

Table 1
Trip Generation – Episcopal Retirement Services Development

Land Use	ITE Code	Size	Units	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Senior Adult Housing - Multifamily	252	42	Dwellings	3	6	9	6	5	11

Trip generation rate information is attached for reference.

Peak hour site trips generated by the proposed development were distributed at the intersections of Oxford Reily Road (SR 732) and Melissa Drive, and Oxford Reily Road (SR 732) and West Chestnut Street/Brookville Road based upon existing traffic distribution, as presented in Figure 1.

Site trips generated by the proposed development are presented in Figure 2.

As previously mentioned, Melissa Drive will extend from Oxford Reily Road (SR 732) to Dana Drive. It is anticipated with this extension, that approximately 25 homes located on Dana Drive and Josie Lane will the utilize this new connection to Oxford Reily Road (SR 732), instead of the existing Dana Drive intersection. In order to account for this traffic, trips to be generated by these 25 homes were determined using ITE Trip Generation information.

Table 2
Trip Generation – Existing Homes on Dana Drive & Josie Lane

Land Use	ITE Code	Size	Units	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Single Family Residential	210	25	Dwellings	5	16	21	17	10	27

Trips generated by the existing 25 homes on Dana Drive and Josie Lane were distributed at the intersections of Oxford Reily Road (SR 732) with Melissa Drive and West Chestnut Street/Brookville Road, based upon the existing distribution of traffic in the area, see Figure 3.

Total Traffic

The 2022 Build traffic volumes were obtained by adding the proposed site traffic volumes and the Dana Drive/Josie Lane volumes to the corresponding existing traffic volumes.

The 2022 Build traffic volumes are presented in Figures 4, respectively.

Turn Lane Warrant Analysis

The need for turn lanes on all approaches of the intersections of Oxford Reily Road (SR 732) at Melissa Drive and Oxford Reily Road (SR 732) at Brookville Road/West Chestnut Street were determined using turn lane warrants from the Ohio Department of Transportation (ODOT) *Location and Design Manual, Volume 1*, Sections 401.2.2, 401.6.1, and 401.6.3 and Figures 401-5a and 401-6a.

Based on the analysis, the following turn lane is warranted for 2021 Existing Conditions:

- Westbound left turn on West Chestnut Street at Oxford Reily Road (SR 732).

No additional turn lanes are warranted for 2022 Build Conditions (including site development traffic).

The turn lane warrant analysis is provided in the Attachments.

The ODOT *Location and Design Manual, Volume 1* Figures 401-9 and 401-10, were used to calculate the storage length for the warranted turn lane.

Based on calculations, the following turn lane storage length is recommended for 2021 Existing Conditions:

- 225' westbound left turn on West Chestnut Street at Oxford Reily Road (SR 732)

The storage length includes a 50' diverging taper. Storage length calculations are provided in the Attachments.

Capacity and Level of Service

Level of Service (LOS), as defined in the *Highway Capacity Manual, 6th Edition* (*HCM 2016*), is "a quality measure describing operational conditions within a traffic stream, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience." LOS is a function of the control delay per vehicle, and it is the standard used to evaluate traffic flow at an intersection.

According to ODOT's *State Highway Access Management Manual*, every movement should operate at LOS of E or better, with the overall intersection at a LOS D or better.

The criteria used by *HCM* are provided in Table 3 below.

Table 3
Level of Service Criteria for Unsignalized Intersections

Level of Service	Delay Range (sec/veh)	Expected Delay
A	<10	Little or No Delay
B	>10 and < 15	Short Traffic Delay
C	>15 and < 25	Average Traffic Delay
D	>25 and < 35	Long Traffic Delay
E	>35 and < 50	Very long Traffic Delay
F	>50	Excessive Traffic Delay

Capacity analysis of the intersections of Oxford Reily Road (SR 732) and Melissa Drive, and Oxford Reily Road (SR 732) and Brookville Road/West Chestnut Street was performed for both the 2021 Existing and 2022 Build Conditions, both with and without the warranted westbound left turn lane on West Chestnut Street at Oxford Reily Road (SR 732).

Intersection levels of service for the unsignalized intersections are presented in Table 4. For complete capacity analysis, see Attachments.

Table 4
Levels of Service (Delay, Seconds)

		2021 Existing Conditions				2022 Proposed Conditions			
		Existing Geometry		Proposed Geometry		Existing Geometry		Proposed Geometry	
		AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
Oxford Reily Rd. (SR 732) & Brookville Rd./West Chestnut St. (Unsignalized)									
EB		A (9.7)	A (9.3)	A (10.0)	A (9.4)	A (9.7)	A (9.3)	B (10.0)	A (9.4)
WB	Left/Thru	B (10.3)	C (16.8)	-	-	B (10.4)	C (17.0)	-	-
	Left	-	-	B (11.1)	B (13.0)	-	-	B (11.2)	B (13.1)
	Thru	-	-	A (8.6)	B (10.6)	-	-	A (8.6)	B (10.6)
NB		A (10.0)	B (11.0)	B (10.1)	B (10.7)	B (10.1)	B (11.1)	B (10.2)	B (10.8)
Overall		B (10.0)	B (13.9)	B (10.2)	B (11.2)	B (10.1)	B (14.1)	B (10.3)	B (11.3)
Oxford Reily Rd. & Melissa Dr. (Unsignalized)									
EB		-	-	-	-	B (11.9)	B (12.7)	B (11.9)	B (12.7)
WB		B (11.3)	B (10.7)	B (11.3)	B (10.7)	B (11.9)	B (10.9)	B (11.9)	B (10.9)
NB		-	-	-	-	A (7.6)	A (7.8)	A (7.6)	A (7.8)
SB		A (7.9)	A (7.8)	A (7.9)	A (7.8)	A (7.9)	A (7.8)	A (7.9)	A (7.8)

Based on the capacity analysis completed for the intersections of Oxford Reily Road (SR 732) and Melissa Drive and Oxford Reily Road (SR 732) and Brookville Road/West Chestnut Street, the LOS for each movement is acceptable, in both the AM and PM Peak Hours for 2021 Existing and 2022 Build Conditions with and without the proposed left turn lane on West Chestnut Street at Oxford Reily Road (SR 732).

Findings and Recommendations

Based on the traffic analysis contained herein, the following roadway improvement is recommended to accommodate 2021 Existing Conditions:

- Construct a 225' westbound left turn lane on West Chestnut Street at Oxford Reily Road (SR 732).

The storage length includes a 50' diverging taper.

All improvements shall be constructed in accordance with City of Oxford requirements.

Should you have any questions or need any additional information, please do not hesitate to contact us.

Sincerely,

Etta Reed

Etta Reed, P.E.

Attachments

Butler Soil and Water Conservation District
1802 Princeton Road Suite 300
Hamilton, Ohio 45011
Telephone: (513) 887-3720
Fax: (513) 785-6668
www.butlerswcd.org

Zachary Moore
City of Oxford
15 S. College Avenue
Oxford, Ohio 45056

December 8th, 2021

Subject: Episcopal Retirement Services Natural Resource Review

Dear Mr. Moore,

This letter and attachments provide our review of natural resources of the Episcopal Retirement Services Preliminary PUD submission to the City of Oxford. The Butler Soil & Water Conservation District (SWCD) checklist established with the City of Oxford was reviewed and the following are items to note.

- The receiving watershed through this area is approximately 2 acres with an average slope of 4% (see attached map). This area is set within the Four Mile Creek HUC 11 Watershed and the Acton Lake Dam-Four Mile Creek HUC 12 Watershed.
- The soils found within this area are Russell-Miamian silt loams (RvB2), Xenia silt loams (XeA), and Miamian-Russell silt loams (MsC2). Russell-Miamian silt loams and Xenia silt loams are historically prime farmland soils, and Miamian-Russell silt loams are historically farmland of local importance soils. According to the USDA Web Soil Survey, Xenia silt loams and Miamian-Russell silt loams are present and are very limited to dwellings with or without basements due to saturation zone, shrink-swell potential components, and potential for ponding. This means the developer will have to take special precautions to prevent these soil features from negatively impacting the infrastructure. There is a high water table where the Xenia silt loams and the Miamian-Russell silt loams are located, which may negatively impact construction, especially of basements.
- A note is to be placed on the Final Plat: "High water tables are apparent in this area. If basements are constructed, it is the responsibility of the builder to take special precautions to ensure the basement stays dry."
- The tree and shrub list planting appear to all be native.

Butler SWCD is not a regulatory agency; therefore, this information is technical advice to address natural resource concerns before future developed. If you have any additional questions or concerns, please do not hesitate to contact us at (513)-887-3720.

Sincerely,

Ashlee Widener

Ashlee N. Widener
Water Resource Specialist,
Butler Soil and Water Conservation District

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

STAFF REPORT

ORIGINATING DEPARTMENT:	City Manager
PREPARED BY:	Doug Elliott
DATE PREPARED:	12-27-2021
COUNCIL MEETING DATE:	1-4-2022
AGENDA TITLE:	An Ordinance to approve current replacement pages to the Oxford Codified Ordinances.
BUDGETED AMOUNT:	N/A
ACCOUNT CODE:	N/A
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	

DISCUSSION:

The City of Oxford utilizes the services of Walter H. Drane Co. to codify City Ordinances. This includes ordinances unique to the City of Oxford (e.g., planning and zoning), as well as, the City's Traffic and General Offenses Codes which mirror state law (for the most part). The codification process includes making revisions, rearranging, and consolidating into various titles, chapters, and sections. Once adopted by City Council, these revisions are published both electronically and in limited hard copies. On the agenda is an ordinance to add, amend, or repeal certain sections and chapters.

ORDINANCE NO.

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE OXFORD CODIFIED ORDINANCES.

Whereas, Council has determined that certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution. Various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances. The City has heretofore entered into a contract with Walter H. Drane Co. to prepare and publish revisions which are before Council.

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

SECTION 1: The Ordinances of the City of Oxford, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2021 Replacement Pages so the Codified Ordinances are hereby approved and adopted.

SECTION 2: The following sections and chapters are hereby added, amended or repealed and respectfully indicated in order to comply with the current State law:

Traffic Code

301.04 Bicycle, Motorized Bicycle, Moped, Electric Bicycle. (Amended)
301.183 Low-Speed Micromobility Device. (Added)
301.22 Pedestrian. (Amended)
301.51 Vehicle. (Amended)
331.211 Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Amended)
331.37 Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
333.03 Maximum Speed Limits. (Amended)
335.02 Permitting Operation Without Valid License; One License Permitted. (Amended)
335.021 Ohio Driver's License Required for In State Residents. (Amended)
335.04 Certain Acts Prohibited. (Amended)
335.09 Display of License Plates or Validation Stickers; Temporary License Placard. (Amended)
371.13 Operation of Personal Delivery Device on Sidewalks and Crosswalks. (Added)
371.14 Low-Speed Micromobility Devices. (Added)
373.10 Motorized Bicycle Operation. (Amended)
373.12 Electric Bicycles. (Amended)

General Offenses Code

501.99 Penalties for Misdemeanors. (Amended)
505.071 Cruelty to Companion Animals. (Amended)
509.07 Making False Alarms. (Amended)
513.01 Drug Abuse Control Definitions. (Amended)
525.13 Interfering with Civil Rights. (Amended)
529.01 Liquor Control Definitions. (Amended)
529.07 Open Container Prohibited. (Amended)
533.08 Procuring; Engagement in Sexual Activity for Hire. (Amended)
533.09 Soliciting. (Amended)
533.091 Loitering to Engage in Solicitation. (Amended)
533.10 Prostitution. (Amended)
537.02 Vehicular Homicide and Manslaughter. (Amended)
541.04 Criminal Mischief. (Amended)
541.05 Criminal Trespass. (Amended)
541.051 Aggravated Trespass. (Amended)
545.03 Property Exceptions as Felony Offense. (Amended)
545.09 Passing Bad Checks. (Amended)
549.02 Carrying Concealed Weapons. (Amended)
549.06 Unlawful Transactions in Weapons. (Amended)
553.05 Railroad Vandalism. (Amended)

SECTION 3: The complete text of the Traffic and General Offenses Code sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this Ordinance as Exhibit A. Any summary publication of this Ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

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

_____
MAYOR

ADOPTED:

ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

CODIFIED ORDINANCES OF OXFORD

PART THREE - TRAFFIC CODE

TITLE ONE - Administration

Chap. 301. Definitions.
Chap. 303. Enforcement, Impounding and Penalty.
Chap. 305. Traffic Control.

CHAPTER 301
Definitions

301.01 Meaning of words and phrases.
301.02 Agricultural tractor.
301.03 Alley.
301.031 Beacon; hybrid beacon.
301.04 Bicycle; motorized bicycle; moped; electric bicycle.
301.05 Bus.
301.06 Business district.
301.07 Commercial tractor.
301.08 Controlled-access highway.
301.09 Crosswalk.
301.10 Driver or operator.
301.11 Emergency vehicle.
301.12 Explosives.
301.13 Expressway.
301.14 Flammable liquid.
301.15 Freeway.
301.16 Gross weight.
301.161 Highway maintenance vehicle.
301.162 Highway traffic signal.
301.17 Intersection.
301.18 Laned street or highway.
301.183 Low-speed micromobility device.
301.185 Median.
301.19 Motorcycle.
301.20 Motor vehicle.
301.201 Operate.
301.21 Park or parking.
301.22 Pedestrian.
301.23 Person.
301.24 Pole trailer.
301.25 Police officer.
301.251 Predicate motor vehicle or traffic offense.
301.26 Private road or driveway.
301.27 Public safety vehicle.
301.28 Railroad.
301.29 Railroad sign or signal.
301.30 Railroad train.
301.31 Residence district.
301.32 Right of way.
301.321 Road service vehicle.
301.33 Roadway.
301.34 Safety zone.
301.35 School bus.
301.36 Semitrailer.
301.361 Shared-use path.
301.37 Sidewalk.
301.38 State route.
301.39 Stop (when required).
301.40 Stopping or standing.
301.41 Stop intersection.
301.42 Street or highway; arterial street.
301.43 Through street or highway.
301.44 Thruway.
301.45 Traffic.
301.46 Traffic control device.
301.47 Traffic control signal.
301.48 Trailer.
301.49 Truck.
301.50 Urban district.
301.51 Vehicle.
301.52 Wheelchair, motorized.
301.53 Waste collection vehicle.
301.54 Boot or booting.

CROSS REFERENCES
See sectional histories for similar State law
Funeral procession defined - see TRAF. 331.24
Street racing defined - see TRAF. 333.07
Studded tire defined - see TRAF. 339.11
Blind person defined - see TRAF. 371.02
Snowmobile, off-highway motorcycle and all purpose vehicle defined - see TRAF. 375.01
School zones defined - see TRAF. 333.03(b)

301.01 MEANING OF WORDS AND PHRASES.
The following words and phrases when used in this Traffic Code, except as otherwise provided, shall have the meanings respectively ascribed to them in this chapter.

301.02 AGRICULTURAL TRACTOR.
"Agricultural tractor" means every self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes. (ORC 4511.01(J))

301.03 ALLEY.
"Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by Council. (ORC 4511.01(XX))

301.031 BEACON; HYBRID BEACON.
(a) "Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode. (ORC 4511.01(KKK))

(b) "Hybrid beacon" means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications.
(ORC 4511.01(LLL))

301.04 BICYCLE; MOTORIZED BICYCLE; MOPED; ELECTRIC BICYCLE.
(a) "Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than fourteen inches in diameter.
(ORC 4511.01(G))

(b) "Motorized bicycle" or "moped" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled, and that is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces not more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface.
"Motorized bicycle" or "moped" does not include an electric bicycle. (ORC 4511.01(H))

301.162 HIGHWAY TRAFFIC SIGNAL.

"Highway traffic signal"means a power-operated traffic control device by which traffic is warned or directed to take some specific action. "Highway traffic signal" does not include a power-operated sign, steadily illuminated pavement markers, warning light, or steady burning electric lamp. (ORC 4511.01(MMM))

301.17 INTERSECTION.

"Intersection" means:

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.

(b) If a highway includes two roadways that are thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two roadways thirty feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.

(c) At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in subsection (b) of this section:

(1) If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median constitute one intersection.

(2) Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated stop line or yield line constitute part of the intersection.

(3) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk. (ORC 4511.01(KK))

301.18 LANED STREET OR HIGHWAY.

"Laned street or highway" means a street or highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.
(ORC 4511.01(GG))

301.183 LOW-SPEED MICROMOBILITY DEVICE.

"Low-speed micromobility device" means a device weighing less than 100 pounds that has handlebars, is propelled by an electric motor or human power, and has an attainable speed on a paved level surface of not more than twenty miles per hour when propelled by the electric motor. (ORC 4511.01(WWW))

301.185 MEDIAN.

"Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection. (ORC 4511.01(NNN))

301.19 MOTORCYCLE.
"Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," "autocycle,","cab-enclosed motorcycle" or "motorcycle" without regard to weight or brake horsepower. (ORC 4511.01(C))

301.20 MOTOR VEHICLE.
"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less. (ORC 4511.01(B))

301.201 OPERATE.
"Operate" means to cause or have caused movement of a vehicle. (ORC 4511.01(HHH))

301.21 PARK OR PARKING.
"Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

301.22 PEDESTRIAN.
"Pedestrian" means any natural person afoot. The term includes a personal delivery device as defined in Ohio R.C. 4511.513 unless the context clearly suggests otherwise.
(ORC 4511.01(X))

301.23 PERSON.
"Person" means every natural person, firm, copartnership, association or corporation. (ORC 4511.01(W))

301.24 POLE TRAILER.
"Pole trailer" means every trailer or semitrailer attached to the towing vehicle by means of a reach, pole or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connection.
(ORC 4511.01(O))

301.25 POLICE OFFICER.
"Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations. (ORC 4511.01(Z))

301.251 PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE.
"Predicate motor vehicle or traffic offense" means any of the following:

(a) A violation of Ohio R.C. 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33,

4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78 or 4511.84;

(b) A violation of division (A)(2) of Ohio R.C. 4511.17, divisions (A) to (D) of Ohio R.C. 4511.51, or division (A) of Ohio R.C. 4511.74;

(c) A violation of any provision of Ohio R.C. 4511.01 to 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;

(d) A violation of Ohio R.C. 4511.214.

(e) A violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in subsection (a) to (d) of this section.
(ORC 4511.01(III))

301.26 PRIVATE ROAD OR DRIVEWAY.

(a) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons. (ORC 4511.01(DD))

(b) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing. (ORC 4511.01(OOO))

301.27 PUBLIC SAFETY VEHICLE.

"Public safety vehicle" means any of the following:

(a) Ambulances, including private ambulance companies under contract to a municipal corporation, township or county and private ambulances and transport vehicles bearing license plates issued under Ohio R.C. 4503.49;

(b) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the State or the Municipality;

(c) Any motor vehicle when properly identified as required by the Ohio Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The Ohio Fire Marshal shall be designated by the Ohio Director of Public Safety as the certifying agency for all public safety vehicles described in this subsection (c);

(d) Vehicles used by fire departments, including motor vehicles when used by volunteer fire fighters responding to emergency calls in the fire department service when identified as required by the Ohio Director of Public Safety.
Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital.
(ORC 4511.01(E))

(e) Vehicles used by the Commercial Motor Vehicle Safety Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in Ohio R.C. 5503.34.

301.28 RAILROAD.
"Railroad" means a carrier of persons or property operating upon rails placed principally on a private right of way. (ORC 4511.01(P))

301.29 RAILROAD SIGN OR SIGNAL.
"Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (ORC 4511.01(SS))

301.30 RAILROAD TRAIN.
"Railroad train" means a steam engine, or an electric or other motor, with or without cars coupled thereto, operated by a railroad. (ORC 4511.01(Q))

301.31 RESIDENCE DISTRICT.
"Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or more, the frontage is improved with residences or residences and buildings in use for business. (ORC 4511.01(OO))

301.32 RIGHT OF WAY.
"Right of way" means either of the following, as the context requires:

(a) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle or pedestrian approaching from a different direction into its or the individual's path;

(b) A general term denoting 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. (ORC 4511.01(UU))

301.321 ROAD SERVICE VEHICLE.
"Road service vehicle" means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights. (ORC 4511.01(JJJ))

301.33 ROADWAY.
"Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a street or highway includes two or more separate roadways, the term "roadway" means any such roadway separately but not all such roadways collectively. (ORC 4511.01(EE))

301.34 SAFETY ZONE.
"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times. (ORC 4511.01(MM))

301.35 SCHOOL BUS.

"School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of the Municipality, or within such limits and the territorial limits of municipal corporations immediately contiguous to the Municipality, nor a common passenger carrier certified by the Public Utilities Commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function, and "school bus" does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time. "Child day-care center" and "type A family day-care home" have the same meanings as in Ohio R.C. 5104.01.
(ORC 4511.01(F), (FFF))

301.36 SEMITRAILER.

"Semitrailer" means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. (ORC 4511.01(N))

301.361 SHARED-USE PATH.

"Shared-use path" means a bikeway outside the traveled way and physically separate from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use.
(ORC 4511.01(PPP))

301.37 SIDEWALK.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. (ORC 4511.01(FF))

301.38 STATE ROUTE.

"State route" means every highway that is designated with an official State route number and so marked. (ORC 4511.01(JJ))

301.39 STOP (WHEN REQUIRED).

"Stop" when required means a complete cessation of movement.

301.40 STOPPING OR STANDING.

(a) "Stop or stopping" when prohibited means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

(b) "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise then temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

301.41 STOP INTERSECTION.
"Stop intersection" means any intersection at one or more entrances of which stop signs are erected. (ORC 4511.01(BBB))

301.42 STREET OR HIGHWAY; ARTERIAL STREET.
(a) "Street" or "highway" are synonymous and mean the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel. (ORC 4511.01(BB))

(b) "Arterial street" means any United States or State numbered route, controlled access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways. (ORC 4511.01(CCC))

301.43 THROUGH STREET OR HIGHWAY.
"Through street or highway" means every street or highway as provided in Section 313.02. (ORC 4511.01(HH))

301.44 THRUWAY.
"Thruway" means a through street or highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited. (ORC 4511.01(AAA))

301.45 TRAFFIC.
"Traffic" means pedestrians, ridden or herded animals, vehicles and other devices, either singly or together, while using for purposes of travel any street or highway or private road open to public travel. (ORC 4511.01(TT))

301.46 TRAFFIC CONTROL DEVICE.
"Traffic control device" means a flagger, sign, signal, marking, or other device used to regulate, warn or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction. (ORC 4511.01(QQ))

301.47 TRAFFIC CONTROL SIGNAL.
"Traffic control signal" means any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed.
(ORC 4511.01(RR))

301.48 TRAILER.
"Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than twenty-five miles per hour and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour. (ORC 4511.01(M))

301.49 TRUCK.

"Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property. (ORC 4511.01(K))

301.50 URBAN DISTRICT.

"Urban district" means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for distance of a quarter of a mile or more, and the character of such territory is indicated by official traffic control devices. (ORC 4511.01(PP))

301.51 VEHICLE.

"Vehicle" means every device, including a motorized bicycle and an electric bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, or any device, other than a bicycle, that is moved by human power. (ORC 4511.01(A))

301.52 WHEELCHAIR, MOTORIZED.

"Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of eight miles per hour. (ORC 4511.01(EEE))

301.53 WASTE COLLECTION VEHICLE.

"Waste collection vehicle" means a vehicle used in the collection of garbage, refuse, trash or recyclable materials. (ORC 4511.01(RRR))

301.54 BOOT OR BOOTING.

Boot or booting means a method or device to immobilize a vehicle by locking the device to at least one wheel to prevent the turning of that wheel. (Ord. 2515. Passed 7-1-97.)

(c) This section applies to a coroner's vehicle only when the vehicle is operated in accordance with Ohio R.C. 4513.171. As used in this section, "coroner's vehicle" means a vehicle used by a coroner, deputy coroner or coroner's investigator that is equipped with a flashing, oscillating or rotating red or blue light and a siren, exhaust whistle, or bell capable of giving an audible signal.

(d) Except as otherwise provided in this subsection or Section 331.211, whoever violates subsection (a) of this section is guilty of a misdemeanor of the fourth degree on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree, and, on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree. (ORC 4511.45)

331.211 REPORT OF VEHICLE FAILING TO YIELD RIGHT OF WAY TO PUBLIC SAFETY VEHICLE.

(a) When the failure of a motor vehicle operator to yield the right-of-way to a public safety vehicle as required by Section 331.21(a) impedes the ability of the public safety vehicle to respond to an emergency, any emergency personnel in the public safety vehicle may report the license plate number and a general description of the vehicle and the operator of the vehicle to the law enforcement agency exercising jurisdiction over the area where the alleged violation occurred.

(b) (1) Upon receipt of a report under subsection (a) of this section, the law enforcement agency may conduct an investigation to attempt to determine or confirm the identity of the operator of the vehicle at the time of the alleged violation.

(2) If the identity of the operator at the time of an alleged violation of Section 331.21(a) is established, the law enforcement agency has probable cause to issue either a written warning or a citation for that violation, and the agency shall issue a written warning or a citation to the operator.

(3) If the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency may issue a warning to the person who owned the vehicle at the time of the alleged violation. However, in the case of a leased or rented vehicle, the law enforcement agency shall issue the written warning to the person who leased or rented the vehicle at the time of the alleged violation.

(c) (1) Whoever violates Section 331.21(a) based on a report filed under subsection (a) of this section is guilty of a minor misdemeanor and shall be fined one hundred fifty dollars ($150.00).

(2) If a person who is issued a citation for a violation of Section 331.21(a) based on a report filed under subsection (a) of this section does not enter a written plea of guilty and does not waive the person's right to contest the citation but instead appears in person in the proper court to answer the charge, the trier of fact cannot find beyond a reasonable doubt that the person committed that violation unless the emergency personnel who filed the report appears in person in the court and testifies.

(d) As used in this section:

(1) "License plate" includes any temporary motor vehicle license registration issued under Ohio R.C. 4503.182 or similar law of another jurisdiction.

(2) "Public safety vehicle" does not include an unmarked public safety vehicle or a vehicle used by a public law enforcement officer or other person sworn to enforce the criminal and traffic laws of the State or a vehicle used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission. (ORC 4511.454)

331.22 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY: DUTY TO YIELD.

(a) Subject to compliance with any traffic control device, the operator of a vehicle about to enter or cross a highway from an alley or from any place other than another roadway shall yield the right of way to all traffic approaching on the roadway to be entered or crossed.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.44)

331.23 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY: STOPPING AT SIDEWALK.

(a) Subject to compliance with any traffic control device, the driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.431)

331.24 RIGHT OF WAY OF FUNERAL PROCESSION.

(a) As used in this section "funeral procession" means two or more vehicles accompanying the cremated remains or the body of a deceased person in the daytime when each of the vehicles has its headlights lighted and is displaying a purple and white or an orange and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

(b) Excepting public safety vehicles proceeding in accordance with Section 331.21 or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right of way to each vehicle that is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in the procession may continue to follow the lead vehicle through the intersection notwithstanding any traffic control devices or right-of-way provisions of this Traffic Code, provided that the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian.

331.31 DRIVING UPON DIVIDED ROADWAYS.

(a) Whenever any street has been divided into two roadways by an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across or within any such dividing space, barrier or median section, except through an opening, crossover or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier or median section for the purpose of an emergency stop or in compliance with an order of a police officer.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.35)

331.32 ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY.

(a) No person shall drive a vehicle onto or from any controlled-access highway except at such entrances and exits as are established by public authority.

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

331.33 OBSTRUCTING INTERSECTION, CROSSWALK OR GRADE CROSSING.

(a) No driver shall enter an intersection or marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic control signal indication to proceed.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.712)

331.34 FAILURE TO CONTROL; WEAVING; FULL TIME AND ATTENTION.

(a) No person shall operate a vehicle without exercising reasonable and ordinary control over such vehicle.

(b) No person shall operate a vehicle in a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law.

(c) No person shall operate a vehicle without giving his full time and attention to the operation of such vehicle.

(d) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

331.35 OCCUPYING A MOVING TRAILER OR MANUFACTURED OR MOBILE HOME.

(a) No person shall occupy any travel trailer or manufactured or mobile home while it is being used as a conveyance upon a street or highway.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.701)

331.36 SQUEALING TIRES, "PEELING," CRACKING EXHAUST NOISES.

(a) No person shall unnecessarily race the motor of any vehicle and no person shall operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the roadway, commonly called "peeling".

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS.

(a) (1) No person shall drive any vehicle, other than a bicycle or an electric bicycle if the motor is not engaged, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

(2) This prohibition does not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle with the motor engaged while in the performance of the officer's duties.

(3) Nothing in this section shall be construed as prohibiting local authorities from regulating the operation of bicycles or electric bicycles, except that no local authority may require that bicycles or electric bicycles be operated on sidewalks. (ORC 4511.711(A))

(b) A Miami University utility vehicle when on official University business shall be exempt from this section only when the sidewalk upon which the vehicle is driving abuts Miami University property.

(c) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon permanent or duly authorized temporary driveway or when otherwise lawfully authorized. (Ord. 2340. Passed 1-25-94.)

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.711)

331.38 STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN.

(a) The driver of a vehicle upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and County boards of developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed.

It is no defense to a charge under this subsection (a) hereof that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by subsection (b) hereof.

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, and an automatically extended stop warning sign of a type approved by the State Board of Education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and County boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are boarding or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Board.

(c) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with subsection (a) hereof.

(d) School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

(e) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and County boards of developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child or person's residence side of the road.

(f) As used in this section:

(1) "Head start agency" has the same meaning as in Ohio R.C. 3301.32.

(2) "School bus", as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the State Board of Education, is painted the color and displays the markings described in Ohio R.C. 4511.77, and is equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.

(g) (1) Whoever violates subsection (a) of this section may be fined an amount not to exceed five hundred dollars ($500.00). A person who is issued a citation for a violation of subsection (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.

(2) In addition to and independent of any other penalty provided by law, the court or mayor may impose upon an offender who violates this section a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (a)(7) of Ohio R.C. 4510.02. When a license is suspended under this section, the court or mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the Registrar of Motor Vehicles, together with notice of the court's action. (ORC 4511.75)

331.39 DRIVING ACROSS GRADE CROSSING.

(a) (1) Whenever any person driving a vehicle approaches a railroad grade crossing, the person shall stop within fifty feet, but not less than fifteen feet from the nearest rail of the railroad, if any of the following circumstances exist at the crossing:

A. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train.

B. A crossing gate is lowered.

C. A flagperson gives or continues to give a signal of the approach or passage of a train.

D. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.

E. An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.

F. There is insufficient undercarriage clearance to safely negotiate the crossing.

(2) A person who is driving a vehicle and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (a)(1)A. to F. of this section exist at the crossing.

A. Except as specifically authorized under this section, the term must be served in a jail.

B. Except as specifically authorized under this section, the term cannot be suspended, reduced or otherwise modified pursuant to Ohio R.C. 2929.21 to 2929.28, or any other provision of the Ohio Revised Code.

(3) "Municipal OVI ordinance" and "municipal OVI offense" mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum, or plasma, breath or urine.

(4) "Community residential sanction", "continuous alcohol monitoring", "jail", "mandatory prison term", "mandatory term of local incarceration", "sanction" and "prison term" have the same meanings as in Ohio R.C. 2929.01.

(5) "Drug of abuse" has the same meaning as in Ohio R.C. 4506.01.

(6) "Equivalent offense that is vehicle-related" means an equivalent offense that is any of the following:

A. A violation described in subsection (q)(1), (2), (3), (4) or (5) hereof;

B. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19;

C. A violation of a former law of this state that was substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19.

(ORC 4511.181)

333.02 OPERATION IN WILLFUL OR WANTON DISREGARD OF SAFETY.

(a) No person shall operate a vehicle on any street or highway in willful or wanton disregard of the safety of persons or property. (ORC 4511.20)

(b) No person shall operate a vehicle on any public or private property other than streets or highways, in willful or wanton disregard of the safety of persons or property.

This subsection does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.201)

(d) Whenever a person is found guilty under this section of operating a motor vehicle in violation of this section relating to reckless operation, the trial court of any court of record, in addition to or independent of all other penalties provided by law, may impose a class five suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. (ORC 4510.15)

333.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD.

(a) No person shall operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.

(b) It is prima-facie lawful, in the absence of a lower limit declared or established pursuant to Ohio R.C. 4511.21 by the Ohio Director of Transportation or Council, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

(1) A. Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty miles per hour school speed limit signs are erected; except, that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(4) hereof and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(7) hereof. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

B. As used in this section, "school" means all of the following:

1. Any school chartered under Ohio R.C. 3301.16;
2. Any nonchartered school that during the preceding year filed with the Department of Education in compliance with O.A.C. § 3301-35-08, a copy of the school's report for the parents of the school's pupils certifying that the school meets state minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone;
3. Any special elementary school that in writing requests the County Engineer to create a school zone at the location of the school. Upon receipt of such written request, the County Engineer shall create a school zone at that location by erecting appropriate signs;
4. Any preschool education program operated by an educational service center that is located on a street or highway with a speed limit of forty-five miles per hour or more, when the educational service center in writing requests that the County Engineer create a school zone at the location of that program. Upon receipt of such a written request, the County Engineer shall create a school zone at that location by erecting the appropriate signs.

C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. Upon request from the Municipality for streets and highways under its jurisdiction, the Ohio Director of

Transportation may extend the traditional school zone boundaries. The distances in subsections (b)(1)C.1. to 3. hereof shall not exceed 300 feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:

1. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;
2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;
3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of highway;

Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in subsections (b)(1)A. and C. hereof.

D. As used in this subsection, "crosswalk" has the meaning given that term in Section 301.09. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;

(2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;

(3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;

(4) Fifty miles per hour on controlled-access highways and expressways within the Municipality, except as provided in subsections (b)(8) to (b)(12) of this section;

(5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;

(6) Fifteen miles per hour on all alleys within the Municipality;

(7) Fifty-five miles per hour on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) and (12);

(8) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in subsections (b)(9) and (10) of this section;

(9) Sixty-five miles per hour on all rural expressways without traffic control signals;

(10) Seventy miles per hour on all rural freeways;

(11) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the Director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in subsection (b)(12) of this section;

(12) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas. (A.O.)

(13) Twenty-five miles per hour on Chestnut Street between Main Street and Patterson Avenue and excepting any designated school zone limit thereon. (Ord. 1745. Passed 4-05-83.)

(c) It is prima-facie unlawful for any person to exceed any of the speed limitations in subsection (b)(1)A. to (b)(6) hereof, or any declared or established pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed any of the speed limitations in subsection (d) hereof. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

(d) No person shall operate a motor vehicle upon a street or highway as follows:

(1) At a speed exceeding fifty-five miles per hour, except upon a highway, expressway or freeway as provided in subsection (b)(8), (9), (10) and (12) hereof;

(2) At a speed exceeding sixty miles per hour upon a highway as provided in subsection (b)(8) hereof;

(3) At a speed exceeding sixty-five miles per hour upon an expressway as provided in subsection (b)(9) hereof, or upon a freeway as provided in subsection (b)(12) of this section, except upon a freeway as provided in subsection (b)(10) hereof;

(4) At a speed exceeding seventy miles per hour upon a freeway as provided in subsection (b)(10) hereof;

(5) At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the Director has determined and declared a speed limit pursuant to Ohio R.C. 4511.21(I)(2) or (L)(2).

(e) In every charge of violation of this section the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon subsection (c) hereof also the speed which subsections (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(f) When a speed in excess of both a prima-facie limitation and a limitation in subsection (d) hereof is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both subsections (b)(1)A. to (b)(6) hereof, or of a limit declared or established pursuant to this section by the Director or local authorities, and of the limitation in subsection (d) hereof. If the court finds a violation of subsection (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section has occurred, it shall enter a judgment of conviction under such subsection and dismiss the charge under subsection (d) hereof.

The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case. If the offender previously has been convicted of or pleaded guilty to any violation of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(2) If the offender's driver's or commercial driver's license or permit or, in a case involving the operation of a motorcycle by the offender, the offender's driver's or commercial driver's license bearing the motorcycle endorsement or the offender's restricted license was expired at the time of the offense, except as otherwise provided in this subsection, the offense is a minor misdemeanor. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(d) The court shall not impose a license suspension for a first violation of this section or if more than three years have passed since the offender's last violation of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance.

(e) If the offender is sentenced under subsection (c)(2) hereof, if within three years of the offense the offender previously was convicted of or pleaded guilty to one or more violations of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, and if the offender's license was expired for more than six months at the time of the offense, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.
(ORC 4510.12)

335.02 PERMITTING OPERATION WITHOUT VALID LICENSE; ONE LICENSE PERMITTED.

(a) No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking knowing the operator does not have a valid driver's license issued to the operator by the Registrar of Motor Vehicles or a Deputy Registrar under Ohio R.C. Chapter 4507 or a valid commercial driver's license issued under Ohio R.C. Chapter 4506.

(b) (1) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, temporary instruction permit, or identification card unless and until the person surrenders to the Registrar or a deputy registrar all valid licenses, temporary instruction permits, and identification cards issued to the person by another jurisdiction recognized by this state.

(2) The Registrar shall report the cancellation of a license, temporary instruction permit, or identification card to the issuing authority, together with information that the license, temporary instruction permit, or identification card is now issued in this state. The Registrar or a deputy registrar shall destroy any such license, temporary instruction permit, or identification card that is not returned to the issuing authority.

(3) No person shall possess more than one valid license, temporary instruction permit, or identification card at any time.
(ORC 4507.02(A))

(c) (1) Except as otherwise provided in this subsection, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars ($1,000) and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.02 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(2) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree. (ORC 4507.02; 4507.99)

335.021 OHIO DRIVER'S LICENSE REQUIRED FOR IN STATE RESIDENTS.

(a) Any person who becomes a resident of this State, within thirty days of becoming a resident, shall surrender any driver's license, temporary instruction permit, or identification card issued by another state to the Registrar of Motor Vehicles or a Deputy Registrar. If such a person intends to operate a motor vehicle upon the public roads or highways, the person shall apply for a temporary instruction permit or driver's license in this State. If the person fails to apply for a driver's license or temporary instruction permit within thirty days of becoming a resident, the person shall not operate any motor vehicle in this municipality under a license or permit issued by another state.

(b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.

(2) The offense established under subsection (b)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(c) For purposes of subsection (a) of this section, "resident" means any person to whom any of the following applies:

(1) The person maintains their principal residence in this State and does not reside in this State as a result of the person's active service in the United States Armed Forces.

(2) The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under Ohio R.C. 4507.01. (ORC 4507.213)

335.03 DRIVING WITH TEMPORARY INSTRUCTION PERMIT; CURFEW.

(a) No holder of a temporary instruction permit issued under Ohio R.C. 4507.05(A) shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in violation of the following conditions:

(1) If the permit is issued to a person who is at least fifteen years six months of age, but less than sixteen years of age:

A. The permit and identification card are in the holder's immediate possession;

B. The holder is accompanied by an eligible adult who actually occupies the seat beside the permit holder and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Ohio R.C. 4511.19(A);

C. The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(2) If the permit is issued to a person who is at least sixteen years of age:

A. The permit and identification card are in the holder's immediate possession;

B. The holder is accompanied by a licensed operator who is at least twenty-one years of age and is actually occupying a seat beside the driver and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Ohio R.C. 4511.19(A);

C. The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(b) Except as provided in subsection (b) hereof, no holder of a temporary instruction permit that is issued under Ohio R.C. 4507.05(A) and that is issued on or after July 1, 1998, and who has not attained the age of eighteen years, shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m.

The holder of a permit issued under Ohio R.C. 4507.05(A) on or after July 1, 1998, who has not attained the age of eighteen years, may operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. if, at the time of such operation, the holder is accompanied by the holder's parent, guardian, or custodian, and the parent, guardian or custodian holds a current valid driver's or commercial driver's license issued by this State and is actually occupying a seat beside the permit holder, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Section 333.01(a).

(c) As used in this section:

(1) "Eligible adult" means any of the following:

A. An instructor of a driver education course approved by the Department of Education or a driver training course approved by the Department of Public Safety;

B. Any of the following persons who holds a current valid driver's or commercial driver's license issued by this State:

1. A parent, guardian or custodian of the permit holder;

2. A person twenty-one years of age or older who acts in loco parentis of the permit holder.

(2) "Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.

(d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4507.05)

335.031 DRIVING WITH PROBATIONARY LICENSE; CURFEW.

(a) (1) A. No holder of a probationary driver's license who has held the license for less than twelve months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. unless the holder is accompanied by the holder's parent or guardian.

