



Agenda

Oxford City Council

Court House

TUESDAY, JANUARY 7, 2020

EXECUTIVE SESSION

7:15 p.m.

1. Roll Call. Mike Smith, Mayor; William Snavelly, Vice-Mayor; David Prytherch; Jason Bracken; Chantel Raghu; Glenn Ellerbe; Edna Southard

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

This facility is wheelchair accessible. If you plan to attend this meeting and you have a disability that requires special arrangements, please notify the City Manager's office 48 hours in advance so that reasonable accommodations can be made.

3. Public Participation.

- A. Appointments to Boards and Commissions.
- B. Public Comments.

The purpose of the Public Comments Section is for members of the Public to speak to the City Council on any subject not scheduled on the Agenda, except Consent Agenda items. City Council values your comments, and Council rules limit public comments to five minutes for each person. Presentations are not to be in the form of public debate, personal attacks on Council, City staff or other members of the public and Council shall not act except to direct the City Manager to take action or schedule the matter for discussion at a later date.

4. Consent Agenda.

- A. Minutes of the December 17, 2019 City Council Work Session. (Mary Ann Eaton, Clerk of Council) pg5



Minutes

- B. Minutes of the December 17, 2019 City Council Meeting. (Mary Ann Eaton, Clerk of Council) pg7



Minutes

- C. Report regarding the December 10, 2019 Planning Commission Meeting. (Sam Perry, Community Development Director) pg24



Report

- D. Report regarding the December 11, 2019 Historic and Architectural Preservation Commission Meeting. (Sam Perry, Community Development Director) pg25



Report

- E. Report regarding the December 18, 2019 Board of Zoning Appeals Meeting. (Sam Perry, Community Development Director) pg26



Report

- F. A Resolution declaring certain property in the Police Division's possession as surplus and not needed for any municipal purpose and authorizing its advertisement and sale to the highest bidder at public auction or internet auction. (John Jones, Police Chief) pg27



Staff Report/Resolution

5. Resolutions.

- 1. A Resolution appointing Edna Southard as Council Representative to the SELF Board. (Doug Elliott, City Manager) pg30



Staff Report/Resolution

2.A Resolution authorizing the City Manager to enter into a contract with Motorola Solutions for the purchase of sixty two (62) Motorola radios and associated accessories as set forth on Exhibit “A” attached hereto at State Contract pricing at a cost not to exceed \$90,900.00. (John Jones, Police Chief) pg33



Staff Report/Resolution

2. A Resolution authorizing the City Manager to enter into a contract with Motorola Solutions for the purchase of sixty two (62) Motorola radios and associated accessories as set forth on Exhibit “A” attached hereto at State Contract pricing at a cost not to exceed \$90,900.00. (John Jones, Police Chief).pg33



Staff Report/Resolution

6. Ordinances.

A. First Reading.

1.An Ordinance Amending Fees And Charges For Fiscal Year 2020. (Casey Wooddell, Parks and Recreation Director).pg37



Staff Report/Ordinance

2.An Ordinance Accepting The Planning Commission’s Recommendation For Final Plan Approval Of A Major Change To An Existing Planned Development at 5990 Contreras Road With Conditions. (Sam Perry, Community Development Director).pg39



Staff Report/Ordinance

B. Second Reading.

1.An Ordinance Amending The Codified Ordinances Of The City Of Oxford, Ohio, By Adding New Section 521.13 Entitled Unsolicited Materials To Chapter 521 Entitled Health, Safety And Sanitation. (Doug Elliott, City Manager).pg77



Staff Report/Ordinance

2.An Ordinance Amending The Codified Ordinances Of The City Of Oxford, Ohio, By Adding New Section 521.14 Entitled Expanded Polystyrene Ban To Chapter 521 Entitled Health, Safety And Sanitation. (Doug Elliott, City Manager).pg83



Staff Report/Ordinance

7. A. Announcements & Communications.

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

- B. Future Meetings. (Note: Meetings will be held at the Court House unless otherwise indicated.)

WED – Jan 8 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

TUES – Jan 14 Oxford Parking and Transportation Advisory Board 9:30 a.m. Municipal Building

TUES – Jan 14 Public Arts Commission of Oxford Meeting 4:30 p.m. Municipal Building

TUES – Jan 14 Planning Commission Meeting 7:00 p.m.

WED - Jan 15 Board of Zoning Appeals Work Session 6:30 p.m.

THUR –Jan 16 Joint Recreation and TRI Board Meeting 11:00 a.m. LCNB

THUR – Jan 16 Community Improvement Corporation Meeting 12:00 p.m. LCNB

MON – Jan 20 Holiday – City Offices Closed

TUES – Jan 21 City Council Meeting 7:30 p.m.

TUES – Feb 4 City Council Meeting 7:30 p.m.

WED - Feb 5 Environmental Commission Meeting 7:00 p.m. Municipal Building

TUES – Feb 11 Public Arts Commission of Oxford Meeting 4:30 p.m. Municipal Building

TUES – Feb 11 Planning Commission Meeting 7:00 p.m.

WED - Feb 12 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

THUR – Feb 13 Recreation Board Meeting 11:30 a.m. Municipal Building

MON - Feb 17 Holiday – City Offices Closed

TUES – Feb 18 City Council Meeting 7:30 p.m.

WED - Feb 19 Board of Zoning Appeals Meeting 6:30 p.m.

8. Adjourn.

A regular meeting of the Oxford City Council was called to order by Mayor Mike Smith on Tuesday, December 17, 2019 at 7:15 p.m. Those members present were Jason Bracken, Glenn Ellerbe, David Prytherch, Chantel Raghu, William Snavelly and Edna Southard.

Staff members present: Mr. Doug Elliott, City Manager; Ms. Jessica Greene, Assistant City Manager; Mr. Mike Dreisbach, Service Director; Mr. John Jones, Police Chief; Mr. Joe Newlin, Finance Director; Mr. Sam Perry, Community Development Director; Mr. Casey Wooddell, Parks and Recreation Director; Mr. Alan Kyger, Economic Development Director; Mr. John Detherage, Fire Chief; Mr. Chris Conard, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Ms. Southard moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22(G)(1) for the purpose of discussing Appointments to Boards and Commissions. Mr. Ellerbe seconded. The motion passed by the following roll call:

AYE: Ms. Raghu, Mr. Snavelly, Ms. Southard, Mr. Bracken, Mr. Ellerbe, Mr. Prytherch
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

ADJOURN FROM EXECUTIVE SESSION

Mr. Snavelly moved to adjourn from Executive Session at 7:30 p.m. Ms. Southard seconded. The motion passed 7-0-0.

PLEDGE OF ALLEGIANCE

Mayor Smith requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Ms. Southard moved to approve the agenda. Mr. Snavelly seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

SWEARING-IN

Chief Jones advised the Oxford Police Division was proud to have Police Officer Paul Hellwarth sworn-in this evening. Chief Jones noted Paul was hired in February after a lengthy process. Chief Jones advised Paul did well during the interviews and the OPD staff knew Paul was the right candidate for Oxford. Chief Jones noted Paul attended Purdue University and received a degree in agricultural management then worked for the Wayne County Sheriff's Office in Richmond, Indiana as a deputy.

Chief Jones advised Paul has family in Oxford noting his grandparents were in attendance this evening John and Marilyn Curry who were longtime residents. Chief Jones advised Mr. Curry was a former City Councilman. Chief Jones noted Paul also has an aunt, uncle and sister in attendance. Chief Jones advised because Paul was certified in Indiana as a Police Officer he had to attend the Ohio Academy noting OPD makes a large investment in personnel when they feel they have the right person.

Mr. Conard performed the swearing-in of Police Officer Paul Hellwarth and Chief Jones pinned Officer Hellwarth's badge on his uniform.

Officer Hellwarth thanked Council for the opportunity to work for the City of Oxford.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Snavelly nominated Richard Keebler to fill an unexpired term on the Planning Commission ending June 30, 2022. Mr. Ellerbe seconded. The nomination passed 7-0-0.

PRESENTATION AGE FRIENDLY OXFORD

Ms. Ann Whelpton, congratulated Mr. Snavelly and Mr. Bracken for being elected to Council and Mr. Ellerbe for being re-elected.

Ms. Whelpton recognized Kate Rousmaniere and Steve Dana, former Mayor and Vice Mayor noting both of them were very instrumental in getting this community improvement initiative (Age Friendly Oxford) to where it is today. Ms. Whelpton advised in November 2017, Oxford formally joined the AARP Network of Age Friendly States and Communities, a national network committed to the design and implementation of community level actions to enhance age-friendliness. Ms. Whelpton noted there were two requirements when communities enter the network one of which was to perform a community needs assessment and that an action plan be written based on the community needs assessment by the end of the second year. Ms. Whelpton advised she and Jessie Leak were Co-Chairs of Age Friendly Oxford and noted a lot of people were in attendance this evening who have worked very hard on this initiative. Ms. Whelpton reported on Age Friendly Oxford's Community Needs Assessment, the Age Friendly Oxford Action Plan and next steps. Ms. Whelpton asked members of the audience who had anything to do with this project to stand and be recognized.

Councilors commended the group and Mayor Smith noted this was a huge undertaking and thanked everyone for their efforts.

PRESENTATION OXFORD FARMERS MARKET

Mr. Larry Slocum, thanked Council for the opportunity to present a musical rendition of the Farmers Market Report noting market managers Warren, Judy and Ross would assist him. Mr. Slocum and the group performed their musical report to the tune of "Rocky Top".

Mayor Smith and Councilors congratulated Mr. Slocum on another successful Farmers Market season.

NOTICE TO LEGISLATIVE AUTHORITY

Transfer permit from Scotty's Thr3e Wise Men Brewing Company LLC DBA Scotty's Brew House 1st Floor & Patio 325 S. College Avenue Oxford, Ohio 45056 to 325SC Restaurant Ventures LLC 1st Floor & Patio 325 S. College Avenue Oxford, Ohio 45056. (Alan Kyger, Economic Development Director)

Mr. Kyger explained the rationale for the liquor permit transfer.

Mr. Snavely moved to receive the Notice to Legislative Authority without comment. Mr. Ellerbe seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

Mr. Steve Dana, advised he came to speak with Council about a bill pending in the General Assembly noting while Council is debating in what form and how to regulate polystyrene plastics, the General Assembly is busy undermining what Council is doing. Mr. Dana advised HB242 would preempt municipal home rule authority related to the taxation of single use plastic bags and other containers. Mr. Dana noted HB242 would prohibit local governments from banning plastic bags, passing a tax on straws, plastic utensils, aluminum cans, glass bottles and Styrofoam. Mr. Dana advised the house has already passed this bill noting the Governor who is in favor of home rule opposes it. Mr. Dana advised the bill will move on to the Senate in January and suggested a Resolution be composed opposing this bill, explaining why the opposition exists and sending the Resolution to Senator Coley. Mr. Dana noted HB242 keeps the preemption train rolling along (preempting local authority) and advised Oxford can contribute to the effort to stop it.

Ms. Rebecca Baudry Young, Director for Student Wellness at Miami University and **Ms. Amy Macechko**, Health and Wellness Coordinator, Talawanda School District and Project Coordinator for the Coalition for a Healthy Community were in attendance on behalf of the Coalition for a Healthy Community.

Ms. Rebecca Baudry Young, Director for Student Wellness, Miami University, advised she and Ms. Macechko attended the Work Session this evening and thanked Council for recognizing the Miami student's schedule when thinking about the Downtown Outdoor Refreshment Area (DORA) proposal and the impact it has on student's safety and health. Ms. Baudry Young noted Ms. Southard was correct in stating during the Work Session that education would be needed if the City moves forward with a DORA for open containers. Ms. Baudry Young advised young people and citizens will need to understand the new rules as well as retailers so everyone has the education needed to respond and everyone has a consistent message about responsibility.