B. No holder of a probationary driver's license who has held the license for twelve months or longer shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of one a.m. and five a.m. unless the holder is accompanied by the holder's parent or guardian.

(2) A. Subject to subsection (c)(1) of this section, subsection (a)(1)A. of this section does not apply to the holder of a probationary driver's license who is doing either of the following:

1. Traveling to or from work between the hours of midnight and six a.m. provided that the holder has in the holder's immediate possession written documentation from the holder's employer.
2. Traveling to or from an official function sponsored by the school the holder attends between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;
3. Traveling to or from an official religious event between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.

B. Subsection (a)(1)B. of this section does not apply to the holder of a probationary driver's license who is doing either of the following:

1. Traveling to or from work between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from the holder's employer.
2. Traveling to or from an official function sponsored by the school the holder attends between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;
3. Traveling to or from an official religious event between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.

(3) An employer, school official or official affiliated with a religious event is not liable in damages in a civil action for any injury, death or loss to person or property that allegedly arises from, or is related to, the fact that the employer, school official, or official affiliated with a religious event provided the holder of a probationary driver's license with the written documentation described in subsection (a)(2) of this section.

The Registrar of Motor Vehicles shall make available at no cost a form to serve as the written documentation described in subsection (a)(2) of this section, and employers, school officials, officials affiliated with religious events, and holders of probationary driver's licenses may utilize that form or may choose to utilize any other written documentation to meet the requirements of that subsection.

(4) No holder of a probationary driver's license who has held the license for less than twelve months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking with more than one person who is not a family member occupying the vehicle unless the probationary license holder is accompanied by the probationary license holder's parent, guardian or custodian.

(b) It is an affirmative defense to a violation of subsection (a)(1)A. or B. of this section if, at the time of the violation, an emergency existed that required the holder of the probationary driver's license to operate a motor vehicle in violation of subsection (a)(1)A. or B. of this section; or the holder was an emancipated minor.

(c) (1) If a person is issued a probationary driver's license prior to attaining the age of seventeen years and the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed a moving violation during the six-month period commencing on the date on which the person is issued the probationary driver's license, the court with jurisdiction over the violation may order that the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking for a period not to exceed six months or the date the holder attains the age of seventeen years, whichever occurs first.

(2) Any person who is subject to the operating restrictions established under subsection (c)(1) of this section as a result of a first moving violation may petition the court for driving privileges without being accompanied by the holder's parent or guardian during the period of time determined by the court under that subsection. In granting the driving privileges, the court shall specify the purposes of the privileges and shall issue the person appropriate forms setting forth the privileges granted. If a person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or subsequent moving violation, the court with jurisdiction over the violation may terminate any driving privileges previously granted under this division.

(3) No person shall violate any operating restriction imposed under subsection (c)(1) or (2) of this section.

(d) No holder of a probationary license shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking unless the total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(e) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by subsection (d) hereof, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in that subsection has been or is being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of that requirement.

(f) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of subsection (a)(1)A. or B. hereof has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation.

(g) As used in this section:

(1) "Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.

(2) "Family member" of a probationary license holder includes any of the following:

A. A spouse;

B. A child or stepchild;

C. A parent, stepparent, grandparent, or parent-in-law;

D. An aunt or uncle;

E. A sibling, whether or the whole or half blood or by adoption, a brother-in-law or a sister-in-law;

F. A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;

G. An eligible adult, as defined in Ohio R.C. 4507.05.

(3) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of Ohio R.C. 4513.263 or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

(h) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4507.071)

335.032 USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICE PROHIBITED WHILE DRIVING.

(a) No holder of a temporary instruction permit who has not attained the age of eighteen years and no holder of a probationary driver's license shall drive a motor vehicle on any street, highway, or property used by the public for purposes of vehicular traffic or parking while using in any manner an electronic wireless communications device.

(b) Subsection (a) of this section does not apply to either of the following:

(1) A person using an electronic wireless communications device for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

(2) A person using an electronic wireless communications device whose motor vehicle is in a stationary position and the motor vehicle is outside a lane of travel;

(3) A person using a navigation device in a voice-operated or hands-free manner who does not manipulate the device while driving.

(c) (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) of this section shall be fined one hundred fifty dollars ($150.00). In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of sixty days.

(2) If the person previously has been adjudicated a delinquent child or a juvenile traffic offender for a violation of this section, whoever violates this section shall be fined three hundred dollars ($300.00). In addition, the court shall impose a class seven suspension of the person's driver's license or permit for a definite period of one year.

(d) The filing of a sworn complaint against a person for a violation of Ohio R.C. 4511.205 does not preclude the filing of a sworn complaint for a violation of a substantially equivalent municipal ordinance for the same conduct. However, if a person is adjudicated a delinquent child or a juvenile traffic offender for a violation of Ohio R.C. 4511.205 and is also adjudicated a delinquent child or a juvenile traffic offender for a violation of a substantially equivalent municipal ordinance for the same conduct, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

(e) As used in this section, "electronic wireless communications device" includes any of the following:

(1) A wireless telephone;

(2) A personal digital assistant;

(3) A computer, including a laptop computer and a computer tablet;

(4) A text-messaging device;

(5) Any other substantially similar electronic wireless device that is designed or used to communicate via voice, image, or written word.

(ORC 4511.205)

335.04 CERTAIN ACTS PROHIBITED.

(a) No person shall do any of the following:

(1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;

(2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;

(3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;

(4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;

(5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal, reprint, or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4507.30)

335.05 WRONGFUL ENTRUSTMENT OF A MOTOR VEHICLE.

(a) No person shall permit a motor vehicle owned by the person or under the person's control to be driven by another if any of the following apply:

(1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges.

(2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or this Traffic Code.

(3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in Ohio R.C. Chapter 4509.

(4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate Ohio R.C. 4511.19 or any substantially equivalent municipal ordinance.

(5) The offender knows or has reasonable cause to believe that the vehicle is the subject of an immobilization waiver order issued under Ohio R.C. 4503.235 and the other person is prohibited from operating the vehicle under that order.

(b) Without limiting or precluding the consideration of any other evidence in determining whether a violation of subsection (a)(1), (2), (3), (4) or (5) of this section has occurred, it shall be prima-facie evidence that the offender knows or has reasonable cause to believe that the operator of the motor vehicle owned by the offender or under the offender's control is in a category described in subsection (a)(1), (2), (3), (4) or (5) of this section if any of the following applies:

(1) Regarding an operator allegedly in the category described in subsection (a)(1), (3) or (5) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.

(2) Regarding an operator allegedly in the category described in subsection (a)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit or privilege.

(3) Regarding an operator allegedly in the category described in subsection (a)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.

(c) Whoever violates this section is guilty of wrongful entrustment of a motor vehicle and shall be punished as provided in subsections (c) to (h) of this section.

(1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a)(1), (2) or (3) of this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars ($1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02.

(2) A. If, within three years of a violation of subsection (a)(1), (2) or (3) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of division (A)(1), (2) or (3) of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

B. Whoever violates subsection (a)(4) or (5) of this section is guilty of a misdemeanor of the first degree.

(3) For any violation of this section, in addition to the penalties imposed under Section 303.99, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02, and, if the vehicle involved in the offense is registered in the name of the offender, the court may order one of the following:

A. Except as otherwise provided in subsection (c)(3)B. or C. of this section, the court may order, for thirty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.

B. If the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order, for sixty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.

C. If the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order the criminal forfeiture to the state of the vehicle involved in the offense. If issued, the order shall be issued and enforced under Ohio R.C. 4503.234.

If title to a motor vehicle that is subject to an order for criminal forfeiture under this subsection is assigned or transferred and division (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national automobile dealer's association. The proceeds from any fine imposed under this subsection shall be distributed in accordance with division (C)(2) of Ohio R.C. 4503.234.

(d) If a court orders the immobilization of a vehicle under subsection (c) of this section, the court shall not release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(e) If a court orders the criminal forfeiture of a vehicle under subsection (c) of this section, upon receipt of the order from the court, neither the Registrar of Motor Vehicles nor any deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the order. The period of denial shall be five years after the date the order is issued, unless, during that five-year period, the court with jurisdiction of the offense that resulted in the order terminates the forfeiture and notifies the Registrar of the termination. If the court terminates the forfeiture and notifies the Registrar, the Registrar shall take all necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer the registration of the vehicle.

(f) This section does not apply to motor vehicle rental dealers or motor vehicle leasing dealers, as defined in Ohio R.C. 4549.65.

(g) Evidence of a conviction of, plea of guilty to, or adjudication as a delinquent child for a violation of this section or a substantially similar municipal ordinance shall not be admissible as evidence in any civil action that involves the offender or delinquent child who is the subject of the conviction, plea, or adjudication and that arises from the wrongful entrustment of a motor vehicle.

(h) For purposes of this section, a vehicle is owned by a person if, at the time of a violation of this section, the vehicle is registered in the person's name. (ORC 4511.203)

335.06 DISPLAY OF LICENSE.

(a) The operator of a motor vehicle shall display the operator's driver's license, or furnish satisfactory proof that the operator has a driver's license, upon demand of any peace officer or of any person damaged or injured in any collision in which the licensee may be involved. When a demand is properly made and the operator has the operator's driver's license on or about the operator's person, the operator shall not refuse to display the license. A person's failure to furnish satisfactory evidence that the person is licensed under Ohio R.C. Chapter 4507 when the person does not have the person's license on or about the person's person shall be prima-facie evidence of the person's not having obtained a driver's license.

(b) (1) Except as provided in subsection (b)(2) hereof, whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a)

of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars ($1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.

(2) If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.35 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree. (ORC 4507.35)

335.07 DRIVING UNDER SUSPENSION OR LICENSE RESTRICTION.

(a) Except as provided under subsection (b) hereof and Sections 335.072 and 335.074, no person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Ohio Revised Code, other than Ohio R.C. Chapter 4509, or under any applicable law in any other jurisdiction in which the person's license or permit was issued shall operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this Municipality during the period of suspension unless the person is granted limited driving privileges and is operating the vehicle in accordance with the terms of the limited driving privileges.

(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality in violation of any restriction of the person's driver's or commercial driver's license or permit imposed under division (D) of Ohio R.C. 4506.10 or under Ohio R.C. 4507.14.

(c) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) or (b) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under suspension at the time of the alleged violation of subsection (a) of this section or the person operated a motor vehicle in violation of a restriction at the time of the alleged violation of subsection (b) of this section. The person charged with a violation of subsection (a) or (b) of this section may offer evidence to rebut this prima-facie evidence.

(d) (1) Whoever violates subsection (a) or (b) hereof, is guilty of a misdemeanor of the first degree. The court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.

(2) A. Except as provided in subsection (d)(2)B. or C. of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or a substantially

equivalent municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for thirty days and the impoundment of that vehicle's license plates for thirty days in accordance with Ohio R.C. 4503.233.

B. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two violations of Ohio R.C. 4510.11 or any combination of two violations of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender may order the immobilization of the vehicle involved in the offense for sixty days and the impoundment of that vehicle's license plates for sixty days in accordance with Ohio R.C. 4503.233.

C. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 4510.11, or any combination of three or more violations of Ohio R.C. 4501.11 or Ohio R.C. 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender may order the criminal forfeiture of the vehicle involved in the offense to the State.

(e) Any order for immobilization and impoundment under this section shall be issued and enforced under Ohio R.C. 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(f) Any order of criminal forfeiture under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of the copy of the order from the court, neither the Ohio Registrar of Motor Vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that lead to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar shall then take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

(g) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars ($5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section. (ORC 4510.11)

(h) Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a repeat traffic offender under this section and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of driving under a twelve-point suspension, a misdemeanor of the first degree. The court shall sentence the offender to a minimum term of three days in jail. No court shall suspend the first three days of jail time imposed pursuant to this subsection. (ORC 4510.037)

335.071 DRIVING UNDER OVI SUSPENSION.

(a) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under Ohio R.C. 4511.19, 4511.191, or 4511.196 or under Ohio R.C. 4510.07 for a conviction of a violation of a municipal OVI ordinance shall operate any motor vehicle upon the public roads or highways within this Municipality during the period of the suspension.

(b) Whoever violates this section is guilty of driving under OVI suspension. The court shall sentence the offender under Ohio R.C. Chapter 2929, subject to the differences authorized or required by this section.

(1) Except as otherwise provided in subsection (b)(2) or (3) of this section, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

A. A mandatory jail term of three consecutive days. The three-day term shall be imposed, unless, subject to subsection (c) of this section, the court instead imposes a sentence of not less than thirty consecutive days of house arrest with electronic monitoring. A period of house arrest with electronic monitoring imposed under this subsection shall not exceed six months. If the court imposes a mandatory three-day jail term under this subsection, the court may impose a jail term in addition to that term, provided that in no case shall the cumulative jail term imposed for the offense exceed six months.

B. A fine of not less than two hundred fifty dollars ($250.00) and not more than one thousand dollars ($1,000).

C. A license suspension under subsection (e) of this section.

(2) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section or one equivalent offense, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

A. A mandatory jail term of ten consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The ten-day mandatory jail term shall be imposed unless, subject to subsection (c) of this section, the court instead imposes a sentence of not less than ninety consecutive days of house arrest with electronic monitoring. The period of house arrest with electronic monitoring shall not exceed one year.

B. Notwithstanding the fines provided for in Ohio R.C. Chapter 2929, a fine of not less than five hundred dollars ($500.00) and not more than two thousand five hundred dollars ($2,500).

C. A license suspension under subsection (e) of this section.

(3) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or two or more equivalent offenses, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

A. A mandatory jail term of thirty consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The court shall not sentence the offender to a term of house arrest with electronic monitoring in lieu of the mandatory portion of the jail term.

B. Notwithstanding the fines set forth in Ohio R.C. Chapter 2929, a fine of not less than five hundred dollars ($500.00) and not more than two thousand five hundred dollars ($2,500).

C. A license suspension under subsection (e) of this section.

(c) No court shall impose an alternative sentence of house arrest with electronic monitoring under subsection (b)(1) or (2) of this section unless, within sixty days of the date of sentencing, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the jail term imposed, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing.

An offender sentenced under this section to a period of house arrest with electronic monitoring shall be permitted work release during that period.

(d) Fifty per cent of any fine imposed by a court under subsection (b)(1), (2) or (3) of this section shall be deposited into the county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund under the control of that court, as created by the county or municipal corporation pursuant to division (H) of Ohio R.C. 4511.191.

(e) In addition to or independent of all other penalties provided by law or ordinance, the trial judge of any court of record or the mayor of a mayor's court shall impose on an offender who is convicted of or pleads guilty to a violation of this section a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.

When permitted as specified in Ohio R.C. 4510.021, if the court grants limited driving privileges during a suspension imposed under this section, the privileges shall be granted on the additional condition that the offender must display restricted license plates, issued under Ohio R.C. 4503.231, on the vehicle driven subject to the privileges, except as provided in division (B) of that section.

A suspension of a commercial driver's license under this section shall be concurrent with any period of suspension or disqualification under Ohio R.C. 3123.58 or 4506.16. No person who is disqualified for life from holding a commercial driver's license under Ohio R.C. 4506.16 shall be issued a driver's license under Ohio R.C. Chapter 4507 during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under Ohio R.C. Chapter 4507 during the period of the suspension.

(f) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars ($5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense that is a misdemeanor of the first degree under this section for which the offender is sentenced. (ORC 4510.14)

(g) (1) If a person is convicted of or pleads guilty to a violation of a municipal ordinance that is substantially equivalent to Ohio R.C. 4510.14, the court, in addition to and independent of any sentence that it imposes upon the offender for the offense, if the vehicle the offender was operating at the time of the offense is registered in the offender's name, shall do whichever of the following is applicable:

A. If, within six years of the current offense, the offender has not been convicted of or pleaded guilty to a violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for thirty days of the vehicle involved in the offense and the impoundment for thirty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.

B. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for sixty days of the vehicle involved in the offense and the impoundment for sixty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.

C. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02 or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the criminal forfeiture to the State of the vehicle the offender was operating at the time of the offense.

(2) An order for immobilization and impoundment of a vehicle under this section shall be issued and enforced in accordance with Ohio R.C 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(3) An order for criminal forfeiture of a vehicle under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of a copy of the order from the court, neither the Registrar of Motor Vehicles nor a Deputy Registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar then shall take the necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle. (ORC 4510.161)

(h) As used in this section:

(1) "Electronic monitoring" has the same meaning as in Ohio R.C. 2929.01.

(2) "Equivalent offense" means any of the following:

A. A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to subsection (a) of this section;

B. A violation of a former law of this State that was substantially equivalent to subsection (a) of this section.

(3) "Jail" has the same meaning as in Ohio R.C. 2929.01.

(4) "Mandatory jail term" means the mandatory term in jail of three, ten, or thirty consecutive days that must be imposed under subsection (b)(1), (2) or (3) of this section upon an offender convicted of a violation of subsection (a) of this section and in relation to which all of the following apply:

A. Except as specifically authorized under this section, the term must be served in a jail.

B. Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of the Ohio Revised Code.

(ORC 4510.14)

335.072 DRIVING UNDER FINANCIAL RESPONSIBILITY LAW SUSPENSION OR CANCELLATION; DRIVING UNDER A NONPAYMENT OF JUDGMENT SUSPENSION.

(a) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to Ohio R.C. Chapter 4509, shall operate any motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period of the suspension or cancellation, except as specifically authorized by Ohio R.C. Chapter 4509. No person shall operate a motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period in which the person is required by Ohio R.C. 4509.45 to file and maintain proof of financial responsibility for a violation of Ohio R.C. 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.

(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality if the person's driver's or commercial driver's license or temporary instruction permit or nonresident operating privilege has been suspended pursuant to Ohio R.C. 4509.37 or 4509.40 for nonpayment of a judgment.

(c) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth and social security number of a person charged with a violation of subsection (a) or (b) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under either a financial responsibility law suspension at the time of the alleged violation of subsection (a) of this section or a nonpayment of judgment suspension at the time of the alleged violation of subsection (b) of this section. The person charged with a violation of subsection (a) or (b) of this section may offer evidence to rebut this prima-facie evidence.

(d) Whoever violates subsection (a) of this section is guilty of driving under financial responsibility law suspension or cancellation and shall be punished as provided in subsection (d) hereof. Whoever violates subsection (b) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in subsection (d) hereof.

(1) Except as otherwise provided in subsection (d)(2) of this section, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a)

of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars ($1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.

(2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.16, or any combination of two violations of Ohio R.C. 4510.16 or Ohio R.C. 4510.11 or 4510.111, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree.

(3) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars ($5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under this section. (ORC 4510.16)

(e) No person who has knowingly failed to maintain proof of financial responsibility in accordance with Ohio R.C. 4509.101 shall produce any document or present to a peace officer an electronic wireless communications device that is displaying any text or images with the purpose to mislead a peace officer upon the request of a peace officer for proof of financial responsibility made in accordance with Ohio R.C. 4509.101. Whoever violates this subsection (e) hereof is guilty of falsification, a misdemeanor of the first degree. (ORC 4509.102)

335.073 DRIVING WITHOUT COMPLYING WITH LICENSE REINSTATEMENT REQUIREMENTS.

(a) No person whose driver's license, commercial driver's license, temporary instruction permit, or nonresident's operating privilege has been suspended shall operate any motor vehicle upon a public road or highway or any public or private property after the suspension has expired unless the person has complied with all license reinstatement requirements imposed by the court, the Bureau of Motor Vehicles, or another provision of the Ohio Revised Code.

(b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) of this section may be admitted into evidence as prima-facie evidence that the license of the person had not been reinstated by the person at the time of the alleged violation of subsection (a) hereof. The person charged with a violation of subsection (a) hereof may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates this section is guilty of failure to reinstate a license and shall be punished as follows:

(1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall

not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars ($1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.

(2) If, within three years of a violation of subsection (a) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of Ohio R.C. 4510.21(A) or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

(3) In all cases, the court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary driver's license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02. (ORC 4510.21)

335.074 DRIVING UNDER LICENSE FORFEITURE OR CHILD SUPPORT SUSPENSION.

(a) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality whose driver's or commercial driver's license has been suspended pursuant to Ohio R.C. 2151.354, 2151.87, 2935.27, 3123.58, 4301.99, 4510.032, 4510.22 or 4510.33.

(b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under suspension at the time of the alleged violation of subsection (a) of this section. The person charged with a violation of subsection (a) of this section may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates subsection (a) of this section is guilty of driving under suspension and shall be punished as provided in subsection (c) of this section.

(1) Except as otherwise provided in subsection (c)(2) of this section, the offense is an unclassified misdemeanor. The offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars ($1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.

(2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of subsection (A) of Ohio R.C. 4510.111, or any combination of two or more violations of subsection (A) of Ohio R.C. 4510.111, or Ohio R.C. 4510.11 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree and the offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars ($5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under this section. (ORC 4510.111)

335.08 OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE.

(a) No person shall do any of the following:

(1) Operate in this Municipality a motor vehicle for which a certificate of title is required without having that certificate in accordance with Ohio R.C. Chapter 4505 or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this Municipality knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;

(2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title, or an assignment of a certificate of title for it as provided in Ohio R.C. Chapter 4505;

(3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4505;

(4) Fail to surrender the certificate of title to a clerk of a court of common pleas as provided in Ohio R.C. Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;

(5) Violate any rules adopted pursuant to Ohio R.C. Chapter 4505;

(6) Except as otherwise provided in Ohio R.C. Chapter 4505 and Chapter 4517, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Ohio R.C. 4505.06 and subchapter IV of the "Motor Vehicle Information and Cost Savings Act", 86 Stat. 961 (1972), 15 U.S.C. 1981;

(7) Operate in this Municipality a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

(b) This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition.

(c) Whoever violates this section shall be fined not more than two hundred dollars ($200.00) or imprisoned not more than ninety days, or both. (ORC 4505.18)

335.09 DISPLAY OF LICENSE PLATES OR VALIDATION STICKERS; REGISTRATION.

(a) (1) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker when required by and issued under Ohio R.C. 4503.19 and 4503.191. However a commercial tractor shall display the license plate on the front of the commercial tractor.

(2) The license plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.

(3) No person to whom a temporary motor vehicle license registration has been issued for the use of a motor vehicle under Ohio R.C. 4503.182, and no operator of that motor vehicle, shall fail to display the temporary motor vehicle license registration in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle.

(4) No person shall cover a temporary motor vehicle license registration by any material that obstructs its visibility.
(ORC 4503.21(A))

(b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.

(2) The offenses established under subsection (a) of this section are strict liability offenses and Ohio R.C. 2901.20 does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
(ORC 4503.21(B), (C))

335.091 OPERATING WITHOUT DEALER OR MANUFACTURER LICENSE PLATES.

(a) No person shall operate or cause to be operated upon a public road or highway a motor vehicle of a manufacturer or dealer unless the vehicle carries and displays a placard, except as provided in Ohio R.C. 4503.21, issued by the Director of Public Safety that displays the registration number of its manufacturer or dealer.

(b) Whoever violates subsection (a) of this section is guilty of illegal operation of a manufacturer's or dealer's motor vehicle, a minor misdemeanor.
(ORC 4549.10)

335.10 EXPIRED OR UNLAWFUL LICENSE PLATES.

(a) No person who is the owner of a motor vehicle which is parked or operated upon the public streets or highways shall fail to annually file the application for registration or to pay the tax therefor, as required by Ohio R.C. Chapter 4503. (ORC 4503.11)

(b) No person shall operate, drive or park upon the public streets or highways a motor vehicle acquired from a former owner who has registered the motor vehicle, while the motor vehicle displays the distinctive number or identification mark assigned to it upon its original registration. (ORC 4549.11)

(c) No person who is the owner of a motor vehicle and a resident of Ohio shall operate, drive or park the motor vehicle upon the public streets or highways, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of Ohio relating to the registration and identification of motor vehicles. (ORC 4549.12)

(d) No person shall park or operate any vehicle upon any public street or highway upon which is displayed an expired license plate or an expired validation sticker.

(e) No person shall park or operate any vehicle upon any public street or highway upon which are displayed any license plates not legally registered and issued for such vehicle, or upon which are displayed any license plates that were issued on an application for registration that contains any false statement by the applicant.

(f) (1) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.
(2) Whoever violates subsection (b) hereof is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.
(3) Whoever violates any provision of this section for which no other penalty is provided is guilty of a minor misdemeanor.
(ORC 4549.11; 4549.12)

335.11 USE OF ILLEGAL LICENSE PLATES; TRANSFER OF REGISTRATION.

(a) No person shall operate or drive a motor vehicle upon the streets in this Municipality if it displays a license plate or a distinctive number or identification mark that meets any of the following criteria:
(1) Is fictitious;
(2) Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;
(3) Belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the streets in this Municipality when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the streets in this Municipality, during the thirty-day period described in subsection (c) hereof.

(b) Whoever violates subsection (a)(1), (2) or (3) of this section is guilty of operating a motor vehicle bearing an invalid license plate or identification mark, a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense. (ORC 4549.08)

(c) Upon the transfer of ownership of a motor vehicle, the registration of the motor vehicle expires, and the original owner shall immediately remove the license plates from the motor vehicle. The transfer of the registration and, where applicable, the license plates from the motor vehicle for which they originally were issued to a succeeding motor vehicle purchased by the same person in whose name the original registration and license plates were issued shall be done within a period not to exceed thirty days. During that thirty-day period, the license plates from the motor vehicle for which they originally were issued may be displayed on the succeeding motor vehicle, and the succeeding motor vehicle may be operated on the streets of the Municipality.

(d) Whoever violates subsection (c) of this section is guilty of a misdemeanor of the fourth degree. (ORC 4503.12)

335.111 REGISTRATION WITHIN THIRTY DAYS OF RESIDENCY.

(a) Within thirty days of becoming a resident of this State, any person who owns a motor vehicle operated or driven upon the public roads or highways shall register the vehicle in this State. If such a person fails to register a vehicle owned by the person, the person shall not operate any motor vehicle in this Municipality under a license issued by another state.

(b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.

(2) The offense established under subsection (b)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(c) For purposes of subsection (a) of this section, "resident" means any person to whom any of the following applies:

(1) The person maintains their principal residence in this State and does not reside in this State as a result of the person's active service in the United States Armed Forces.

(2) The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under Ohio R.C. 4507.01. (ORC 4503.111)

335.12 STOPPING AFTER ACCIDENT UPON STREETS; COLLISION WITH UNATTENDED VEHICLE.

(a) (1) In the case of a motor vehicle accident or collision with persons or property on a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, immediately shall stop the operator's motor vehicle at the scene of the accident or collision. The operator shall remain at the scene of the accident or collision until the operator has given the operator's name and address and, if the operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, to all of the following:

A. Any person injured in the accident or collision;

B. The operator, occupant, owner or attendant of any motor vehicle damaged in the accident or collision;

C. The police officer at the scene of the accident or collision.

(2) In the event an injured person is unable to comprehend and record the information required to be given under subsection (a)(1) of this section, the other operator involved in the accident or collision shall notify the nearest police authority concerning the location of the accident or collision, and the operator's name, address and the registered number of the motor vehicle the operator was operating. The operator shall remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.

(3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(b) (1) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident. Except as otherwise provided in subsection (b)(2) or (3) of this section, failure to stop after an accident is a misdemeanor of the first degree.

(2) If the accident or collision results in serious physical harm to a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate State law.

(3) If the accident or collision results in the death of a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate State law.

(4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.18 or 2929.28 in an amount not exceeding five thousand dollars ($5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.02)

335.13 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREET.

(a) (1) In the case of a motor vehicle accident or collision resulting in injury or damage to persons or property on any public or private property other than a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, shall stop at the scene of the accident or collision. Upon request of any person who is injured or damaged, or any other person, the operator shall give that person the operator's name and address, and, if the operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the operator's driver's or commercial driver's license.

(2) If the operator of the motor vehicle involved in the accident or collision does not provide the information specified in subsection (a)(1) of this section, the operator shall give that information, within twenty-four hours after the accident or collision, to the Police Department.

(3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required under subsection (a)(1) of this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(b) (1) Whoever violates subsection (a) of this section is guilty of failure to stop after a nonpublic road accident. Except as otherwise provided in subsection (b)(2) or (3) of this section, failure to stop after a nonpublic road accident is a misdemeanor of the first degree.

(2) If the accident or collision results in serious physical harm to a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate State law.

(3) If the accident or collision results in the death of a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate State law.

(4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.18 or 2929.28 in an amount not exceeding five thousand dollars ($5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.021)

335.14 VEHICLE ACCIDENT RESULTING IN DAMAGE TO REALTY.

(a) The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to real property, legally upon or adjacent to a public road or highway immediately shall stop and take reasonable steps to locate and notify the owner or person in charge of the property of that fact, of the driver's name and address, and of the registration number of the vehicle the driver is driving and, upon request and if available, shall exhibit the driver's or commercial driver's license.

If the owner or person in charge of the property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to the property, within twenty-four hours after the accident, shall forward to the police authority in the municipality in which the accident or collision occurred, the same information required to be given to the owner or person in control of the property and give the location of the accident and a description of the damage insofar as it is known.

(b) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident involving the property of others, a misdemeanor of the first degree.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars ($5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.03)

TITLE NINE - Pedestrians, Bicycles and Motorcycles

Chap. 371. Pedestrians.
Chap. 373. Bicycles and Motorcycles.
Chap. 375. Snowmobiles, Off-Highway Motorcycles, and All Purpose Vehicles.

CHAPTER 371
Pedestrians

371.01 Right of way in crosswalk.
371.02 Right of way of blind person.
371.03 Crossing roadway outside crosswalk; diagonal crossings at intersections.
371.04 Moving upon right half of crosswalk.
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371.14 Low-speed micromobility devices.

CROSS REFERENCES

See sectional histories for similar State law
Pedestrian defined - see TRAF. 301.22
Pedestrian prohibited on freeways - see TRAF. 303.06
Obedience to traffic control devices - see TRAF. 313.01, 313.03
Pedestrian control signals - see TRAF. 313.05

371.01 RIGHT OF WAY IN CROSSWALK.

(a) When traffic control signals are not in place, not in operation or are not clearly assigning the right of way, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield or if required by Section 313.09, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c) Subsection (a) hereof does not apply under the conditions stated in Section 371.03(b).

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(e) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.46)

371.02 RIGHT OF WAY OF BLIND PERSON.

(a) As used in this section "blind person" or "blind pedestrian" means a person having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater then twenty degrees.

The driver of every vehicle shall yield the right of way to every blind pedestrian guided by a guide dog, or carrying a cane which is predominately white or metallic in color, with or without a red tip.

(b) No person, other than a blind person, while on any public highway, street, alley or other public thoroughfare shall carry a white metallic cane, with or without a red tip.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.47)

371.03 CROSSING ROADWAY OUTSIDE CROSSWALK; DIAGONAL CROSSINGS AT INTERSECTIONS.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all traffic upon the roadway.

(c) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

B. A red reflector facing the rear that is visible from all distances from one hundred feet to six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle.

(4) Operate the device on any portion of a street or highway that has an established speed limit of fifty-five miles per hour or more;

(5) Operate the device upon any path set aside for the exclusive use of pedestrians or other specialized use when an appropriate sign giving notice of the specialized use is posted on the path;

(6) If under eighteen years of age, operate the device unless wearing a protective helmet on the person's head with the chin strap properly fastened;

(7) If under sixteen years of age, operate the device unless, during the operation, the person is under the direct visual and audible supervision of another person who is eighteen years of age or older and is responsible for the immediate care of the person under sixteen years of age.

(c) No person who is under fourteen years of age shall operate an electric personal assistive mobility device.

(d) No person shall distribute or sell an electric personal assistive mobility device unless the device is accompanied by a written statement that is substantially equivalent to the following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT - HELMET, WRIST GUARDS, ELBOW PADS, AND KNEE PADS". (ORC 4511.512)

(e) "Electric personal assistive mobility device" means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of seven hundred fifty watts, and when ridden on a paved level surface by an operator who weighs one hundred seventy pounds has a maximum speed of less than twenty miles per hour. (ORC 4501.01)

(f) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor and shall be punished as follows:

(1) The offender shall be fined ten dollars ($10.00).

(2) If the offender previously has been convicted of or pleaded guilty to a violation of division (B) or (C) of Ohio R.C. 4511.512 or a substantially similar municipal ordinance, the court, in addition to imposing the fine required under subsection (f)(1) hereof, shall do one of the following:

A. Order the impoundment for not less than one day but not more than thirty days of the electric personal assistive mobility device that was involved in the current violation of that section. The court shall order the device to be impounded at a safe indoor location designated by the court and may assess storage fees of not more than five dollars ($5.00) per day, provided the total storage, processing, and release fees assessed against the offender or the device in connection with the device's impoundment or subsequent release shall not exceed fifty dollars ($50.00).

B. If the court does not issue an impoundment order pursuant to subsection (f)(2)A. hereof, issue an order prohibiting the offender from operating any electric personal assistive mobility device on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles for not less than one day but not more than thirty days.

(g) Whoever violates subsection (d) hereof is guilty of a minor misdemeanor. (ORC 4511.512)

371.13 OPERATION OF PERSONAL DELIVERY DEVICE ON SIDEWALKS AND CROSSWALKS.

(a) As used in this section:

(1) "Eligible entity" means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.

(2) "Personal delivery device" means an electrically powered device to which all of the following apply:

A. The device is intended primarily to transport property and cargo on sidewalks and crosswalks.

B. The device weighs less than 250 pounds excluding any property or cargo being carried in the device.

C. The device has a maximum speed of ten miles per hour.

D. The device is equipped with technology that enables the operation of the device with active control or monitoring by a person, without active control or monitoring by a person, or both with or without active control or monitoring by a person.

(3) "Personal delivery device operator" means an agent of an eligible entity who exercises direct physical control over, or monitoring of, the navigation and operation of a personal delivery device. The phrase does not include, with respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service. The phrase also does not include a person who only arranges for and dispatches a personal delivery device for a delivery or other service.

(b) An eligible entity may operate a personal delivery device on sidewalks and crosswalks so long as all of the following requirements are met:

(1) The personal delivery device is operated in accordance with all regulations, if any, established by each local authority within which the personal delivery device is operated.

(2) A personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device.

(3) The eligible entity maintains an insurance policy that includes general liability coverage of not less than one hundred thousand dollars ($100,000) for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity.

(4) The device is equipped with all of the following:

A. A marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;

B. A braking system that enables the personal delivery device to come to a controlled stop;

C. If the personal delivery device is being operated between sunset and sunrise, a light on both the front and rear of the personal delivery device that is visible in clear weather from a distance of at least 500 feet to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle.

(c) No personal delivery device operator shall allow a personal delivery device to do any of the following:

(1) Fail to comply with traffic or pedestrian control devices and signals;
(2) Unreasonably interfere with pedestrians or traffic;
(3) Transport any hazardous material that would require a permit issued by the Public Utilities Commission;
(4) Operate on a street or highway, except when crossing the street or highway within a crosswalk.

(d) A personal delivery device has all of the rights and obligations applicable to a pedestrian under the same circumstances, except that a personal delivery device shall yield the right-of-way to human pedestrians on sidewalks and crosswalks.

(e) (1) No person shall operate a personal delivery device unless the person is authorized to do so under this section and complies with the requirements of this section.

(2) An eligible entity is responsible for both of the following:

A. Any violation of this section that is committed by a personal delivery device operator; and

B. Any other circumstance, including a technological malfunction, in which a personal delivery device operates in a manner prohibited by divisions (c)(1) to (c)(4) of this section.
(ORC 4511.513)

371.14 LOW-SPEED MICROMOBILITY DEVICES.

(a) (1) A low-speed micromobility device may be operated on the public streets, highways, sidewalks, and shared-use paths, and may be operated on any portions of roadways set aside for the exclusive use of bicycles in accordance with this section.

(2) Except as otherwise provided in this section, those sections of this title that by their nature could apply to a low-speed micromobility device do apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk, or shared-use path, or upon any portion of a roadway set aside for the exclusive use of bicycles.

(b) No operator of a low-speed micromobility device shall do any of the following:

(1) Fail to yield the right-of-way to all pedestrians at all times;
(2) Fail to give an audible signal before overtaking and passing a pedestrian;
(3) Operate the device at night unless the device or its operator is equipped with or wearing both of the following:

A. A lamp pointing to the front that emits a white light visible from a distance of not less than 500 feet;

B. A red reflector facing the rear that is visible from all distances from 100 feet to 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle.

(c) (1) No person who is under sixteen years of age shall rent a low-speed micromobility device.

(2) No person shall knowingly rent a low-speed micromobility device to a person who is under sixteen years of age.

(3) No person shall knowingly rent a low-speed micromobility device on behalf of a person who is under sixteen years of age.

(d) No person shall operate a low-speed micromobility device at a speed greater than twenty miles per hour.

(e) (1) Whoever violates this section is guilty of a minor misdemeanor.

(2) Unless a mens rea is otherwise specified in this section, an offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of that offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(f) Notwithstanding subsection (a)(1) of this section, the municipality, may do any of the following:

(1) Regulate or prohibit the operation of low-speed micromobility devices on public streets, highways, sidewalks, and shared-use paths, and portions of roadways set aside for the exclusive use of bicycles, under its jurisdiction;

(2) Include low-speed micromobility devices that are adapted to expand access for people with various physical limitations into a shared bicycle, shared electric bicycle, or similar vehicle sharing program, under its jurisdiction;

(3) Require the owner or operator of a low-speed micromobility device rental service or low-speed micromobility device sharing program to maintain commercial general liability insurance related to the operation of the devices, with limits of up to one million dollars ($1,000,000) per occurrence and two million dollars ($2,000,000) per aggregate.
(ORC 4511.514)

(2) A red reflector on the rear that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(3) A lamp emitting either flashing or steady red light visible from a distance of five hundred feet to the rear shall be used in addition to the red reflector; If the red lamp performs as a reflector in that it is visible as specified in subsection (a)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.

(b) Additional lamps and reflectors may be used in addition to those required under subsection (a) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle or electric bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle or electric bicycle.

(c) Every bicycle or electric bicycle shall be equipped with an adequate brake when used on a street or highway.

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4511.56)

373.07 RIDING BICYCLE ON RIGHT SIDE OF ROADWAY; OBEDIENCE TO TRAFFIC RULES; PASSING.

(a) Every person operating a bicycle or electric bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) This section does not require a person operating a bicycle or electric bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle or electric bicycle and an overtaking vehicle to travel safely side by side within the lane.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.55(A))

373.08 RECKLESS OPERATION; CONTROL, COURSE AND SPEED.

(a) No person shall operate a bicycle or electric bicycle:

(1) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;

(2) Without exercising reasonable and ordinary control over such bicycle or electric bicycle;

(3) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;

(4) Without both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section 373.02(d);

(5) At a speed greater than is reasonable and prudent under the conditions then existing.

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

373.09 PARKING OF BICYCLE.

(a) No person shall park a bicycle or electric bicycle upon a sidewalk in such a manner so as to unduly interfere with pedestrian traffic or upon a roadway so as to unduly interfere with vehicular traffic.

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

373.10 MOTORIZED BICYCLE OPERATION, EQUIPMENT AND LICENSE.

(a) No person shall operate a motorized bicycle upon any street or highway or any public or private property used by the public for purposes of vehicular travel or parking, unless all of the following conditions are met:

(1) The person is fourteen or fifteen years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in Ohio R.C. 4511.521, or the person is sixteen years of age or older and holds either a valid commercial driver's license issued under Ohio R.C. Chapter 4506, or a driver's license issued under Ohio R.C. Chapter 4507, or a valid motorized bicycle license issued after the person has passed the test provided for in Ohio R.C. 4511.521, except that if a person is sixteen years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, the person is not required to comply with the testing requirements provided for in Ohio R.C. 4511.521;

(2) The motorized bicycle is equipped in accordance with rules adopted by the Ohio Director of Public Safety and is in proper working order;

(3) The person, if under eighteen years of age, is wearing a protective helmet on the person's head with the chin strap properly fastened, and the motorized bicycle is equipped with a rear-view mirror; and

(4) The person operates the motorized bicycle when practicable within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles.

(b) No person operating a motorized bicycle shall carry another person upon the motorized bicycle.

(c) The protective helmet and rearview mirror required by subsection (a)(3) of this section shall, on and after January 1, 1985, conform with rules adopted by the Ohio Director of Public Safety.

(d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4511.521)

373.11 PATHS EXCLUSIVELY FOR BICYCLES.

(a) No person shall operate a motor vehicle, snowmobile, or all-purpose vehicle upon any path set aside for the exclusive use of bicycles, when an appropriate sign giving notice of such use is posted on the path.