Ms. Baudry Young noted the Coalition for a Healthy Community has proven to be very successful with their educational campaigns and would like to propose that when Council thinks about creating a DORA and the revenue coming into the City that they also think about making a donation to the Coalition for a Healthy Community to continue the efforts to keep young people safe and make good choices regarding alcohol and other drugs.

Councilors thanked Ms. Baudry Young for her comments.

Ms. Janis Dutton, Mile Square resident, advised a few months ago when Mr. Elliott spoke about a new contract with the scooter company he mentioned it would be incumbent upon citizens to move them when they were blocking sidewalks which she does daily and was happy to do. Ms. Dutton noted it was getting dangerous to walk Uptown as there have been many times she has almost been hit by a scooter while walking her dog. Ms. Dutton asked Council to consider codifying that scooters are not allowed in that area of the Uptown. Ms. Dutton suggested posting better signage as she felt it was critical to protect the pedestrians in Oxford.

CONSENT AGENDA

MINUTES

Minutes of the December 3, 2019 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORT

Report regarding the December 4, 2019 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

RESOLUTION

FARMERS MARKET

A Resolution No. 7142 authorizing the City Manager to close Lot 52 each Saturday in 2020 from 4:00 a.m. until 1:00 p.m. to permit the operation of the Farmers Market within Lot 52 during said time. (Doug Elliott, City Manager)

Mr. Snavelly moved to approve the consent agenda. Ms. Southard seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION

TERMINATION AGREEMENT

A Resolution No. 7143 authorizing the City Manager to sign a termination agreement with regard to property located at 114 W. Walnut Street. (Doug Elliott, City Manager)

Mr. Elliott advised the City of Oxford signed a property agreement in 1999 with the previous owners of property located at 114 W. Walnut Street.

Mr. Elliott noted a new building has been constructed at this location and the current property owner was Clawson & Clawson Rentals, LLC. Mr. Elliott advised the current property owner has requested that the 1999 agreement be terminated since a new building has been constructed and the 1999 agreement does not pertain to it. Mr. Elliott recommended that Council adopt the proposed Resolution.

Mayor Smith inquired if there were any comments from the public and there were none.

Mr. Prytherch inquired if the agreement pertained to the property or to the building. Mr. Elliott advised it pertained to a 3 family residence with occupancy of no more than 9 persons and the building no longer existed.

Mr. Snavelly moved to adopt Resolution No.7143. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTION
DEPOSIT WITH
CSX TRANSPORTATION, INC.

A Resolution No. 7144 authorizing the deposit payment of \$32,099.00 payable to CSX Transportation, Inc. for the purpose of flagging and inspections related to the City's water main replacement project through the Contreras Road right-of-way. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised in November City Council approved a contract for the installation of a new water main under the CXS railroad at Contreras Road. Mr. Dreisbach noted the City was successful in obtaining a grant for \$244,000 to help fund the project. Mr. Dreisbach advised one of the City's obligations was a license agreement with CSX to insure the safety of the project and funds needed to be deposited with CXS to pay for the flagging and slowing of trains as they travel through town and for daily inspections of the work. Mr. Dreisbach noted staff was asking for Council's authority to deposit the funds with CSX and advised should the cost be less than \$32,099 the remaining funds will be refunded to the City. Mr. Dreisbach noted should the cost be over \$32,099 the City will be responsible for the overage.

Mayor Smith inquired if there were any comments from the public or from Council and there were none.

Ms. Southard moved to adopt Resolution No. 7139. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTION
HANDBOOK REVISIONS

A Resolution No. 7145 approving revisions to the Employee Handbook. (Jessica Greene, Assistant City Manager/Human Resources Director) **(Tabled)**

Mr. Snavely moved to remove the proposed Resolution from the table. Mr. Bracken seconded. The motion passed 7-0-0.

Ms. Greene thanked Councilors who provided comments and suggestions regarding the Employee Handbook revisions and advised she would review what has been done since the last Council meeting. Ms. Greene noted the language reverted back to the original language in all sections addressing non-discrimination noting language was added to address pregnancy and veteran status per Assistant Law Director Ben Mazer's recommendation. Ms. Greene advised proposed language was added dealing with Family Medical Leave on page 18 and Military Leave on pages 20-21 which complies with state and federal laws. Ms. Greene noted proposed language was added to address nepotism and advised staff wanted to be able to have part-time employees work in the same division as long as they were not supervised by a relative. Ms. Greene noted staff was requesting to remove the appendices as they were nimble documents such as the travel policy and computer use policy which were never formally adopted as part of the Employee Handbook.

Mayor Smith inquired if there were any comments from the public and there were none.

Mr. Snavely advised he was pleased staff went back to the original language which he felt resolves a lot of the issues he had.

Mr. Bracken noted in many places the word "entitled" was changed to "eligible" which he felt makes a promise to employees which the City is not held accountable for. Mr. Bracken advised he felt the City should either be explicit about exceptions or put something in about best efforts to ensure there is an earnest attempt to honor promises.

Mr. Elliott advised staff felt if the word "entitled" is used there is a notion that someone is inherently deserving of something which he felt was never intended. Mr. Conard noted this was consistent with his recommendation and advised the threshold to entitlement is eligibility. Mr. Conard advised he felt it was more precise to use the word eligibility because if one is eligible then one gets the benefit which requires a threshold determination.

Mr. Snavely suggested staff should be aware of this issue and if there were complaints he would like to hear about them.

Ms. Greene advised there was a committee of department heads and staff who reviewed this and proposed the initial drafted language that then went to the attorney for review. Ms. Greene noted she would be willing to bring any complaints to Council regarding the use of the word eligibility verses entitlement. Ms. Greene advised she would like this to become more of a working document that comes to Council every two years or so noting it has not been before Council since 2012. Ms. Greene referred to page 7 of the proposed Employee Handbook regarding harassment and advised she would add language addressing who to report it to. Mr. Conard suggested adding "the City Manager or his designee".