Nothing in this section shall be construed to affect any rule of the Ohio Director of Natural Resources governing the operation of motor vehicles, snowmobiles, all-purpose vehicles, and bicycles on lands under the Director's jurisdiction.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.713)

373.12 ELECTRIC BICYCLES.

(a) (1) The operation of a class 1 electric bicycle and a class 2 electric bicycle is permitted on a path set aside for the exclusive use of bicycles or on a shared-use path, unless the Municipality by resolution, ordinance, or rule prohibits the use of a class 1 electric bicycle or class 2 electric bicycle on such a path.

(2) No person shall operate a class 3 electric bicycle on a path set aside for the exclusive use of bicycles or a shared-use path unless that path is within or adjacent to a highway or the Municipality by resolution, ordinance, or rule authorizes the use of a class 3 electric bicycle on such a path.

(3) No person shall operate a class 1 electric bicycle, a class 2 electric bicycle or a class 3 electric bicycle on a path that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use, unless the Municipality by resolution, ordinance or rule authorizes the use of a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on such a path.

(4) Subsections (a)(2) and (a)(3) of this section do not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle while in the performance of the officer's duties.

(b) (1) No person under sixteen years of age shall operate a class 3 electric bicycle; however, a person under sixteen years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

(2) No person shall operate or be a passenger on a class 3 electric bicycle unless the person is wearing a protective helmet that meets the standards established by the Consumer Product Safety Commission or the American Society for Testing and Materials.

(c) (1) Except as otherwise provided in this subsection, whoever operates an electric bicycle in a manner that is prohibited under subsection (a) of this section and whoever violates subsection (b) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) The offenses established under subsection (c)(1) of this section are strict liability offenses and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4511.522)

"The testimony of an accomplice that is supported by other evidence does not become inadmissible because of the accomplice's complicity, moral turpitude, or self-interest, but the admitted or claimed complicity of a witness may affect the witness' credibility and make the witness' testimony subject to grave suspicion, and requires that it be weighed with great caution.

It is for you, as jurors, in light of all the facts presented to you from the witness stand, to evaluate such testimony and to determine its quality and worth or its lack of quality and worth".

(3) "Conspiracy", as used in subsection (h)(1) of this section, does not include any conspiracy that results in an attempt to commit an offense or in the commission of an offense.

(i) The following are affirmative defenses to a charge of conspiracy:

(1) After conspiring to commit an offense, the actor thwarted the success of the conspiracy under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purpose.

(2) After conspiring to commit an offense, the actor abandoned the conspiracy prior to the commission of or attempt to commit any offense that was the object of the conspiracy, either by advising all other conspirators of the actor's abandonment, or by informing any law enforcement authority of the existence of the conspiracy and of the actor's participation in the conspiracy.

(j) Whoever violates this section is guilty of conspiracy, which is a misdemeanor of the first degree, when the most serious offense that is the object of the conspiracy is a felony of the fifth degree.

(k) This section does not define a separate conspiracy offense or penalty where conspiracy is defined as an offense by one or more sections of this Code, other than this section. In such a case, however:

(1) With respect to the offense specified as the object of the conspiracy in the other section or sections, subsection (a) hereof defines the voluntary act or acts and culpable mental state necessary to constitute the conspiracy;

(2) Subsections (b) to (i) hereof are incorporated by reference in the conspiracy offense defined by the other section or sections of this Code.

(l) (1) In addition to the penalties that otherwise are imposed for conspiracy, a person who is found guilty of conspiracy to engage in a pattern of corrupt activity is subject to divisions (B)(2) and (3) of Ohio R.C. 2923.32, division (A) of Ohio R.C. 2981.04 and division (D) of Ohio R.C. 2981.06.

(2) If a person is convicted of or pleads guilty to conspiracy and if the most serious offense that is the object of the conspiracy is a felony drug trafficking, manufacturing, processing or possession offense, in addition to the penalties or sanctions that may be imposed for the conspiracy under subsection (j) hereof and Ohio R.C. Chapter 2929, both of the following apply:

A. The provisions of divisions (D), (F) and (G) of Ohio R.C. 2925.03, division (D) of Ohio R.C. 2925.04, division (D) of Ohio R.C. 2925.05, division (D) of Ohio R.C. 2925.06 and division (E) of Ohio R.C. 2925.11 that pertain to mandatory and additional fines, driver's or commercial driver's license or permit suspensions, and professionally licensed persons and that would apply under the appropriate provisions of those divisions to a person who is convicted of or pleads guilty to the felony drug trafficking, manufacturing, processing, or possession offense that is the most serious offense that is the basis of the conspiracy shall apply to the person who is convicted of or pleads guilty to the conspiracy as if the person had been convicted or pleaded guilty to the felony drug trafficking, manufacturing, processing or possession offense that is the most serious offense that is the basis of the conspiracy.

B. The court that imposes sentence upon the person who is convicted of or pleads guilty to the conspiracy shall comply with the provisions identified as being applicable under subsection (l)(2) of this section, in addition to any other penalty or sanction that it imposes for the conspiracy under subsection (j) of this section and Ohio R.C. Chapter 2929.

(m) As used in this section:

(1) "Felony drug trafficking, manufacturing, processing or possession offense" means any of the following that is a felony:

A. A violation of Ohio R.C. 2925.03, 2925.04, 2925.05, or 2925.06;

B. A violation of Ohio R.C. 2925.11 that is not a minor drug possession offense.

(2) "Minor drug possession offense" has the same meaning as in Ohio R.C. 2925.01. (ORC 2923.01)

501.99 PENALTIES FOR MISDEMEANORS.

(a) Financial Sanctions. In addition to imposing court costs pursuant to Ohio R.C. 2947.23, the court imposing a sentence upon an offender for a misdemeanor committed under the Codified Ordinances, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section. If the court in its discretion imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

(1) Restitution.

A. Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant to this section if the offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim.

B. If the court imposes restitution, the court shall determine the amount of restitution to be paid by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court imposes restitution for the cost of accounting or auditing done to determine the extent of economic loss, the court may order restitution for any amount of the victim's costs of accounting or auditing provided that the amount of restitution is reasonable and does not exceed the value of property or services stolen or damaged as a result of the offense. If the court decides to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim, or survivor disputes the amount of restitution. If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden to prove by a preponderance of the evidence the amount of restitution sought from the offender.

C. All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender. No person may introduce evidence of an award of restitution under this section in a civil action for purposes of imposing liability against an insurer under Ohio R.C. 3937.18.

D. If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

E. The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.

(2) Fines. A fine in the following amount:

A. For a misdemeanor of the first degree, not more than one thousand dollars ($1,000);

B. For a misdemeanor of the second degree, not more than seven hundred fifty dollars ($750.00);

C. For a misdemeanor of the third degree, not more than five hundred dollars ($500.00);

D. For a misdemeanor of the fourth degree, not more than two hundred fifty dollars ($250.00);

E. For a minor misdemeanor, not more than one hundred fifty dollars ($150.00).

(3) Reimbursement of costs of sanctions.

A. Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:

1. All or part of the costs of implementing any community control sanction, including a supervision fee under Ohio R.C. 2951.021;

2. All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined.

B. The amount of reimbursement ordered under subsection (a)(3)A. of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that subsection. If the court does not order reimbursement under that subsection, confinement costs may be assessed pursuant to a repayment policy adopted under Ohio R.C. 2929.37. In addition, the offender may be required to pay the fees specified in Ohio R.C. 2929.38 in accordance with that section. (ORC 2929.28)

(b) Jail Terms.

(1) Except as provided in Ohio R.C. 2929.22 or 2929.23 of the Revised Code, and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this General Offenses Code, the court shall impose a definite jail term that shall be one of the following:

A. For a misdemeanor of the first degree, not more than one hundred eighty days;

B. For a misdemeanor of the second degree, not more than ninety days;

C. For a misdemeanor of the third degree, not more than sixty days;

D. For a misdemeanor of the fourth degree, not more than thirty days.

(2) A. A court that sentences an offender to a jail term under this section may permit the offender to serve the sentenced in intermittent confinement or may authorize a limited release of the offender as provided in Ohio R.C. 2929.26(B). The court retains jurisdiction over every offender sentenced to jail to modify the jail sentence imposed at any time, but the court shall not reduce any mandatory jail term.

B. 1. If a prosecutor, as defined in Ohio R.C. 2935.01, has filed a notice with the court that the prosecutor wants to be notified about a particular case and if the court is considering modifying the jail sentence of the offender in that case, the court shall notify the prosecutor that the court is considering modifying the jail sentence of the offender in that case. The prosecutor may request a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, and, if the prosecutor requests a hearing, the court shall notify the eligible offender of the hearing.

2. If the prosecutor requests a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, the court shall hold the hearing before considering whether or not to release the offender from the offender's jail sentence.

(6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.

(7) "Dog kennel" means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.

(b) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

(c) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Torture, torment or commit an act or cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(d) No owner, manager or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Torture, torment, or commit an act of cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(e) Subsections (b), (c) and (d) of this section do not apply to any of the following:

(1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;

(2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;

(3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;

(4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;

(5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.

(f) Notwithstanding any section of the Ohio Revised Code that otherwise provides for the distribution of fine moneys, the Clerk of Court shall forward all fines the Clerk collects that are so imposed for any violation of this section to the Treasurer of the municipality, whose county humane society or law enforcement agency is to be paid the fine money as determined under this section. The Treasurer shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys under this section, the county humane society shall use the fine moneys either to provide the training that is required for humane society agents under Ohio R.C. 1717.061 or to provide additional training for humane society agents. (ORC 959.131)

(g) (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(3) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.

(4) A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.

(5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99)

505.08 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.

2. The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
3. The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;
4. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.

B. All costs incurred by the Municipality as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or Section 509.07, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.

(2) "School" means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.

(3) "Weapon of mass destruction" means any of the following:

A. Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;

B. Any weapon involving a disease organism or biological agent;

C. Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;

D. Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:

1. Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;
2. Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division (e)(3)D.1. of this section and from which an item or device described in that division may be readily assembled.

(4) "Biological agent" has the same meaning as in Ohio R.C. 2917.33.

(5) "Emergency medical services personnel" has the same meaning as in Ohio R.C. 2133.21.

(6) "Institution of higher education" means any of the following:

A. A state university or college as defined in Ohio R.C. 3345.12(A)(1), community college, state community college, university branch, or technical college;

B. A private, nonprofit college, university or other post-secondary institution located in this State that possesses a certificate of authorization issued by the Ohio Board of Regents pursuant to Ohio R.C. Chapter 1713.

C. A post-secondary institution with a certificate of registration issued by the State Board of Career Colleges and Schools under Ohio R.C. Chapter 3332. (ORC 2917.31)

509.07 MAKING FALSE ALARMS.

(a) No person shall do any of the following:

(1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;

(2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property;

(3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur.

(4) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to impede the operation of a critical infrastructure facility.

(b) This section does not apply to any person conducting an authorized fire or emergency drill.

(c) Whoever violates this section is guilty of making false alarms, a misdemeanor of the first degree. If a violation of this section results in economic harm of one thousand dollars ($1,000) or more, or if a violation of this section pertains to a purported, threatened, or actual use of a weapon of mass destruction, making false alarms is a felony and shall be prosecuted under appropriate State law.

(d) Any act that is a violation of this section and any other section of the Codified Ordinances may be prosecuted under this section, the other section, or both sections.

(e) As used in this section:

(1) "Critical infrastructure facility" has the same meaning as in Ohio R.C. 2911.21.

(2) "Economic harm"and "weapon of mass destruction" have the same meaning as in Section 509.06. (ORC 2917.32)

509.08 EMERGENCY CURFEW.

(a) The Mayor or City Manager may declare a state of emergency within the City upon determining that property, real or personal, whether it be public or private, is in danger of being damaged or destroyed; or that the health, safety and welfare of the inhabitants of the City is in jeopardy; or that gatherings of rioters, protesters or demonstrators constitute a threat to the peace, quiet, and good order of the City.

(b) At such time that a state of emergency is declared and until time as the emergency is declared at an end, curfew shall prevail within the City between the hours of 9:00 p.m. and 6:00 a.m.

(c) During the time that the curfew is in effect, no person shall loiter upon the streets, avenues, parks or other public place within the City and no person shall be upon the streets, avenues, alleys, parks or other public place within the City without being able to show just cause and to give a reasonable account of himself.

(d) All bars, taverns, restaurants, filling stations and other business establishments shall be closed during the hours of the curfew.

(e) Whoever violates this section is guilty of a minor misdemeanor.

509.09 UNNECESSARY NOISE.

(a) Definitions. For the purpose of Section 509.09 to 509.12, the following terms, phrases, words and their derivation shall have meanings as follows:

(1) "Person" means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality.

(2) "Traffic noise" means sound made by a motor vehicle operated either on a public right of way or private property.

(3) "Modified exhaust system" means an exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise or the original noise abatement devices have either been removed or replaced by noise abatement devices which are not as effective in reducing noise as their original devices, or devices have been added to the original noise abatement devices such that noise levels are increased. (Ord. 2550. Passed 11-4-97.)

509.10 NOISE RESTRICTIONS.

(a) No person shall:

(1) Exhausts, Muffler Systems and Squealing. Operate a motor vehicle which causes excessive noise levels, as a result of a defective or modified exhaust system, or as a result of an unnecessary rapid acceleration, de-acceleration, revving or tire squealing.

(2) Sound Amplifying Equipment. Operate a motor vehicle on a street or highway if the sound from any sound amplifying equipment located inside of, outside of but attached to, or held by a person inside, the motor vehicle, is discernible at a distance of twenty-five feet or more from the vehicle.

(3) Horns and Signaling Devices. Sound any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the City, except as a danger warning.

(4) Televisions, Radios, Electronic Sound Devices, Electronic Music Devices, and Musical and Sound Instruments. Use, operate or permit to be played, used or operated any television, radio receiving set, musical instrument, electronic sound device, electronic music device, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is reasonably necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such radio set, musical instrument, or other machine or sound device in such a manner as to be plainly audible at a distance of twenty-five feet from the vehicle or at a distance of twenty-five feet from the lot upon which the building or structure is located shall be a violation of this section.

(5) Advertising. Use, operate, or permit to be played, used or operated any radio receiving set, musical instrument, loudspeaker, sound amplifier, or other machine or sound device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, except as provided in Section 509.11.

(6) Defects in Vehicle or Load. Use any automobile, motorcycle, or vehicle so out of repair, so loaded or used in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise.

(7) Blower and Fans. Operate any noise-creating blower or power fan or an internal combustion engine, the operation of which causes noise due to the explosion of operating gasses or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device designed for and sufficient to deaden such noise.

(8) Construction Equipment. Operate any pile driver, pneumatic hammer, derrick, hoist, chain saw or other appliance, or construction equipment, the use of which is attended by loud and unusual noise other than between the hours of 7:00 a.m. and 11:00 p.m. on weekdays or between the hours of 9 a.m. and 6:00 p.m. on weekends or national holidays.

(9) Yelling, Shouting and Singing. Yell, shout, hoot, whistle, or sing in the public right-of-way between the hours of 11:00 p.m. and 7:00 a.m.; on private property between the hours of 11:00 p.m. and 7:00 a.m. so as to be plainly audible at a distance of twenty-five (25) feet from the lot upon which the building or structure is located; or at any time so as to annoy or disturb the quiet, comfort, or repose of any person in any office or in any dwelling, hotel, or other type of residence.

(10) Animals. Keep any animal which, by causing frequent or loud continued noise, shall disturb the quiet, comfort or repose of any person in the vicinity.

(11) Construction or Repair. Erect (including excavating), demolish, alter, or repair any building other than between the hours of 7:00 a.m. and 11:00 p.m. on weekdays and 9:00 a.m. and 6:00 p.m. on weekends and national holidays, except in case of emergency in the interest of public health and safety, and then only with a permit from the City Engineer, which permit may be granted for a period not to exceed three days while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues. If the City Engineer determines that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 11:00 p.m. and 7:00 a.m. on weekdays or 6:00 p.m. and 9:00 a.m. on weekends and national holidays, and the City Engineer further determines that loss or inconvenience would not result to any party in interest, the City Engineer may grant permission for that work to be done between the hours of 11:00 p.m. and 7:00 a.m. on weekdays and 6:00 p.m. and 9:00 a.m. on weekends and national holidays upon application being made at the time the permit for the work is awarded or during the progress of the work.

(12) Excessive Noise Adjacent to Schools, Courts, Churches, Hospitals. Create any excessive noise on any street adjacent to any school, church, or court of law while the same are in use, or adjacent to any hospital, which noise unreasonably interferes with the working of that institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in those streets indicating that the same is a school, church, court of law or hospital.

(13) Performance or Show. Use any drum or other instrument or device for the purpose of attracting attention to any performance, show, or sale by the creation of noise. (Ord. 3129. Passed 10-19-10.)

509.11 EXCEPTIONS TO NOISE RESTRICTIONS.

This section does not apply to any of the following circumstances:

(a) The sound amplifying equipment of the motor vehicle is being operated to request medical or vehicular assistance or to warn others of a hazardous road, vehicle operating, or traffic safety condition.

(b) The motor vehicle is an emergency vehicle or public safety vehicle and is on an emergency run.
(c) The motor vehicle is owned and operated by the state, a political subdivision, or a public utility.
(d) The motor vehicle is participating in a parade or public event for which the sponsors of the parade have obtained the proper permits.
(e) The sound amplifying equipment of the motor vehicle is being operated as a requirement of federal or state law.
(f) Vendors of ice cream and related products between the hours of 9:00 a.m. and 8:00 p.m.
(g) Noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the City of Oxford, Ohio. (Ord. 2550. Passed 11-4-97.)

509.12 NOISE VIOLATION.

(a) If the sound alleged to be a violation of Section 509.10 provisions exceeds 55 dbA at any time between the hours of 11:00 p.m. and 7:00 a.m. Sunday through Thursday, or exceeds 55 dbA between the hours of 12:00 midnight and 7:00 a.m. Friday and Saturday, or exceeds 70 dbA at other times, the same shall constitute prima facie evidence of a violation of this section provided such sound is measured with a sound level meter operated at a distance of 25 feet beyond a property line of the lot or a distance of 25 feet beyond a vehicle from which such source of sound is located or the sound is emitted.

(b) Organizational liability as set forth in Oxford Code Section 501.11 shall be applied to violations of this section. (Ord. 2550. Passed 11-4-97.)

509.13 NUISANCE PARTY REGULATIONS.

(a) Nuisance Party Defined. A social gathering or party which is conducted on premises within the City and which, by reason of the conduct of the persons in attendance, results in any one or more of the following conditions or events occurring at the site of the said party or social gathering, or on neighboring public or private property: disorderly conduct; illegal open container; outdoor urination or defecation in a public place; unlawful sale, furnishing, dispensing or consumption of beer or intoxicating liquor; sale or furnishing of beer or intoxicating liquor to an underage person; possession or consumption of beer or intoxicating liquor by an underage person; illegal use of a controlled substance; public indecency; unlawful deposit of litter or refuse; the damage or destruction of property without the consent of the property owner; unlawful pedestrian or vehicular traffic; standing or parking of vehicles that obstructs the free flow of traffic on the public streets and sidewalks or that impedes the ability to render emergency services; unlawfully loud noise; or any other conduct or condition that threatens injury, inconvenience, or alarm to persons or damage to property which is hereby declared to be an unlawful public nuisance.

(b) Duty to Control Premises. Any person who is an owner, occupant, tenant, or otherwise has rightful possession or possessory control, individually or jointly with others, of any premises, who either sponsors, conducts, hosts, invites, or permits a social gathering or party on said premises which is or becomes a nuisance party, as defined in part (a) of this Section, and which nuisance is either the intentional result of, or within the reasonable expectations of, the person or persons having such possessory control is deemed to be in violation of this Section.

(c) Order to Cease and Disperse. A party or social gathering that is or becomes a nuisance party, as defined in part (a) of this Section, shall cease upon the order of the Police Chief, or the Police Chief's designee; and all persons not residing therein at the site of such social gathering or party shall leave the premises immediately. Any person who fails or refuses to obey and abide by such an order shall be guilty of a violation of this section.

(d) Penalty. Whoever violates this section is guilty of a minor misdemeanor; for a second offense committed within eighteen (18) months after the commission of the first offense, the person shall be guilty of a fourth degree misdemeanor.
(Ord. 2777. Passed 2-18-03.)

509.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for any penalties applicable to any misdemeanor classification.)

Any violation of Section 509.10 or Section 509.12 shall be deemed to be a nuisance and any person who violates Section 509.10 or Section 509.12 shall be guilty of a minor misdemeanor; for a second offense committed within one (1) year after the commission of the first offense, the person shall be guilty of a fourth degree misdemeanor; for a third and/or subsequent offenses committed within one (1) year after the commission of the first offense, the person shall be guilty of a third degree misdemeanor. (Ord. 2550. Passed 11-4-97.)

(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and

(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:

A. A chemical scaffold consisting of both of the following:

1. A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;

2. An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.

B. A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;

C. An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and

D. The compound has not been approved for medical use by the United States food and drug administration.

(w) "Harmful intoxicant." Does not include beer or intoxicating liquor, but means any of the following:

(1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes but is not limited to any of the following:

A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline or other preparation containing a volatile organic solvent.

B. Any aerosol propellant.

C. Any fluorocarbon refrigerant.

D. Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

(x) "Hashish".

(1) A resin or a preparation of a resin to which both of the following apply:

A. It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

B. It has a delta-9 tetrahydrocannabinol concentration of more than 0.3%.

(2) The term does not include a hemp byproduct in the possession of a licensed hemp processor under Ohio R.C. Chapter 928, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under Ohio R.C. 928.03.

(y) "Hypodermic." Has the same meaning as in Ohio R.C. 3719.01.

(z) "Juvenile." A person under eighteen years of age.

(aa) "Licensed health professional authorized to prescribe drugs." Has the same meaning as in Ohio R.C. 4729.01.

(bb) "L.S.D." Lysergic acid diethylamide.

(cc) "Major drug offender." Has the same meaning as in Ohio R.C. 2929.01.

(dd) "Mandatory prison term." Has the same meaning as in Ohio R.C. 2929.01.

(ee) "Manufacture." To plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.

(ff) "Manufacturer." Has the same meaning as in Ohio R.C. 3719.01.

(gg) "Marihuana." Has the same meaning as in Ohio R.C. 3719.01, except that it does not include hashish.

(hh) "Methamphetamine." Methamphetamine, any salt, isomer or salt of an isomer of methamphetamine, or any compound, mixture, preparation or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.

(ii) "Minor drug possession offense." Either of the following:

(1) A violation of Ohio R.C. 2925.11, as it existed prior to July 1, 1996, or a substantially equivalent municipal ordinance.

(2) A violation of Ohio R.C. 2925.11, as it exists on and after July 1, 1996, or a substantially equivalent municipal ordinance, that is a misdemeanor or a felony of the fifth degree.

(jj) "Official written order." Has the same meaning as in Ohio R.C. 3719.01.

(kk) "Person." Has the same meaning as in Ohio R.C. 3719.01.

(ll) "Pharmacist." Has the same meaning as in Ohio R.C. 3719.01.

(mm) "Pharmacy." Has the same meaning as in Ohio R.C. 3719.01.

(nn) "Possess" or "possession." Having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(oo) "Prescription." Has the same meaning as in Ohio R.C. 4729.01.

(pp) "Presumption for a prison term" or "presumption that a prison term shall be imposed." A presumption as described in Ohio R.C. 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under Ohio R.C. 2929.11.

(qq) "Professional license." Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate or temporary registration that is described in Ohio R.C. 2925.01(W)(1) to (W)(37) and that qualifies a person as a professionally licensed person.

(rr) "Professionally licensed person." Any of the following:

(1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Ohio R.C. Chapter 4701 and who holds an Ohio permit issued under that chapter;

(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Ohio R.C. Chapter 4703;

(3) A person who is registered as a landscape architect under Ohio R.C. Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;

(4) A person licensed under Ohio R.C. Chapter 4707;

(5) A person who has been issued a certificate of registration as a registered barber under Ohio R.C. Chapter 4709;

(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Ohio R.C. Chapter 4710;

(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Ohio R.C. Chapter 4713;

(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license or a dental hygienist's teacher's certificate under Ohio R.C. Chapter 4715;

(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Ohio R.C. Chapter 4717;

(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Ohio R.C. Chapter 4723;

(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Ohio R.C. Chapter 4725;

(12) A person licensed to act as a pawnbroker under Ohio R.C. Chapter 4727;

(13) A person licensed to act as a precious metals dealer under Ohio R.C. Chapter 4728;

(14) A person licensed under Ohio R.C. Chapter 4729 as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;

(15) A person licensed under Ohio R.C. Chapter 4729 as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;

(16) A person who is authorized to practice as a physician assistant under Ohio R.C. Chapter 4730;

(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Ohio R.C. Chapter 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;

(18) A person licensed as a psychologist or school psychologist under Ohio R.C. Chapter 4732;

(19) A person registered to practice the profession of engineering or surveying under Ohio R.C. Chapter 4733;

(20) A person who has been issued a license to practice chiropractic under Ohio R.C. Chapter 4734;

(21) A person licensed to act as a real estate broker or real estate salesperson under Ohio R.C. Chapter 4735;

(22) A person registered as a registered environmental health specialist under Ohio R.C. Chapter 4736;

(23) A person licensed to operate or maintain a junkyard under Ohio R.C. Chapter 4737;

(24) A person who has been issued a motor vehicle salvage dealer's license under Ohio R.C. Chapter 4738;

(25) A person who has been licensed to act as a steam engineer under Ohio R.C. Chapter 4739;

(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Ohio R.C. Chapter 4741;

(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Ohio R.C. Chapter 4747;

(28) A person who has been issued a class A, class B or class C license or who has been registered as an investigator or security guard employee under Ohio R.C. Chapter 4749;

(29) A person licensed to practice as a nursing home administrator under Ohio R.C. Chapter 4751;

(30) A person licensed to practice as a speech-language pathologist or audiologist under Ohio R.C. Chapter 4753;

(31) A person issued a license as an occupational therapist or physical therapist under Ohio R.C. Chapter 4755;

(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Ohio R.C. Chapter 4757;

(33) A person issued a license to practice dietetics under Ohio R.C. Chapter 4759;

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Ohio R.C. Chapter 4761;

(35) A person who has been issued a real estate appraiser certificate under Ohio R.C. Chapter 4763;

(36) A person who has been issued a home inspector license under Ohio R.C. Chapter 4764;

(37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.

(ss) "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.

(tt) "Sale." Has the same meaning as in Ohio R.C. 3719.01.

(uu) "Sample drug." A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(vv) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in Ohio R.C. 3719.01.

(ww) "School." Any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.

(xx) "School building." Any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(yy) "School premises." Either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.

(c) No officer, having charge of a detention facility, shall negligently do any of the following:

(1) Allow the detention facility to become littered or unsanitary;
(2) Fail to provide persons confined in the detention facility with adequate food, clothing, bedding, shelter and medical attention;
(3) Fail to control an unruly prisoner, or to prevent intimidation of or physical harm to a prisoner by another;
(4) Allow a prisoner to escape;
(5) Fail to observe any lawful and reasonable regulation for the management of the detention facility.

(d) No public official of the Municipality shall recklessly create a deficiency, incur a liability or expend a greater sum than is appropriated by the legislative authority of the Municipality for the use in any one year of the department, agency or institution with which the public official is connected.

(e) No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to his office, or recklessly do any act expressly forbidden by law with respect to his office.

(1) No sworn police officer shall use chokeholds as a method of restraint, or use other methods of restraint that block airways or carotid arteries of an individual unless deadly force is authorized.
(2) All police officers are required to take reasonable steps to intervene when they see a police officer using excessive or the unauthorized use of force against another person in the City of Oxford when it is safe and reasonable to do so.

(f) Whoever violates this section is guilty of dereliction of duty, a misdemeanor of the second degree. (ORC 2921.44)

(g) As used in this section, "public servant" includes an officer or employee of a contractor as defined in Ohio R.C. 9.08.

(h) As used in this section, "Chokehold" is defined as any pressure to the throat or windpipe, which may prevent breathing or reduce the intake of air.
(Ord. 3577. Passed 7-14-20.)

525.13 INTERFERING WITH CIVIL RIGHTS.

(a) No public servant, under color of the public servant's office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right.

(b) Whoever violates this section is guilty of interfering with civil rights, a misdemeanor of the first degree. (ORC 2921.45)

525.14 UNAUTHORIZED DISPLAY OF LAW ENFORCEMENT EMBLEMS ON MOTOR VEHICLES.

(a) No person who is not entitled to do so shall knowingly display on a motor vehicle the emblem of a law enforcement agency or an organization of law enforcement officers.

(b) Whoever violates this section is guilty of the unlawful display of the emblem of a law enforcement agency or an organization of law enforcement officers, a minor misdemeanor. (ORC 2913.441)

525.15 ASSAULTING POLICE DOG OR HORSE OR AN ASSISTANCE DOG.

(a) No person shall knowingly cause, or attempt to cause, physical harm to a police dog or horse in either of the following circumstances:

(1) The police dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.

(2) The police dog or horse is not assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a police dog or horse.

(b) No person shall recklessly do any of the following:

(1) Taunt, torment, or strike a police dog or horse;

(2) Throw an object or substance at a police dog or horse;

(3) Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:

A. Inhibits or restricts the law enforcement officer's control of the police dog or horse;

B. Deprives the law enforcement officer of control of the police dog or horse;

C. Releases the police dog or horse from its area of control;

D. Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;

E. Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.

(4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse.

(5) If the person is the owner, keeper, or harborer of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.

(c) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:

(1) The dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted.

(2) The dog is not assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog.

(d) No person shall recklessly do any of the following:

(1) Taunt, torment, or strike an assistance dog;

(2) Throw an object or substance at an assistance dog;

CHAPTER 529
Liquor Control

529.01 Definitions.
529.02 Sales to and use by underage persons; securing public accommodations.
529.021 Purchase by minor; misrepresentation.
529.03 Sales to intoxicated persons.
529.04 Liquor consumption in motor vehicle.
529.05 Permit required.
529.06 Low-alcohol beverages: sale to and purchase by underage persons prohibited.
529.07 Open container prohibited.
529.08 Hours of sale or consumption.
529.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law
Prohibiting sale of intoxicating liquor on Sunday - see Ohio R.C. 4301.22(D)
Local option - see Ohio R.C. 4301.32 et seq., 4303.29
Disorderly conduct; intoxication - see GEN. OFF. 509.03
Using weapons while intoxicated - see GEN. OFF. 549.03

529.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) "Alcohol". Ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. The term does not include denatured alcohol and wood alcohol.

(b) "At Retail". For use or consumption by the purchaser and not for resale.

(c) "Beer".

(1) Includes all beverages brewed or fermented wholly or in part from malt products and containing one-half of one percent (0.5%) or more of alcohol by volume.

(2) Beer, regardless of the percent of alcohol by volume, is not intoxicating liquor for purposes of this code, the Ohio Revised Code, or any rules adopted under it.

(d) "Cider". All liquids that are fit to use for beverage purposes that contain one-half of one percent (0.5%) of alcohol by volume, but not more than six percent (6%) of alcohol by weight that are made through the normal alcoholic fermentation of the juice of sound, ripe apples, including, without limitation, flavored, sparkling, or carbonated cider and cider made from pure condensed apple must.

(e) "Hotel". The same meaning as in Oho R.C. 3731.01, subject to the exceptions mentioned in Ohio R.C. 3731.03.

(f) "Intoxicating Liquor" and "Liquor". All liquids and compounds, other than beer, containing one half of one percent (0.5%) or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called, and whether they are medicated, proprietary, or patented. The terms include cider and alcohol, and all solids and confections which contain one-half of one percent (0.5%) or more of alcohol by volume.

(g) "Low-Alcohol Beverage". Any brewed or fermented malt product or any product made from the fermented juices of grapes, fruits, or other agricultural products that contains either no alcohol or less than one-half of one percent (0.5%) of alcohol by volume. The beverages described in this definition do not include a soft drink such as root beer, birch beer, or ginger beer.

(h) "Manufacture". All processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, brewing, or in any other manner.

(i) "Manufacturer". Any person engaged in the business of manufacturing beer or intoxicating liquor.

(j) "Mixed Beverages". Include bottled and prepared cordials, cocktails, highballs, and solids and confections that are obtained by mixing any type of whiskey, neutral spirits, brandy, gin or other distilled spirits with, or over, carbonated or plain water, pure juices from flowers and plants, and other flavoring materials. The completed product shall contain not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume. The phrase includes the contents of a pod.

(k) "Person". Includes firms and corporations.

(l) "POD". Means a sealed capsule made from plastic, glass, aluminum, or a combination thereof to which all of the following apply:

(1) The capsule contains intoxicating liquor of more than twenty-one percent (21%) of alcohol by volume.

(2) The capsule also contains a concentrated flavoring mixture.

(3) The contents of the capsule are not readily accessible or intended for consumption unless certain manufacturer's processing instructions are followed.

(4) The instructions include releasing the contents of the capsule through a machine specifically designed to process the contents.

(5) After being properly processed according to the manufacturer's instructions, the final product produced from the capsule contains not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume.

(m) "Restaurant". A place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. The term does not include pharmacies, confectionery stores, lunch stands, nightclubs, and filling stations.

(n) "Sale" and "Sell". The exchange, barter, gift, offer for sale, sale, distribution, and delivery of any kind, and the transfer of title or possession of beer and intoxicating liquor either by constructive or actual delivery by any means or devices whatever, including the sale of beer or intoxicating liquor by means of a controlled access alcohol and beverage cabinet pursuant to Ohio R.C. 4301.21. Such terms do not include the mere solicitation of orders for beer or intoxicating liquor from the holders of permits issued by the Division of Liquor Control authorizing the sale of the beer or intoxicating liquor, but no solicitor shall solicit any orders until the solicitor has been registered with the Division pursuant to Ohio R.C. 4303.25.

(o) "Sealed Container". Any container having a capacity of not more than 128 fluid ounces, the opening of which is closed to prevent the entrance of air.

(p) "Spirituous Liquor". All intoxicating liquors containing more than twenty-one percent (21%) of alcohol by volume. The phrase does not include the contents of a pod.

(q) "Vehicle". All means of transportation by land, by water, or by air, and everything made use of in any way for such transportation.

(r) "Wine". All liquids fit to use for beverage purposes containing not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume, which is made from the fermented juices of grapes, fruits, or other agricultural products. Except as provided in Ohio R.C. 4301.01(B)(3), the term does not include cider.
(ORC 4301.01, 4301.244)

529.02 SALES TO AND USE BY UNDERAGE PERSONS; SECURING PUBLIC ACCOMMODATIONS.

(a) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person shall sell beer or intoxicating liquor to an underage person, or shall buy beer or intoxicating liquor for an underage person, or shall furnish it to, an underage person, unless given by a physician in the regular line of his practice or given for established religious purposes, or unless the underage person is supervised by a parent, spouse who is not an underage person or legal guardian.

In proceedings before the Liquor Control Commission, no permit holder, or no employee or agent of a permit holder, charged with a violation of this subsection shall be charged, for the same offense, with a violation of Ohio R.C. 4301.22(A)(1).

(b) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person or legal guardian and the parent, spouse who is not an underage person or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor.

An owner of a public or private place is not liable for acts or omissions in violation of this subsection that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

(c) No person shall engage or use accommodations at a hotel, inn, cabin, campground or restaurant when he knows or has reason to know either of the following:

(1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and is not an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person;

(2) That a drug of abuse will be consumed on the premises of the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a practitioner and has the drug of abuse in the original container in which it was dispensed to the person.

(h) (1) As used in this section, "alcoholic beverage" has the same meaning as in Ohio R.C. 4303.185.

(2) An alcoholic beverage in a closed container being transported under Ohio R.C. 4303.185 to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing. (ORC 4301.62)

(i) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4301.99(A))

529.08 HOURS OF SALE OR CONSUMPTION.

(a) This rule shall apply to the retail sale of beer, wine, mixed beverages, or spirituous liquor.

(b) No beer, wine, mixed beverages, or spirituous liquor shall be sold or delivered by an A-1, A-1c, A-2, B-1, B-2, B-4, B-5, C-1, C-2, C-2X, D-1, D-2, D-2X, D-3 when issued without a D-3A, D-3X, D-4, D-5H, D-5K, D-8, F, F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9, G or I permit holder:

(1) From Monday to Saturday between the hours of one a.m. and five thirty a.m.

(2) On Sunday between the hours of one a.m. and Sunday midnight, unless statutorily authorized otherwise.

(3) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages, or spirituous liquor for on-premises consumption.

(c) No beer, wine, mixed beverages, or spirituous liquid shall be sold or delivered by an A-1A, D-3 when issued with a D-3A, D-4A, D-5, D-5A, D-5B, D-5C, D-5D, D-5E, D-5F, D-5G, D-5I, D-5J, D-5l, D-5m, D-5n, D-5o, or D-7 permit holder:

(1) From Monday to Saturday between the hours of two thirty a.m. and five thirty a.m.

(2) On Sunday between the hours of two thirty a.m. and Sunday midnight, unless statutorily authorized otherwise.

(3) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages or spirituous liquor for on-premises consumption.

(d) Permit holders authorized to sell beer, wine, mixed beverages, or spirituous liquor at retail who are not specifically identified in subsection (b) or (c) above shall be subject to the provisions of subsection (b), unless statutorily authorized otherwise.

(e) The hours on Sunday during which sales, delivery, or consumption of alcoholic beverages may take place are established by statute, but in no event shall they begin prior to five thirty a.m. (OAC 4301:1-1-49)

(f) Whoever violates this section is guilty of a minor misdemeanor.

529.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

CHAPTER 533
Obscenity and Sex Offenses

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CROSS REFERENCES
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533.01 DEFINITIONS.
As used in this chapter:

(a) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

(b) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if such person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

(c) "Sexual activity" means sexual conduct or sexual contact, or both.

(d) "Prostitute" means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.

(e) "Harmful to juveniles" means that quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

(1) The material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex.
(2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.
(3) The material or performance, when considered as a whole, lacks serious literary, artistic, political and scientific value for juveniles.

(f) When considered as a whole, and judged with reference to ordinary adults, or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to such group, any material or performance is "obscene" if any of the following apply:
(1) Its dominant appeal is to prurient interest;
(2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement or nudity in a way which tends to represent human beings as mere objects of sexual appetite;
(3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty or brutality;
(4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way which inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral or artistic purpose;
(5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral or artistic purpose.

(g) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(h) "Nudity" means the showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

(i) "Juvenile" means an unmarried person under the age of eighteen.

(3) Except as otherwise provided in subsection (c)(3) of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the first degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a felony which shall be prosecuted under appropriate state law.

(4) Except as otherwise provided in subsection (c)(4) of this section, a violation of subsection (b)(1), (2) or (3) of this section is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (b)(1), (2) or (3) of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, a violation of subsection (b)(1), (2) or (3) of this section is a felony and shall be prosecuted under appropriate state law.

(5) A violation of subsection (b)(4) of this section is a misdemeanor of the first degree unless the offender previously has been convicted of or pleaded guilty to any violation of this section in which case the violation is a felony and shall be prosecuted under appropriate state law. (ORC 2907.09)

(d) (1) If either of the following applies, the court may determine at the time of sentencing whether to classify the offender as a tier I sex offender/child-victim offender for a violation of subsection (b)(4) of this section:

A. The offender is less than ten years older than the other person.

B. The offender is ten or more years older than the other person and the offender has not previously been convicted of or pleaded guilty to any violation of this section.

(2) If the offender is convicted of or pleads guilty to a violation of subsection (b)(4) of this section, is ten or more years older than the other person, and previously has been convicted of or pleaded guilty to any violation of this section, the court shall issue an order at the time of sentencing that classifies the offender as a tier I sex offender/child-victim offender subject to registration under Ohio R.C. 2950.04, 2950.041, 2950.05 and 2950.06. (ORC 2907.09)

533.08 PROCURING; ENGAGEMENT IN SEXUAL ACTIVITY FOR HIRE.

(a) No person, knowingly and for gain, shall do either of the following:

(1) Entice or solicit another to patronize a prostitute or brothel;

(2) Procure a prostitute for another to patronize, or take or direct another at his or her request to any place for the purpose of patronizing a prostitute.

(b) No person, having authority or responsibility over the use of premises, shall knowingly permit such premises to be used for the purpose of engaging in sexual activity for hire.

(c) Whoever violates subsection (a) or (b) of this section is guilty of procuring. Except as otherwise provided in this subsection (c), procuring is a misdemeanor of the first degree. If the prostitute who is procured, patronized or otherwise involved in a violation of subsection (a)(2) of this section is under eighteen years of age at the time of the violation, regardless of whether the offender who violates subsection (a)(2) of this section knows the prostitute's age, or if a prostitute who engages in sexual activity for hire in premises used in violation of subsection (b) of this section is under eighteen years of age at the time of the violation, regardless of whether the offender who violates subsection (b) of this section knows the prostitute's age, procuring is a felony and shall be prosecuted under appropriate state law.

(d) No person shall recklessly induce, entice, or procure another to engage in sexual activity for hire in exchange for the person giving anything of value to the other person.

(e) As used in subsection (d) of this section, "Sexual Activity for Hire" means an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person.

(f) Whoever violates subsection (d) of this section is guilty of engaging in prostitution, a misdemeanor of the first degree. In sentencing the offender under this subsection, the court shall require the offender to attend an education or treatment program aimed at preventing persons from inducing, enticing, or procuring another to engage in sexual activity for hire in exchange for the person giving anything of value to the other person and, notwithstanding the fine specified in Ohio R.C. 2929.28(A)(2)(a) for a misdemeanor of the first degree, the court may impose upon the offender a fine of not more than one thousand five hundred dollars ($1,500).
(ORC 2907.231)

533.09 SOLICITING.

(a) No person shall knowingly solicit another to engage in sexual activity for hire in exchange for the person receiving anything of value from the other person.

(b) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall engage in conduct in violation of subsection (a) of this section.

(c) As used in subsection (a) of this section, "Sexual Activity for Hire" means an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person.

(d) (1) Whoever violates subsection (a) of this section is guilty of soliciting. Soliciting is a misdemeanor of the third degree.

(2) Whoever violates subsection (b) of this section is guilty of engaging in solicitation after a positive HIV test, a felony to be prosecuted under appropriate state law. (ORC 2907.24)

533.091 LOITERING TO ENGAGE IN SOLICITATION.

(a) No person, with purpose to solicit another to engage in sexual activity for hire and while in or near a public place, shall do any of the following:

(1) Beckon to, stop or attempt to stop another;

(2) Engage or attempt to engage another in conversation;

(3) Stop or attempt to stop the operator of a vehicle or approach a stationary vehicle;

(4) If the offender is the operator of or a passenger in a vehicle, stop, attempt to stop, beckon to, attempt to beckon to, or entice another to approach or enter the vehicle of which the offender is the operator or in which the offender is the passenger;

(5) Interfere with the free passage of another.

(b) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall engage in conduct in violation of subsection (a) of this section.

(c) As used in subsection (a) of this section:

(1) "Public Place". Means any of the following:

A. A street, road, highway, thoroughfare, bikeway, walkway, sidewalk, bridge, alley, alleyway, plaza, park, driveway, parking lot or transportation facility.

B. A doorway or entrance way to a building that fronts on a place described in subsection (c)(1)A. of this definition.

C. A place not described in subsection (c)(1)A. or B. of this definition that is open to the public.

(2) "Vehicle". Has the same meaning as in Ohio R.C. 4501.01.

(d) (1) Whoever violates subsection (a) of this section is guilty of loitering to engage in solicitation, a misdemeanor of the third degree.

(2) Whoever violates subsection (b) of this section is guilty of loitering to engage in solicitation after a positive HIV test, a felony to be prosecuted under appropriate state law.
(ORC 2907.24, 2907.241)

533.10 PROSTITUTION.

(a) No person shall engage in sexual activity for hire.

(b) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall engage in sexual activity for hire.

(c) (1) Whoever violates subsection (a) of this section is guilty of prostitution, a misdemeanor of the third degree.

(2) Whoever violates subsection (b) of this section is guilty of engaging in prostitution after a positive HIV test, a felony to be prosecuted under appropriate state law.
(ORC 2907.25)

533.11 DISSEMINATING MATTER HARMFUL TO JUVENILES.

(a) No person, with knowledge of its character or content, shall recklessly do any of the following:

(1) Directly sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(2) Directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(3) While in the physical proximity of the juvenile or law enforcement officer posing as a juvenile, allow any juvenile or law enforcement officer posing as a juvenile to review or peruse any material or view any live performance that is harmful to juveniles.

(b) The following are affirmative defenses to a charge under this section, that involves material or a performance that is harmful to juveniles but not obscene:

(1) The defendant is the parent, guardian or spouse of the juvenile involved.

(2) The juvenile involved, at the time of the conduct in question, was accompanied by the juvenile's parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.

(3) The juvenile exhibited to the defendant or the defendant's agent or employee a draft card, driver's license, birth certificate, marriage license, or other official or apparently official document purporting to show that the juvenile was eighteen years of age or over or married, and the person to whom that document was exhibited did not otherwise have reasonable cause to believe that the juvenile was under the age of eighteen and unmarried.

(c) (1) It is an affirmative defense to a charge under this section, involving material or a performance that is obscene or harmful to juveniles, that the material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge or other proper person.

(2) Except as provided in subsection (b)(3) hereof, mistake of age is not a defense to a charge under this section.

(d) (1) A person directly sells, delivers, furnishes, disseminates, provides, exhibits, rents, or presents or directly offers or agrees to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present material or a performance to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section by means of an electronic method of remotely transmitting information if the person knows or has reason to believe that the person receiving the information is a juvenile or the group of persons receiving the information are juveniles.

(2) A person remotely transmitting information by means of a method of mass distribution does not directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present or directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present the material or performance in question to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section if either of the following applies:

A. The person has inadequate information to know or have reason to believe that a particular recipient of the information or offer is a juvenile.

B. The method of mass distribution does not provide the person the ability to prevent a particular recipient from receiving the information.

(e) If any provision of this section, or the application of any provision of this section to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this section or related sections that can be given effect without the invalid provision or application. To this end, the provisions are severable.

(f) Whoever violates this section is guilty of disseminating matter harmful to juveniles. If the material or performance involved is harmful to juveniles, except as otherwise provided in this subsection, a violation of this section is a misdemeanor of the first degree. If the material or performance involved is obscene, a violation of this section is a felony and shall be prosecuted under appropriate State law. (ORC 2907.31)

533.12 DECEPTION TO OBTAIN MATTER HARMFUL TO JUVENILES.

(a) No person, for the purpose of enabling a juvenile to obtain any material or gain admission to any performance which is harmful to juveniles shall do either of the following:

(1) Falsely represent that he is the parent, guardian or spouse of such juvenile;

(2) Furnish such juvenile with any identification or document purporting to show that such juvenile is eighteen years of age or over or married.

(b) No juvenile, for the purpose of obtaining any material or gaining admission to any performance which is harmful to juveniles, shall do either of the following:

(1) Falsely represent that he is eighteen years of age or over or married;

(2) Exhibit any identification or document purporting to show that he is eighteen years of age or over or married.

(c) Whoever violates this section is guilty of deception to obtain matter harmful to juveniles, a misdemeanor of the second degree. A juvenile who violates subsection (b) hereof shall be adjudged an unruly child, with such disposition of the case as may be appropriate under Ohio R.C. Chapter 2151. (ORC 2907.33)

533.13 DISPLAYING MATTER HARMFUL TO JUVENILES.

(a) No person who has custody, control or supervision of a commercial establishment, with knowledge of the character or content of the material involved, shall display at the establishment any material that is harmful to juveniles and that is open to view by juveniles as part of the invited general public.

(b) It is not a violation of subsection (a) hereof if the material in question is displayed by placing it behind "blinder racks" or similar devices that cover at least the lower two-thirds of the material, if the material in question is wrapped or placed behind the counter, or if the material in question otherwise is covered or located so that the portion that is harmful to juveniles is not open to the view of juveniles.

(c) Whoever violates this section is guilty of displaying matter harmful to juveniles, a misdemeanor of the first degree. Each day during which the offender is in violation of this section constitutes a separate offense. (ORC 2907.311)

533.14 UNLAWFUL ADVERTISING OF MASSAGE.

(a) No person, by means of a statement, solicitation, or offer in a print or electronic publication, sign, placard, storefront display, or other medium, shall advertise massage, relaxation massage, any other massage technique or method, or any related service, with the suggestion or promise of sexual activity.

(b) Whoever violates this section is guilty of unlawful advertising of massage, a misdemeanor of the first degr ee.

(c) Nothing in this section prevents the legislative authority of a municipal corporation or township from enacting any regulation of the advertising of massage further than and in addition to the provisions of subsections (a) and (b) of this section.
(ORC 2927.17)

533.15 DISSEMINATION OF PRIVATE SEXUAL IMAGES.

(a) As used in this section:

(1) "Disseminate" means to post, distribute, or publish on a computer device, computer network, web site, or other electronic device or medium of communication.

(2) "Image" means a photograph, film, videotape, digital recording or other depiction or portrayal of a person.

(3) "Interactive computer service" has the meaning defined in the "Telecommunications Act of 1996", 47 U.S.C. 230, as amended.

(4) "Internet provider" means a provider of internet service, including all of the following:

A. Broadband service, however defined or classified by the federal communications commission;

B. Information service or telecommunication service, both as defined in the "Telecommunications Act of 1996" 47 U.S.C. 153, as amended.

C. Internet protocol-enabled services, as defined in Ohio R.C. 4927.01.

(5) "Mobile service" and "telecommunications carrier" have the meanings defined in 47 U.S.C. 153, as amended.

(6) "Cable service provider" has the same meaning as in Ohio R.C. 1332.01.

(7) "Direct-to-home satellite service" has the meaning defined in 47 U.S.C. 303, as amended.

(8) "Video service provider" has the same meaning as in Ohio R.C. 1332.21.

(9) "Sexual act" means any of the following:

A. Sexual activity;

B. Masturbation;

C. An act involving a bodily substance that is performed for the purpose of sexual arousal or gratification;

D. Sado-masochistic abuse.

(b) No person shall knowingly disseminate an image of another person if all of the following apply:

(1) The person in the image is eighteen years of age or older;

(2) The person in the image can be identified from the image itself or from information displayed in connection with the image and the offender supplied the identifying information.

(3) The person in the image is in a state of nudity or is engaged in a sexual act;

(4) The image is disseminated without consent from the person in the image;

(5) The image is disseminated with intent to harm the person in the image.

(c) This section does not prohibit the dissemination of an image if any of the following apply:

(1) The image is disseminated for the purpose of a criminal investigation that is otherwise lawful.

(2) The image is disseminated for the purpose of, or in connection with, the reporting of unlawful conduct.

(3) The image is part of a news report or commentary or an artistic or expressive work, such as a performance, work of art, literary work, theatrical work, musical work, motion picture, film, or audiovisual work.

(4) The image is disseminated by a law enforcement officer, or a corrections officer or guard in a detention facility, acting within the scope of the person's official duties.

(5) The image is disseminated for another lawful public purpose;

(6) The person in the image is knowingly and willingly in a state of nudity or engaged in a sexual act and is knowingly and willingly in a location in which the person does not have a reasonable expectation of privacy.

(7) The image is disseminated for the purpose of medical treatment or examination.

(d) The following entities are not liable for a violation of this section solely as a result of an image or other information provided by another person:

(1) A provider of interactive computer service;

(2) A mobile service;

(3) A telecommunications carrier;

(4) An internet provider;

(5) A cable service provider;

(6) A direct-to-home satellite service;

(7) A video service provider.

(e) Any conduct that is a violation of this section and any other section of the General Offenses Code, or the Revised Code may be prosecuted under this section, the other section, or both sections.

(f) (1) A. Except as otherwise provided in subsection (f)(1)B., C., or D. of this section, whoever violates this section is guilty of nonconsensual dissemination of private sexual images, a misdemeanor of the third degree.

B. If the offender previously has been convicted of or pleaded guilty to a violation of this section, nonconsensual dissemination of private sexual images is a misdemeanor of the second degree.

C. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, nonconsensual dissemination of private sexual images is a misdemeanor of the first degree.

D. If the offender is under eighteen years of age and the person in the image is not more than five years older than the offender, the offender shall not be prosecuted under this section.

(2) In addition to any other penalty or disposition authorized or required by law, the court may order any person who is convicted of a violation of this section or who is adjudicated delinquent by reason of a violation of this section to criminally forfeit all of the following property to the state under Ohio R.C. Chapter 2981.

A. Any profits or proceeds and any property the person has acquired or maintained in violation of this section that the sentencing court determines to have been acquired or maintained as a result of the violation;

B. Any interest in, securities of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise that the person has established, operated, controlled or conducted in violation of this section that the sentencing court determines to have been acquired or maintained as a result of the violation.

(g) A victim of a violation of this section may commence a civil cause of action against the offender, as described in Ohio R.C. 2307.66.
(ORC 2917.211)

533.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

(2) At the time of the offense, the offender was driving under suspension or cancellation under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10.

(d) Subsection (a)(1)B. does not apply in a particular construction zone unless signs of the type described in Ohio R.C. 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under Ohio R.C. 5501.27. The failure to erect signs of the type described in Ohio R.C. 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of subsections (a)(1)A. or (a)(2) of this section in that construction zone or the prosecution of any person who violates any of those subsections in that construction zone.

(e) As used in this section:

(1) "Mandatory prison term" and "mandatory jail term" have the same meanings as in Ohio R.C. 2929.01.

(2) "Traffic-related homicide, manslaughter or assault offense" means a violation of Ohio R.C. 2903.04 in circumstances in which division (D) of that section applies, a violation of Ohio R.C. 2903.06 or 2903.08, or a violation of Ohio R.C. 2903.06, 2903.07 or 2903.08 as they existed prior to March 23, 2000.

(3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.

(4) "Speeding offense" means a violation of Ohio R.C. 4511.21 or a municipal ordinance pertaining to speed.

(f) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States. (ORC 2903.06)

(g) The court imposing a sentence upon an offender for any violation of this section also shall impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (B) of Ohio R.C. 4510.02 that is equivalent in length to the suspension required for a violation of Ohio R.C. 2903.06 or division (A) or (B) of Ohio R.C. 4511.19 under similar circumstances. (ORC 4510.07)

537.021 VEHICULAR ASSAULT IN A CONSTRUCTION ZONE.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause serious physical harm to another person or another's unborn as the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense. This subsection applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) hereof.

(b) Whoever violates this section is guilty of vehicular assault. Except as provided in this subsection, vehicular assault is a misdemeanor of the first degree. Vehicular assault is a felony if, at the time of the offense, the offender was driving under a suspension imposed under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, and shall be prosecuted under appropriate state law.

In addition to any other sanctions imposed, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02.

(c) The court shall impose a mandatory jail term of at least seven days on an offender who is convicted of or pleads guilty to a violation of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99.

(d) This section does not apply in a particular construction zone unless signs of the type described in Ohio R.C. 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under Ohio R.C. 5501.27.

(e) As used in this section:

(1) "Mandatory jail term" has the same meaning as in Ohio R.C. 2929.01.

(2) "Traffic-related homicide, manslaughter or assault offense" has the same meaning as in Ohio R.C. 2903.06.

(3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.

(4) "Speeding offense" has the same meaning as in Ohio R.C. 2903.06.

(f) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States. (ORC 2903.08)

(2) With purpose to interfere with the use or enjoyment of property of another employ a tear gas device, stink bomb, smoke generator or other device releasing a substance that is harmful or offensive to persons exposed, or that tends to cause public alarm;

(3) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a bench mark, triangulation station, boundary marker or other survey station, monument or marker.

(4) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with any safety device, the property of another or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;

(5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure or personal property that is on that land.

(6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, or computer program, all as defined in Ohio R.C. 2909.01, knowingly do any of the following:

A. In any manner or by any means, including, but not limited to, computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;

B. Introduce a computer contaminant into a computer, computer system, computer network, computer software or computer program.

(7) Without privilege to do so, knowingly destroy or improperly tamper with a critical infrastructure facility.

(b) As used in this section:

(1) "Critical Infrastructure Facility". Has the same meaning as in Ohio R.C. 2911.21.

(2) "Improperly Tamper". Means to change the physical location or the physical condition of the property.

(3) "Safety Device". Means any fire extinguisher, fire hose, or fire axe, or any fire escape, emergency exit, or emergency escape equipment, or any life line, life-saving ring, life preserver, or life boat or raft, or any alarm, light, flare, signal, sign, or notice intended to warn of danger or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal, or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

(c) (1) Whoever violates this section is guilty of criminal mischief, and shall be punished as provided in subsection (c)(2), (c)(3), or (c)(4) of this section.

(2) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section is a misdemeanor of the third degree. Except as otherwise provided in this division, if the violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section creates a risk of physical harm to any person, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section is a misdemeanor of the first degree. If the property involved in the violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft and if the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section is a felony to be prosecuted under appropriate state law.

(3) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(6) of this section is a misdemeanor of the first degree. If the value of the computer, computer system, computer network, computer software, computer program, or data involved in the violation of subsection (a)(6) of this section or the loss to the victim resulting from the violation is one thousand dollars ($1,000) or more, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of subsection (a)(6) is used or intended to be used in the operation of an aircraft and the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of subsection (a)(6) of this section is a felony to be prosecuted under appropriate state law.

(4) Criminal mischief committed in violation of subsection (a)(7) of this section is a felony to be prosecuted under appropriate state law. (ORC 2909.07)

541.05 CRIMINAL TRESPASS.

(a) No person, without privilege to do so, shall do any of the following:

(1) Knowingly enter or remain on the land or premises of another;

(2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes or hours, when the offender knows the offender is in violation of any such restriction or is reckless in that regard;

(3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access;

(4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agent or servant of either.

(5) Knowingly enter or remain on a critical infrastructure facility.

(b) It is no defense to a charge under this section that the land or premises involved was owned, controlled or in custody of a public agency.

(c) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved when such authorization was secured by deception.

(d) (1) Whoever violates this section is guilty of criminal trespass. Criminal trespass in violation of subsection (a)(1), (a)(2), (a)(3), or (a)(4) of this section is a misdemeanor of the fourth degree. Criminal trespass in violation of subsection (a)(5) of this section is a misdemeanor of the first degree.

(2) Notwithstanding Section 501.99, if the person, in committing the violation of this section, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court shall impose a fine of two times the usual amount imposed for the violation.

(3) If an offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, or state law, and the offender, in committing each violation, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impound the certificate of registration of that snowmobile or off-highway motorcycle or the certificate of registration and license plate of that all-purpose vehicle for not less than sixty days. In such a case, Ohio R.C. 4519.47 applies.

(e) As used in subsections (a) through (e) of this section:

(1) "All-Purpose Vehicle, Off-Highway Motorcycle" and "Snowmobile". Have the same meanings as in Ohio R.C. 4519.01.

(2) "Critical Infrastructure Facility". Means:

A. One of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with signs that are reasonably likely to come to the attention of potential intruders and that indicate entry is forbidden without site authorization:

1. A petroleum or alumina refinery;

2. An electric generating facility, substation, switching station, electrical control center, or electric transmission and distribution lines and associated equipment;

3. A chemical, polymer, or rubber manufacturing facility;
4. A water intake structure, water treatment facility, waste water facility, drainage facility, water management facility, or any similar water or sewage treatment system and its water and sewage piping;
5. A natural gas company facility or interstate natural gas pipeline, including a pipeline interconnection, a natural gas compressor station and associated facilities, city gate or town border station, metering station, above-ground piping, regulator station, valve site, delivery station, fabricated assembly, or any other part of a natural gas storage facility involved in the gathering, storage, transmission, or distribution of gas;
6. A telecommunications central switching office or remote switching facility or an equivalent network facility that serves a similar purpose;
7. Wireline or wireless telecommunications infrastructure, including telecommunications towers and telephone poles and lines, including fiber optic lines;
8. A port, trucking terminal, or other freight transportation facility;
9. A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids;
10. A transmission facility used by a federally licensed radio or television station;
11. A steel-making facility that uses an electric arc furnace to make steel;
12. A facility identified and regulated by the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards Program under 6 C.F.R. part 27;
13. A dam that is regulated by the state or federal government;
14. A crude oil or refined products storage and distribution facility, including valve sites, pipeline interconnections, pump station, metering station, below- or above-ground pipeline, or piping and truck loading or off-loading facility;
15. A video service network and broadband infrastructure, including associated buildings and facilities, video service headends, towers, utility poles, and utility lines such as fiber optic lines. As used in this division, "video service network" has the same meaning as in Ohio R.C. 1332.21.
16. Any above-ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, or other storage facility;
17. Any above-ground portion of a well, well pad, or production operation;
18. A laydown area or construction site for pipe and other equipment intended for use on an interstate or intrastate natural gas or crude oil pipeline;
19. Any mining operation, including any processing equipment, batching operation, or support facility for that mining operation.

B. With respect to a video service network or broadband or wireless telecommunications infrastructure, the above-ground portion of a facility installed in a public right-of-way on a utility pole or in a conduit;

C. Any railroad property;

D. An electronic asset of any of the following:

1. An electric light company that is a public utility under Ohio R.C. 4905.02;
2. An electric cooperative, as defined in Ohio R.C. 4928.01;
3. A municipal electric utility, as defined in Ohio R.C. 4928.01;
4. A natural gas company that is a public utility under Ohio R.C. 4905.02;
5. A telephone company that is a public utility under Ohio R.C. 4905.02;
6. A video service provider, including a cable operator, as those terms are defined in Ohio R.C. 1332.21.

(3) "Electronic Asset". Includes, but is not limited to, the hardware, software, and data of a programmable electronic device; all communications, operations, and customer data networks; and the contents of those data networks.

(4) "Land" or "Premises". Includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof.

(5) "Production Operation, Well, and Well Pad". Have the same meanings as in Ohio R.C. 1509.01.
(ORC 2911.21)

541.051 AGGRAVATED TRESPASS.

(a) (1) No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to that person.

(2) No person shall enter or remain on a critical infrastructure facility with purpose to destroy or tamper with the facility.

(b) Whoever violates this section is guilty of aggravated trespass. Aggravated trespass in violation of subsection (a)(1) of this section is a misdemeanor of the first degree. Aggravated trespass in violation of subsection (a)(2) of this section is a felony to be prosecuted under appropriate state law.

(c) As used in this section, "Critical infrastructure facility" has the same meaning as in Ohio R.C. 2911.21. (ORC 2911.211)

541.06 DESTRUCTION OF SHRUBS, TREES OR CROPS.

(a) No person, without privilege to do so, shall recklessly cut down, destroy, girdle or otherwise injure a vine, bush, shrub, sapling, tree or crop standing or growing on the land of another or upon public land.

(b) In addition to any penalty provided, whoever violates this section is liable in treble damages for the injury caused. (ORC 901.51)

(c) Whoever violates this section is guilty of a misdemeanor of the third degree.
(Ord. 1808. Passed 6-19-84.)

541.07 DESECRATION.

(a) No person, without privilege to do so, shall purposely deface, damage, pollute or otherwise physically mistreat any of the following:

(1) The flag of the United States or of this State;
(2) Any public monument;
(3) Any historical or commemorative marker, or any structure, Indian mound or earthwork, cemetery, thing or site of great historical or archeological interest;
(4) A work of art or museum piece;
(5) Any other object of reverence or sacred devotion.

(b) Whoever violates this section is guilty of desecration, a misdemeanor of the second degree.

(c) As used in this section, "cemetery" means any place of burial and includes burial sites that contain American Indian burial objects placed with or containing American Indian human remains. (ORC 2927.11)

541.08 ETHNIC INTIMIDATION.

(a) No person shall violate Ohio R.C. 2903.13, 2903.14, 2903.21, 2903.22, 2907.06, 2909.06, 2909.07, 2911.21, 2913.02, 2913.04, 2917.21(A)(3) to (5), 2923.12 or Sections 509.03, 509.04, 521.08, 533.04, 537.03, 537.04, 537.05, 537.06, 537.10(a)(3) to (5), 541.03, 541.04, 541.05, 541.051, 545.05, 545.06, 545.08, 549.02, 549.08, or 549.09 of the General Offenses Code by reason of or where one of the motives, reasons or purposes for the commission of the offense is the victim's race, sex, sexual orientation, gender identity or expression, color, religion, or national origin, ancestry, age, disability, familial status or military status of another person or group of persons.

(b) Whoever violates this section is guilty of ethnic intimidation, a misdemeanor of the first degree. If the underlying offense which is a necessary element of ethnic intimidation is itself a misdemeanor of the first degree, then upon conviction under this section, the court shall impose a mandatory minimum sentence of at least ten (10) days imprisonment. If the offender has previously been convicted under either this section or Section 2927.12, of the Ohio Revised Code, and the underlying offense is a first degree misdemeanor or the offense resulted in physical harm to any person, then upon conviction under this section the court shall impose a mandatory minimum sentence of at least ninety (90) days imprisonment.

(c) This section does not apply if the facts alleged in the complaint would constitute a felony under Section 2927.12, Ohio Revised Code.
(Ord. 3634. Passed 9-7-21.)

541.09 THEFT OF STREET SIGNS.

(a) No person, without authorization to do so, shall have control or possession, of any traffic control device, signal or street sign belonging to the City.

(b) No person shall maliciously tamper with, injure, destroy, steal or remove any post, pole, pipe, traffic control device, or street sign owned or under the supervision or control of the City or any department thereof.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.

(d) A reward of fifty dollars ($50.00) will be paid to any person, excluding municipal employees, who provides the Police Department with information that leads to the arrest and conviction of anyone violating this section. (Ord. 2314. Passed 7-6-93.)

541.10 VEHICULAR VANDALISM.

(a) As used in this section:

(1) "Highway" means any highway as defined in Section 301.42 of the Traffic Code or any lane, road, street, alley, bridge, or overpass.

(2) "Alley", "street", and "vehicle" have the same meanings as in Chapter 301 of the Traffic Code.

(3) "Vessel" and "waters in this State" have the same meanings as in Ohio R.C. 1546.01.

(b) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of any of the following:

(1) Any vehicle on a highway;

(2) Any boat or vessel on any of the waters in this State that are located in the Municipality.

(c) Whoever violates this section is guilty of vehicular vandalism. Except as otherwise provided in this subsection, vehicular vandalism is a misdemeanor of the first degree. If the violation of this section creates a substantial risk of physical harm to any person, serious physical harm to property, physical harm to any person or serious physical harm to any person, vehicular vandalism is a felony and shall be prosecuted under appropriate State law.
(ORC 2909.09)

541.11 TRESPASS ON A PLACE OF PUBLIC AMUSEMENT.

(a) As used in this section, "place of public amusement" means a stadium, theater or other facility, whether licensed or not, at which a live performance, sporting event, or other activity takes place for entertainment of the public and to which access is made available to the public, regardless of whether admission is charged.

(b) No person, without privilege to do so, shall knowingly enter or remain on any restricted portion of a place of public amusement and, as a result of that conduct, interrupt or cause the delay of the live performance, sporting event, or other activity taking place at the place of public amusement after a printed written notice has been given as provided in subsection (d)(1) of this section that the general public is restricted from access to that restricted portion of the place of public amusement. A restricted portion of a place of public amusement may include, but is not limited to, a playing field, an athletic surface, or a stage located at the place of public amusement.

(c) An owner or lessee of a place of public amusement, an agent of the owner or lessee, or a performer or participant at a place of public amusement may use reasonable force to restrain and remove a person from a restricted portion of the place of public amusement if the person enters or remains on the restricted portion of the place of public amusement and, as a result of that conduct, interrupts or causes the delay of the live performance, sporting event, or other activity taking place at the place of public amusement. This subsection does not provide immunity from criminal liability for any use of force beyond reasonable force by an owner or lessee of a place of public amusement, an agent of either the owner or lessee, or a performer or participant at a place of public amusement.

(d) (1) Notice has been given that the general public is restricted from access to a portion of a place of public amusement if a printed written notice of the restricted access has been conspicuously posted or exhibited at the entrance to that portion of the place of public amusement. If a printed written notice is posted or exhibited as described in this subsection, regarding a portion of a place of public amusement, in addition to that posting or exhibition, notice that the general public is restricted from access to that portion of the place of public amusement also may be given, but is not required to be given, by either of the following means:

A. By notifying the person personally, either orally or in writing, that access to that portion of the place of public amusement is restricted;

B. By broadcasting over the public address system of the place of public amusement an oral warning that access to that portion of the public place of amusement is restricted.

(2) If notice that the general public is restricted from access to a portion of a place of public amusement is provided by the posting or exhibition of a printed written notice as described in subsection (d)(1) of this section, the Municipality, in a criminal prosecution for a violation of subsection (b) of this section, is not required to prove that the defendant received actual notice that the general public is restricted from access to a portion of a place of public amusement.

(e) (1) Whoever violates subsection (b) of this section is guilty of criminal trespass on a place of public amusement, a misdemeanor of the first degree.

(2) In addition to any jail term, fine or other sentence, penalty, or sanction it imposes upon the offender pursuant to subsection (e)(1) of this section, a court may require an offender who violates this section to perform not less than thirty and not more than one hundred twenty hours of supervised community service work. (ORC 2911.23)

541.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

(8) When the services involved are services for which the rate is not established by law, and the offender has been notified prior to the offense of the rate for the services, either in writing or orally, or by posting in a manner reasonably calculated to come to the attention of potential offenders, the rate contained in the notice is prima-facie evidence of the value of the services. (ORC 2913.61)

545.03 PROPERTY EXCEPTIONS AS FELONY OFFENSE.

Regardless of the value of the property involved, and regardless of whether the offender has previously been convicted of a theft offense, the provisions of Section 545.05 or 545.18 do not apply if the property involved is any of the following:

(a) A credit card;

(b) A printed form for a check or other negotiable instrument, that on its face identifies the drawer or maker for whose use it is designed or identifies the account on which it is to be drawn, and that has not been executed by the drawer or maker or on which the amount is blank;

(c) A motor vehicle identification license plate as prescribed by Ohio R.C. 4503.22, a temporary motor vehicle license registration as prescribed by Ohio R.C. 4503.182, or any comparable temporary motor vehicle license registration as prescribed by the applicable law of another state or the United States;

(d) A blank form for a certificate of title or a manufacturer's or importer's certificate to a motor vehicle, as prescribed by Ohio R.C. 4505.07;

(e) A blank form for any license listed in Ohio R.C. 4507.01(A).
(ORC 2913.71)

545.04 DETENTION OF SHOPLIFTERS; RIGHTS OF MUSEUMS AND LIBRARIES.

(a) A merchant, or his employee or agent, who has probable cause to believe that items offered for sale by a mercantile establishment have been unlawfully taken by a person, may, for the purposes set forth in subsection (c) hereof, detain the person in a reasonable manner for a reasonable length of time within the mercantile establishment or its immediate vicinity.

(b) Any officer, employee or agent of a library, museum or archival institution may, for the purposes set forth in subsection (c) hereof or for the purpose of conducting a reasonable investigation of a belief that the person has acted in a manner described in subsections (b)(1) and (2) hereof, detain a person in a reasonable manner for a reasonable length of time within, or in the immediate vicinity of the library, museum or archival institution, if the officer, employee or agent has probable cause to believe that the person has either:

(1) Without privilege to do so, knowingly moved, defaced, damaged, destroyed or otherwise improperly tampered with property owned by or in the custody of the library, museum or archival institution; or

(2) With purpose to deprive the library, museum or archival institution of property owned by it or in its custody, knowingly obtained or exerted control over the property without the consent of the owner or person authorized to give consent, beyond the scope of the express or implied consent of the owner or person authorized to give consent, by deception, or by threat.

(c) An officer, agent or employee of a library, museum or archival institution pursuant to subsection (b) hereof or a merchant or his employee or agent pursuant to subsection (a) hereof may detain another person for any of the following purposes:

(1) To recover the property that is the subject of the unlawful taking, criminal mischief or theft;
(2) To cause an arrest to be made by a peace officer;
(3) To obtain a warrant of arrest.
(4) To offer the person, if the person is suspected of the unlawful taking, criminal mischief, or theft and notwithstanding any other provision of this General Offenses or the Ohio Revised Code, an opportunity to complete a pretrial diversion program and to inform the person of the other legal remedies available to the library, museum, archival institution or merchant.

(d) The officer, agent or employee of the library, museum or archival institution, or the merchant or his employee or agent acting under subsection (a) or (b) hereof shall not search the person, search or seize any property belonging to the person detained without the person's consent, or use undue restraint upon the person detained.

(e) Any peace officer may arrest without a warrant any person that he has probable cause to believe has committed any act described in subsection (b)(1) or (2) hereof or that he has probable cause to believe has committed an unlawful taking in a mercantile establishment. An arrest under this subsection shall be made within a reasonable time after the commission of the act or unlawful taking.

(f) As used in this section:
(1) "Archival institution" means any public or private building, structure or shelter in which are stored historical documents, devices, records, manuscripts or items of public interest, which historical materials are stored to preserve the materials or the information in the materials, to disseminate the information contained in the materials, or to make the materials available for public inspection or for inspection by certain persons who have a particular interest in, use for or knowledge concerning the materials.
(2) "Museum" means any public or private nonprofit institution that is permanently organized for primarily educational or aesthetic purposes, owns or borrows objects or items of public interest, and cares for and exhibits to the public the objects or items.
(3) "Pretrial diversion program" means a rehabilitative, educational program designed to reduce recidivism and promote personal responsibility that is at least four hours in length and that has been approved by any court in this State. (ORC 2935.041)

545.05 PETTY THEFT.

(a) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:
(1) Without the consent of the owner or person authorized to give consent;
(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
(3) By deception;
(4) By threat;
(5) By intimidation.

(b) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall do either of the following:

(1) Present to, or cause to be presented to, an insurer any written or oral statement that is part of, or in support of, an application for insurance, a claim for payment pursuant to a policy or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive;

(2) Assist, aid, abet, solicit, procure or conspire with another to prepare or make any written or oral statement that is intended to be presented to an insurer as part of, or in support of, an application for insurance, a claim for payment pursuant to a policy, or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive.

(c) Whoever violates this section is guilty of insurance fraud a misdemeanor of the first degree. If the amount of the claim that is false or deceptive is one thousand dollars ($1,000) or more, insurance fraud is a felony and shall be prosecuted under appropriate State law.

(d) This section shall not be construed to abrogate, waive or modify Ohio R.C. 2317.02(A). (ORC 2913.47)

545.08 UNAUTHORIZED USE OF PROPERTY.

(a) No person shall knowingly use or operate the property of another without the consent of the owner or person authorized to give consent.

(b) The affirmative defenses contained in Section 545.06(c) are affirmative defenses to a charge under this section.

(c) Whoever violates this section is guilty of unauthorized use of property. Except as provided in subsection (d) hereof, unauthorized use of property is a misdemeanor of the fourth degree.

(d) If unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, unauthorized use of property is a misdemeanor of the first degree. Unauthorized use of property is a felony and shall be prosecuted under appropriate State law if:

(1) Unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, and if the value of the property is one thousand dollars ($1,000) or more; or

(2) If the victim of the offense is an elderly person or disabled adult. (ORC 2913.04)

545.09 PASSING BAD CHECKS.

(a) As used in this section:

(1) "Check" includes any form of debit from a demand deposit account, including, but not limited to any of the following:

A. A check, bill of exchange, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument;

B. An electronic check, electronic transaction, debit card transaction, check card transaction, substitute check, web check, or any form of automated clearing house transaction.

(2) "Issue a check" means causing any form of debit from a demand deposit account.

(b) No person, with purpose to defraud, shall issue or transfer or cause to be issued or transferred a check or other negotiable instrument, knowing that it will be dishonored or knowing that a person has ordered or will order stop payment on the check or other negotiable instrument.

(c) For purposes of this section, a person who issues or transfers a check or other negotiable instrument is presumed to know that it will be dishonored, if either of the following occurs:

(1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later.

(2) The check or other negotiable instrument was properly refused payment for insufficient funds upon presentment within thirty days after issue or the stated date, whichever is later, and the liability of the drawer, indorser or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.

(d) In determining the value of the payment for purposes of subsection (e) of this section, the court may aggregate all checks and other negotiable instruments that the offender issued or transferred or caused to be issued or transferred in violation of subsection (a) of this section within a period of one hundred eighty consecutive days.

(e) Whoever violates this section is guilty of passing bad checks. Except as otherwise provided in this subsection, passing bad checks is a misdemeanor of the first degree. If the check or checks or other negotiable instrument or instruments are issued or transferred to a single vendor or single other person for the payment of one thousand dollars ($1,000) or more or if the check or checks or other negotiable instrument or instruments are issued or transferred to multiple vendors or persons for the payment of one thousand five hundred dollars ($1,500) or more, passing bad checks is a felony and shall be prosecuted under appropriate State law.
(ORC 2913.11)

545.10 MISUSE OF CREDIT CARDS.

(a) No person shall do any of the following:

(1) Practice deception for the purpose of procuring the issuance of a credit card, when a credit card is issued in actual reliance thereon;

(2) Knowingly buy or sell a credit card from or to a person other than the issuer.

(3) As an officer, employee, or appointee of a political subdivision or as a public servant as defined under Section 525.01, knowingly misuse a credit card account held by a political subdivision.

(b) No person, with purpose to defraud, shall do any of the following:

(1) Obtain control over a credit card as security for a debt;

C. If subsections (f)(2)A. and B. and (f)(5) of this section do not apply, the offender shall be punished under subsection (f)(1) or (6) of this section.

(3) Except as otherwise provided in this subsection, carrying concealed weapons in violation of subsection (b)(1) hereof is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for a violation of subsection (b)(1) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender has been issued a concealed handgun license, carrying concealed weapons in violation of division (b)(1) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of Ohio R.C. 2923.128.

(4) Except as otherwise provided herein, carrying concealed weapons in violation of subsection (b)(2) or (b)(3) hereof is a misdemeanor of the first degree. If the offender has previously been convicted or pleaded guilty to a violation of Ohio R.C. 2923.12(B)(2) or (B)(4) or a substantially equivalent municipal ordinance, carrying concealed weapons is a felony and shall be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a violation of subsection (b)(2) or (b)(3) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(5) If a person being arrested for a violation of subsection (a)(2) of this section is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, and if at the time of the violation the person was not knowingly in a place described in division (B) of Ohio R.C. 2923.126, the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125 and if the person is not in a place described in division (B) of Ohio R.C. 2923.126, the officer shall issue a citation and the offender shall be assessed a civil penalty of not more than five hundred dollars ($500.00). The citation shall be automatically dismissed and the civil penalty shall not be assessed if both of the following apply:

A. Within ten days after the issuance of the citation, the offender presents a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.

B. At the time of the citation, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.

(6) If a person being arrested for a violation of subsection (a)(2) of this section is knowingly in a place described in division (B)(5) of Ohio R.C. 2923.126, and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:

A. Except as otherwise provided in this subsection, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a minor misdemeanor;

B. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the fourth degree;

C. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to two violations of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the third degree;

D. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to three or more violations of subsection (a)(2) of this section, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, the person is guilty of a misdemeanor of the second degree.

(g) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, division (B) of Ohio R.C. 2923.163 applies.

(h) For purposes of this section, "deadly weapon" or "weapon" does not include any knife, razor, or cutting instrument if the instrument was not used as a weapon. (ORC 2923.12)

549.03 USING WEAPONS WHILE INTOXICATED.

(a) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(b) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree. (ORC 2923.15)

549.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.

(a) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:

(1) In a closed package, box or case;

(2) In a compartment which can be reached only by leaving the vehicle;
(3) In plain sight and secured in a rack or holder made for the purpose;
(4) If the firearm is at least twenty-four inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(b) No person who has been issued a concealed handgun license, or who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Ohio R.C. 5503.34, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:

(1) Fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the motor vehicle;
(2) Fail to promptly inform the employee of the unit who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the commercial motor vehicle.
(3) Knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer.
(4) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(c) (1) This section does not apply to any of the following:
A. An officer, agent or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's or employee's duties;
B. Any person who is employed in this State, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. does not apply to the person.
(2) Subsection (a) of this section does not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:

A. The person transporting or possessing the handgun is either carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125.

B. The person transporting or possessing the handgun is not knowingly in a place described in division (B) of Ohio R.C. 2923.126.

(3) Subsection (a) of this section does not apply to a person if all of the following apply:

A. The person possesses a valid all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the Chief of the Division of Wildlife.

B. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 on private or publicly owned lands or on or in a motor vehicle during the open hunting season for a wild quadruped or game bird.

C. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife.

(d) (1) The affirmative defenses authorized in Section 549.02(d)(1) and (2) are affirmative defenses to a charge under subsection (a) that involves a firearm other than a handgun.