Ms. Raghu clarified for the audience that the initial revisions included a lot of minorities being marked off from what is on the non-discrimination policy. Ms. Raghu advised the attorney's review changed the language in those sections to match the state statute and noted the City can have broader definitions which staff went back to based on Council's feedback.

Mr. Bracken noted concern with Section 4.02 Complaint Procedure and the timeframe in which a complaint should be filed or brought to the attention of the immediate supervisor noting he wanted to make sure there were no consequences in terms of rights being lost because someone waited too long to report a complaint. Ms. Greene offered to research what other communities are doing and if it is greatly different she could bring forward a modification. Mr. Bracken advised he was ok with tabling the Resolution again and waiting for additional modifications. Ms. Greene advised she would prefer that Council approve the handbook with the minor edits noting if there were points of research she would come back to Council on those particular issues.

Ms. Raghu thanked Mr. Bracken for bringing up his points of concern noting she felt they were very important. Ms. Raghu referred to the Equal Employment Opportunity Commission and advised the time limits for filing a charge is 180 calendar days which can be extended to 300 days. Ms. Raghu noted if the City was trying to be compliant with other agencies perhaps that language is more compatible.

Ms. Greene advised she would be happy to add 'your rights are not lost'. Ms. Greene noted the goal was for employees to report quickly although it was all case by case and not set in stone.

Mr. Snavely noted he felt ultimately the federal or state laws will prevail in any case.

Mayor Smith noted he felt if this becomes a biannual review by Council it was a great way to do it so Council sees it every couple of years and not every 6 years. Mayor Smith inquired if Council was ok with this version knowing they were going to touch on it more often. Mr. Bracken advised he would prefer to wait and get it right.

Mr. Bracken moved to table the proposed Resolution. Ms. Raghu seconded. The motion failed by the following roll call:

AYE: Mr. Bracken, Ms. Raghu (2)

NAY: Mr. Ellerbe, Mr. Prytherch, Ms. Southard, Mayor Smith (4)

ABS: Mr. Snavely (1)

Mr. Snavely moved to adopt Resolution No. 7145. Ms. Southard seconded. The motion passed 6-1-0 with Ms. Raghu voting nay.

Ms. Greene reiterated she would bring changes and/or updates of the Employee Handbook to Council more frequently or on an as needed basis.

Ms. Southard noted she was concerned with people not having a handbook for the new year and advised she felt it was important for Council to get it done.

Ms. Snavely advised he abstained from the vote because he agrees with Mr. Bracken's point although to him the most important thing was to get in writing the rights people have and that they are not being discriminated against.

ORDINANCES
FIRST READING

ORDINANCE
NEW SECTION 521.13

An Ordinance Amending The Codified Ordinances Of The City Of Oxford, Ohio, By Adding New Section 521.13 Entitled Unsolicited Materials To Chapter 521 Entitled Health, Safety And Sanitation. (Doug Elliott, City Manager)

Mr. Elliott advised he worked with the Police Chief and the Law Director on the proposed Ordinance regulating the delivery location of unsolicited materials such as advertising circulars noting it was modeled after legislation adopted by the City of Upper Arlington, Ohio. Mr. Elliott advised the legislation would require the placement of unsolicited written materials on a porch nearest the front door, securely attached to the front door, through a mail slot on the front door, between the exterior front door and interior front door, or a distribution box located on the premises. Mr. Elliott noted it is proposed to be located in Chapter 521 Health, Safety, and Sanitation of the City of Oxford's Codified Ordinances and will add new Section 521.13 Unsolicited Written Materials. Mr. Elliott advised it will include both civil and criminal penalties for violation of the Ordinance for both individuals and organizations. Mr. Elliott noted the focus of this legislation is to prevent littering caused by the tossing of the advertising circulars on to the streets, driveways, lawns and sidewalks in the City of Oxford and will not prevent the distribution only the placement. Mr. Elliott advised this legislation is important for the City of Oxford since 68% of the occupied housing units are rental with a transient student population occupying most of the units. Mr. Elliott noted many of the circulars remain where they have been tossed for weeks or end up in the streets especially when students are gone. Mr. Elliott advised he hoped that upon notification of the enactment of this legislation, assuming Council adopts it, the distributor of the advertising circulars will comply with the regulations without the City needing to take any enforcement action. Mr. Elliott offered to answer any questions.

Mayor Smith inquired if there were any comments from the public and there were none.

Mr. Prytherch advised this has been a long process from identifying what seemed like a public welfare problem which is the circulars which no one has asked for delivered to driveways and gutters causing litter, blight and pollution. Mr. Prytherch noted paper sitting in front of vacant houses in the summer was like a calling card. Mr. Prytherch advised he felt there were ample justifications for the proposed legislation noting Upper Arlington and other communities have identified why it is a legitimate concern for municipalities. Mr. Prytherch noted he appreciated the research with regard to free speech and advised Council can regulate the time, place and manner for distributing the circulars within the City. Mr. Prytherch advised the issue has been through the courts and Council knows it is constitutional. Mr. Prytherch noted he wished the issue had voluntarily resolved itself. Mr. Prytherch thanked legal staff and other communities ahead of Oxford on the issue.

Mr. Snavely advised he was happy to co-sponsor the proposed legislation with Mr. Prytherch noting he felt it was long overdue. Mr. Snavely noted he was thrilled to see the City of Hamilton do the same thing as the same company distributes the circulars there.

Mr. Snavely advised he felt this was the way to go and he felt the people of Oxford will be very happy with it.