(2) It is an affirmative defense to a charge under subsection (a) of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that the affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsection (a) while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

(e) (1) No person who is charged with a violation of subsection (a) shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b) of this section as it existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsection (b) of this section on or after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (a) of this section as the subsection existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsection (a) of this section on or after September 30, 2011, due to the application of subsection (b)(4) of this section as it exists on and after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

549.06 UNLAWFUL TRANSACTIONS IN WEAPONS.

(a) No person shall do any of the following:

(1) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing the transferee to be authorized to acquire dangerous ordnance pursuant to Ohio R.C. 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

(2) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.

(b) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of subsection (a)(1) hereof is a misdemeanor of the second degree. A violation of subsection (a)(2) hereof is a misdemeanor of the fourth degree. (ORC 2923.20)

549.07 UNDERAGE PURCHASE OF FIREARM.

(a) No person under eighteen years of age shall purchase or attempt to purchase a firearm.

(b) No person under twenty-one years of age shall purchase or attempt to purchase a handgun, provided that this subsection does not apply to the purchase or attempted purchase of a handgun by a person eighteen years of age or older and under twenty-one years of age if either of the following apply:

(1) The person is a law enforcement officer who is properly appointed or employed as a law enforcement officer and has received firearms training approved by the Ohio Peace Officer Training Council or equivalent firearms training.

(2) The person is an active or reserve member of the armed services of the United States or the Ohio national guard, or was honorably discharged from military service in the active or reserve armed services of the United States or the Ohio national guard, and the person has received firearms training from the armed services or the national guard or equivalent firearms training.

(c) Whoever violates subsection (a) hereof is guilty of underage purchase of a firearm, a delinquent act that would be a felony of the fourth degree if it could be committed by an adult. Whoever violates subsection (b) hereof is guilty of underage purchase of a handgun, a misdemeanor of the second degree. (ORC 2923.211)

549.08 DISCHARGING FIREARMS.

(a) No person shall discharge any BB gun, air gun, rifle, shotgun, revolver, pistol or other firearm within the corporate limits of the Municipality.

(b) This section does not apply when firearms are used in self defense, in the discharge of official duty or when otherwise lawfully authorized, nor shall this section apply when a BB gun is discharged by a person 18 years of age, or older, upon said person's own property, or with permission from the owner of such property, for the purpose of exterminating undesirable varmints or birds.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (Ord. 1589. Passed 6-17-80.)

(d) This section shall not apply if the firearm which is discharged was used or was on or about the person or under the control of the person in the commission of a felony for which the Ohio Revised Code requires a term of actual incarceration for three years and an indefinite term of imprisonment pursuant to Ohio R.C. 2929.71(B). (Ord. 1749. Passed 4-19-83.)

549.09 THROWING OR SHOOTING MISSILES.

(a) No person shall throw, shoot or propel an arrow, missile, pellet, stone, metal or other similar substance capable of causing physical harm to persons or property, in or on any public place, in or on the property of another, or from any private property into or onto any public place or the property of another. This section does not apply to individuals who have obtained a written hunting permit from the City Manager to hunt deer in accordance with the City's Deer Management Program and who are hunting in compliance with the terms of the hunting permit issued that individual by the City Manager. This section also does not apply to supervised archery ranges nor when otherwise lawfully authorized.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (Ord. 3082. Passed 10-6-09.)

549.10 POSSESSING REPLICA FIREARM IN SCHOOL.

(a) No person shall knowingly possess an object in a school safety zone if both of the following apply:

(1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.

(2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

(b) Subsection (a) hereof does not apply to premises upon which home schooling is conducted. Subsection (a) hereof also does not apply to a school administrator, teacher, or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher, or employee, or any other person who with the express prior approval of a school administrator possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, reenactment, or other dramatic presentation, or a ROTC activity or another similar use of the object.

(c) Whoever violates subsection (a) hereof is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this subsection, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of Ohio R.C. 2923.122, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony and shall be prosecuted under appropriate State law.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. If violation of this misdemeanor causes physical harm to any person, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4999.04)

553.04 CIVIL LIABILITY FOR SPEED.

(a) No railroad locomotive, with or without cars attached, shall be operated at a speed in excess of thirty-five miles per hour within the City of Oxford between the points specified in Oxford Code Section 553.03(a)(3), and if any locomotive and/or railroad cars are operated within the City of Oxford between the points specified in Oxford Code Section 553.03(a)(3) at a speed in excess of thirty-five miles per hour, the engineer, conductor, or railroad company shall forfeit the sum of fifty dollars ($50.00) to the City of Oxford for each and every such offense, and the City shall be entitled to recover said fifty dollar ($50.00) fine from the engineer, conductor, or railroad company as provided by law.

(b) This section establishes civil and not criminal liability.
(Ord. 1534. Passed 8-21-79; Ord. 1559. Passed 1-2-80.)

553.05 RAILROAD VANDALISM.

(a) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of, any railroad rail, railroad track, locomotive, engine, railroad car, or other vehicle of a railroad company while such vehicle is on a railroad track.

(b) No person, without privilege to do so, shall climb upon or into any locomotive, engine, railroad car, or other vehicle of a railroad company when it is on a railroad track.

(c) No person, without privilege to do so, shall disrupt, delay, or prevent the operation of any train or other vehicle of a railroad company while such vehicle is on a railroad track.

(d) Whoever violates subsection (a) of this section is guilty of railroad vandalism. Whoever violates subsection (b) of this section is guilty of criminal trespass on a locomotive, engine, railroad car or other railroad vehicle. Whoever violates subsection (c) of this section is guilty of interference with the operation of a train.

Except as otherwise provided in this subsection, railroad vandalism; criminal trespass on a locomotive, engine, railroad car, or other railroad vehicle; and interference with the operation of a train each is a misdemeanor of the first degree. If the violation of subsection (a), (b) or (c) of this section causes serious physical harm to property, creates a substantial risk of physical harm to any person, causes physical harm to any person, or serious physical harm to any person, the violation is a felony and shall be prosecuted under appropriate State law.

(e) No person shall knowingly deface, damage, obstruct, remove, or otherwise impair the operation of any railroad grade crossing warning signal or other protective device, including any gate, bell, light, crossbuck, stop sign, yield sign, advance warning sign, or advance pavement marking.

(f) Whoever violates subsection (e) of this section is guilty of railroad grade crossing device vandalism. Except as otherwise provided in this division, railroad grade crossing device vandalism is a misdemeanor of the first degree. If the violation of subsection (e) of this section causes serious physical harm to property or creates a substantial risk of physical harm to any person, causes physical harm to any person, or causes serious physical harm to any person, railroad grade crossing device vandalism is a felony to be prosecuted under appropriate state law. (ORC 2909.10, 2909.101)

553.06 GRADE CROSSING DEVICE VANDALISM.

(a) No person shall knowingly deface, damage, obstruct, remove or otherwise impair the operation of any railroad grade crossing warning signal or other protective device, including any gate, bell, light, crossbuck, stop sign, yield sign, advance warning sign, or advance pavement marking.

(b) Whoever violates this section is guilty of railroad grade crossing device vandalism. Except as otherwise provided in this subsection, railroad grade crossing device vandalism is a misdemeanor of the first degree. If the violation of this section causes serious physical harm to property, creates a substantial risk of physical harm to any person, causes physical harm to any person, or causes serious physical harm to any person, railroad grade crossing device vandalism is a felony and shall be prosecuted under appropriate State law.
(ORC 2909.101)

553.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

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

STAFF REPORT

ORIGINATING DEPARTMENT:	Clerk of Council
PREPARED BY:	Heather Barbour
DATE PREPARED:	December 21, 2021
COUNCIL MEETING DATE:	January 4, 2022
AGENDA TITLE:	Notice to legislative Authority- Transfer Permit to Sai Anjaneya LLC DBA Red Ox 95 E Chestnut Street Oxford, Ohio 45056
BUDGETED AMOUNT:	N/A
ACCOUNT CODE:	N/A
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	12-29-21 DRE

DISCUSSION:

THE PERMIT TRANSFER IS FOR:

C1 - BEER ONLY IN ORIGINAL SEALED CONTAINER FOR CARRY OUT ONLY. WINE AND C2 -MIXED BEVERAGES IN SEALED CONTAINERS FOR CARRY OUT.

TRANSFER DUE TO CHANGE IN BUSINESS STRUCTURE.

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

7671150 PERMIT NUMBER	TRFO TYPE	SAI ANJANEYA LLC DBA RED OX 95 E CHESTNUT ST OXFORD OHIO 45056
06 01 2020 ISSUE DATE		
12 09 2021 FILING DATE		
C1 C2 PERMIT CLASSES		
09 088 A F26910 TAX DISTRICT RECEIPT NO.		

RECEIVED
12-21-21
City of Oxford

FROM 12/13/2021

8113166 PERMIT NUMBER	TYPE	SHRI MAHADEVI INC DBA RED OX 95 E CHESTNUT ST OXFORD OHIO 45056
06 01 2020 ISSUE DATE		
12 09 2021 FILING DATE		
C1 C2 PERMIT CLASSES		
09 088 TAX DISTRICT RECEIPT NO.		

MAILED 12/13/2021 RESPONSES MUST BE POSTMARKED NO LATER THAN. 01/13/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES A TRFO 7671150
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF OXFORD CITY COUNCIL
101 E HIGH ST
OXFORD OHIO 45056

Ohio | Department of Commerce

Division of Liquor Control

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sheryl Maxfield, Director

Dear Local Legislative Authority Official:

Please find enclosed the legislative notice that is being sent to you regarding the applied for liquor permit as captioned on the notice. You **must**, within 30 days from the "mailed" date listed on the notice under the bar code:

- Notify the Division whether you object and want a hearing; or
- Ask for your one-time only, 30-day extension.
    - Any requests for a one-time, 30-day extension will be reviewed by the Division upon timely receipt. If granted, your additional 30-days runs from the expiration of the original 30-day period.

To be considered **timely**, your above response **must** be faxed, emailed, or mailed to the Division no later than the postmark deadline date given on the form. To speed up processing times and reduce paper, the Division respectfully asks that you either fax or email your response. Please send your response to:

FAX: (614) 644 – 3166

EMAIL: LiquorLicensingMailUnit@com.state.oh.us

MAIL: Ohio Division of Liquor Control
Attn: Licensing Unit
6606 Tussing Road
PO Box 4005
Reynoldsburg, Ohio 43068-9005

Please note that the Division is no longer sending ownership information with this legislative notice. If you want to know who owns the applied for permit you can find that information in two ways:

- Go to https://www.comapps.ohio.gov/liqr/liqr_apps/PermitLookup/PermitHolderOwnership.aspx and enter the permit number listed on the legislative notice; or

- Contact your police department or your county sheriff if you are a township fiscal officer or county clerk. The Division sends the applicable law enforcement agency the pertinent ownership information when it notifies them of the permit application.

Thank you in advance for your cooperation,

Division Licensing Section

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

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Zachary Moore
DATE PREPARED:	December 21, 2021
COUNCIL MEETING DATE:	January 4, 2021
AGENDA TITLE:	PC-2021-31/32, PRELIMINARY SUBDIVISION & PRELIMINARY PLANNED DEVELOPMENT, 6610 Brookville Road, 22 acres, 86 single-family lots, Todd Homes LLC, Applicant
CITY MANAGER/DEPT HEAD APPROVAL:	

Proposal Summary:

The applicant is requesting approval of a Preliminary Subdivision and Preliminary Planned Development for a 22-acre site located at 6610 Brookville Road, just west of the Muskopf Farms subdivision (Autumn Drive) and south of the Oxford Community Park. The proposal is for 86 single-family lots, to be accessed by a network of privately maintained streets and sidewalks. Two street connections/entrances are planned along Brookville Road. Sidewalks are planned to connect to a future OATS trail segment (Phase 4) along Brookville Road, which predates the submission of this application and will be constructed by the City of Oxford using funding from the trail levy and federal grants. A Homeowners Association (HOA) is to be established which will own and be responsible for maintaining all common areas, including open space, stormwater retention basins, streets, and sidewalks. A multi-use path is also proposed through the center of the development, serving as an amenity to connect the planned OATS trail with the existing trail system in the Community Park.

Background:

The subject site was annexed into the City of Oxford corporate limits earlier in 2021. City Council rezoned the land from Oxford Township A-1 (Agricultural) to City of Oxford R-1B (Single-Family Medium Density Residential) in August. Previous to the rezoning, the applicant had shared a Concept Plan with the Planning Commission at its April 13 meeting, which had been held virtually on Zoom. The original plan in April had proposed a total of 92 units, split between 76 single-family lots and 16 multi-family units in 4 buildings. The plan has since evolved to where the 86 units now proposed are exclusively single-family.

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

Discussion and Recommended Conditions:

The staff report for the December 14 Planning Commission meeting recommended approval of the application, subject to 9 conditions. At the meeting, the applicant expressed agreement with all of staff's conditions. Two residents residing on Autumn Drive (Muskopf Farms Subdivision), Perry Gordon and Egon Kraan, provided comments to the Commission. Some of the concerns expressed included impact to natural vegetation and fencing along the eastern boundary of the site, stormwater management & mitigation, water pressure, traffic, and the degree of focus on seniors.

Following the comment and question period, most of the Planning Commission discussion centered on the following topics: (1) preserving and/or planting vegetation along the eastern boundary; (2) accessibility of streets and trails within the development, in terms of providing adequate easements; (3) disappointment concerning the extraction of the multi-family units from the proposal; and (4) buffering along Brookville Road and degree of landscaping/beautification within open space areas. The Planning Commission voted 7-0-0 to recommend approval of the Preliminary Subdivision and Preliminary Planned Development applications subject to staff's conditions, while also adding additional conditions/language as highlighted as a bold underline below:

1. The provision of screening vegetation/landscaping along Brookville Road, **the eastern property line, and in open space areas** shall be further explored between the city and the applicant, and revisited at the Final Planned Development stage with a possible amendment to the Landscaping Plan or agreement to contribute funds for tree planting.
2. A note alerting builders to high water tables in the area shall be placed on the final record plat. The applicant is advised to complete soil compaction tests for Lots 44-45 before construction on these lots takes place.
3. A waiver to Section 1101.4(404)(A)(6) is hereby granted to allow for the two street entrances off Brookville Road as proposed, without requiring either to have a 25% wider opening.
4. A waiver to Section 1101.4(404)(E) is hereby granted to allow for primary access into the subdivision to be privately owned and maintained as opposed to being public, provided the proposed public access, trails, and utility easements allow for non-exclusive movement of the general public throughout the subdivision.
5. A waiver to Section 1104.4(408)(A) is hereby granted to allow for increased block length from 800 feet to 885 feet for Street A.

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15 S. College Ave.
Oxford, OH 45056

6. A waiver to Section 1145.12(e)(2) is hereby granted to reduce the minimum front yard setback from 30 feet to 20 feet.
7. A waiver to Section 1145.12(f)(1) is hereby granted to reduce the minimum open space required from 20% to 14.2%.
8. A waiver to Section 1145.12(f)(2) is hereby granted to increase the maximum lot coverage on individual residential lots from 35% to 65%.
9. A waiver to Section 1148.05(b)(2)(A) is hereby granted to relieve the developer from the Tree Survey requirement, on condition that the applicable Landscaping Plan is fulfilled and appropriate conservation restrictions are designated on the final record plat for open space areas on the northern and western perimeters of the site where existing natural vegetation is to remain.
10. HOA documentation shall be approved by the Law Director.
11. A water pressure study shall be performed and reviewed by City staff as necessary.

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVING THE PRELIMINARY SUBDIVISION AND PRELIMINARY PLANNED DEVELOPMENT APPLICATIONS FOR OWL'S LANDING LOCATED ALONG BROOKVILLE ROAD IN THE CITY OF OXFORD WITH CONDITIONS.

WHEREAS, Council hereby finds the Planning Commission held a public hearing on December 14, 2021 in accordance with Chapters 1101 and 1145 of the Codified Ordinances of the City of Oxford, on the application of Todd Homes LLC for a Preliminary Subdivision and Preliminary Planned Development for Owl's Landing consisting of 22 acres with 86 single-family lots; and

WHEREAS, the Planning Commission, after due deliberation found the application satisfied the basic code requirements in Chapters 1101 and 1145 of the Codified Ordinances of the City of Oxford, and recommended approval of the Preliminary Subdivision application for Owl's Landing with conditions.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and further approves the Preliminary Subdivision and Preliminary Planned Development applications for Owl's Landing located along Brookville Road in the City of Oxford with the following conditions:

1. The provision of screening vegetation/landscaping along Brookville Road, the eastern property line, and in open space areas shall be further explored between the city and the applicant, and revisited at the Final Planned Development stage with a possible amendment to the Landscaping Plan or agreement to contribute funds for tree planting.
2. A note alerting builders to high water tables in the area shall be placed on the final record plat. The applicant is advised to complete soil compaction tests for Lots 44-45 before construction on these lots takes place.
3. A waiver to Section 1101.4(404)(A)(6) is hereby granted to allow for the two street entrances off Brookville Road as proposed, without requiring either to have a 25% wider opening.
4. A waiver to Section 1101.4(404)(E) is hereby granted to allow for primary access into the subdivision to be privately owned and maintained as opposed to being public, provided the proposed public access, trails, and utility easements allow for non-exclusive movement of the general public throughout the subdivision.
5. A waiver to Section 1104.4(408)(A) is hereby granted to allow for increased block length from 800 feet to 885 feet for Street A.
6. A waiver to Section 1145.12(e)(2) is hereby granted to reduce the minimum front yard setback from 30 feet to 20 feet.
7. A waiver to Section 1145.12(f)(1) is hereby granted to reduce the minimum open space required from 20% to 14.2%.
8. A waiver to Section 1145.12(f)(2) is hereby granted to increase the maximum lot coverage on individual residential lots from 35% to 65%.
9. A waiver to Section 1148.05(b)(2)(A) is hereby granted to relieve the developer from the Tree Survey requirement, on condition that the applicable Landscaping Plan is fulfilled and appropriate conservation restrictions are designated on the

final record plat for open space areas on the northern and western perimeters of the site where existing natural vegetation is to remain.

10. HOA documentation shall be approved by the Law Director.
11. A water pressure study shall be performed and reviewed by City staff as necessary.

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

_____
MAYOR

ADOPTED:

ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

Case No:
PC-2021-31 / PC-2021-32

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Meeting Date:
December 14, 2021

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant	Todd Homes LLC, c/o Todd Hall
Proposal	Single-family subdivision containing 86 lots/units
Location	6610 Brookville Rd – Parcel IDs: **(1)** H4100141000006; **(2)** H4100141000007 & **(3)** H4100141000008
Owners	Parcel **(1)**: Gregory B. & Rebecca A. Smith Parcels **(2)** & **(3)**: Rebecca A. Smith & Cassandra K. McCartney
Engineer	Bayer Becker, c/o John Bayer
Action Request	**PC-2021-31**: Preliminary Subdivision **PC-2021-32**: Preliminary Planned Development (PD)
Current Use	Agricultural / Undeveloped Land
Current Zoning	R-1B Single-Family Medium Density Residential District
Site Area	22 acres
Site Frontage	1,334 feet along Brookville Road
Surrounding Land Uses	Community Park to the north; agricultural/rural residential to the west and south; single-family residential neighborhood (Muskopf Farms) to the east
Staff Recommendation	**Approval**, subject to recommended conditions

PROPOSAL SUMMARY

The applicant is requesting approval of a Preliminary Subdivision and Preliminary Planned Development for a 22-acre site located at 6610 Brookville Road, just west of the Muskopf Farms subdivision (Autumn Drive) and south of the Oxford Community Park. The proposal is for 86 single-family lots, to be accessed by a network of privately maintained streets and sidewalks. Two street connections/entrances are planned along Brookville Road. Sidewalks are planned to connect to a future OATS trail segment (Phase 4) along Brookville Road, which predates the submission of this application and will be constructed by the City of Oxford using funding from the trail levy and federal grants. A Homeowners Association (HOA) is to be established which will own and be responsible for maintaining all common areas, including open space, stormwater retention basins, streets, and sidewalks. A multi-use path is also proposed through the center of the development,

serving as an amenity to connect the planned OATS trail with the existing trail system in the Community Park. The applicant has offered to help pay for constructing the segment of trail on the City's park property.

The Preliminary PD & Subdivision applications were originally submitted in September, intending for a first review by the Planning Commission at the November meeting. Engineering and Zoning reviews revealed a number of design-related comments and concerns, and as a result the applicant voluntarily agreed to postpone consideration of the application pending various changes to the plan. The plan now being brought before the Planning Commission in December reflects a variety of the requested design changes and improvements, and in staff's opinion represents a better overall plan than the original September version.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a sign was posted at the front of the property. As of the writing of this report, no written public comments have been received.

DEPARTMENT COMMENTS

Below are comments from City departments. Please note that the comments below were delivered based on the original plan submitted by the applicant in September. Community Development staff has inserted notes in **bold** at the end of certain comments to indicate whether there has been an update to the situation since the original submission.

Department	Respondent	Response
Economic Development	Seth Cropenbaker, Assistant to the City Manager	Returned with Comments
• *The proposed development of 89 single-family homes helps fill a high need for housing in the Oxford area. The availability of this housing would encourage residency and growth of our population and available local labor force.* **[Inclusion of additional open space reduced the number of homes from 89 to 86.]** • *Several factors could contribute to encourage residency; proposed HOA to maintain a unified and polished aesthetic for the community, proximity to planned OATS routes and the OCP.* • *The description of the homes, HOA, etc. will likely lead to price points above what could be considered affordable housing. While this development represents opportunity and filling a housing need for the City, development of affordable housing in Oxford still remains a top priority.* • *The Economic Development department views the proposed development as an asset to the community, and has no reservations at this time.*		
Engineering	Scott Otto, City Engineer	Returned with Comments
• *Further review of detailed construction plans may require revisions to proposed water and sanitary sewer main locations.* • *The proposed design of storm water draining to the middle of the roadway creates maintenance and longevity concerns. The centerline of the roadway typically has a pavement joint that allows water to infiltrate the asphalt, freeze/thaw and create potholes.* • *Note #5 regarding sump drains will need to be reviewed along with detailed grading plans prior to construction plan approval. Sump lines collecting groundwater and downspout drains should not surface discharge and flow onto the sidewalk and roadway.* • *The proposed typical section for the private streets does not include curb and gutter. Curb and gutter provides advantages to the roadway, including acting as a back support for the edge of the roadway and providing a demarcation between the street pavement and lawn area that prevents motorists from driving into the lawn. All recent roadway construction within Oxford, whether Public or Private has*		

included curb and gutter. If the owner would request the streets to be public in the future, the streets constructed as currently designed would not meet City of Oxford design specifications for public streets. **[Street curbs have since been added to the plan.]**

- *Please provide additional information regarding the traffic impact, including whether or not the trips generated from the development will result in roadway improvements along Brookville Rd. including the intersection of Brookville/Oxford-Reily Rd.* **[A traffic study was performed and submitted to the City. The study concluded no additional off-site roadway improvements were warranted by the development.]**
- *HOA declarations or covenants should include identification of the responsible party and funding, maintenance, and inspection plans for the roadway and storm water facilities within the development including the retention basins.*
- *A Public Improvement Bond will be required for infrastructure improvements.*

Fire	John Detherage, Fire Chief	Returned without Comments
Parks & Recreation	Casey Wooddell, Parks Director	Returned with Comments

- *Only one paved path connection from Owl's Landing to Oxford Community Park is preferred. This ensures less disruption of the natural areas and requires only one crossing of the drainage/creek area between the park and development. If the City is responsible for the cost of connecting the existing park path to the development, one path also reduces both construction and maintenance costs.*
- *Allowing a permanent section of the OATS trail to travel either the east or west border of the development would be preferred, rather than traveling the entire length of Brookville Road to the park entrance. For transportation purposes, this creates a much quicker connection to the existing park amenities, such as the aquatic center.*

Comments following submission of revised plan in November:

- ***The single paved trail connection between Oxford Community Park and this development is much appreciated compared to two connections. This will save both time and money, and help control traffic flow.***

Police	John Jones, Police Chief	Returned without Comments

CASE HISTORY

A summary of relevant case history is provided below:

Case No.	Application	Decision
PC-2021-20	**Zoning Map Amendment**	Council approved 8/3/2021 by Ord No. 3628
The City of Oxford submitted a request to rezone the property to the R-1B zoning district, matching the classification of the adjacent Muskopf Farms subdivision to the east. The site was previously zoned A-1 Agricultural under the Butler County Rural Zoning Resolution (Oxford Township). The action to rezone the site with a City zoning classification dovetailed with the petition to annex the 22 acres into the City's corporate limits, after having been filed with the Butler County Commissioners in March 2021.		

None	Concept Plan Review	Planning Commission review at 4/13/21 meeting
The applicant had shared a Concept Plan with the City earlier this year, which was brought to the Planning Commission in April for feedback and comments. The Concept Plan at this time included 4 quad-unit buildings in addition to 76 single-family lots (92 total units). The Commission generally expressed support for the project, though desiring greater connectivity with the proposed pathways. The submitted Preliminary Plan now under consideration no longer includes the 4 quad-unit buildings, as the applicant now proposes an exclusively single-family development with 86 total lots.		

COMMENTARY

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

- **Density:** The underlying R-1B zone has a minimum single-family lot size of 7,500 sq ft, which equates to a density of **5.81 du/ac** (43,560 sq ft ÷ 7,500 sq ft). Hypothetically speaking, if a by-right subdivision were pursued, approximately **108** single-family lots could be provided on the site assuming 15% of the overall area was devoted to infrastructure (internal streets & right-of-way). With **86** single-family lots proposed, the resulting gross density is **4.20 du/ac** (86 units ÷ 20.49 acres of land excluding future Brookville Road right-of-way), and therefore much lower than the maximum possible density per the underlying R-1B zone. This would be above the existing gross density of the adjoining Muskopf Farms subdivision which is at **3.53 du/ac** (49 units ÷ 13.87 acres).

- **Dwellings:** The applicant has submitted a number of sample building elevations to illustrate the types of housing units envisioned for Owl's Landing, including both 1-story and 2-story designs that would of course vary in terms of cost. Exterior materials are likely to consist of vinyl lap and shake siding, as well as brick or stone veneer. All homes are planned to have 2-car garages with driveways accessing the streets. Todd Homes would be both the developer and builder for this project.

- **Landscape Buffer:** The applicant proposes installing mounding along Brookville Road, on both sides of the planned OATS trail, to help provide a screening effect for the abutting private lots. The rear of these lots will likely be visible from both the trail and roadway, therefore vegetative screening in addition to mounding would also be beneficial and has been required and/or provided for other recent residential developments abutting major thoroughfares. ***Section 1101.4(410)(B)*** normally requires a 20-foot buffer along an arterial or collector street, and specifies such buffers *may consist of fencing, evergreens, rocks, boulders, mounds or combinations thereof* (...). Staff believes the 20-foot dimensional requirement is met through the establishment of a 22-foot wide easement to support the OATS trail, which will flank the Brookville Road right-of-way. The planting of any trees or vegetation in this area should logically occur following trail construction by the City. Therefore, it may be advisable for the developer to contribute funds to the City which can be utilized when the time is right, as opposed to the developer being directly responsible for planting trees at the appropriate time.

- **Landscaping and Tree Preservation:** The project is subject to the standards of Chapter 1148 Landscaping and Tree Preservation, which includes both tree planting and tree preservation requirements. It should be noted however that the Commission has the ability to waive or modify such standards, or impose more stringent requirements, inherent to a more discretionary review process involved with a Planned Development. Summaries by subject are provided below:

    - **Tree Planting:** Per ***Section 1148.04(b)*** of the Oxford Zoning Code, a minimum of one front yard tree is required per single-family lot. The applicant acknowledges this will be done via a note provided on the Landscaping Plan. In addition to front yard trees, the applicant also plans to install 121 street trees along private streets as well as additional trees and shrubs

within the mid-block open space area. A variety of deciduous and evergreen shrubs would surround the gathering space area which would serve as a central landmark/node for the development along the multi-use path connector.

- **Tree Preservation:** Per ***Section 1148.05(b)(2)*** of the Oxford Zoning Code, a tree survey is normally required for major subdivisions. The Code specifies certain areas are to be exempted from surveying as well as replanting, including areas within fifteen (15) of new structures and within five (5) feet of driveway or walkway surfaces. Front and side yard areas on single-family lots are also exempt. The intent of these standards is to help preserve existing mature tree specimens or woods located on open space parcels or to the rear of private lots from being cleared or significantly impacted, by means of performing a tree survey to bring awareness to tree specimens or by executing a conservation easement or other similar restriction. With regard to the proposal at hand, the planning of development features (streets, lots, etc.) overtop the one significant patch of existing woods located in the southeast corner of the site has the effect of making much of the area exempt from surveying and replanting. Since one of the aims of this development is to keep housing affordable, staff believes the cost of performing surveying for few remaining 'nonexempt' areas outweighs the potential benefit.

- **Lighting:** Street light information is not currently shown. ***Section 1101.4(406)(F)*** requires lights to be installed within 50 feet of every intersection as well as along street corridors at intervals not exceeding 400 feet. Such details will need to be shown at the Final Planned Development stage.

- **Lot Coverage:** The underlying R-1B District normally specifies a maximum coverage per individual lot of 35 percent. Within the design standards for Planned Developments, ***Section 1145.12(f)(2)*** specifies that lot coverage is to be regulated according to the underlying zoning district, but caps the maximum coverage for any residential portion at 40 percent. The applicant has requested a waiver to this provision to allow for coverage greater than both the district max of 35 percent and Planned Development cap of 40 percent. On each individual lot, the applicant requests increasing the normal maximum coverage of 35 percent up to 65 percent. In a conventional subdivision with public streets, maximum lot coverages standards are only regulated on individual private lots, while covered surfaces in right-of-ways (streets, sidewalks, etc.) are not. The opposite is true for developments with private drives or streets. When accounting for the maximum possible amount of coverage on private lots (7.55 acres), plus known coverage not located in public right-of-way along Brookville Road including private streets, sidewalks, and pathways (2.88 acres), the resulting maximum amount of coverage on the site is **50.9%** (10.43 acres of possible coverage ÷ 20.49 acres of land outside right-of-way). For a more direct comparison to a conventional subdivision, by factoring out all covered surfaces in proposed Public Access & Utility Easements (the most direct equivalent to what would otherwise be public right-of-way), the resulting maximum coverage is **45.18%** (7.703 acres of possible coverage ÷ 17.05 acres of land outside right-of-way and easements). The table below compares R-1B district coverage standards per lot with those proposed for Owl's Landing:

Standards by Individual Lot	R-1B District	Owl's Landing
Lot Coverage	35% max	65% max
Building Coverage	25% max	55% max
Front Yard Coverage	25% max	45% max

- **Lot Setbacks:** In addition to varying lot coverage on individual lots, the applicant also proposes variation in applicable setback standards. ***Section 1145.12(e)(2)*** essentially allows for setback regulations to be varied from the normal district minimums, excepting front yard setbacks which

must adhere to the underlying zoning district. The applicant has requested a waiver to this provision to allow for a reduction in front yard setbacks, in addition to all other setbacks. The table below compares R-1B district setback standards to those proposed for Owl's Landing:

Standard	R-1B District	Owl's Landing
Front Yard Setback	30 ft min	20 ft min
Rear Yard Setback	35 ft min	15 ft min
Side Yard Setback	8 ft min	5 ft min

- **Non-Vehicular Mobility:** The development provides sidewalks along both sides of all streets, as well as a 10-foot wide pathway linking the City's planned OATS trail (Phase 4) along the north side of Brookville Road to the Community Park. The applicant agreed to install this pathway on the development site, and provide additional green/open space, following discussions with City staff after the initial application submission in September. Staff believes the resulting design is far better in terms of connectivity, and in establishing an identity for the new neighborhood. The applicant has also offered to help share in the cost of extending the pathway off-site to link up to the existing trail system in the Community Park (see letter from Mr. Hall dated 10/19). City staff has since suggested the City may be able to fully fund this portion of the path, as well as maintain the segment running through Owl's Landing; if this ends up being the case, funds that would have been used to fulfill this pathway linkage could be diverted to other useful endeavors, such as the planting of trees in the buffer area along Brookville Road.

- **Open Space:** Within the Planned Development design standards, ***Section 1145.12(f)(1)*** states a minimum of 20% open space must be provided, and all areas counted toward this percentage must measure at least 50 feet by 50 feet nor can it include a 25-foot perimeter setback. The applicant has requested a waiver to the 20% minimum. The latest plan provides 2.9 acres, or **14.2%** of calculable open space (2.9 ÷ 20.49 acres). It should be noted that because of the 50x50 limitation, many areas that will effectively be subdivided as open space do not count, inclusive of a 22-foot wide trail easement along Brookville Road allowing for the OATS trail to be built as presently designed.

- **Signage:** No gateway-type signage details have been submitted at this time. ***Section 1151.05(d)(2)*** allows for 1 freestanding sign per street intersection at the boundaries of a subdivision, with a maximum sign face area of 48 square feet, maximum sign/structure height of 6 feet, maximum sign/structure width of 12 feet, and minimum setback from the right-of-way at least the height of the sign with indirect illumination only.

- **Stormwater Management:** Two stormwater retention basins are planned, one in the northeast corner and one in the southeast corner. These locations are all but pre-determined due to the topography of the site sloping down from west to east. Storm sewers are planned in the middle of the private streets with centered catch basins; these will convey stormwater runoff to the two basins before being released at the pre-development rate. Water in the northeastern basin will be directed northward into a stream channel on the Community Park site, and water in the southeastern basin will discharge into the drainage ditch along the north side of Brookville Road.

- **Streets & Traffic Circulation:** Various topics are discussed below.

    - **Internal Street Details:** As opposed to following City specifications for local streets, the applicant proposes an alternative street section comprising a 44-foot wide public access and utility easement, within which 24 feet of street pavement would be provided exclusive of 6-inch curbing on either side. By comparison, a typical local street per the Subdivision Regulations comprises 50 feet of right-of-way and 30 feet of pavement measured back-of-

curb to back-of-curb. The City Engineer has expressed acceptance of the reduced street width. It is not expected that on-street parking would be allowed on the narrower streets.

- **Brookville Road:** Existing right-of-way along Brookville Road measures approximately 64 feet in width. The distance from centerline to the southern edge (front property line) of the subject property is 32 feet. The Oxford Thoroughfare Plan classifies Brookville Road as a Major Collector, requiring 100 feet of overall right-of-way width, with 50 feet on either side of the centerline. The applicant shows 18 feet of additional right-of-way being dedicated along Brookville Road in order to make up the difference for the standard 50 foot width from centerline. In addition to the 18 feet of new right-of-way, a trail easement roughly 22 feet wide is also shown. The City's OATS trail project has been designed with gentle curves, which would weave between the future right-of-way and the trail easement area. The pathway and sidewalks planned for the interior of the Owl's Landing would also eventually connect to this future trail. It is currently estimated that trail construction will be completed in 2023. The construction of pedestrian/bicycle infrastructure will need to be coordinated between the developer and the City as both projects progress.

- **Utilities:** Comments on individual utility services are provided below.

  - **Water & Wastewater:** The developer will tap into existing City utilities for sanitary sewer and water located in proximity to Autumn Drive and Brookville Road. The topography of the site should allow for sewers to gravity feed into the existing main without the need for a lift station.

  - **Garbage Collection:** Garbage collection is presumed to be handled by individual wheeler totes by unit left at the street curb, as is typical in single-family residential subdivisions.

  - **Mail Delivery:** The current USPS policy is for mail collection/delivery to be combined, serving cluster box units (CBUs) as opposed to individual mailboxes. The applicant proposes to locate 2 CBUs on the edge of the 'neighborhood park' open space, adjacent to a private street (Street B).

DECISION CRITERIA

All Planned Developments shall satisfy the General Decision Standards provided in ***Section 1145.06(b)***. The standards found within this section are below with staff analysis provided for each:

1. **The proposed planned development is in fact permitted in the zoning districts in which it is proposed.**
   The project will consist of single-family homes, which are permitted in the underlying R-1B zoning district. The number of single-family units planned (86) does not exceed the Planned Development density parameters.

2. **If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.**
   Not applicable, since this is the first Planned Development proposal for this site.

3. **The uses and site plan will satisfy the general intent of the Zoning Code.**
   The Zoning Code specifies that the R-1B 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.* The proposed development certainly complies with the general intent of the R-1B district from a land use and gross density standpoint. The Planned Development process allows for greater flexibility of Code standards, including those for minimum lot size, minimum lot width and

minimum setbacks, in exchange for the provision of open space and greater negotiation power between the City and the applicant.

4. **The uses and site plan will be compatible with the general intent of the Comprehensive Plan.**
Map 3.6 of the Comprehensive Plan actually identifies the subject site as a "Potential Park Expansion," being that it is immediately south of the Community Park property. The description provided for this expansion area is as follows: *Expand the Community Park to serve a variety of active and passive recreational uses. New park development should be easily accessed by a variety of mobility options.* The consideration of this site for recreational use, as opposed to residential use, cannot be entertained since City Council has already approved the rezoning of the property to R-1B for residential use. However, it can be noted that the proposed development is helping to fulfill one of the stated goals for this site in providing mobility/accessibility to the Park. The developer has agreed to install a multi-use path between the OATS trail and the Park, which will effectively integrate with the Planned Development and serve as a vital connection point for nearby recreational amenities.

5. **The size and shape of the site are sufficient for the proposed planned development.**
Staff believes the size and shape of the site are sufficient for the proposed subdivision.

6. **The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.**
The applicant has chosen to allocate much of the open space area to the eastern side of the site, which will serve as a buffer between existing housing units in Muskopf Farms (Autumn Drive) and the new units in Owl's Landing; the minimum buffer distance between rear lot lines at any one location measures approximately 90 feet. The retention basin in the southeast corner of the site will have the unfortunate effect of removing mature vegetation in this area, which currently backs up to 3 lots along Autumn Drive. The natural setting of the Community Park to the north is seen as a more permanent fixture on the landscape, and will serve as a nice backdrop for the development.

7. **The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.**
This criterion is generally not applicable to a residential proposal, as these external effects mostly pertain to activities or processes associated with commercial or industrial businesses. The applicant submitted a traffic study focusing on the anticipated traffic to be generated by the 86 planned units, which concluded no other off-site roadway improvements were warranted. The Traffic Study recommended a left turn lane improvement on W Chestnut Street at Oxford-Reily Road, though based on existing conditions not directly attributed to the proposed development.

8. **Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.**
Open spaces are expected to be mostly passive, with some active features in the form of pathways and a gathering area, but no actual 'structural' accessory uses such as a community clubhouse or pool. Accessory uses on private lots, such as sheds, will otherwise need to apply for permits of their own and follow lot coverage provisions associated with the Planned Development approval as well as any other applicable Code standards not addressed by the approval.

9. **The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.**
Private streets and stormwater management features are to be constructed by the developer and maintained over time by an established HOA. The Fire and Police Chiefs did not express any comments or concerns on the proposal. Garbage collection is presumed to be handled lot by lot with individual wheeler totes, as is typical in other residential subdivisions.

10. **Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**
The applicant is expected to cover the cost of all infrastructure attributed to the development, including streets, sidewalks, utility extensions, and stormwater runoff conveyance systems. Other development reviews in the recent past have required developers to constructing sidewalks along existing arterial or collector thoroughfares which border a project site. This case is unusual in that a public project is already in the works for the expansion of the OATS system (Phase 4); therefore, the developer in this case would be spared from this cost as this "east-west" trail effectively substitutes for a sidewalk. It should be noted the developer has agreed to construct a separate "north-south" multi-use path running through and integrating well with the Owl's Landing development, and has also offered to share in the cost of linking said path with the existing trail system in the Community Park. The City will likely be responsible for at least some degree of public expenditures to ensure the separate trail linkage between OATS and the Community Park comes to fruition.

11. **The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.**
Staff believes the character of this new residential neighborhood will be harmonious with, and complementary to, its surroundings. The pattern of smaller sized lots will result in a neighborhood environment with a much denser appearance than most other recent suburban residential housing developments in Oxford, including those zoned R-1B. While the normal minimum lot area in R-1B is 7,500 square feet with at least 65 feet of lot width, the typical lot size in Owl's Landing is proposed at 5,000 square feet with a lot width of 50 feet. As a result, Owl's Landing would be approximately 19% denser than the adjoining Muskopf Farms subdivision. Though this development will be of a slightly different character and consist of a different product not found elsewhere in town, staff believes it will still embody a residential environment that is appropriate for this location.