Ms. Southard noted she had concerns when this was initially brought up and advised Council has discussed them and she feels they have been addressed appropriately. Ms. Southard noted she wanted to make sure the delivery person would not be penalized because they are hard working people and she would not want to see them be penalized for leaving unsolicited material in the wrong place. Ms. Southard advised that seemed to be covered in the Ordinance. Ms. Southard noted she felt people who need and want the coupons should be able to have access to them. Ms. Southard noted her hope the distributor can find a way to get coupons in the hands of people who would like to have them. Ms. Southard advised she felt Council wants to encourage print media noting newspapers and free press was important. Ms. Southard advised the press relies heavily on advertising and she felt they were not achieving their goals by leaving unsolicited materials in yards and driveways. Ms. Southard noted she felt Council wanted to support the free press and for the newspapers to have advertising. Ms. Southard advised she hoped they would use their advertising budgets responsibly and not use full page ads for offensive causes as she has seen in the newspaper which was disturbing. Ms. Southard noted she hoped they will find ways to achieve advertising revenue that will support them, not litter and not support truly offensive agendas.

Mr. Snavely advised the Environmental Commission has reviewed the proposed Ordinance and he felt they agree with the need to do something.

Mr. Ellerbe advised he supported the proposed Ordinance noting he had concerns early on just like Ms. Southard did. Mr. Ellerbe advised due diligence was done, we have precedence and that precedence was legally justified. Mr. Ellerbe noted it solves an issue after an attempt at voluntary compliance failed.

Mayor Smith advised the second reading of the proposed Ordinance would take place on January 7th.

ORDINANCE
NEW SECTION 521.14

An Ordinance Amending The Codified Ordinances Of The City Of Oxford, Ohio, By Adding New Section 521.14 Entitled Expanded Polystyrene Ban To Chapter 521 Entitled Health, Safety And Sanitation. (Doug Elliott, City Manager)

Mr. Elliott advised the proposed Ordinance bans the use of expanded (foam) polystyrene by food service operations in Oxford noting it was requested by Councilors Raghu and Bracken at the last meeting. Mr. Elliott advised it is proposed to be located in Chapter 521 Health, Safety and Sanitation of the City of Oxford's Codified Ordinance and will add new Section 521.14 Expanded Polystyrene Ban. Mr. Elliott noted it includes both civil and criminal penalties for violations of this Ordinance for both individuals and organizations. Mr. Elliott advised it provides for a phasing out period of December 31, 2020 for national food service operations and December 31, 2021 for all other food service operations.

Mr. Elliott referred to sample legislation provided by Ms. Raghu and noted he did not include exemptions from this ban since he did not know what was meant by “reasonably feasible alternative”. Mr. Elliott advised including an exemption process would increase the City’s compliance cost since the City does not have an Environmental Department. Mr. Elliott noted Council could extend the deadline by amending the Ordinance if they so choose. Mr. Elliott advised many of the restaurants in Oxford do not use expanded (foam) polystyrene in their operations. Mr. Elliott advised Ms. Greene sent a notice to all of the businesses the City has a listing of that would potentially be affected by the proposed Ordinance. Mr. Elliott noted he provided Council with a list of the 122 retail food establishments in Oxford and advised Miami University has 27 licenses. Mr. Elliott advised he obtained the list from the Butler County Health Department. Mr. Elliott noted if the proposed Ordinance banning expanded (foam) polystyrene is adopted by Council he and staff will focus future enforcement efforts on the 61 bars, restaurants, pizza parlors and ice-cream parlors with national chains first and local establishments following that.

Ms. Carla Blackmar, advised she was one of the organizers of Take 3 Oxford, a trash pick-up club that picks up 3 pieces of trash everyday. Ms. Blackmar advised she was in favor of the proposed Ordinance as a starting point for Oxford while looking for ways to reduce polystyrene in the sewer systems, streets and waterways. Mr. Blackmar noted she was also in favor of the idea Mr. Dana presented with regard to HB242.

Mr. Snavelly referred to page 59 of Council’s packet and inquired if it would be clearer if the language read “local” food service operation. Mr. Snavelly referred to page 59 paragraph 3 “Food Service Operation” includes a catering food service operation, food delivery sales operation, mobile food service operation, seasonal food service operation, temporary food service operation, and vending machine location” and advised permanent restaurants were missing. Mr. Elliott advised the language was from the Ohio Revised Code in the section entitled Retail Food Establishments in Chapter 3717 Food Service Operations. Mr. Elliott noted National Food Service Operations is not defined there. Mr. Conard advised permanent restaurants were included in paragraph 2 on page 59 of Council’s packet.

Mr. Prytherch inquired if Council felt going directly to the second reading of the proposed Ordinance at the next meeting was enough time to gauge whether there are issues with it. Mr. Prytherch inquired if the City was on good footing with an Ordinance like this if someone challenged it. Mr. Conard advised he did not have a definitive legal answer noting it seemed to him that this is a policy that will get traction state-wide. Mr. Conard noted this was a policy statement that this Council will make or not make and he suspected there are other communities passing similar legislation so Oxford would not stand alone. Mr. Conard advised if there was a legal challenge Council could take some remedial action to alleviate the concerns and avoid litigation. Mr. Prytherch inquired if the proposed legislation would be enforceable and Mr. Elliott noted his hope those affected would comply voluntarily.

Councilors discussed the issue of restaurants using their current supply of polystyrene and felt two years for local businesses was a sufficient amount of time.

Ms. Southard advised she would like to hear more responses from the business community and inquired if the Chamber of Commerce has been contacted.

Ms. Southard inquired if the schools should be contacted to find out if they would be on board to reduce their plastic consumption and inquired if more education can be part of this or part of Council's efforts. Ms. Southard noted a legislative solution is not always the best solution and advised she would love to see more education going on about this. Ms. Southard advised it was not just businesses using polystyrene it was grocery stores, hospitals and schools. Ms. Raghu noted the proposed Ordinance was just a first step in the process.

Mr. Ellerbe noted with the Unsolicited Materials Ordinance, Council went through a series of steps and once that problem was presented to the City, Cox Media was asked to stop performing the service they were performing in the fashion they were doing it and they chose not to. Mr. Ellerbe advised then due diligence was done on legislation to make sure it was going to be enforceable and effective and now we are here. Mr. Ellerbe noted it seemed this legislation was the final step of a process like this and Council has not gone through any of those other steps to get there. Mr. Ellerbe advised he felt 2 days lead time to say polystyrene is going to be banned and you have to comply verses asking them to comply seems disingenuous. Mr. Ellerbe noted the process has not been followed for the City to adopt the proposed Ordinance in what he would consider to be an orthodox fashion.