12. **The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.**
Two entrances are to be provided onto Brookville Road, to facilitate the movement of traffic going to and from the development. No turn lanes or other improvements are currently anticipated along the vehicular portion of Brookville Road, as it will remain a rural roadway not unlike the present character along the frontages of the Muskopf Farms and Longmeadow subdivisions. The applicant will dedicate additional 18 feet of right-of-way on the north side of Brookville Road, consistent with the Oxford Thoroughfare Plan.

13. **Proposed construction will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.**
The plan as designed would result in the loss of much of the mature vegetation currently situated in the southeast corner of the site, surrounding the existing farm house and outbuildings which are also planned to be demolished. However, the interest of preserving woods in this area must be weighed with other considerations including the provision of a second entrance into the development (thus improving emergency access), as well as allocating space for a stormwater management device in what is the lowest lying area of the site. Fortunately, a significant degree of mature woodland already exists north of the development site on the Community Park property, and thus is already protected in a defacto manner.

14. **Proposed construction will not result in the complete elimination of existing mature tree canopy. Effort shall be made to direct disturbance and construction around or away from**

existing mature tree canopy without completely taking away use of the site or connectivity to existing infrastructure.
Again, many of the existing mature trees in the southeast corner of the site will likely need to be cut down to make way for the proposed stormwater retention basin, streets, and houses. Very few areas would be left un-exempt from tree surveying based on the proposed layout, therefore staff is recommending a waiver of the tree surveying requirement.

STAFF RECOMMENDATION

There are no decision criteria for a Preliminary Subdivision application, as the review is based on meeting the spirit of the design standards in ***Section 1101.4*** of the Subdivision Regulations. ***Section 1101.4(400)*** provides some general statements for the Commission to consider in reviewing a subdivision proposal (see Appendix B).

On the other hand, consideration of a Preliminary Planned Development must rely on decision criteria provided in ***Section 1145.06(b)*** as touched upon in the previous section.

In consideration of the relevant standards and criteria, staff recommends **approval** of both the Preliminary Subdivision and Preliminary Planned Development for Owl's Landing subject to the following conditions:

1. The provision of screening vegetation/landscaping along Brookville Road shall be further explored between the City and the applicant, and revisited at the Final Planned Development stage with a possible amendment to the Landscaping Plan or agreement to contribute funds for tree planting.

2. A note alerting builders to high water tables in the area shall be placed on the final record plat. The applicant is advised to complete soil compaction tests for Lots 44-45 before construction on these lots takes place.

3. A waiver to ***Section 1101.4(404)(A)(6)*** is hereby granted to allow for the two street entrances off Brookville Road as proposed, without requiring either to have a 25% wider opening.

4. A waiver to ***Section 1101.4(404)(E)*** is hereby granted to allow for primary access into the subdivision to be privately owned and maintained as opposed to being public, provided the proposed public access and utility easements allow for non-exclusive movement of the general public throughout the subdivision.

5. A waiver to ***Section 1101.4(408)(A)*** is hereby granted to allow for increased block length from 800 feet to 885 feet for Street A.

6. A waiver to ***Section 1145.12(e)(2)*** is hereby granted to reduce the minimum front yard setback from 30 feet to 20 feet.

7. A waiver to ***Section 1145.12(f)(1)*** is hereby granted to reduce the minimum open space required from 20% to 14.2%.

8. A waiver to ***Section 1145.12(f)(2)*** is hereby granted to increase the maximum lot coverage on individual residential lots from 35% to 65%.

9. A waiver to ***Section 1148.05(b)(2)(A)*** is hereby granted to relieve the developer from the Tree Survey requirement, on condition that the applicable Landscaping Plan is fulfilled and appropriate conservation restrictions are designated on the final record plat for open space areas on the northern and western perimeters of the site where existing natural vegetation is to remain.

SUBMITTED BY: Zachary W. Moore

Zachary Moore, AICP
Planner

DATE: December 8, 2021

APPENDIX A
RELEVANT PROVISIONS FROM THE ZONING CODE

Within the Oxford Zoning Code, ***Section 1143.02*** provides the base zoning standards for the R-1B zoning district and ***Chapter 1145*** governs Planned Development applications.

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

(a) Purpose.
This district is designed to provide and preserve single family residential development of a moderately low density character within and adjacent to areas of similar development.

(b) Uses.
- (1) Permitted uses.
  - A. Single-family dwellings.
  - B. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
  - C. Day Care Home Type B family.
- (2) Conditional uses.
  The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.
  - A. Community-Oriented Residential Social Service Facilities (CORSSF's).
  - B. Shared Housing for the elderly.
  - C. Government owned and/or operated parks and recreation facilities.
  - D. Bed & Breakfasts.
  - E. Open space recreation areas that are privately or publicly owned, such as golf courses, tennis courts, parks, forests, or wildlife preserves.
  - F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
  - G. Schools: primary, intermediate, and secondary, both public and private.
  - H. Places of worship.

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)
- (1) Lot requirements.
  - A. Minimum lot area 7,500 sq. feet
  - B. Minimum lot width 65 feet
  - C. Minimum lot frontage 65 feet (not applicable to cul-de-sac lots)
- (2) Yard requirements.
  - A. Minimum front yard depth 30 feet
  - B. Minimum rear yard depth 35 feet
  - C. Minimum side yard width 8 feet on each side
- (3) Structural requirements.
  - A. Maximum building height 35 feet
- (4) Lot coverage.
  - A. Lots with vehicular access from a public street
    - 1. Lot total – Maximum 35 percent
    - 2. All enclosed buildings – Maximum 25 percent of lot
    - 3. Front yard – Maximum 25 percent of front yard
  - B. Lots with vehicular access from a rear or side alley, and no access from a public street
    - 1. Lot total – Maximum 40 percent
    - 2. All enclosed buildings – Maximum 25 percent of lot
    - 3. Front yard – Maximum 15 percent of front yard

1145.06 Planning Commission and Council review.

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

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

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

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

(a) Burden of Proof.

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

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

(b) General Decision Standards.

All planned developments shall satisfy these general decision standards:

(1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed

(2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.

(3) The uses and site plan will satisfy the general intent of this Zoning Code.

(4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.

(5) The size and shape of the site are sufficient for the proposed planned development.

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

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

(8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.

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

privately.

(10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.

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

(12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.

(13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(14) Proposed construction will not result in the complete elimination of existing mature tree canopy. Effort shall be made to direct disturbance and construction around or away from existing mature tree canopy without completely taking away use of the site or connectivity to existing infrastructure.

1145.07 Action by Planning Commission

(a) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.

(b) The Planning Commission shall base its recommendation and Council its decision upon how well the application satisfies the Decision Standards. Planning Commission, in its recommendation, and Council in its decision may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code. Dwelling unit density cannot be waived.

(c) Council may require the developer to file performance bonds with the City to guarantee completion of any public utilities associated with the planned development and any elements of the plan that are necessary to its success, if abandoned by the developer.

1145.12 Design.

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

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

(c) Land Use.

(1) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing residential zoning district:

A. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.

B. Institutional, public, and semi-public land uses that serve the planned development or the general public.

C. Commercial land uses, if the total land area of the planned development is greater than 10 acres and if the commercial land use is intended to serve the planned development only. Such commercial land uses shall be limited as follows:

1. No signs that are visible from outside of the development.
2. No direct vehicular access to a public thoroughfare.
3. No less than 95 percent of the total land area shall be devoted to residential land uses.
4. No separate structure intended to be used, in whole or part, for commercial land uses shall be constructed prior to the construction of not less than 50 percent of the dwelling units.

(2) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing commercial zoning district:

A. Any land use permitted in the underlying zoning district.

B. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.

(3) The following land uses are permitted only in the portions of a planned development that overlay an existing industrial zoning district:

A. Any land use permitted in the underlying zoning district.

(4) The land uses permitted in a planned development may be distributed as follows:

A. If a single planned development overlays more than one zoning district, then the land uses permitted according to this Section may be distributed throughout the entire planned development site.

B. If a planned development includes land uses permitted only in an industrial zoning district, then those land uses may only be located in that portion of the planned development that overlays the industrially zoned land.

(d) Residential Density.

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

(e) Dimensional Regulations.

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

(2) Front setbacks shall be limited as in the underlying zoning district.

(3) All buildings and vehicle management areas shall be setback from the perimeter of a planned development no less than:

A. Residential zoning district - 25 feet.

B. Commercial zoning district - 25 feet.

C. Industrial zoning district - 50 feet.

(f) Open Space.

(1) No planned development shall have less than 20 percent open space, which includes any area not less than 50 by 50 feet, not including the required setbacks, and includes nothing other than natural area.

(2) Lot coverage shall be regulated according to the underlying zoning district, except that lot coverage for the residential portion of any planned development shall not exceed 40 percent.

(g) Sensitive Development Area.

A. A Sensitive Development Area is defined as any land(s) or soil(s) proposed to be developed that, if subjected to improper use or management, is otherwise determined to be incapable or unsuitable of urban use. Sensitive Development Areas can also be considered those lands that pose special hazards to development

or the environment, consisting of lands or soils of such sensitive character that they may require special use, design and engineering restrictions.

B. For the Preliminary Planned Development, the applicant must create an inventory of sensitive environmental area identified in subsection (g)D.(1) to (8) from publicly available resources such as Butler County Soil and Conservation District, OKI, OEPA, ODNR, HAPC, FEMA, USFWS, OHPO and other public entities. This information shall be provided with the preliminary application. Design of the site shall be based on site information obtained from those public entities. An existing landscape plan shall be submitted with each application. The landscape plan shall identify existing trees, natural features and other landscaping elements.

C. After the approval of the Preliminary Planned Development, the applicant must develop a detailed site analysis of sensitive environmental areas on the site, conducted by firm(s) specialized in the areas, at a minimum: Ecological Survey, and Environmental Site Assessment. Other documentation may be required based on the site and the discretion of the Planning Commission, including, but not limited to: Stream and Wetland Mitigation, Water Way Permits, Archaeological Inventory, Historic Architecture Inventory. The applicant must also provide reports of the analyses following current professional norms for the discipline. It will be the Planning Commission's role to review information submitted by the applicant on each discipline to make the recommendations to City Council.

D. Design of the proposed Planned Development site shall be based on the site information obtained from those public entities. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features. The following specific areas shall be preserved as undeveloped open space, and in accordance with the U.S. and Ohio Constitutions and state or federal regulations:

(1) Unique and/or fragile areas, including wetlands, as may be defined in Section 404, Federal Clean Water Act, as amended; and in Ohio Environmental Protection Agency standards.

(2) Land in the floodway as identified and mapped using the Federal Emergency Management Agency's Flood Hazard Boundary Maps. Federal Emergency Management Agency in scientific and engineering reports entitled 'Flood Insurance Study for Butler County, Ohio and Incorporated Areas' effective 12/17/2010, with accompanying Flood Insurance Rate Maps for Butler County, Ohio and Incorporated Areas effective 12/17/2010 and any revisions thereto are hereby adopted by reference and declared to be part of this chapter.

a. 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands. Development of this area is regulated as follows:

1. Natural vegetation shall be maintained.

2. No structures shall be built or improvements made, except as follows:

(a). Walking paths, bicycling paths, and the like, including infrastructure necessary to facilitate their development are permitted anywhere within the buffer.

(b). Roads and associated infrastructure are permitted in the buffer to facilitate crossing such water elements.

(c) Any improvements approved in a final plan.

(d). Any public safety or public utility improvements not associated with the planned development, but deemed necessary by the Service Director, Police Chief or Fire Chief.

(3) Steep slopes fifteen (15%) percent or more, unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account.

(4) Habitats of endangered wildlife, as identified on federal and state lists.

(5) Historically and culturally significant structures and sites, as listed on, but not limited to, the National Register of Historical Places or on the local inventory of historic places maintained by the City of Oxford's Historic Architectural Preservation Commission.

(6) Aquifers and tributary drainage systems.

(7) Tree growth areas or urban forested areas as defined in Chapter 935, of the Codified Ordinances of Oxford.

(8) Any area as identified on Map 3.3 of the Comprehensive Plan.

E. The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce excavation and embankment; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties. The placement of buildings shall take into consideration topography, building height, orientation and drainage. Storm water Best Management Practices in Low Impact Development Designs are desirable and encouraged. City guidelines for these practices and designs can be found in the City of Oxford Storm Water Management Design Manual

F. If the Planning Commission, or its designated representative, may require the applicant to submit a statement in order to demonstrate that satisfactory efforts have been made to mitigate any special hazards posed to the site if these sensitive lands are subjected to improper use or management. The statement, if required, shall be submitted in one or more of the following forms:

(1) The statement shall describe in detail the extent of encroachment on any Sensitive Development Area, the extent and nature of the proposed alteration, the environmental impacts resulting from the proposed alteration, and the proposed methods of mitigation.

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

(h) Landscaping and Screening.

(1) A planned development shall satisfy all landscaping elements required by other sections of this Code.

(2) The required perimeter setback area shall be retained in natural woods or suitably landscaped with grass, ground cover, shrubs, trees, or earthen mound.

(3) A planned development that overlays a commercial or industrial zoning district that is adjacent to a residential zoning district shall be screened from the residential zoning district by a dense evergreen hedge a minimum of 8 feet tall and 10 feet wide at planting and that will maintain at least 90 percent opacity over time.

(i) Access and Mobility.

(1) At residential densities greater than would be permitted in the R-1A District, have direct and principal access from a collector or arterial road.

(2) Bicycle rack spaces shall be provided at all planned developments that overlay a commercial zoning district at a rate of 3 per acre.

(3) Adequate pedestrian connectivity shall be provided to and through a planned development.

(j) Utilities and Infrastructure.

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

(k) Plan-Specific.

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

APPENDIX B
RELEVANT PROVISIONS FROM THE SUBDIVISION REGULATIONS

Section 1101.4 of the Oxford Subdivision Regulations provides the design standards applicable to major subdivisions.

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.

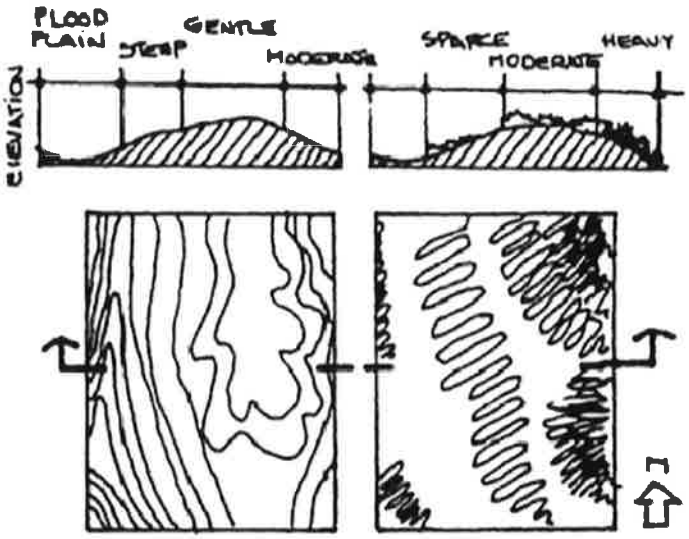
(8) Any area as identified on Map 3.3 of the Comprehensive Plan.

(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.

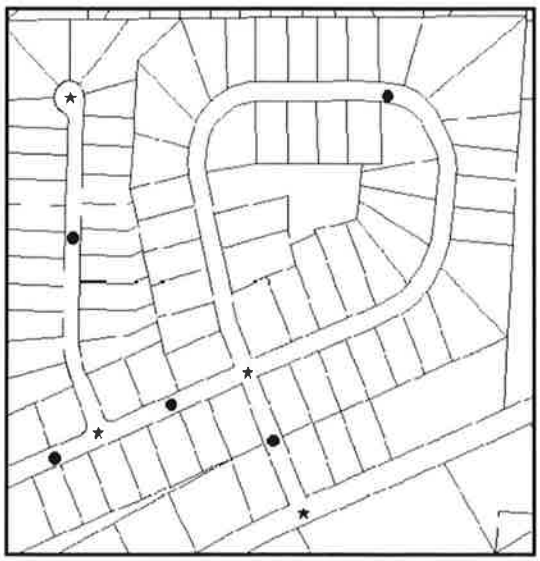
(D) Street Connectivity

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.

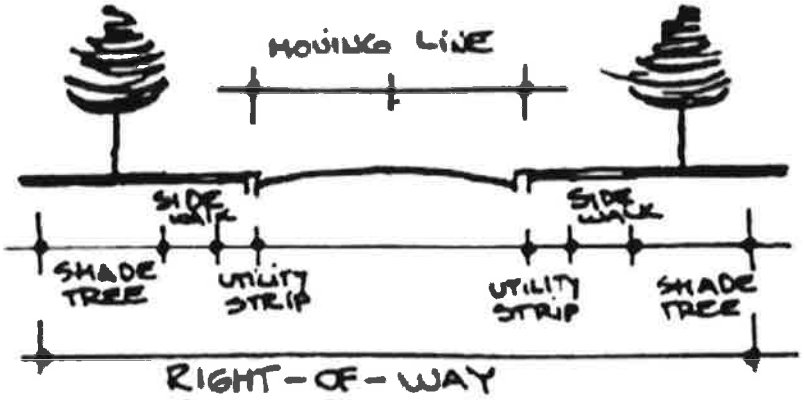
(3) Any proposed private street shall serve a minimum of six (6) lots in order to be platted and recorded as a private street.

(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.

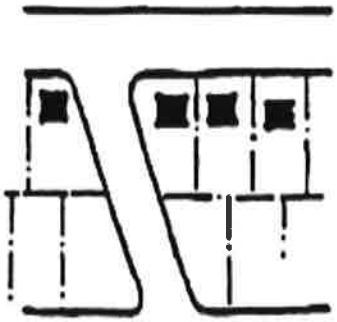
(B) Where blocks are over 600 feet in length, a public walkway which traverses the block may be required to be dedicated and installed by the subdivider.

(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.

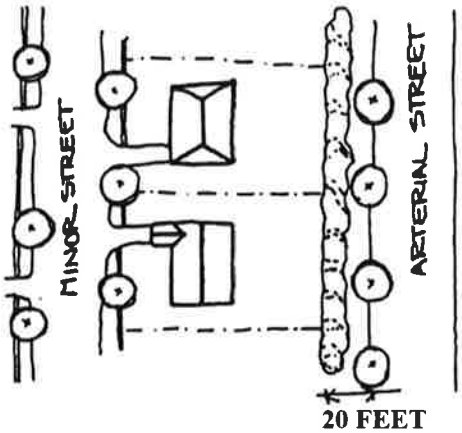
(D) No lot shall have an area or width less than that required by applicable sections of the Zoning Code except those pursuant to the Open Space Residential Development Regulations.

(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

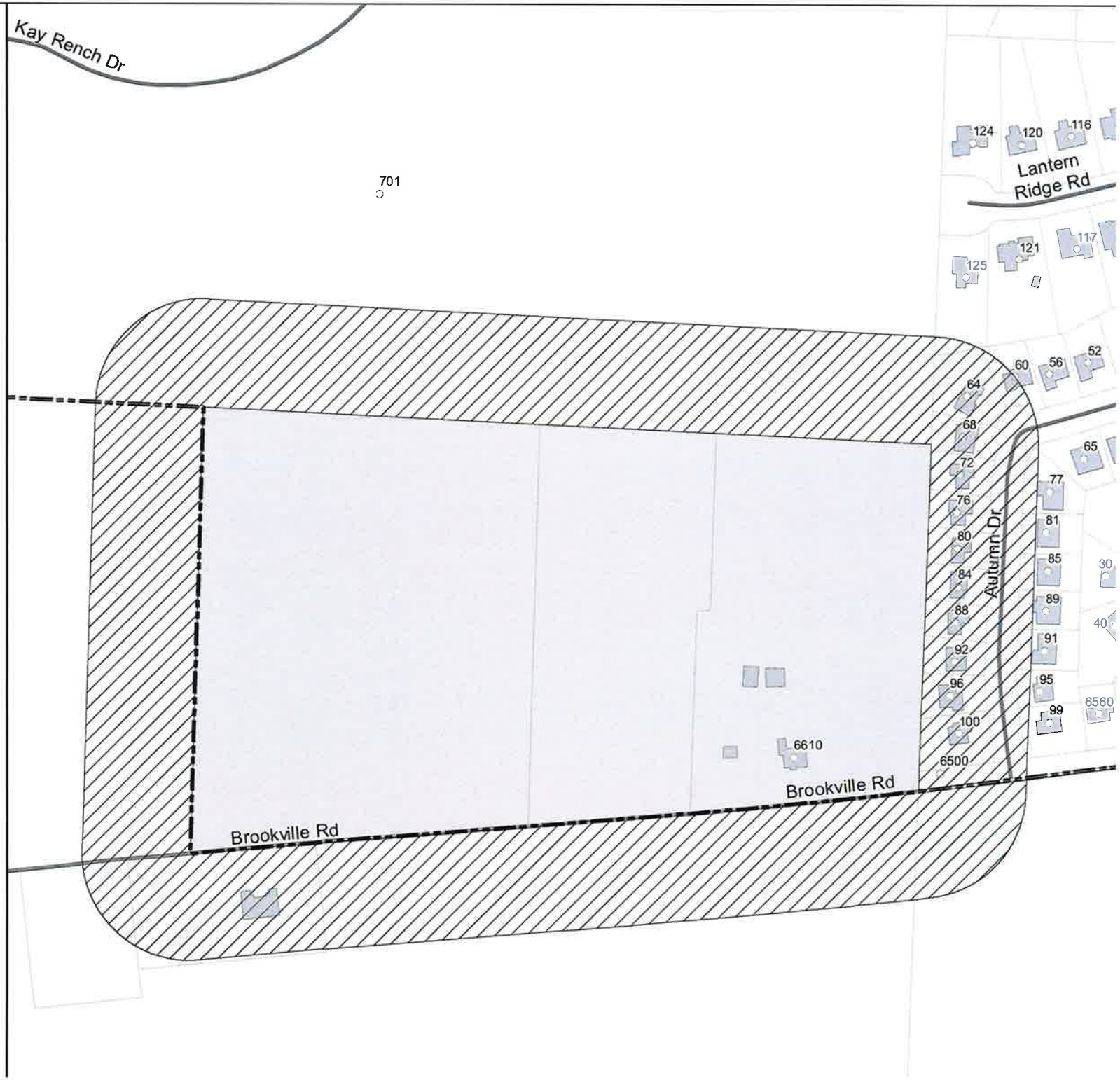
Deed restrictions or covenants running with the land may be included to provide for the creation of a Home Owner's Association, Condominium Association, or Board of Trustees in which individual

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.

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

PC-2021-31
PC-2021-32

Surrounding Property Owners Notifications Map



Legend

- Subject Area
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- 16.5' Vacated ROW
- Building Footprint

N

1 inch = 250 feet

Prepared on Friday, October 08, 2021

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

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Memo

Service Department
Engineering Division
513/524-5208

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: Application #PPC-2021-32
6610 Brookville Road Owl's Landing – Preliminary Planned Development

DATE: October 21, 2021

The Engineering Division offers the following comments:

- Further review of detailed construction plans may require revisions to proposed water and sanitary sewer main locations.
- The proposed design of storm water draining to the middle of the roadway creates maintenance and longevity concerns. The centerline of the roadway typically has a pavement joint that allows water to infiltrate the asphalt, freeze/thaw and create potholes.
- Note #5 regarding sump drains will need to be reviewed along with detailed grading plans prior to construction plan approval. Sump lines collecting groundwater and downspout drains should not surface discharge and flow onto the sidewalk and roadway.
- The proposed typical section for the private streets does not include curb and gutter. Curb and gutter provides advantages to the roadway, including acting as a back support for the edge of the roadway and providing a demarcation between the street pavement and lawn area that prevents motorists from driving into the lawn. All recent roadway construction within Oxford, whether Public or Private has included curb and gutter. If the owner would request the streets to be public in the future, the streets constructed as currently designed would not meet City of Oxford design specifications for public streets.
- Please provide additional information regarding the traffic impact, including whether or not the trips generated from the development will result in roadway improvements along Brookville Rd. including the intersection of Brookville/Oxford-Reily Rd.
- HOA declarations or covenants should include identification of the responsible party and funding, maintenance, and inspection plans for the roadway and storm water facilities within the development including the retention basins.
- A Public Improvement Bond will be required for infrastructure improvements.

Butler Soil and Water Conservation District
1802 Princeton Road, Suite 300
Hamilton, Ohio 45011
Telephone: (513) 887-3720
Fax: (513) 785-6668
www.butlerswcd.org

Zachary Moore
City of Oxford
15 S. College Avenue
Oxford, Ohio 45056

October 18, 2021

Subject: Owl's Landing Natural Resource Review

Dear Mr. Moore,

This letter and attachments provide our review of natural resources of the Owl's Landing Preliminary Plat submission to the City of Oxford. The Butler Soil & Water Conservation District (SWCD) checklist established with the City of Oxford was reviewed and the following are items to note.

- The soils found within the area are Fincastle silt loam (FcA), Russell-Miamian silt loam (RvB2), and Xenia silt loam (XeB) which are historically prime farmland soils. According to the USDA Web Soil Survey, Fincastle and Xenia silt loam soils are present and are very limited to dwellings with or without basements due to their depth to saturation zone, shrink-swell components, and potential for ponding. This means that the developer will have to take special precautions to prevent these soil features from negatively impacting the infrastructure. There is a high water table where the Fincastle silt loam soils are located, which may negatively impact construction, especially of basements.
- A note is to be placed on the Final Plat: **"High water tables are apparent in this area. If basements are constructed, it is the responsibility of the builder to take special precautions to ensure the basement stays dry."**
- Since there is farmland, there also may be drainage tile located in the field. It is strongly encouraged that if any tile is found, that it all be removed during construction in order to prevent sink holes or blow outs from forming in the future.
- According to the preliminary plat, the pond at the Northeast area of the property will be filled in and become the location of lots 41 & 42. Compaction tests will need to be conducted on those lots (41 & 42) before construction takes place.
- The tree list for planting includes some non-native species: the Hardy Rubber Tree (*Eucommia ulmoides*) and the Green Vase Sawleaf Zelkova (*Zelkova serrate*). The Zelkova is highly susceptible to ice damage. While both species are acceptable, planting natives is encouraged.

Butler SWCD is not a regulatory agency; therefore, this information is technical advice to address natural resource concerns before future developed. If you have any additional questions or concerns, please do not hesitate to contact us at (513)887-3720.

Sincerely,

Kelly Crout
District Director
Butler Soil and Water Conservation District

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Internal Use Only:
Case No. _____
Date Filed _____

Preliminary Subdivision Application

Applicant Information

Attach a Letter of Agency if the Applicant is not the property owner.

Name * Todd Homes LLC

Mailing Address * 7791 Joan Drive

City, State & Zip Code * West Chester, OH 45069

Telephone Number(s) * 513-887-1111

Email Address toddhall@toddhomesllc.com

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address * 110 South College Avenue

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-336-660

Email Address johnbayer@bayerbecker.com

Location and Lot Information

Location of Property * North of Brookville Road, West of Autumn Drive

Legal Description * Lots 4074, 4075 & 4076

Zoning District * R-1B Proposed Lots * 90 Total Area * 22.014 Acres

Requirements and Documentation

Plat

Twenty (20) copies of the plat on bond. Drawing size must be at least 17x22" and should never exceed 24x36." The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1137, Zoning Code of the City of Oxford[1]. Scale should not exceed 1" = 100.' Plats containing less than three lots are exempted from the provisions of this section. The preliminary plat shall show:

No.	Required Item Description
1	20 sets (17" x 22" minimum)
2	Electronic version of all documentation submitted (PDF preferred)
3	Digital copy in Auto CAD format submitted on a CD. Shall utilize the NAD-83 Ohio South State Plane Coordinate System for horizontal control and the NAVD-1988 for vertical control. All subdivision boundary corners shall also be tied to the NAD-83 Ohio South State Plane Coordinate System and labeled with a northing and easting, as well as centerline intersections, temporary turn-around center points and easement centerline that does not follow a lot line.
4	The name, mailing address, and telephone number of the applicant and owner.
5	Letter of Agency. (A statement from the owner that the applicant is entitled to apply on his or her behalf.)

No.	Required Item Description
6	Attach a written, detailed description of the request.
7	Metes and bounds description of the property (Legal Description).
8	Vicinity Map
9	The zoning district in which the site is located.
10	Required Fee.
11	Number of proposed lots.
12	Preliminary Plat shall show the following:
12	A. The location of present property and section lines, streets, buildings, lakes and watercourses.
12	B. Boundary lines, size and tract of whole site and each individual lot in square feet and/or acres.
12	C. Any existing water mains, culverts, sewer lines, railroads, easements, parks, permanent buildings, power poles, other underground structures and streets within the tract or immediately adjacent thereto, including the location, dimension and size of the nearest water main and sewer line.
12	D. The proposed location and width of streets, alleys, lots, parking areas, pedestrian walks, ingress/egress, setback lines and easements.
12	E. The title under which the proposed subdivision is to be recorded and the name of the subdivider and owner if other than the subdivider platting the tract.
12	F. The names and boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels including mailing addresses and parcel numbers within 200 feet of the site.
12	G. North point, scale and date.
12	H. Existing contours with intervals of five feet or less referred to U.S.G.S. datum and obtained from a field survey.
12	I. The seal, registry number and signature of the registered surveyor and professional engineer who prepared the plat.
12	J. The plan should evaluate existing watercourses, channels, storm sewers, culverts and proposed improvements pertaining to drainage and flood control in regard to their ability to handle the anticipated greater volume of run-off and peak flows.
12	K. Any existing building(s) to remain or to be razed.
12	L. Location of any wooded areas, topographic and natural features that are within and adjacent to the proposed project area to be preserved.
12	M. If and how the proposed subdivision will be subdivided in Phases.
12	N. Site Analysis as stipulated in Section 402(b).
12	O. Landscaping Plan
12	P. Building Concepts, as applicable.
12	R. Any other information that may be necessary as determined by Staff.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search[2] is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

Fees & Receipt

The required fee for preliminary plan is $570.00 plus $10.00 per lot, plus $10.00 postage charge.

Sign and Date

Applicant Signature * _____

Date * 9/15/24

Submit Application, Plans and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required copies of the preliminary plans containing all required information as attachments and a check for the fee and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the proposed Planning Commis-sion meeting on which the action is requested. City Staff will place a public hearing sign on the subject property. **The Applicant is re-sponsible for removing the signage at the completion of the hearing(s)**.

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[1] City of Oxford Codified Ordinances: http://www.cityofoxford.org/fees-ordinances-and-charter/
[2] Butler County Auditor Real Estate Search: http://www.butlercountyauditor.org/

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Internal Use Only:
Case No. _____
Date Filed _____

Planned Development Application

Application Type

Choose One

(●) Preliminary ( ) Final ( ) Preliminary & Final

Applicant Information

Attach a Letter of Agency if the Applicant is not the property owner.

Name * Todd Homes LLC

Mailing Address * 7791 Joan Drive

City, State & Zip Code * West Chester, OH 45069

Telephone Number * 513-887-1111 Email Address toddhall@toddhomesllc.com

Owner Information

Name * Rebecca & Gregory Smith Cassandra McCartney

Mailing Address * 682 Golfview Drive 2603 Oxford Trenton Road

City, State & Zip Code * Chillicothe, Ohio 45601 Oxford, Ohio 45056

Telephone Number * _____ Email Address _____

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address * 110 South College Avenue

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 513-336-6600 Email Address johnbayer@bayerbecker.com

Location and Lot Information

Name of Subdivision * Owl's Landing

Location of Property * North of Brookville Road, West of Autumn Drive

Legal Description * Lots 4074, 4075 & 4076

Zoning District * R-1B Total Area * 22.014 Acres

Submission Requirements and Documentation

The application requirements (Section 1145.05[1]) for a preliminary and final planned development are different. The final planned development application requires a greater degree of accuracy and completeness than does the preliminary planned development application. This section describes the application content requirements for each step of the process.

Thirteen (13) complete sets of all information shall be submitted with each preliminary and final application. If any information is submitted in color or on non-standard paper, more copies may be required. The Zoning Administrator may modify this requirement based upon

the type of materials included. **The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement.**

(a) Preliminary Plan.

(1) Application fee.

(2) The name, mailing address, and telephone number of the applicant and all property owners.

(3) If the applicant is not the owner, or if there are multiple owners within the proposed area, a statement from all owners that the applicant is entitled to apply on their behalf, and that they agree to be legally bound to any decision reached according to this Chapter.

(4) The name, mailing address, and telephone number of any planner, engineer, surveyor, or other design professional who assisted with preparation of the plans.

(5) Description of use and site. A written, detailed description shall include the following information. A separate response is required for each subsection.

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

B. A description of the existing uses of the site.

C. The zoning districts in which the site is located.

D. A description of the proposed planned development.

1. The number of housing units by size and type proposed within each phase.
2. A description of any nonresidential operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.
3. The hours of operation of any nonresidential use.
4. A phased development schedule, if applicable, that indicates the location and timing of phases and demonstrates that each completed phase would form a reasonably independent unit if succeeding phases were abandoned.

E. A narrative statement that evaluates the compatibility of the proposed planned development with the general vicinity and adjacent properties.

1. How the proposed uses are similar to or different from existing area uses and if there will be any interaction between the proposed site and adjacent sites.
2. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.
3. If the proposed uses will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
4. How any potential negative effects on adjacent land will be mitigated.

F. A statement about why the location proposed is appropriate for the planned development.

G. A statement of the necessity or desirability of the proposed planned development to the neighborhood or community.

H. How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity, affordability and market changes (e.g. adaptability of flats versus townhomes)

I. Proposals for the provision of public utilities and services, if insufficient or not available for the planned development, or for the provision of suitable private utilities and services.

J. A general analysis of expected traffic impact, including vehicular and pedestrian safety, resulting from the proposed development.

K. The substance of proposed covenants, easements, and other restrictions on the land and structures.

L. A list of the names and mailing addresses of all landowners within 200 feet of the site.

M. Such other information regarding the proposed uses, site design, or surrounding area as may be pertinent to the application or required by Planning Commission or Council.

(6) 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.

A. North arrow.

B. Scale.

C. Vicinity map.

D. All existing and proposed lot lines within the site.

E. Dimensions of all lots and of the entire site and any adjacent rights-of-way.

F. The location and intended purpose of all open spaces

G. Approximate location, height, dimensions, and use of all proposed and existing structures.

H. Approximate location and number of different uses (i.e. dwelling types and/or commercial uses).

I. Approximate location and design of all proposed vehicle and pedestrian routes and nonresidential vehicle management areas.

J. Approximate location and size of all existing and proposed utilities that will serve the planned development.

K. Approximate location, size, and type of all proposed signs.

L. Approximate location, height, and type of all proposed screening and landscaping.

M. Distances to residential zoning districts if within 1,000 feet.
N. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
O. The location of any nearby schools and commercial facilities.
P. Other information as required by the Planning Commission or Council.

(7) Landscape plan.
A. The plan shall demonstrate compliance with the requirements of Chapter 1148.

(8) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.

(9) Other. Photographs of the existing site and its surroundings.

(10) Digital Submittal. Adobe PDF version of all information submitted to also be submitted on a current digital format.

(b) Final Plan.

(1) The same items and information as required for the preliminary plan, except that the approximations shall be refined to specific locations, dimensions, and descriptions.

(2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer

(3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.

(4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search[2] is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

Decision Process

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval. The review is based on the General Decision Standards found in Section 1145.06[1].

Fees & Receipt

The fees for a Preliminary, Final, or combined Preliminary and Final Planned Development application are $570.00 plus $100.00 per acre, plus $10.00 postage charge.

Sign and Date

Applicant Signature *

Date * 9/15/21

Submit Application, Submission Requirements and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required plans containing all required information as attachments and a check for fees and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

Direct questions to the Community Development Dept. at 513-524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the proposed Planning Commission meeting on which the action is requested. City Staff will place a public hearing sign on the subject property. **The Applicant is responsible for removing the signage at the completion of the hearing(s).**

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[1] See City of Oxford Codified Ordinances: https://www.cityofoxford.org/fees-ordinances-and-charter

[2] Butler County Auditor Real Estate Search: https://www.butlercountyauditor.org/

September 27, 2021

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: Parcel H3610-031-000-020
Parcel H3610-031-000-021

Dear Mr. Moore,

Please be advised that Todd Homes LLC has our permission to submit applications for the approval of a Preliminary Planned Development and a Preliminary Subdivision on Parcels H3600-031-000-021 and H3610-031-000-020 located north of Brookville Road, west of Autumn Drive and east of Kay Rench Drive in the City of Oxford, Ohio.

Should you have any questions, please do not hesitate to contact us.

Sincerely,

Rebecca A Smith — dotloop verified 09/19/21 1:14 PM EDT 5R2Q-AYAB-D7WJ-VO4Y

Cassie McCartney — dotloop verified 09/19/21 5:24 PM EDT 8K2M-XKXC-MUQY-A3YU

Rebecca A. Smith and Cassandra K. McCartney

Todd Hall mm — dotloop verified 09/15/21 2:42 PM EDT VX1R-UBYW-MV9Y-3MNQ

Buyer Signature

September 27, 2021

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: Parcel H3610-031-000-012

Dear Mr. Moore,

Please be advised that Todd Homes LLC has our permission to submit applications for the approval of a Preliminary Planned Development and a Preliminary Subdivision on Parcel H3600-031-000-012 located north of Brookville Road, west of Autumn Drive and east of Kay Rench Drive in the City of Oxford, Ohio.

Should you have any questions, please do not hesitate to contact us.

Sincerely,

Greg Smith — dotloop verified 09/19/21 10:31 AM PDT GSQZ-ENSJ-CEDN-VZNX

Rebecca A Smith — dotloop verified 09/19/21 1:14 PM EDT JWOO-CHU6-T5OL-PERL

Gregory B. & Rebecca A. Smith

Todd Hall mm — dotloop verified 09/15/21 2:42 PM EDT RMNW-NMQI-TRWS-IS5V

Buyer Signature

bayer becker

bayerbecker.com
513.336.6600
mason | cincinnati | oxford | fort mitchell

September 27, 2021

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: 6610 Brookville Road
Owl's Landing
Preliminary PUD Submittal

Dear Mr. Moore:

Enclosed please find the following items in support of Todd Homes LLC's Application for Preliminary Planned Development approval for Owl's Landing to be located on Brookville Road west of Autumn Drive:

1) It is understood the invoice for application fee will be provided by City staff upon receipt of this application
2) Digital copies of each of the following:
    a. Executed Planned Development Application.
    b. An Affidavit from Rebecca A. Smith and Cassandra K. McCarney granting Todd Homes LLC permission to submit applications for the approval of a Preliminary Planned Development and Preliminary Subdivision.
    c. An Affidavit from Gregory B. & Rebecca A. Smith granting Todd Homes LLC permission to submit applications for the approval of a Preliminary Planned Development and Preliminary Subdivision.
    d. List of property owners within 200 feet of the site.
    e. Preliminary Planned Development Plan & Subdivision Plan.
    f. Typical Building Elevations.
    g. Planting Plan.
    h. Photos of the subject site and surrounding area.
    i. Example of proposed covenants and restrictions.
    j. Example of Homeowners Association declaration.
    k. Legal Description of the site.
3) Applicant:

    Todd Homes LLC
    7791 Joan Drive
    West Chester, Ohio 45069
    513-887-1111

Owners:

Gregory B. & Rebecca A. Smith
682 Golfview Drive
Chillicothe, Ohio 45601

Cassandra McCartney
2603 Oxford Trenton Road
Oxford, Ohio 45056

4) Design Professionals:

Engineer, Surveyor & Landscape Architect:
Bayer Becker
110 S. College Ave., Suite 101
Oxford, OH 45056
513-336-6600

5) Description of use and site:

a. A legal description of the subject property is - Entire Lots 4074, 4075 & 4076 as platted in the City of Oxford.

b. The site currently contains 4 existing structures near the southeast corner. The remainder of the site contains vacant land which is primarily used for hay farming.

c. The property is zoned R-1B Single Family Medium-Density Residential District.

d. A description of the proposed planned development:

i. The number of housing units by size and type proposed within each phase.

Owl's Landing is a single family residential development consisting of individual lots with private streets and surrounding land owned and maintained by the Homeowners Association (HOA).

The development shall consist of 89 single family lots located along 3 proposed private streets. Each lot shall have a front yard setback of 20 feet, a side yard setback of 5 feet and a rear yard setback of 15 feet.

Homes will be a mix of ranch and two-story single family homes. All homes will have attached 2-car garages.

A Homeowners Association (HOA) will be established for Owl's Landing. The HOA will be responsible for the maintenance of the private streets and maintenance of the open space including the proposed retention ponds.

ii. A description of any nonresidential operations, including types of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.