Mr. Bracken suggested asking them to voluntarily comply and come back in two years and try it again or do what 114 municipalities have already done and act on something he felt was not very burdensome.

Mr. Prytherch advised he wanted the regulated parties to be on board and understand why this is coming and where Council was going with it so they feel like they have an opportunity to voluntarily comply. Mr. Prytherch noted there were a lot of regulated parties that do not yet know this is coming down the pike and they may not know until it is adopted.

Mr. Snavelly advised the next Council meeting was in three weeks and people could come to the Second Reading and speak to the Ordinance. Mr. Snavelly noted if there was a big reaction by local businesses and they wanted questions answered first Council could easily table the Ordinance until those answers are provided. Mr. Snavelly advised he felt Council's system provides for that opportunity.

Mr. Prytherch noted he felt Council had two choices, one is to table it and keep it at the Council level and the other would be a motion to remand it to a board which allows additional opportunity for review and comments and then it comes back for a second reading with a recommendation attached. Mr. Prytherch advised he was inclined to add a month or two to the process.

Ms. Raghu noted she was hearing a few different arguments and inquired if the proposed Ordinance was too narrow or too broad. Ms. Raghu advised all of Council understands that polystyrene is harmful from an environmental level and that the health aspects of it are increasingly growing in the evidence. Ms. Raghu noted she was confused by Councilor's arguments. Ms. Raghu advised from reading HB242 she was very concerned about kicking the can down the road.

Ms. Raghu stated the questions are, do you think polystyrene is bad yes or no, do we think this is going to hurt businesses, noting she would like to hear from businesses before the next meeting, and if Council agrees that polystyrene is bad and that we have a problem with the preemption from the state level with home rule, she does not think kicking the can is a good idea.

Mr. Prytherch noted this is probably not the last thing Council is going to look at in terms of waste reduction in the business community and advised he wanted to make sure the business community was on board with a progressive approach to tackling waste reduction issues.

Ms. Southard inquired if Mr. Prytherch would like the proposed Ordinance to go to the Environmental Commission or another board and Mr. Prytherch advised the Environmental Commission would be the appropriate commission.

Mr. Ellerbe noted he too would like to see it go to the Environmental Commission and he wanted the Chamber of Commerce and the Community Improvement Corporation to know this is happening. Mr. Ellerbe advised he did not mind shrinking the timeframes after some voluntary compliance has been effected. Mr. Ellerbe noted he was concerned with how Council was presenting the way they want to do business in the City.

Ms. Raghu advised the challenging part about voluntary compliance is that businesses already have a large stock of polystyrene and inquired how the City would know if there was any type of voluntary change. Mr. Ellerbe advised the Chamber of Commerce and the CIC would let Council know that businesses understand where this is going and that they are in agreement with changing to different products.

Mr. Snavely noted if there was a significant issue within the community that they realize even 6-7 months down the road they could come back to Council and Council could pass a delay on the implementation.

Mayor Smith noted the next meeting was in 3 weeks and advised he would like to propose leaving the legislation where it is and see where things are on January 7th and if Council still feels the stakeholders have not had enough opportunity to voice their opinion Council could discuss tabling it then. Mayor Smith noted over the two year phase in period he felt things could be worked out. Mayor Smith encouraged business owners to attend the next meeting.

ORDINANCES

SECOND READING

ORDINANCE

SUPPLEMENTAL BUDGET

An Ordinance No. 3544 Amending Ordinance No. 3493. Supplemental Budget Ordinance Number 9 To Make Supplemental Appropriations For Fiscal Year 2019. (Joe Newlin, Finance Director)

Mr. Newlin referred to page 63 of Council's packet and asked Council to amend Section 3 of the proposed Ordinance by removing the reference to the Housing Trust Fund.

Mr. Ellerbe advised at the last meeting Council chose not to allow the funds to be transferred to the Community Foundation.

Mr. Snavely moved to strike Housing Trust Fund 212 \$5,828.93. Ms. Raghu seconded. The motion passed 7-0-0.

Mr. Newlin addressed an addition to the Supplemental Budget as shown on page 63 of Council's packet.

Mayor Smith inquired if there were any comments from the public and there were none.

Ms. Southard moved to adopt Ordinance No. 3544. Mr. Snavely seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Prytherch, Ms. Raghu, Mr. Snavely, Ms. Southard, Mr. Bracken, Mr. Ellerbe
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance No. 3545 Approving A Conditional Use Permit To Allow For Expansion Of The Outdoor Sale Of Plants And Garden Supplies In The General Business (GB) District At 304 W. Collins Street, Oxford, Ohio 45056 With Conditions. (Sam Perry, Community Development Director)

Mr. Perry recapped his staff report as presented on page 65 of Council's packet and added that the City has planned a sewer main upgrade at this location. Mr. Perry noted the petitioner was in attendance if anyone had questions for him.

Mayor Smith inquired if there were any comments from the public, the petitioner or from Council and there were none.

Ms. Southard moved to adopt Ordinance No. 3545. Mr. Snavely seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Snavely, Ms. Southard, Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

Mr. Prytherch thanked the owners of Shademakers Nursery and Landscape, Inc. for moving into Oxford and for their patience with the Conditional Use process. Mr. Prytherch noted he felt it was a great investment which the community will benefit from as a commercial establishment and advised it would improve the entire district.

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance No. 3546 Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 2.5 Acres Of Land Located At 5427 and 5435 College Corner Pike, Oxford, Ohio, And Rezoning The Property From Multi-Family Residential (R-3) District To General Business (GB) District. (Sam Perry, Community Development Director)

Mr. Perry noted this was the second recommendation brought forward from the Planning Commission's November meeting. Mr. Perry advised the proposal was brought forward by Attorney Matt Troy on behalf of two property owners on College Corner Pike.