Not applicable.

iii. The hours of operation of any nonresidential use.

Not applicable.

iv. A phased development schedule, if applicable, that indicates the location and timing of phases and demonstrates that each completed phase would form a reasonably independent unit if succeeding phases were abandoned.

Owl's Landing will likely be developed in two phases. Exact location and timing of phases has not been determined at this time but will be provided at the time of final planned development.

e. A narrative statement that evaluates the compatibility of the proposed planned development with the general vicinity and adjacent properties.

   i. How the proposed uses are similar to or different from existing area uses and if there will be any interaction between the proposed site and adjacent sites.

      The proposed single family residential homes will be comparable in size and contain similar building materials as the existing single family homes located to the east on Autumn Drive.

      A segment of the Oxford Area Trail System (OATS) will be constructed by the City along the properties southern boundary, between the development and Brookville Road. The development's internal sidewalks will provide multiple connections to the OATS, as well as 2 trail connections along the northern boundary to the Oxford Community Park.

      During concept review of the project with City staff, concerns were raised about stormwater drainage from this site causing issues for homeowners along Autumn Drive. The location of stormwater retention basins has been chosen with the intention of reducing stormwater runoff to the Autumn Drive residences and reducing these issues.

      Much of the existing property is currently farmed for hay. Areas which contain mature vegetation are located along the northern and eastern property lines within the provided buffer and are not expected to be impacted by development. The southeast corner of the property which contains mature vegetation is to be impacted by construction of the stormwater retention ponds in an effort to reduce existing drainage issues experienced by residents of Autumn Drive. Street trees are proposed in accordance with Chapter 1148 of the Oxford Zoning Code. As a result, it is the opinion of the applicant that the intent of the Landscaping and Tree Preservation requirements are met by this application.

   ii. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.

      All four existing structures on the site are to be demolished. Proposed structures will be comparable in size and will contain building materials similar to existing homes along Autumn Drive.

   iii. If the proposed uses will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibrations or emissions.

      The proposed use, residential, will not involve any operations that create potential nuisances.

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

      Owl's Landing will not have a negative effect on adjacent land. The properties to the east contain single family residences. The properties to the south and west contain vacant land. The property to the north contains the Oxford Aquatic Center and Oxford Community Park which will serve as amenities for the future residents of Owl's Landing. Proposed mounding along Brookeville Road will provide screening between Owl's Landing and the OATS.

f. A statement about why the location proposed is appropriate for the planned development.

The subject property is an ideal location for Owl's Landing for several reasons:

1) *Pedestrian access to the Oxford Aquatic Center and Oxford Community Park will allow these nearby amenities to be accessible to residents of Owl's Landing.*
2) *The developer has provided land for the City's OATS extension along the site frontage. The pedestrian circulation routes within Owl's Landing will provide pedestrian access from the OATS to the Oxford Aquatic Center and Oxford Community Park for residents of nearby neighborhoods.*
3) *The wide frontage along Brookville Road provides for multiple accesses to the community for accessibility for residents and City emergency services.*
4) *The property is zoned appropriately for residential development, R-1B single family medium density residential.*
5) *The proposed density of the development is 4.28 units/acre, which is lower than the allowable density of the R-1B district, 5.81 units per acre.*
6) *The infrastructure is currently in place to support a residential development of this nature.*
7) *The development provides affordable housing which is in demand in Oxford.*

g. A statement of the necessity or desirability of the proposed planned development to the neighborhood or community.

There is a shortage of attainable single family residential homes within the City of Oxford. Owl's Landing will fulfill this need. Additionally, Owl's Landing's location between the OATS, Autumn Drive and the Oxford Community Park will provide for a very walkable community with pedestrian access in all directions. Additionally, the location and design of Owl's Landing will improve the interconnectedness of pedestrian access for the nearby community by providing access between Autumn Drive, the OATS and the Oxford Community Park.

h. How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity, affordability and market changes.

Owl's Landing will provide the City of Oxford with a housing stock that is in short supply. According to the Housing Needs Assessment published by the City of Oxford in 2020, there is a need for affordable homes in the City .

i. Proposals for the provision of public utilities and services, if insufficient or not available for the planned development, or for the provision of suitable private utilities and services.

Public water and sanitary sewer are available to the property and will be extended into the property as needed to provide service. Stormwater retention is to be provided in proposed ponds at the northeast and southeast corners of the property. These separate locations have been selected to retain the two separate watersheds that make up the property. Additionally, the specific location of these ponds has been set in hopes of addressing offsite stormwater issues raised during concept review with City staff. These ponds will meet the requirements of the City of Oxford and the Ohio EPA National Pollutant Discharge Elimination System (NPDES) Permit.

j. A general analysis of expected traffic impact, including vehicular and pedestrian safety resulting from the proposed development.

The proposed 89 single family homes will generate 68 trips (17 entering and 51 exiting) in the AM Peak and 91 trips (57 entering and 34 exiting) in the PM Peak hour. Vehicular access to the development will be provided via 2 access points on Brookville Road, approximately 380 feet and 1,065 feet west of Autumn Drive.

Sidewalk will be constructed along both sides of the private streets. The sidewalk internal to the development will be connected to the OATS trail to be constructed along the north side of Brookville Road across the entire development's frontage by the City. As part of Owl's Landing, Todd Homes LLC will construct 2 multi-use trail connections from the internal sidewalk to the Oxford Community Park.

k. The substance of proposed covenants, easements and other restrictions on the land and structures.

Enclosed please find a preliminary draft of Restrictions which will be incorporated into the HOA documents and recorded for Owl's Landing.

In addition to the request for approval of the Preliminary Development Plan, Todd Homes LLC requests that the following waivers be granted for Owl's Landing:

1) Per Section 1101.4-408 (A) *"The maximum block length shall be 800 feet."* The Street A block at the northeast corner of the property has a length of approximately 960 feet.
2) Per Section 1145.12(e)(2) *"Front setbacks shall be limited as in the underlying zoning district."* R-1B requires a minimum 30 feet front yard setback. Todd Homes LLC requests a waiver of this requirement and allow a 20 ft. front yard setback for the proposed homes to create a more intimate neighborhood feel for the development.
3) Per Section 1145.12(f)(1) *"No planned development shall have less than twenty percent (20%) open space."* The open space has been reduced to 16% for the proposed development to provide for the most economical development in order to promote affordable home prices.
4) Per Section 1145.12(f)(2) "... *lot coverage for the residential portion of any planned development shall not exceed 40%*". The lot coverage for the open space lot which contains open space areas and the private streets has a proposed lot coverage of 38%. However, the lot coverage for single family lots is proposed as 65% to allow for smaller lots which provide less maintenance area for residents.

Please place this item on the November 9th Planning Commission Meeting agenda. It is our intent to pursue a preliminary subdivision application concurrently with this application. Documentation in support of a preliminary subdivision application will be submitted separately.

Should you have any questions, or need any additional information, please do not hesitate to contact us.

Sincerely,

John Bayer

John A. Bayer, PE

Enclosures

Cc: Todd Homes LLC, Todd Hall

October 19, 2021

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: 6610 Brookville Road
Owl's Landing
Preliminary PUD Submittal

Dear Mr. Moore:

Following our October 14th meeting to discuss the Owl's Landing Preliminary PUD Submittal, it is understood that a trail connection between this development and the Oxford Community Park may be desired by the Oxford Planning Commission and City Council. Should this connection be warranted, Todd Homes welcomes discussions with the City regarding the opportunity for a cost sharing agreement for construction of this trail connection beyond the limits of the Owl's Landing Development.

Please include this letter with the application documents presented at the November 9th Planning Commission Meeting. Should you have any questions, or need any additional information, please do not hesitate to contact us.

Sincerely,

Todd Hall

Date: February 16, 2021

Description: 22.014 Acres
Annexation

Location: Oxford Township
Butler County, Ohio

Situated in the State of Ohio, Congress Lands West of the Miami River and being 22.014 acres of land in Part of Lot #5 located in Section 28, Town 5, Range 1 East, Oxford Township, Butler County, Ohio and being the lands of Gregory B. and Rebecca A. Smith (11.000 Acres) as recorded in Official Record 8155, Page 1895 and the lands of Rebecca A. Smith and Cassandra K. McCartney (5.103 Acres and 5.911 Acres) as recorded in Official Record 8325, Page 282 of the Butler County, Ohio Recorder's Office and being further described as follows;

Beginning at the southeast corner of Lot #3436 and being the lands of City of Oxford (113.663 Acres) as recorded in Official Record 6270, Page 477 of the Butler County, Ohio Recorder's Office and being the northeast corner of said lands of Rebecca A. Smith and Cassandra K. McCartney (5.911 Acres) and being on the westerly boundary of Muskopf Farms as recorded in Plat Envelope 3272, Pages A-B. of the Butler County, Ohio Recorder's Office and being the **True Point of Beginning**;

thence, leaving the southeast corner of said Lot #3436 and with the westerly boundary of said Muskopf Farms, South 02° 01' 10" West, 643.88 feet to the northerly boundary of the lands of Bowling Estates, Ltd. (78.327 Acres) as recorded in Official Record 6017, Page 154 of the Butler County, Ohio Recorder's Office;

thence, leaving the westerly boundary of said Muskopf Farms and with the northerly boundary of said Bowling Estates, Ltd. (78.327 Acres), South 82° 47' 40" West, 100.94 feet;

thence, continuing with the northerly boundary extended of said lands of Bowling Estates, Ltd. and with the northerly boundary of Bowling Estates, Ltd. (1.525 Acres) as recorded in Official Record 6017, Page 148 of the Butler County, Ohio Recorder's Office, South 85° 23' 40" West, 1134.29 feet;

thence, continuing with the northerly boundary of said lands of Bowling Estates, Ltd. (1.525 Acres), South 84° 36' 40" West, 99.18 feet to the southeast corner of the lands of Michael H. and Jeanne M. Glaser (11.000 Acres) as recorded in Official Record 8033, Page 540 of the Butler County, Ohio Recorder's Office;

thence, leaving the northerly boundary of Bowling Estates, Ltd. (1.525 Acres) and with the easterly boundary of said lands of Michael H. and Jeanne M. Glaser (11.000 Acres), North 02° 27' 40" East, 804.70 feet to the southerly boundary of said Lot #3436;

thence, leaving the easterly boundary of said lands of Michael H. and Jeanne M. Glaser (11.000 Acres) and with the southerly boundary of said Lot #3436, South 87° 56' 20" East, 1318.50 feet to the **True Point of Beginning,** containing 958,945 square feet or 22.014 acres of land more or less and being subject to all easements, legal highways, restrictions and rights-of-way of record.

2/16/2021

STATE OF OHIO
BRIAN R. JOHNSON
S-8484
REGISTERED
PROFESSIONAL SURVEYOR

6900 Tylersville Road, Suite A
Mason, OH 45040
513-336-6600

110 South College Ave, Suite 101
Oxford, OH 45056
513-523-4270

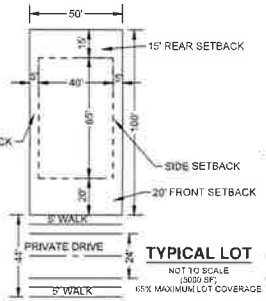
1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

209 Grandview Drive
Fort Mitchell, KY 41017
859-261-1113

http://www.bayerbecker.com

ORIGINAL PLAN received 9/27/2021

PRELIMINARY PLAT
OWL'S LANDING
SECTION 28, TOWN 5, RANGE 1 EAST
CITY OF OXFORD
BUTLER COUNTY, OHIO



TYPICAL LOT
NOT TO SCALE
(5000 SF)
65% MAXIMUM LOT COVERAGE

OWNERS
REBECCA & GREGORY SMITH
662 GOLDVIEW DRIVE
CHILLICOTHE, OH 45601

CASSANDRA MCCARTNEY
7443 OXFORD TRIFTON ROAD
OXFORD, OH 45056

APPLICANT
TODD HOMES LLC
7761 JOAN DRIVE
WEST CHESTER, OH 45069
513-847-1111

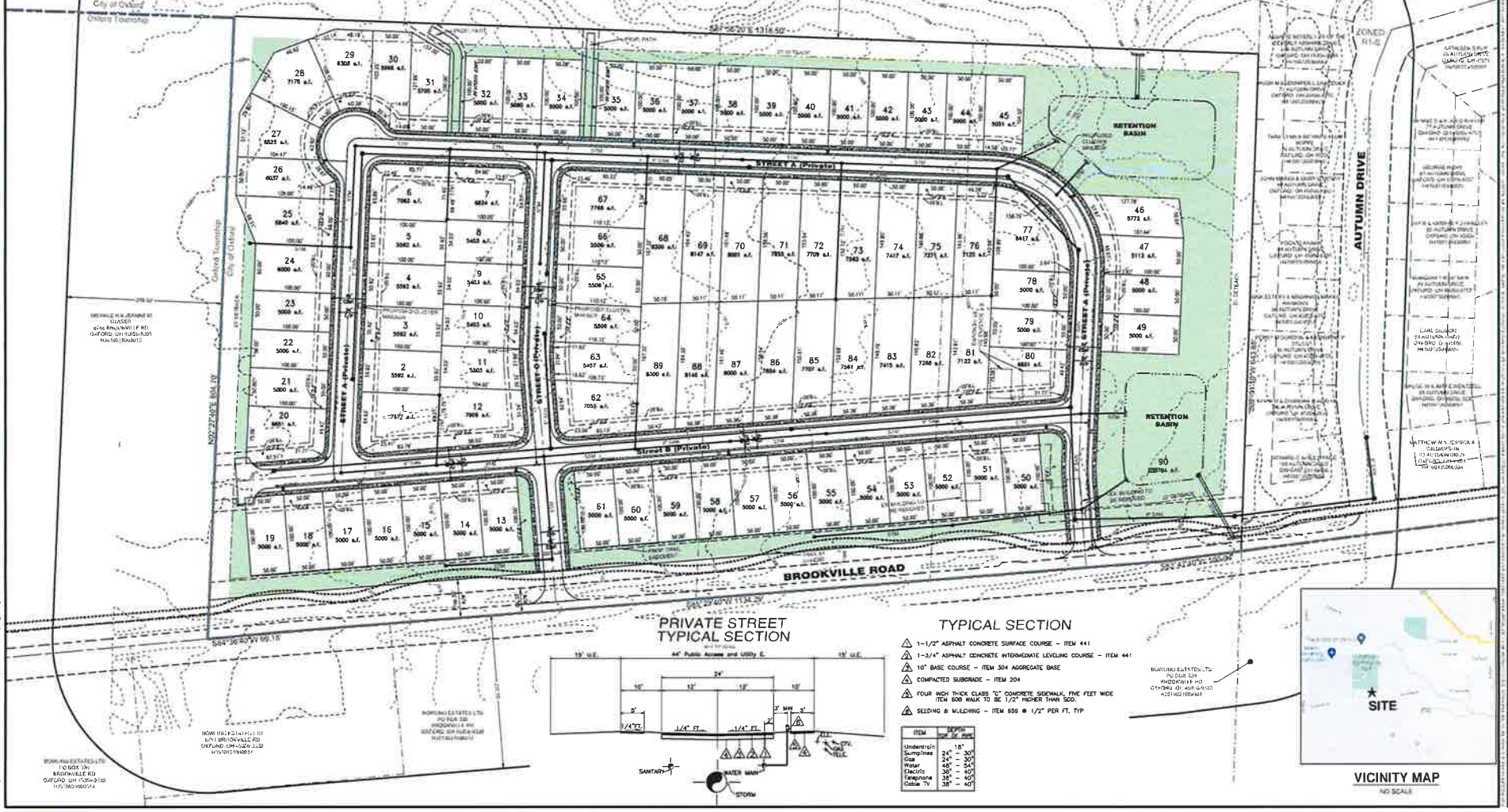
PROJECT SUMMARY:
EXISTING ZONING: R-1B
PROPOSED ZONING: R-1B RESIDENTIAL
PLANNED UNIT DEVELOPMENT

TOTAL SITE AREA	22.91	ACRES
BROOKVILLE ROAD RIGHT-OF-WAY DEDICATION	1.22	ACRES
DEVELOPMENT AREA	20.71	ACRES
OPEN SPACE	3.41	ACRES (16%)
LOT COVERAGE		
SINGLE FAMILY LOT	0.07	ACRES (65%)
OPEN SPACE LOT	2.12	ACRES (62%)
LOT COUNT		
SINGLE FAMILY LOTS =	89 (12.9 D.U./ACRE)	
OPEN SPACE LOTS =	1	
TOTAL LOTS =	90	

OPEN SPACE

SITE ANALYIS:
- THE SITE DOES NOT CONTAIN MAPPED FLOODPLAIN AND IS DENOTED AS ZONE X PER FEMA COMMUNITY PANELS 39017C0101H & 39017C0102H.
- PER THE USDA WEB SOIL SURVEY, MUCH OF THE SITE CONTAINS SOILS DENOTED AS PRIME FARMLAND. HOWEVER, THE PROPOSED SINGLE FAMILY USE WILL BE COMPARABLE TO THE ADJACENT USES.
- THE PROJECT SITE IS NOT LOCATED WITHIN AREAS NOTED BY THE CITY OF OXFORD HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION.
- THE SITE IS NOT LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.
- THE ON ENVIRONMENTAL RESOURCES AND GREENSPACE FEATURES MAPPING DOES NOT LIST ANY WETLANDS WITHIN THE SITE. TREE CANOPY COVER IS LISTED AT THE SOUTHEAST CORNER OF THE SITE.
- THE SITE CONTAINS ONLY MINOR AREAS OF SLOPES GREATER THAN 12% (1.0 ACRES).

NOTES:
1. ELECTRIC TO BE PROVIDED BY DUKE ENERGY.
2. GAS TO BE PROVIDED BY GLENWOOD ENERGY.
3. SANITARY SEWER, STORM SEWER AND WATER MAIN SHALL BE CONNECTED TO EXISTING CITY OF OXFORD SYSTEMS AND CONSTRUCTED PER CITY OF OXFORD STANDARDS AND SPECIFICATIONS.
4. 2-FOOT INTERVAL CONTOURS PROVIDED BY BUTLER COUNTY GIS, DATED 2017, AND BASED ON NAD83 (HARN) GEOGRAPHIC COORDINATE SYSTEM.
5. HOME SUMP DRAINS TO BE SPLASH BLOCKED TO SITE STORM DRAINAGE SYSTEM.
6. STREET LIGHTING TO BE PROVIDED ALONG ALL STREETS.
7. ON STREET PARKING SHALL BE RESTRICTED TO ONE SIDE OF ALL STREETS.



PRIVATE STREET TYPICAL SECTION

TYPICAL SECTION
1. 1-1/2" ASPHALT CONCRETE SURFACE COURSE – ITEM 441
2. 1-3/4" ASPHALT CONCRETE INTERMEDIATE LEVELING COURSE – ITEM 441
3. 10" BASE COURSE – ITEM 304 AGGREGATE BASE
4. COMPACTED SUBGRADE – ITEM 204
5. FOUR INCH THICK CLASS "C" CONCRETE SIDEWALK, FIVE FEET WIDE ITEM 608 WALK TO BE 1/2" HIGHER THAN SOD.
6. SEEDING & MULCHING – ITEM 659 @ 1/2" PER FT. TYP

ITEM	DEPTH
Underdrain	18"
Sump/Inlet	24" – 30"
Gas	24" – 30"
Water	48" – 54"
Electric	36" – 40"
Telephone	36" – 40"
Cable TV	36" – 40"

VICINITY MAP
NO SCALE

OWL'S LANDING
PLANNED DEVELOPMENT
SECTION 28, TOWN 5, RANGE 1 EAST
CONGRESS LANDS WEST OF THE MIAMI RIVER
BUTLER COUNTY
OXFORD, OHIO

bauer becker

1 of

Plot time: Sep 27, 2021 - 2:47pm
Drawing name: J:\2020\20-0233 CWD\Vlg\20-0233 Pre PUD.dwg - Lay Out Tab: FPUD

LATEST PLAN received 11/12/2021

PRELIMINARY PLAT
OWL'S LANDING
SECTION 28, TOWN 5, RANGE 1 EAST
CITY OF OXFORD
BUTLER COUNTY, OHIO

OWNERS
REBECCA & GREGORY SMITH
662 GOLDFINCH DRIVE
OHLEY, OH 45011

CASSANDRA MCCARTNEY
7000 OXFORD DIFFERTON ROAD
OXFORD, OH 45056

APPLICANT
TODD HOMES LLC
7791 JOAN DRIVE
WEST CHESTER, OH 45069
513-887-1111

SITE ANALYIS:
- THE SITE DOES NOT CONTAIN MAPPED FLOODPLAIN AND IS DENOTED AS ZONE X PER FEMA COMMUNITY PANELS 39017C0199K & 39017C0132J.
- PER THE NRCS WEB SOIL SURVEY, MUCH OF THE SITE CONTAINS SOILS DENOTED AS PRIME FARMLAND. HOWEVER, THE PROPOSED SINGLE FAMILY USE WILL BE COMPARABLE TO THE ADJACENT USED.
- THE PROJECT SITE IS NOT LOCATED WITHIN AREAS NOTED BY THE CITY OF OXFORD HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION.
- THE SITE IS NOT LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.
- THE OKI ENVIRONMENTAL RESOURCES AND GREENSPACE FEATURES MAPPING DOES NOT LIST ANY WETLANDS WITHIN THE SITE. TREE CANOPY COVER IS LISTED AT THE SOUTHEAST CORNER OF THE SITE.
- THE SITE CONTAINS ONLY MINOR AREAS OF SLOPES GREATER THAN 15% (+8 TO 10%).

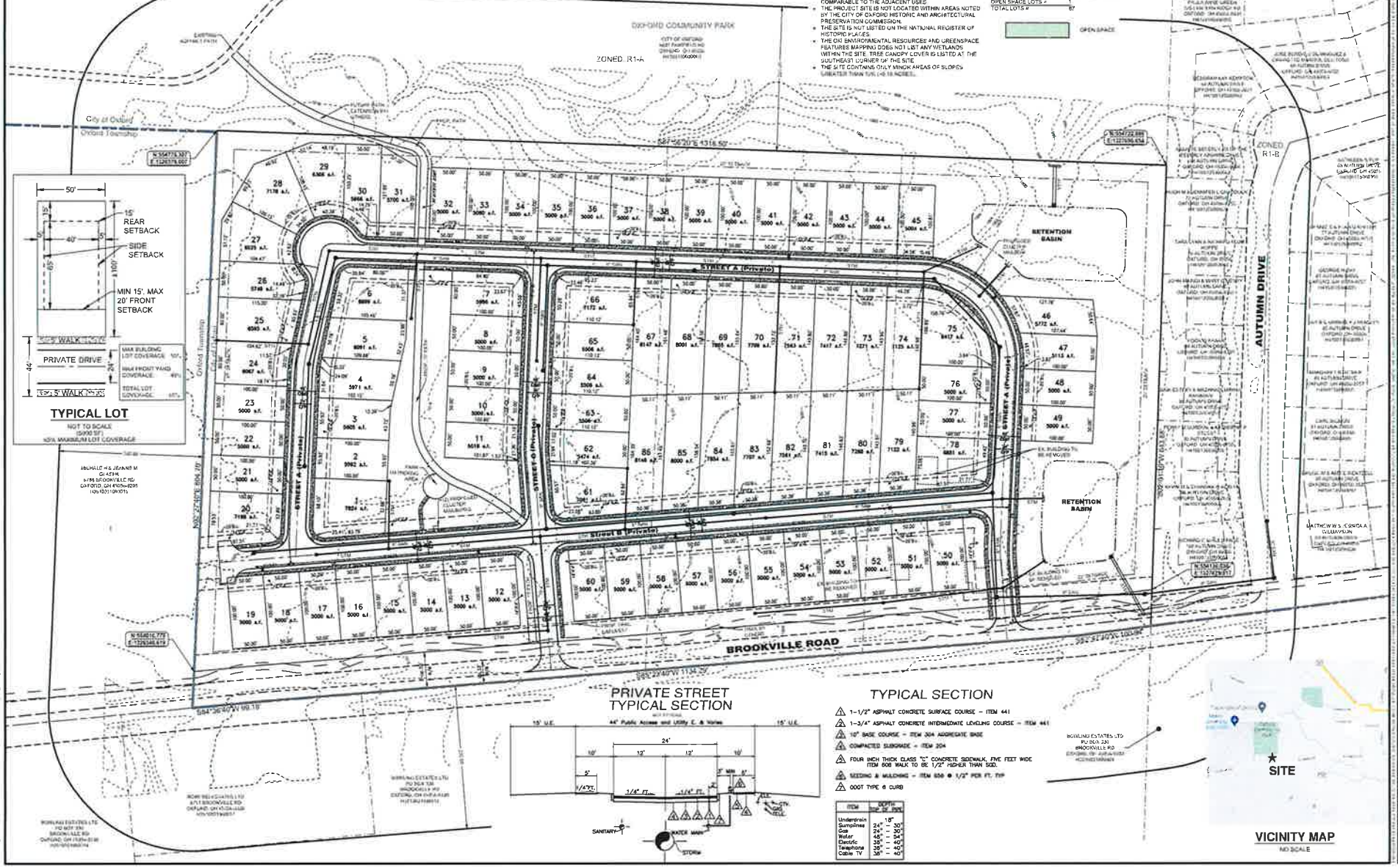
PROJECT SUMMARY:
EXISTING ZONING: R-1B
PROPOSED ZONING: R1-B RESIDENTIAL PLANNED-UNIT DEVELOPMENT

TOTAL SITE AREA	22.01	ACRES
BROOKVILLE ROAD RIGHT-OF-WAY DEDICATION	1.22	ACRES
DEVELOPMENT AREA	20.79	ACRES
OPEN SPACE	5.06	ACRES (19%)
LOT COVERAGE		
SINGLE FAMILY LOT	3.80 Average	ACRES (40%)
OPEN SPACE LOT	2.07	ACRES (37%)
TOTAL LOT COVERAGE	10.76	ACRES (52%)

LOT COUNT
SINGLE FAMILY LOTS = 86 (4.14 D.U./ACRE)
OPEN SPACE LOTS = 1
TOTAL LOTS # 87

OPEN SPACE

NOTES:
1. ELECTRIC TO BE PROVIDED BY DUKE ENERGY.
2. GAS TO BE PROVIDED BY GLENWOOD ENERGY.
3. SANITARY SEWER, STORM SEWER AND WATER MAIN SHALL BE CONNECTED TO EXISTING CITY OF OXFORD SYSTEMS AND CONSTRUCTED PER CITY OF OXFORD STANDARDS AND SPECIFICATIONS.
4. 2-FOOT INTERVAL CONTOURS PROVIDED BY BUTLER COUNTY GIS DATED 2017, AND BASED ON NAD83 (HARN) GEOGRAPHIC COORDINATE SYSTEM.
5. HOME SUMP DRAINS TO BE SPLASH BLOCKED TO SITE STORM DRAINAGE SYSTEM.
6. STREET LIGHTING TO BE PROVIDED ALONG ALL STREETS
7. ON STREET PARKING SHALL BE RESTRICTED TO ONE SIDE OF ALL STREETS



OWL'S LANDING
PLANNED DEVELOPMENT
SECTION 28, TOWN 5, RANGE 1 EAST
CONGRESS LANDS, TOWN 3, FRACTIONAL RANGE 1 WEST, MIAMI RIVER
BUTLER COUNTY
OXFORD, OHIO

bayer becker

1 of

Plot time: Nov 12, 2021 - 11:02am
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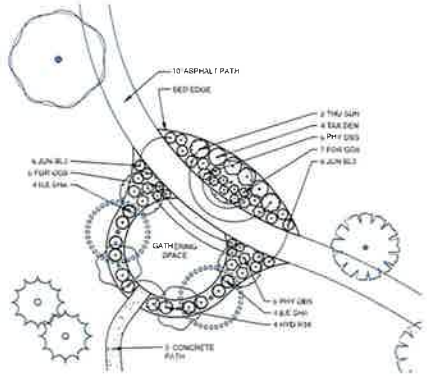


GATHERING SPACE PLANTING PLAN

SCALE: 1" = 20'

PLANT SCHEDULE ACTIVE OPEN SPACE

DECIDUOUS TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
ACE SUG	3	Acer saccharum	Sugar Maple	B & B	2.0" Cal
GLE TRI	2	Gleditsia triacanthos inermis 'Imperial' TM	Imperial Honey Locust	B & B	2.0" Cal
QUE RUB	4	Quercus rubra	Red Oak	B & B	2.0" Cal

EVERGREEN TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
PIC PUN	3	Picea pungens	Norway Spruce	B & B	6' Ht.

ORNAMENTAL TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
AMS CRA	2	Amelanchier x grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry Tree Form	B & B	1.2" Cal
CER APU	3	Cercis canadensis 'Appalachian Red'	Appalachian Red Eastern Redbud	B & B	1.5" Cal

DECIDUOUS SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
FOR GOL	13	Forsythia x intermedia 'Gold Tide' TM	Gold Tide Forsythia	3 gal	18" Ht.
HYD ASP	4	Hydrangea quercifolia 'Ruby Slippers'	Ruby Slippers Hydrangea	1 gal	24" Ht.
PHY OPU	12	Physocarpus opulifolius 'Dirobloom'	Dirobloom Ninebark	1 gal	24" Ht.

EVERGREEN SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
ILE SHA	9	Ilex glabra 'Shamrock'	Shamrock Inkberry	1 gal	18" Ht.
JUN SCI	12	Juniperus horizontalis 'Blue Chip'	Blue Chip Juniper	2 gal	12" Ht.
TAX DEN	4	Taxus x media 'Densiformis'	Dense Yew	B & B	18" Ht.
THU SUN	2	Thuja occidentalis 'Sunset'	Sunset Arborvitae	B & B	6' Ht.

PLANT SCHEDULE STREET TREES

DECIDUOUS TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
CAR AME	18	Carpinus caroliniana	American Hornbeam	B & B	2.0" Cal
CLA SHA	14	Cladrastis kentukea 'Rafinet Shade'	Sweet Shade American Yellowwood	B & B	2.0" Cal
GLE BIJ	32	Gleditsia triacanthos inermis 'Impcole' TM	Imperial Honey Locust	B & B	2.0" Cal
NYS SYL	29	Nyssa sylvatica 'Wildfire'	Black Gum	B & B	2.0" Cal
SAS ALB	28	Sassafras albidum	Sassafras	B & B	2.0" Cal
TIL REM	42	Tilia americana x euchlora 'Redmond'	Redmond Linden	B & B	2.0" Cal

CITY OF OXFORD ZONING REQUIREMENTS

SECTION 1148.03 STREET TREE REQUIREMENTS:

TREES SHALL BE PLANTED IN THE TREE LAWN OR OTHER APPROPRIATE AREAS IN THE STREET RIGHTS-OF-WAY AS REQUIRED IN CHAPTER 935.

CHAPTER 935.05 STREET TREE SPECIES TO BE PLANTED

- THE TREE PLAN CONTAINS A LIST OF OFFICIAL STREET TREE SPECIES FOR THE CITY OF OXFORD
- PLANTED AT 2" DBH

CHAPTER 935.06 DISTANCE & CLEARANCES

- 30 FT FROM STREET CORNER
- 10 FT FROM FIRE HYDRANTS
- 5 FT FROM ALLEYS AND DRIVEWAYS

CHAPTER 935.07 SPACING

- MIN. SPACING: SMALL TREES: 20FT, MEDIUM TREES: 40FT, LARGE TREES: 50FT
- ALL NEWLY PLANTED STREET TREES SHALL BE PLANTED EQUAL DISTANCE BETWEEN THE SIDEWALK AND THE CURB

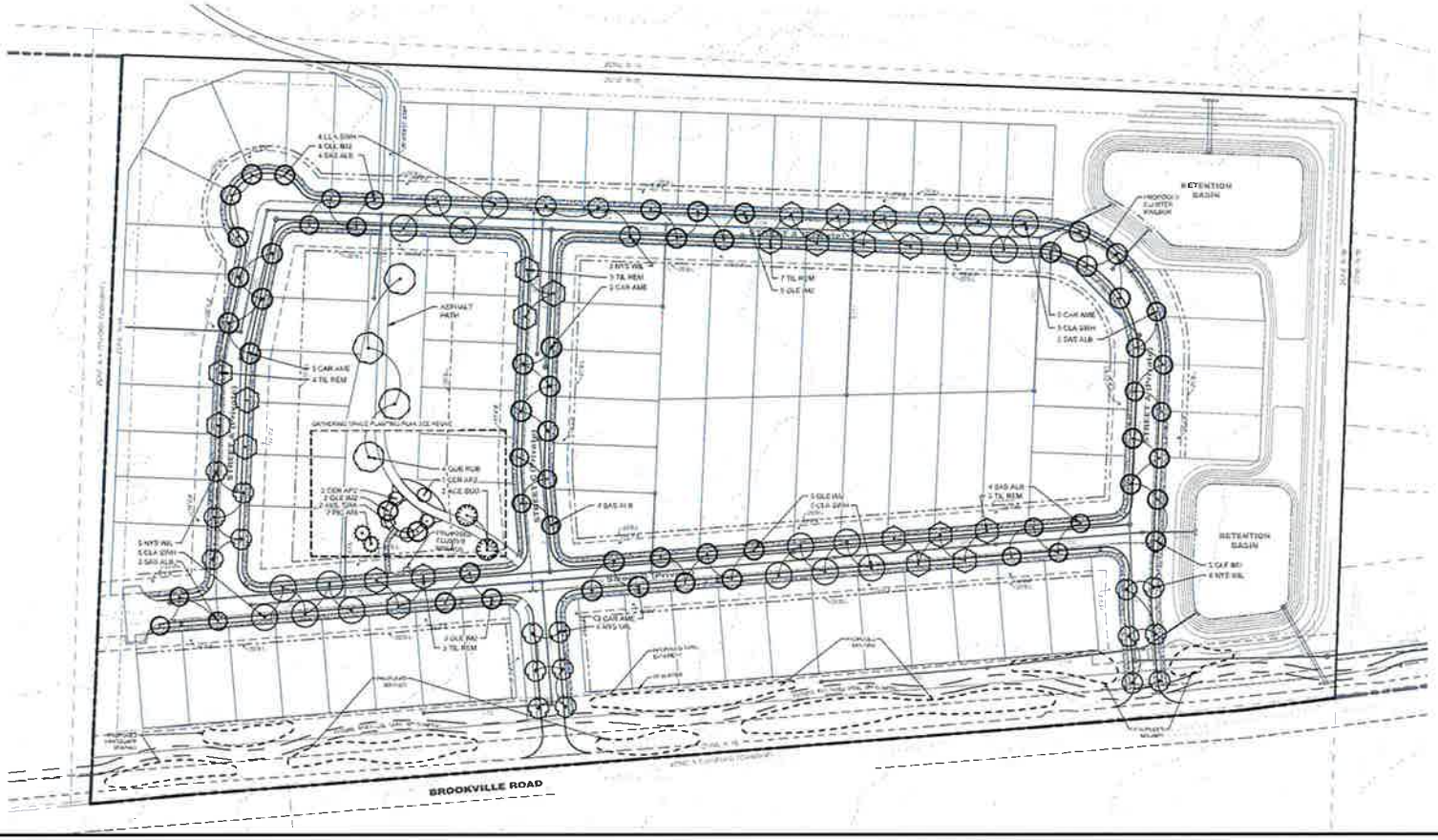
SECTION 1148.04 TREE PLANTING REQUIREMENTS:

(b) (1) RESIDENTIAL SINGLE-, TWO- & THREE-FAMILY STANDARDS

- ON SINGLE-FAMILY LOTS, A MINIMUM OF ONE (1) TREE FOR EACH UNIT SHALL BE PLANTED WITHIN THE CORRESPONDING REQUIRED FRONT YARD AREA.

(d) EACH REQUIRED TREE SHALL BE INSTALLED AT A MINIMUM TWO (2) INCH CALIPER AND MUST BE A SPECIES THAT APPEARS ON THE CITY'S TREE LIST

NOTE: EACH LOT TO HAVE (1) FRONT YARD TREE WITH A MINIMUM 2" CALIPER. TREE SPECIES MUST APPEAR ON THE CITY'S TREE LIST OR DEEMED BY THE ZONING ADMINISTRATOR TO BE AN ACCEPTABLE SPECIES. TREE LOCATION & SPECIES MUST BE APPROVED BY THE PURCHASER OF THE PROPERTY AND MUNICIPAL ARBORIST.



Bearing Basis: North Line of NE Qtr. Sec. 26

SCALE: 1" = 40'

Item	Description	Date	Chk
1	REVISED PER INITIAL CITY REVIEW	11-19-21	LCS
2	REVISED PER CITY REVIEW	12-10-21	LCS

OWL'S LANDING PLANNED DEVELOPMENT

SECTION 26, TOWN 5, RANGE 1 EAST
CONGRESS LANDS, 1st PRINCIPAL MIAMI RIVER
BUTLER COUNTY
OXFORD, OHIO

bayer becker
180 East Broad Street, Suite 1510
Columbus, Ohio 43215
(614) 228-6200
www.bayerbecker.com

Project No.
Date
Scale
Drawn by
Checked by
Sheet No.

L1.0

Plot Date: Nov 12, 2021 - 10:58am
Drawing name: J:\2020\20-0533 LA OWLS\20-0533 L1.dwg Layout: Tab PP

Example Building Elevations For Owls Landing

PHOTO LOCATION

PROPERTY BOUNDARY

0 125 250 Feet

Notes

Photos 15 through 19 were taken on the interiors of structures and are not shown on the map.
Property boundary obtained from Butler County GIS.

SITE PLAN

PHASE I ENVIRONMENTAL SITE ASSESSMENT

Proposed Todd Homes Oxford Township Property

5610 Brookville Road, Oxford, Ohio

FIGURE 02

RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.
A RAMBOLL COMPANY

RAMBOLL

Proposed Todd Homes Oxford Township
6610 Brookville Road
Oxford, OH

N

2009

HIG Project # 2051504
Client Project # TBD
Approximate Scale 1: 6,000 (1"=500')
www.historicalinfo.com

PHOTO LOG

Appendix **H**

Client name	Site location	Project no.
Todd Homes LLC	**Oxford Township Property, 6610 Brookville Road, Oxford Township, Ohio**	**1940101194**

Photo no. 6/2/2021
1

Description

General view of the residence in the eastern portion of the subject property from Brookville Road facing north.

Client name	Site location	Project no.
Todd Homes LLC	**Oxford Township Property, 6610 Brookville Road, Oxford Township, Ohio**	**1940101194**

Photo no. 6/2/2021
2

Description

View of the main driveway entrance to the property from Brookville Road facing north.

Client name	Site location	Project no.
Todd Homes LLC	Oxford Township Property, 6610 Brookville Road, Oxford Township, Ohio	1940101194

Photo no. 3 6/2/2021

Description

General view of the exterior of the residence in the eastern portion of the subject property; photo faces northeast.

Client name	Site location	Project no.
Todd Homes LLC	Oxford Township Property, 6610 Brookville Road, Oxford Township, Ohio	1940101194

Photo no. 4 6/2/2021

Description

View of the garage located to the west of the residence in the eastern portion of the subject property; photo faces west.

Client name	Site location	Project no.
Todd Homes LLC	Oxford Township Property, 6610 Brookville Road, Oxford Township, Ohio	1940101194

Photo no. 5 6/2/2021

Description

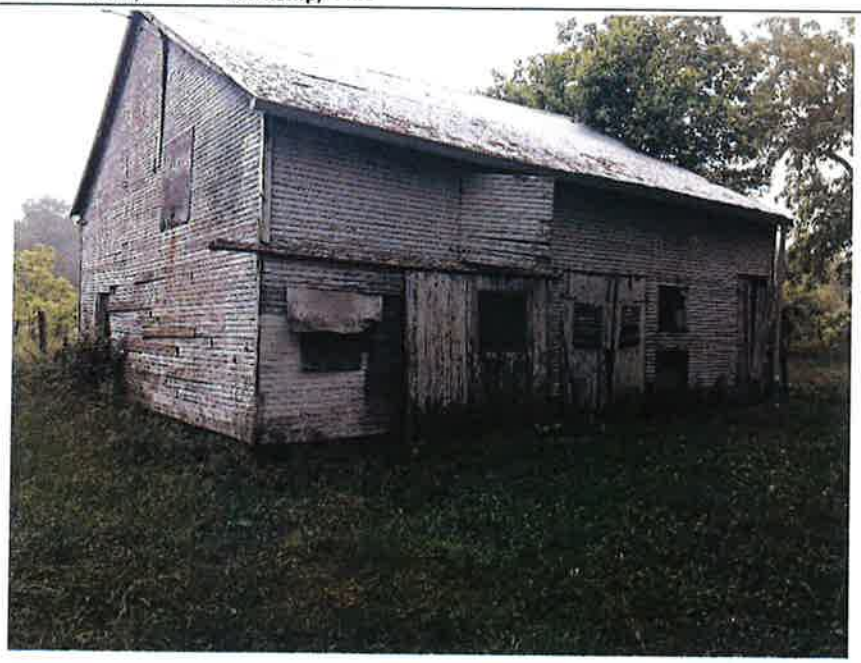
General view of the storage building located to the west of the barn in the eastern portion of the subject property; photo faces northwest.