Mr. Matt Troy, advised he was in attendance to answer any questions noting he had nothing new to add since the first reading of the proposed Ordinance.

Mayor Smith inquired if there were any comments from the public and there were none.

Ms. Southard advised she felt it made sense to change the zoning in this location.

Mr. Prytherch agreed noting the City was running out of available parcels on College Corner Pike. Mr. Prytherch advised he hoped the Community Development and Economic Development Departments could work on how to get better usage out of the land that is available on College Corner Pike.

Ms. Southard moved to adopt Ordinance No. 3546. Mr. Ellerbe seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Southard, Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Snively
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised the Civil Rights Commission met last week, December 12 at the Municipal Building noting the guest speaker was Mr. Fredrick Brubaker, Enforcement Supervisor with the U.S. Equal Employment Opportunity Commission. Mr. Elliott advised the commission learned a lot of things at that meeting. Mr. Elliott noted the next quarterly meeting was scheduled for March 12, 2020.

Mr. Elliott wished everyone happy holidays noting the Municipal Building will be closed on December 24 and 25 as well as January 1, 2020.

Mr. Dreisbach wished everyone happy holidays.

Chief Jones advised Thursday evening was the annual Cops and Kids event where OPD takes several children shopping at Wal-Mart. Chief Jones thanked the owners of Left Field Tavern for providing a meal for some needy families prior to the shopping excursion.

Chief Jones advised the parking units worked with Service Department personnel this morning to install meters for the Smart Meter pilot program in the zero block of E. High Street noting 27 credit card meters have been installed. Chief Jones advised the meters have features which will help OPD enforce the two hour limit. Chief Jones noted the meters will be ready for use on January 2, 2020 and advised if the pilot program is successful he will bring forth a Resolution to purchase the remaining meters and other technology for the Uptown area.

Chief Jones noted a large portion of the Mile Square was vacant which some people prey upon and advised there have been some burglaries noting OPD has recovered a lot of stolen property and took several people into custody today. Chief Jones asked citizens to report things right away if they see something suspicious.

Mr. Wooddell wished everyone happy holidays.

Mr. Newlin wished everyone happy holidays.

Ms. Greene advised last week 14 staff members celebrated service awards of 5 to 25 years noting they were awarded with recognition last Tuesday at the Holiday Luncheon. Ms. Greene thanked them for their service noting the longevity of the staff at the City of Oxford was impressive.

Ms. Greene thanked staff in the Service Department for their late night clearing snow and ice.

Ms. Greene wished everyone happy holidays.

Mr. Perry wished everyone Merry Christmas and happy holidays.

Ms. Eaton and Mr. Conard wished everyone happy holidays.

Ms. Raghu advised this past weekend she was asked to speak in front of a Girl Scout Troop noting it was one of the best meetings she has ever had. Ms. Raghu advised 5 little girls were super excited about how they could bring composting into their school. Ms. Raghu noted there was a whole generation of young people who are going to bring this to the School Board and are going to make that change happen.

Ms. Raghu advised when she looked around this room at the latter part of the meeting she counted 25 people 5 of which were female. Ms. Raghu noted 51% of the population was female although she felt they were not well represented. Ms. Raghu recognized Prue Dana noting she is always at every meeting and does so much for the community.

Ms. Raghu recognized Jessica Greene noting she was amazing and advised she has faith in Ms. Greene and knows she will fix the problems Council resounded so strongly to in the non-discrimination portion of the Employee Handbook.

Ms. Raghu recognized Mary Ann Eaton noting she was super organized and was the go-to for everyone.

Ms. Raghu recognized Edna Southard noting she sees Ms. Southard at every single meeting and advised she felt it was so important for herself and Ms. Southard to be here and to represent. Ms. Raghu noted she could not wait for females to have their fair representation on Council some day.

Mr. Ellerbe congratulated Chief Jones on hiring a new Police Officer.

Mr. Ellerbe wished everyone happy holidays and encouraged all drivers to be careful since the weather was becoming a little harrowing.

Mr. Snavelly reminded the public there are a number of board and commission vacancies and encouraged them to check the vacancies out.

Mr. Snavelly marked the passing of former Council member, former Vice Mayor and longtime 42 year friend Jack Gifford who passed away suddenly. Mr. Snavelly advised he will be missed and was one of Council's own.

Ms. Southard thanked the Service Department for their good work as a result of the snow and ice storm. Ms. Southard noted it has been so beautiful in Oxford with everything covered in ice.

Ms. Southard advised it is a time to reach out to friends and neighbors who are alone or who may have lost someone during this year to make sure they are not alone at this season which is difficult for many people.

Ms. Southard wished everyone happy holidays noting we should think about each other and cherish this wonderful community.

Mr. Bracken concurred with all of the sentiments expressed and wished everyone happy holidays.

Mr. Prytherch wished everyone happy holidays.

Mr. Prytherch advised Council has talked about climate action noting the Mayor signed on to the Global Covenant of Mayors. Mr. Prytherch advised part of that is organizing ourselves to comply with it in collaboration with Miami University. Mr. Prytherch distributed a draft proposal for a City of Oxford Climate Action Task Force noting he hoped to solicit Ms. Greene to get ideas and feedback. Mr. Prytherch advised he would like to see a Resolution before Council in January to form the task force. Mr. Prytherch noted the Environmental Commission has weighed in on the draft proposal.

Mr. Prytherch advised Council will be digging into a lot of topics in 2020 and noted he looked forward to Council scheduling their annual retreat, having a good agenda and well facilitated meeting.

Mayor Smith thanked the Parks and Recreation Department for hosting the Holiday Festival noting he had a great time with Santa flipping the big switch.

Mayor Smith thanked those who organized the City's Holiday Luncheon noting it was a great success. Mayor Smith noted the recognition of long term employees really added something to the event.

ADJOURN

Mr. Prytherch moved to adjourn at 9:53 p.m. Ms. Southard seconded. The motion passed 7-0-0.