Client name	Site location	Project no.
Todd Homes LLC	Oxford Township Property, 6610 Brookville Road, Oxford Township, Ohio	1940101194

Photo no. 6 6/2/2021

Description

General view of the barn located to the north of the residence in the eastern portion of the subject property; photo faces northeast.



Client name	Site location	Project no.
Todd Homes LLC	**Oxford Township Property, 6610 Brookville Road, Oxford Township, Ohio**	**1940101194**

Photo no. 6/2/2021
9

Description

General view of the central, undeveloped portion of the subject property facing west.

Client name	Site location	Project no.
Todd Homes LLC	**Oxford Township Property, 6610 Brookville Road, Oxford Township, Ohio**	**1940101194**

Photo no. 6/2/2021
10

Description

View of the northern portion of the property; photo faces north. Note the pond in the background.

Client name	Site location	Project no.
Todd Homes LLC	Oxford Township Property, 6610 Brookville Road, Oxford Township, Ohio	1940101194

Photo no. 6/2/2021
11

Description

General view of the undeveloped former pasture area to the north of the storage building and barn; photo faces east.

Client name	Site location	Project no.
Todd Homes LLC	Oxford Township Property, 6610 Brookville Road, Oxford Township, Ohio	1940101194

Photo no. 6/2/2021
12

Description

View of the pole-mounted transformer that feeds electricity to the residence on the subject property. Transformer is offsite and along the south side of Brookville Road.

Client name	Site location	Project no.
Todd Homes LLC	Oxford Township Property, 6610 Brookville Road, Oxford Township, Ohio	1940101194

Photo no. 6/2/2021
13

Description

General view of the central, undeveloped portion of the subject property facing northwest.

Client name	Site location	Project no.
Todd Homes LLC	Oxford Township Property, 6610 Brookville Road, Oxford Township, Ohio	1940101194

Photo no. 6/2/2021
14

Description

General view of the western, undeveloped portion of the subject property from near the southwest corner facing northeast.

Client name	Site location	Project no.
Todd Homes LLC	Oxford Township Property, 6610 Brookville Road, Oxford Township, Ohio	1940101194

Photo no. 21 6/2/2021

Description

General view of the undeveloped agricultural field located adjacent to the south of the subject property across Brookville Road; photo faces south.

Client name	Site location	Project no.
Todd Homes LLC	Oxford Township Property, 6610 Brookville Road, Oxford Township, Ohio	1940101194

Photo no. 22 6/2/2021

Description

View of the adjacent residential structure located to the west of the subject property; photo faces northwest.

bayer becker

bayerbecker.com
513.336.6600
mason | cincinnati | oxford | fort mitchell

November 12, 2021

Mr. Scott Otto, P.E.
City Engineer
City of Oxford
15 S. College Ave
Oxford, Ohio 45056

Re: Owl's Landing
Traffic Evaluation

Dear Mr. Otto,

Bayer Becker has prepared the following Traffic Evaluation for the proposed Owl's Landing development to be located on the north side of Brookville Road west of Autumn Drive, in the City of Oxford, Butler County, Ohio.

Proposed Development

The proposed Owl's Landing development will consist of 86 single family homes. Direct access for the development is proposed via 2 access point on Brookville Road, 377 feet and 1,011 feet west of Autumn Drive.

A concept plan is provided by attachment.

Area Conditions

In the vicinity of the site, Brookville Road is an east-west, two-lane roadway with a posted speed limit of 45 mph for the eastern portion of the site and 55 mph for the western portion. Per the Oxford Thoroughfare Plan, Brookville Road is classified as a major collector.

To determine the existing traffic volumes along Brookville Road, in front of the development, Bayer Becker conducted an AM and PM Peak Hour directional traffic count on Tuesday, October 26, 2021. Also on October 26, 2021, Bayer Becker conducted peak hour turning movement traffic counts at the intersection of Oxford Reily Road (SR 732) and West Chestnut Street/Brookville Road, from 7:00 AM to 9:00 AM and from 4:00 PM to 6:00 PM.

The complete traffic count information is provided by attachment. The 2021 AM and PM peak hour existing traffic volumes are presented in Figure 1.

Projected Traffic

Trip generation for the proposed Owl's Landing development was estimated using the data and methodology presented in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition.* Site trips generated during the weekday AM and PM peak hours are presented in the following table.

Table 1
Trip Generation – Episcopal Retirement Services Development

Land Use	ITE Code	Size	Units	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Single Family Detached Housing	210	86	Dwellings	17	48	65	54	32	86

Trip generation rate information is attached for reference.

Peak hour site trips generated by the proposed development were distributed at the site access drives and the intersection of Oxford Reily Road (SR 732) and West Chestnut Street/Brookville Road based upon the existing traffic distribution, as presented in Figure 2.

Site trips generated by the proposed development are presented in Figure 3.

No Build Traffic

Episcopal Retirement Services is proposing a 42 unit Senior Residential Development west of Oxford Reily Road (SR 732) on the south side of extended Melissa Drive. Trips to be generated by the proposed development have been distributed within the study area and are presented in Figure 4. The Existing Traffic in Figure 1 were added to the Figure 4 Episcopal Retirement Services Development Trips to determine the 2022 No Build Traffic, as presented in Figure 5.

Total Traffic

The 2022 Build traffic volumes were obtained by adding the proposed site traffic volumes to the 2022 No Build traffic volumes. The 2022 Build traffic volumes are presented in Figure 6.

Turn Lane Warrant Analysis

The need for turn lanes on all approaches of the intersections of the site drives with Brookville Road and the intersection of Oxford Reily Road (SR 732) at Brookville Road/West Chestnut Street were determined using turn lane warrants from the Ohio Department of Transportation (ODOT) *Location and Design Manual, Volume 1*, Sections 401.2.2, 401.6.1, and 401.6.3 and Figures 401-5a and 401-6a.

Based on the analysis, the following turn lane is warranted for 2021 Existing Conditions:

- Westbound left turn on West Chestnut Street at Oxford Reily Road (SR 732).

No additional turn lanes are warranted for 2022 Build Conditions (including site development traffic).

The turn lane warrant analysis is provided in the Attachments.

The ODOT *Location and Design Manual, Volume 1* Figures 401-9 and 401-10, were used to calculate the storage length for the warranted turn lane.

Based on calculations, the following turn lane storage length is recommended for 2021 Existing Conditions:

- 225' westbound left turn on West Chestnut Street at Oxford Reily Road (SR 732)

The storage length includes a 50' diverging taper. Storage length calculations are provided in the Attachments.

Capacity and Level of Service

Level of Service (LOS), as defined in the *Highway Capacity Manual, 6th Edition* (*HCM 2016*), is "a quality measure describing operational conditions within a traffic stream, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience." LOS is a function of the control delay per vehicle, and it is the standard used to evaluate traffic flow at an intersection.

According to ODOT's *State Highway Access Management Manual*, every movement should operate at LOS of E or better, with the overall intersection at a LOS D or better.

The criteria used by *HCM* are provided in Table 3 below.

Table 2
Level of Service Criteria for Unsignalized Intersections

Level of Service	Delay Range (sec/veh)	Expected Delay
A	<10	Little or No Delay
B	>10 and < 15	Short Traffic Delay
C	>15 and < 25	Average Traffic Delay
D	>25 and < 35	Long Traffic Delay
E	>35 and < 50	Very long Traffic Delay
F	>50	Excessive Traffic Delay

Capacity analysis of the intersections of the site drives with Brookville Road, and Oxford Reily Road (SR 732) and Brookville Road/West Chestnut Street was performed for the 2021 Existing, 2022 No Build and 2022 Build Conditions, with the warranted westbound left turn lane on West Chestnut Street at Oxford Reily Road (SR 732).

Intersection levels of service for the unsignalized intersections are presented in Table 3. For complete capacity analysis, see Attachments.

Table 3
Levels of Service (Delay, Seconds)

		Existing		2022 No Build		2022 Build	
		AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
Oxford Reily Road (SR 732) and W. Chestnut St./Brookville Road (Unsignalized)							
EB		A (9.7)	A (9.3)	A (10.0)	A (9.4)	B (10.6)	A (9.6)
WB	Left/Thru	B (10.3)	C (16.8)	-	-	-	-
	Left	-	-	B (11.2)	B (13.1)	B (11.3)	B (13.3)
	Thru	-	-	A (8.6)	B (10.6)	A (8.7)	B (11.3)
NB		A (10.0)	B (11.0)	B (10.2)	B (10.8)	B (10.5)	B (11.2)
Overall		B (10.0)	B (13.9)	B (10.3)	B (11.3)	B (10.6)	B (11.6)

	Existing		2022 No Build		2022 Build	
	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
Brookville Road and Street A (Unsignalized)						
EB	-	-	-	-	A (7.3)	A (7.7)
WB	-	-	-	-	-	-
SB	-	-	-	-	A (9.4)	A (10.0)
Brookville Road and Street C (Unsignalized)						
EB	-	-	-	-	A (7.3)	A (7.7)
WB	-	-	-	-	-	-
SB	-	-	-	-	A (9.0)	A (9.5)

Based on the capacity analysis completed for the intersections of the site drives with Brookville Road, and Oxford Reily Road (SR 732) and Brookville Road/West Chestnut Street, the LOS for each movement is acceptable, in both the AM and PM Peak Hours for 2021 Existing, 2022 No Build and 2022 Build Conditions with the proposed left turn lane on West Chestnut Street at Oxford Reily Road (SR 732).

Findings and Recommendations

Based on the traffic analysis contained herein, the following roadway improvement is recommended to accommodate 2021 Existing Conditions (without the proposed Owl's Landing development):

- Construct a 225' westbound left turn lane on West Chestnut Street at Oxford Reily Road (SR 732).

The storage length includes a 50' diverging taper.

All improvements shall be constructed in accordance with City of Oxford requirements.

Should you have any questions or need any additional information, please do not hesitate to contact us.

Sincerely,

Etta Reed

Etta Reed, P.E.

Attachments

Protective Covenants and Restrictions
For
Owls Landing

1. **Duration of Restrictions**
    a. These covenants and restrictions are for the benefit of the lot owners and shall remain in full force and effect until January 1, 2040, at which time said covenants shall be automatically extended for successive periods of 10 years, unless the majority of the then lot owners in this subdivision vote to make any changes, amendments, additions or cancellations to any or all of these deed restrictions.

2. **Land Use**
    a. All lots comprising the Property shall be used exclusively for single-family, private residence purposes, unless otherwise identified as public or private open space.
    b. All lot owners are required to start construction within three (3) years of the closing date of the initial purchase of the lot.
    c. All construction on any Lot must be completed within 12 months from commencement. The other owners of the development shall have the right, either individually or collectively, to remove from the Lot any building not completed within 18 months, provided the Owner of the Lot is not proceeding with any diligence to complete construction of same. The owner of the Lot, by acceptance of this deed, consents in advance to such removal and to pay on demand the costs thereof, which costs shall be deemed to be a lien on the Lot from the date such removal is commenced.
    d. No lot shall hereafter be subdivided into parcels for additional residential purposes.

3. **Architectural Control**
    a. No buildings, structures or other improvements of any kind shall be erected or placed on any lot of this subdivision without prior written approval by the Developer or the Association. All building plans, site plans, specifications showing the nature, kind, shape, color, height, materials, and location of the same must be submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Developer.
    b. No additional buildings, structures, or other improvements including driveway modifications of any kind shall be placed on any lot without the prior written approval from the Butler County Engineer's Department, City of Oxford, and Developer(or Board).
    c. The Developer or his assigns shall approve or disapprove design plans, etc. within (30) days of submission by builder. In the event the

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Developer fails to approve or disapprove such design and location within (30) days after said plans and specifications have been submitted, the plans will be deemed in full compliance and approved.

d. Developer, at its sole discretion, has the right to approve and disapprove any proposed builder for the construction of a single-family residence and/or accessory buildings. Builders must have prior experience, a reputation of quality workmanship and willingness to perform work according to deed restrictions of the proposed construction in order to be approved. Developer's approval shall be obtained prior to commencement of any construction on the lot. Owner shall have no claim against Developer for any failures of the Owner's builder. Approval of a builder on a different lot, previously, does not represent future approval of the same builder on another lot.

e. Developer or his assigns shall not be liable to any owner or any other party for any loss, claim, or demand asserted on account of their management of these restrictions and the performance of their duties hereunder, or for any failure or defect in such administration.

f. The Developer shall have the authority to grant reasonable variances from the design requirements. No variance shall materially adversely affect any other part of Owls Landing.

4. Dwelling Size

a. The total floor area of a Dwelling constructed on any Lot shall not be less than 1,000 square feet of finished living area for a one-story home and not less then 1,000 square feet of finished living area for a two-story home. For purposes of computing such minimum square footage of the basement, garage, attic, porches and decks shall not be considered.

b. All garages shall be attached to the Dwelling and have space for a minimum of two cars and not more than three cars. Front entry ingress and egress is required, unless otherwise approved by the Developer.

5. Dwelling Materials

a. All foundation walls shall be constructed of poured concrete, or concrete block for slab foundations.

b. Exterior siding shall be brick, stone, siding, or other natural materials approved by Developer. Pre-primed Cedar or Fiber Cement siding (such as Hardi-plank) will be permitted.

c. All driveways shall be concrete and shall be completed within six (6) months after owner occupancy.

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d. Satellite receivers are prohibited in the front and side yards. Such devices may be installed in the rear yard or on the house if not visible from the street.
e. No above ground propone tanks will be permitted on any lot..

6. Detached Buildings/Garages

a. Not permitted.

7. Setback Lines

a. All Dwellings on a Lot shall have a minimum building setback of twenty (20) feet back from the existing right-of-way and not closer than five (5) feet from any side property line. Variances of these setback requirements may be approved by the Developer. All setbacks must be in compliance with the City Of Oxford Zoning Department.

8. Easements

a. The owners of all lots in the subdivision shall be required tomaintain storm water drainage ways in accordance with the drainage easements so that the normal flow of water will have no interference. All lot owners shall indemnify and hold the Developer and hisassigns harmless from any liability or damages as result of altering the existing drainage path on a side ditch maintenance, bale blocking, sedimentation problems, etc. Builders and owners are responsible to restore and seed the ditch areas disturbed due to the construction activity on their lot and may be billed by the Developer or his assigns for the cost of such restoration and /or seeding.

9. Temporary Structures

a. No structure of temporary character, including trailer, tent, shack, garage, barn, or other outbuildings shall be used on any lot at any time as a residence, either temporary or permanently. Storage trailers or sheds are permitted by builders during construction periods.

10. Swimming Pools

a. No above ground swimming pools shall be constructed on any lot.

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11. Landscaping

a. Landscaping requirements include a minimum of one (1) frontyard shade trees (1" or larger diameter) and a minimum of five (5) other trees or shrubs planted in the yard and have the foundation of the home facing the roadway landscaped.
b. All sod, seed, straw, trees, and shrubs must be installed prior to closing out of construction loan, or adequate escrow to insure completion of landscaping and must be agreed upon by Builderand lending institution. All landscaping, including seeding must be completed to minimum requirements within six (6) months of occupancy.

12. Fences, Walls, and Hedges

a. Walls or fences erected on any lot shall be ornamental in character and the plans shall be first approved by the Developer the City of Oxford as set forth here an above and shall not exceed (4) feet in height. The height limitation does apply to fences around swimming pools.
b. Fences are permitted on the side and rear yards only. No chain link fences of any kind shall be permitted.

13. Signs

a. No signs of any kind shall be displayed to the public view on any lot except one sign not more than twelve (12) square feet advertising the property for sale or rent, or signs used by the builder to advertise the property during the construction and sale period, which signs shall confirm to sizes allowed by the current zoning ordinances. This does not prohibit street signs and subdivision signs.
b. No signs can remain in front of any newly constructed residence for more than sixty (60) days after an occupancy permit is issued for the residence and the residence is occupied.
c. No additional signs of any kind shall be allowed on a building site, including but not limited to financing signs, subcontractor signs, supplier signs, etc. It is the responsibility of the Builder to inform all of the subcontractors and suppliers to refrain from erecting any of those signs.

14. Parking of Vehicles

a. No worn out, discarded automobiles, machinery or vehicles, or parts thereof shall be stored on any Lot and no part shall be used for automobile junk piles or the storage of junk materials. Boats, trailers, recreational vehicles, jet skis, vans, vehicles to be restored or vehicles not used on a regular basis, or other similar items must be kept free from public view and must be parked within a garage or screened

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parking area. Temporary storage of boats and trailers for no more than two (2) days while in the state of transfer, etc. shall be permitted

15. Garbage, Rubbish, Construction Waste

a. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste and the same shall not be kept,except in sanitary containers. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitarycondition.
b. When the home is complete, all containers shall be removed from the public view within twenty-four (24) hours of being emptied by the waste contractor.
c. Builders and owners of lots are responsible for cleaning and removal of mud or debris on the streets caused during construction and may be billed by Developer for the cost of such cleanup and/orremoval.

16. Prohibited Activity

d. No offensive odors or unsightly nuisances will be permitted on anylot in this subdivision which may be construed to be detrimental to the neighborhood.

17. Animals, Pets

e. No animals or livestock of any kind shall be kept on any lot in the subdivision except dogs, cats, and other domestic household pets provided they are not kept, bred, boarded, or maintained for any commercial purpose.
f. No more than five (5) household pets may be kept on any Lot. Owners shall take such measures as necessary to prevent their pets from straying onto other Owner's Lots.

18. Severability

g. Invalidation of any (1) one or more of these covenants, conditions, restrictions or easements by court order shall not in any wayaffect any other provisions which shall remain in full force andeffect.

19. Enforcement

h. It shall be lawful for the Developer or any other person or persons owning any real property situated in Owls Landing to prosecute any proceedings at law or in equity against the person or persons violating any covenant or restriction herein contained and either to prevent him or them from so doing, or to recover damages or other dues from such violation. Invalidation of any one of thesecovenants, by judgments or court order, shall in no way affect any other provisions, which shall remain in full force and effect.
i. The restrictions set forth herein may be amended by the recording of a written amendment agreed to by at least 75% of the then owners of the lots shown hereon and the Developer. The Developer hasthe

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ability to amend these restrictions while in title of a minimum 50% of the lots.

20. Developer's Rights

j. Developer reserves the right and power, and each Lot Owner by acceptance of a deed to a Lot is deemed to and does grant to Developer a power of attorney, which right and power is coupled with an interest and runs with a title to a Lot and is irrevocable during the Development period, to amend these Covenants and Restrictions and to execute any and all documents deemed necessary by Developer to conform to its present or future development plans, to correct typographical and drafting errors, to conform to the requirements of any lending institution, and to make any future requirements and covenants as to Owls Landing Subdivision, which the Developer believe to be in the best interest of the development as long as such amendment does not unduly restrict Owners' development or marketable rights.

Todd Homes, LLC has caused this instrument to be executed this _____day of_____, 2021.

Developer:
Todd Homes, LLC By:_____

Its:_____

STATE OF OHIO
COUNTY OF BUTLER SS:

The foregoing instrument was acknowledged before me this_____day of_____2021, by _____, managing member of Todd Homes, LLC, an Ohio limited liability company on behalf of the company.

_____
Notary Public

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Declaration of Homeowner's Association
For
Owls Landing

1. **Organization**
    a. The Association shall be an Ohio not-for-profit corporation, and shall be called "Owls Landing Owner's Association." The Association will operate as the homeowners' association that will provide maintenance, management and control of common areas and easement.
    b. The initial director of the Association shall be the Developer, until a time that the property is turned over to the Association. At any time before Developer has sold on hundred percent (100%) of the currently platted Lots, plus any additional Lots that may be platted and added to the current subdivision, if any, the Developer may turn over control of the Association to the then current owners of Lots. The Developer shall be required to turn over control of the Association within 180 days after Developer has sold all Lots on the Property if the Developer has not already turned over such control.
    c. The Developer shall be entitled to add additional platted Lots and adjacent land to the subdivisions and subject such additional Lots and adjacent land acquired by Developer to this Declaration, either by subsequent amendment to the Declaration. An amendment or Plat that expands the Property by adding Lots or land may be executed and filed by Developer at any time prior to turnover without consent of other persons who are Lot Owners at that time.

2. **Membership**
    a. Each Lot Owner, upon acquisition of title of a Lot, shall automatically become a Member of the Association. Membership shall terminate upon the sale or any other disposition by such Member of his Lot, at which time the new Owner automatically shall become a Member of the Association.

3. **Administration**
    a. The administration of the Association shall be in accordance with the provisions of the Organizational Documents that are established when the Association is formed. Until the Developer has sold all Lots on the Property and on any additional real property that is subjected to this Declaration, the Developer shall be empowered to appoint a majority of the members of the board of Trustees of the Association. Prior to turnover, the Developer may arrange for management of the Association on a contract not to exceed a term of one year.
    b. During the development period, the powers, rights, duties and functions of the Association shall be exercised by a Board of Trustees

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selected by Developer. Developer reserves the right to relinquish such right to control at any time.

4. Assessment

a. There is hereby established for the benefit of the Lot Owners of the Property an annual charge or assessment. The Annual Assessment shall be used exclusively to promote the recreational, health, safety, and welfare of the residents of the Property and the enforcement of the subdivision's Covenants and Restrictions. The assessments shall be assessable for future maintenance, upkeep, repair and replacement of such improvements to the extent the improvements are not accepted by public or governmental authorities.

b. The assessments shall also include, without limitation, the expenses for maintenance of the front entrance landscaping and lighting, street scape landscaping maintenance, private road maintenance and repair, private storm system maintenance and repair, retention basin maintenance and repair, common space grass maintenance and repair, insurance premiums, operations costs, management of the Association, fees for legal and accounting services, mailing and postage.

c. Each Lot Owner's share of the assessment shall be equal to the proportion of one to the total number of Lots then subject to this Declaration. Any lot owned by Developer without improvements thereon shall be pay ten (10%) of the share of the Assessment otherwise payable on account of such Lot. The initial amount of the individual lot assessment shall be Five Hundred Dollars ($500) per year.

d. The Developer or the Association shall budget for the current year's projected costs for landscaping, watering, maintenance, upkeep, including snow plowing, repair, cleaning, insurance, taxes, management fees, organizational costs, legal costs for the enforcement of liens and Protective Covenants and Restrictions and any other costs reasonably foreseeable and established by the Developer or the Association shall build up and maintain a reasonable contingency reserve and for the periodic maintenance, repair, and replacement of the Front Entrance.

e. The annual Assessment shall determine the Association's budget and the amount of the Assessment for the immediately following year on or before January 15th and shall give written notice to all Lot Owners of the Assessment applicable to their Lot no later than February 15th. The failure of the association to meet the time deadlines imposed herein shall have no effect on the obligation of owners to pay their proportionate share of the Assessment when determine. If during the course of the year, the board determines that the amount of the Assessment is or will be inadequate to cover any and all such costs described below, the board may adjust the amount of the Assessment

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by giving written notice to members not less than twenty (20) days before the effective date of the adjustment.

5. **Lien for Assessment**
    a. The Assessment shall be a lien on each Lot with priority over all other liens and encumbrances on any Lot or any part thereof, or interest arising after this Declaration is recorded, excepting real estate taxes and assessments, and liens of record in favor of any political subdivisions or governmental instruments of the State of Ohio, to the extent made superior by applicable law.
    b. Each Lot Owner, by acceptance of a deed or other instrument of conveyance for the Lot, shall be deemed to covenant to pay the payment of the Assessment to the Developer or to the Association after the turnover.
    c. If any installment of the Assessment on any Lot is not paid within the period established by the Association pursuant to the Declaration, the amount thereof together with any interest, costs, penalties and reasonable attorneys' fees shall constitute a lien on such Lot in favor of the Association.
    d. If the Association incurs any cost or expense for or on account of any item of maintenance, repair or other matter made necessary by wrongful or negligent act of omission of any Owner, such costs shall be borne by such Owner and not by the Association, and if paid by the Association, shall be reimbursed to the Association by such Owner as an Individual Lot Assessment.
    e. No owner may exempt himself from liability for his share of the assessment by abandonment of his Lot.

6. **Records of the Association**
    a. The Association shall keep full and correct accounting records. The Association shall make available to all Lot Owners and the holders of all first mortgages on Lots, current copies of the books, records and financial statements of the Association upon reasonable request. All funds collected by this Declaration shall be held and used solely for the benefit of the Association and all of the Lot Owners.

7. **Insurance**
    a. The Association shall obtain and maintain a comprehensive policy of liability insurance covering the Common Areas and Facilities insuring the Association, Trustees, and Owners and members in an amount of not less than five hundred thousand dollars ($500,000), per occurrence for personal injury and/or property damage.
    b. In addition, the Association may obtain and maintain casualty insurance, Trustees' and Officers' liability insurance as he Board deems appropriate from time to time.

8. **Meeting of the Association**

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a. **Place of Meetings.** Meetings of the Association shall be held at a suitable place convenient to the Members as may be designated by the Board of Trustees in Butler County, Ohio or as convenient thereto as possible and practical.
b. **Annual Meeting.** The first meeting of the Association shall be held by the Developer as soon as practicable after the incorporation of the Association. An annual meeting date shall be established by the Association upon turnover from the Developer.
c. **Special Meetings.** The President may call special meetings. In addition, it shall be the duty of the President to call special meetings of the Association if so directed by resolution of a majority of a quorum of the Board of Trustees or a written petition signed by at least thirty-three (33%) percent of the total votes of the Association. The notice of special meetings shall state the date, time and place of such meeting and the purpose thereof. No business shall be transacted at special meetings except as stated in the notice.
d. **Notice of Meetings.** It shall be the duty of the Secretary to mail or cause to be delivered to the stating the purpose of the special meetings, as well as the time and place where it is to be held. If an Owner wishes notice to be given at an address other than his or her Lot, he or she shall designate such address by written notice to the Secretary. The mailing or delivering of a notice of a meeting in the manner provided in this Section shall be considered service of notice. Notices shall be served not less than ten (10) nor more than sixty (60) days before a meeting.
e. **Waiver of Notice.** Waiver of notice of a meeting of the Members shall be deemed the equivalent of proper notice. Any Member may, in writing, waive notice of any meeting of the Members, either before or after the holding of such meeting. Attendance of any Member at any meeting without protesting, prior to or at the commencement of the meeting, the lack of proper notice shall be deemed to be a waiver by him or her of such meeting.
f. **Adjournment of Meetings.** If any meetings of the Association cannot be held because a quorum is not present, a majority of the Members who are present at such meeting, either in person or by proxy, may adjourn the meeting to a time not less than five (5) nor more than thirty (30) days from the time the original meeting was called. At such adjourned meeting at which a quorum is present, any business which might have been transacted at the meeting originally called be transacted. If a time and place of the adjourned meeting are not fixed by those in attendance at the original meeting, or if for any reason a new date is fixed from the adjourned meeting after adjournment, notice of the time and place of the adjourned meeting shall be given to Members in the manner prescribed fro regular meetings. Those present at a duly called or held meeting at which a quorum is present may continue to do business until adjournment, notwithstanding the

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withdrawal of enough Members to leave less than a quorum, provided that any action taken shall be approved by at least a majority of Members required to constitute a quorum.

g. **Voting Rights.** Each Lot shall have one vote. If only one of several Owners for a Lot is present at a meeting of the Association, that Owner is entitled to case the vote allocated to that Lot. If more than one of the Owners is present, the vote allocated to that Lot may be cast only in accordance with the agreement of a majority in interest of the Owners. There is a majority agreement if any one of the Owners cast a vote allocated to that Lot without protest being made promptly to the person presiding over the meeting by any of the other Owners of the Lot. The Association may adopt rules regarding deadlocks. No votes allocated to a Lot Owner by the Association may be cast. Voting at elections and votes on other matters may be conducted by mail.

h. **Proxies.** A vote allocated to a Lot may be cast pursuant to a proxy duly executed by an Owner. If a Lot is owned by more than one person, each Owner of the Lot may vote or register protest to the casting of votes by the Owners of a Lot through a duly executed proxy. An Owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the Association. A proxy is void if it is not dated or purports to be revocable without notice. Except as hereinafter provided, a proxy shall terminate one year after its date, unless it specifies a shorter time. If a first mortgagee has been designated a proxy under the terms of a first mortgage covering a Lot, its presentation to the Board of a copy of the mortgage shall be notice of the proxy designation, and if the mortgage so states, of the irrevocability of that designation. Written notice to the Board or notice in a meeting of a revocation of a proxy designation shall not affect any vote or act previously taken. Each proxy shall automatically cease upon conveyance of the Lot.

i. **Majority of Owners.** As used in this By-Laws, the term majority shall mean those votes, Owners, Members or other group as the context may indicate totaling more than fifty (50%) percent of the total number.

j. **Quorum.** Except as otherwise provided in these By-Laws or in the Declaration, those Members present in person or by proxy shall constitute a quorum at all meetings of the Association. Any provision in the Declaration concerning quorums is specifically incorporated herein.

k. **Conduct of Meetings.** The President shall preside over all meetings of the Association, and the Secretary shall keep the minutes of the meeting and record in the minute book all resolutions adopted, as well as a record of all transactions occurring thereat.

l. **Action Without A Meeting.** Any action which may be authorized or taken at a meeting of the members, except the election of Board members, may be authorized or taken without a meeting with the

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affirmative vote or approval, and in writing or writings signed by not less than a majority of the Members. Any such writing shall be entered into the minute book of the Association.

9. **Board of Trustees**
   a. **Governing Body.** Except as otherwise provided by law, the Articles of Incorporation, the Declaration or this Code of Regulations, all of the authority of the Association shall be exercised by or under the direction of the Board of Trustees.
   b. **Number and Qualification of Trustees**. The Board of Trustees in the Association shall consist of three (3) persons and shall be those named in the Articles of Incorporation or other such person or persons as may be substituted by the Declarant pursuant to Article XIII, Section 13.3 of the Declaration. Except those appointed by the Declarant, all Trustees must be Owners. The spouse of an Owner is qualified to act as a Trustee if both the Owner and the spouse occupy the Lot. No person and his or her spouse may serve on the Board at the same time.
   c. **Nomination of Trustees.** Except for Trustees selected by the Declarant, nomination of the Board of Trustees shall be made by a Nominating Committee. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board, and two (2) or more Members of the Association. The Nominating Committee shall be appointed by the Board at each annual meeting of the Members to serve from the close of such annual meeting until the close of the next annual meeting. The Nominating Committee shall make as many nominations for election to the Board as it shall in its discretion determine but in no event less than the number of vacancies or terms to be filled. Nominations shall be permitted from the floor. All candidates shall have a reasonable opportunity to communicate their qualifications to the Members and to solicit votes.
   d. **Election of Trustees.** The trustees shall be elected at each annual meeting of the Members of the Association or at a special meeting called for the purpose of electing Trustees. At a meeting of members of the Association at which Trustees are to be elected, only persons nominated as candidates shall be eligible for elections as Trustees and the candidates receiving the greatest number of votes shall be elected. The Board may adopt rules regarding nominations and procedure for elections. Election to the Board shall be by secret written ballot and at such elections, the Members or their proxies may cast, in respect to each vacancy, such voting power as they are entitled to exercise under the provisions of the Declaration.
   e. **Term of Office; Resignations.** Except for those Trustees appointed by the Declarant, each Trustee shall hold office for a term of two (2) years and until his or her successor is elected, or until his or her earlier resignation, removal from office, or death. It is intended by

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these Code of Regulations that the terms of the Trustees shall be staggered with one (1) Trustee being elected in odd numbered years and two (2) Trustees being elected in even numbered years. The initial terms of the Trustees elected by the Owners shall be adjusted to carry out this intent. Any Trustee may resign at any time by oral statement to that effect made at a meeting of the Board of Trustees or in writing to that effect delivered to the Secretary of the Association, such resignation to take effect immediately or at such other time as the Trustee may specify. In the event of death or resignation of a Trustee, his or her successor shall be selected by a majority of the remaining members of the Board and shall serve for the unexpired term of the predecessor.

f. **Compensation.** Members of the Board of Trustees shall serve without compensation, except that they may be reimbursed for actual expenses incurred on behalf of the Association.

g. **Organization Meetings.** The first meeting of the members of the Board of Trustees following each annual meeting of the Members shall be held within ten (10) days thereafter at such time and place as shall be fixed by the Board.

h. **Regular Meetings.** Regular meetings of the Board of Trustees may be held at such time and place and shall be determine from time to time by a majority of the Trustees, but at least four (4) such meetings shall be held during each fiscal year with at least one (1) per quarter.

i. **Special Meetings.** Special meetings of the Board of Trustees shall be held when called by written notice signed by the President or Secretary of the Association, or by any two (2) Trustees. The notice shall specify the time and place of the meeting and the nature of any special business to be considered.

j. **Notice of Meetings; Waiver.** Notice of the time and place of each meeting of the Trustees, whether regular or special, shall be given to each Trustee by one of the following methods: (a) personal delivery; (b) written notice by first class mail, postage prepaid; (c) by telephone communication, either directly to the Trustee or to a person at the Trustee's home or place of business who would reasonably be expected to communicate such notice promptly to the Trustee; or (d) by telegram or cablegram, charges prepaid. All such notices shall be given or sent to the Trustee's address or telephone number as shown on the records of the Association. Notice sent by first class mail shall be deposited into a United States mailbox, at least four (4) days before the time set for the meeting. Notices given by personal delivery, telephone, telegraph or cablegram company at least seventy-two (72) hours before the time set for the meeting. Waiver of notice of meetings of the Trustees shall be deemed the equivalent of proper notice. Any Trustee may, in writing, waive notice of any meeting of the Board, either before or after the holding of such meeting. Such writing shall be entered into the minutes of the meeting. Attendance

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of any Trustee at any meeting without protesting, prior to or at the commencement of the meeting, the lack of proper notice shall be deemed to be a waiver by him or her of notice of such meeting.

k. **Quorum of the Board of Trustees.** At all meetings of the Board of Trustees, a majority of the Trustees shall constitute the decision of the Board. A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of the Trustees, if any action taken is approved by at least a majority of the required quorum for the meeting. Notice of adjournment of a meeting need not be given if the time and place to which it is adjourned are fixed and announced at such meeting. At such adjourned meeting at which a quorum is present, any business which might have been transacted at the meeting originally called may be transacted.

l. **Conduct of Meetings.** The President shall preside over all meetings of the Board of Trustees, and the Secretary shall keep the minutes of the meeting and record in the minute book all resolution adopted, as well as a record of all transactions occurring thereat.

m. **Open Meetings.** All meetings of the Board of Trustees shall be open to all Members of the Association, but Members other than the Trustees may not participate in any discussion or deliberation unless expressly so authorized by a majority of a quorum of the Board.

n. **Executive Session.** The Board may, with approval of a majority of a quorum, adjourn a meeting and reconvene in executive session to discuss and vote upon personnel matters, litigation in which the Association is or may become involved, or orders of business of similar nature. The nature of any and all business to be considered in executive session shall first be announced in open session.

o. **Action Without A Meeting.** Any action which may be authorized or taken at a meeting of the Board of Trustees may be authorized or taken without or taken without a meeting with the affirmative vote or approval, and in writing or writings signed by all the Trustees. Any such writing shall be entered into the minute book of the Association. An explanation of the action taken shall be posted at a prominent place or places within the Properties within three (3) days after written consents of al the Board members have been obtained.

p. **Voting By Trustees.** A Trustee who is present at a meeting of the Board or any committee meeting when corporate action is taken shall be deemed to have assented to the action taken unless

    a.) He or she objects at the beginning of the meeting (or promptly upon arrival) to holding it or transacting business at the meeting;

    b.) His or her dissent or abstention from the action taken is entered in the minutes of the meeting;

    c.) He or she delivers written notice of his or her dissent or abstention to the presiding officer of the meeting before its adjournment or to the Corporation immediately after

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adjournment of the meeting. This right of dissent or abstention shall not be available to a Trustee who votes in favor of the action taken.

q. **Officers.** The officers of the Association shall be a President, Secretary, and Treasurer. The Board of Trustees may elect such other officers, including one or more Assistant Secretaries and one or more Assistant Treasurers, as it shall deem desirable, such officers to have the authority and perform the duties prescribed from time to time by the Board. Any two or more offices may be held by the same person, excepting the offices of President and Secretary. The President and Treasurer shall be elected from among members of the Board of Trustees.

10. Easements

a. The Association shall have a right of access and an easement to, over and through each Lot during reasonable hours and upon giving reasonable notice for ingress and egress and all other purposes which enable the Association to perform its obligations, right and duties with regard to maintenance, repair, removal, restoration, or servicing of any items in violation of the Protective Covenants and Restrictions.

11. Remedies for Breach of Protective Covenants and Restrictions

a. Any breach of the Protective Covenants and Restrictions for Owls Landing, which are not corrected within seventy-two (72) hours of notification, shall be subjected to a Five Hundred Dollar ($500.00) fine per occurrence, payable to the Association, which may be secured by liens placed on the lot according to this Declaration.

12. Maintenance

a. The association shall make all repairs to all private roads and road signs in conformity with any requirements by City of Oxford.
b. The Association shall be responsible for mowing and maintenance of all vacant areas in the development. The individual Lot Owners are responsible for mowing and maintenance to their Dwelling Unit and property all the way to the asphalt of the road.
c. All lots are included in the HOA established for Owls Landing. The Association is responsible for maintaining storm drainage facilities including water quality basins located outside of the public right-of-way; street buffer landscaping; entryway monuments, signage and lighting; and for enforcing conservation area easement requirements.

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Todd Homes, LLC has caused this instrument to be executed this
_____ day of _____, 2021.

Developer:
Todd Homes LLC

By: _____
Its:_____

STATE OF OHIO
COUNTY OF BUTLER SS:

The foregoing instrument was acknowledged before me this
_____ day of _____ , 2021, by _____,
managing member of Todd Homes, LLC, and Ohio limited liability company on behalf of the company.

_____
Notary Public

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

STAFF REPORT

ORIGINATING DEPARTMENT:	Finance
PREPARED BY:	Joe Newlin
DATE PREPARED:	12/22/2021
COUNCIL MEETING DATE:	1/4/2022
AGENDA TITLE:	Supplemental Budget Ordinance
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approval
CITY MANAGER/DEPT HEAD APPROVAL:	DRE 12-29-21 N 12/22/21

DISCUSSION:

Issue 1
To make adjustment to budget revenue and appropriations for an advance from the General Fund to the High S. Pedestrian Safety (MU) Capital Improvement Fund

Action Needed:

Revenue Side

High S. Pedestrian Safety (MU) Capital Improvement Fund (147)	400,000.00

Expense Side

General Fund (110)	400,000.00
Net Effect on Fund Balance/(s) Increase/(Decrease)	-
Total Net Effect on Fund Balance/(s) Increase/(Decrease)	-

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

Breakdown by Fund

General Fund (110)	(400,000.00)
High S. Pedestrian Safety (MU) Capital Improvement Fund (147)	400,000.00
Net Effect on Fund Balance/(s) Increase/(Decrease)	-

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3654 SUPPLEMENTAL BUDGET ORDINANCE NUMBER 1 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2022.

WHEREAS, additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues.

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

SECTION 1: Additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues;

SECTION 2: The following increase/(decrease)in appropriations from unencumbered balances be made:

General Fund 110	400,000.00

SECTION 3: The following advance(s) be executed:

Advance from:

General Fund 110	400,000.00

Advance to:

High S. Pedestrian Safety (MU) Capital Improvement Fund 147	400,000.00

SECTION 4: The following increase/(decrease)in revenues be made:

High S. Pedestrian Safety (MU) Capital Improvement Fund 147	400,000.00

SECTION 5: In all other respects, Ordinance No. 3654 shall remain in full force and effect.

SECTION 7: This ordinance shall take effect immediately upon its adoption.

_____
MAYOR

ADOPTED: _____

ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)