A Work Session of the Oxford City Council was called to order by Mayor, Mike Smith on Tuesday, December 17, 2019 at 6:30 P.M. Council members present were Jason Bracken, Glenn Ellerbe, David Prytherch, Chantel Raghu, Bill Snavelly and Edna Southard.

Staff members present were Doug Elliott, City Manager, Jessica Greene, Assistant City Manager, Mike Dreisbach, Service Director, Alan Kyger, Economic Development Director, Sam Perry, Community Development Director, Joe Newlin, Finance Director, Casey Wooddell, Parks and Recreation Director, John Jones, Police Chief, John Detherage, Fire Chief and Mary Ann Eaton, Clerk of Council.

APPROVAL OF AGENDA

Mr. Snavelly moved to approve the agenda. Mr. Ellerbe seconded. The motion carried 7-0-0.

PURPOSE

The purpose of the Work Session was for Council members to discuss the concept of creating an Outdoor Refreshment Area in Uptown Oxford and to discuss the next steps with regard to the Oxford Area Trails project.

PRESENTATION

OUTDOOR REFRESHMENT AREA CONCEPT

Ms. Greene provided a PowerPoint Presentation and discussed the concept of creating and operating an Outdoor Refreshment Area in Uptown Oxford. Ms. Greene advised an Outdoor Refreshment Area allows residents and visitors to purchase an alcoholic beverage and then walk outside with that beverage within a designated area. Ms. Greene noted 4 liquor permit holders were needed to initiate such a program and signage was needed denoting the area. Ms. Greene advised most cities create custom beverage cups for the zone which can only be filled once (re-fills require a new cup). Ms. Greene discussed the proposed operation times (only when MU students are on break) and the proposed area which would include Beech Street to Campus Avenue, High Street, the South side of Church Street and the North. side of Walnut Street. Ms. Greene discussed the estimated expenses related to the concept noting the City's estimated cost was \$1,800 for signage.

Chief Jones and Mr. Dreisbach advised they had no concerns with the concept.

Ms. Southard noted the Public Arts Commission of Oxford could possibly get involved with the graphic design for signage and beverage cups. Ms. Southard also advised she felt a lot of education would be necessary to create and operate such a district.

Mr. Snavely noted he felt this would be good for local businesses.

Mayor Smith and Mr. Ellerbe suggested College Avenue be included in the proposed district.

Mayor Smith inquired if the signage would be posted year round. Ms. Greene and Mr. Elliott advised signage would be a major challenge.

After further discussion the overall consensus of Council was to proceed with the concept.

OXFORD AREA TRAILS – NEXT STEPS

Ms. Greene provided a PowerPoint presentation and discussed two options for Phase 5 of the Oxford Area Trail. Ms. Greene advised a grant application would be submitted in 2020 for construction in 2025. Ms. Greene noted the preferred route would be from Peffer Park to the Talawanda Middle School since the 2017 cost estimate was available and it would connect phases 2 & 4 on the south side of town. Ms. Greene outlined the estimated budget for this segment of the trail. Ms. Greene also discussed the option of the Oxford Community Park to Merry Day Park for Phase 5 noting she would prefer to apply for that grant in 2022 for construction in 2027 especially since this segment was not designed yet. Ms. Greene outlined the estimated budget for this segment of the trail and discussed how the tax levy would perform through the year 2028.

After discussion the consensus of Council was to proceed with the south side of town connection.

Ms. Greene advised she would work with Mr. Dreisbach and Mr. Perry on legislation to apply for the grant funding and bring it forward to Council in February. Ms. Greene noted she planned to apply for grant funding in the next cycle for the connection to Merry Day Park.

ADJOURNMENT

Ms. Southard moved to adjourn at 7:05 p.m. Mr. Ellerbe seconded. The motion carried 7-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 7, 2020

Sam Perry
Prepared By

Account Code No. #:

Budgeted Amount: N/A

January 2, 2020
Date Prepared

Agenda Title: Planning Commission Meeting Report- December 10, 2019
--

Various updates from Boards, Committees, and Staff were provided.

PC-2019-24, FINAL PLANNED DEVELOPMENT AMENDMENT, 5990 Contreras Road, Scott Webb, Applicant

Architect Scott Webb requested an amendment to the previously approved Final Planned Development. The request was to amend the 2018 Final Planned Development approval from a three-family dwelling or two-family with office to a revised plan for a five-suite Short Term Rental. Two dwelling units will remain. Short Term Rental usage was not previously approved. The potential for office use is eliminated with this revision.

In addition to the new Short Term Rental use, the second request was also to allow the subdivision of land within the 1-Acre Planned Development boundary for a future potential separate home lot. The Commission held a hearing, heard from the public, heard from staff and reviewed decision standards. Commission members asked questions about the future of this approval if new short-term rental legislation is approved by Council. The Commission voted to recommend approval with conditions.

Concept Review, 4210 Millville Oxford Road, Purpose Built Airbnb, Scott Webb, Architect
On behalf of a client Amy Middleton, Mr. Webb presented a concept of a 4-unit stand-alone short term rental to potentially be built on a R1A lot that is currently vacant and fronting on U.S. 27 South. The target market would be Miami parents. The building would look like a home but have transient guests only. Feedback was provided by Commission members but no vote was taken.

Approved By:	Department Head:	 / 1-3-20
	City Manager:	 / 1-3-20

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Council Meeting Of: January 7, 2020

Account Code No. #:

Budgeted Amount: N/A

Community Development
Originating Department

Sam Perry
Prepared By

January 2, 2020
Date Prepared

HAPC Meeting Report – December 11, 2019
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HAPC-2019-25, Certificate of Appropriateness, 131 W High Street, proposed new 3–story mixed use structure, Matt Rodbro, Applicant

As follow-up to the previous month’s pre-application discussion, Greg Meyer of Treadon and Associates presented a concept for a 3-story mixed use building to be cast stone on the first floor and brick on the upper two floors. The location is the vacant property at the southeast corner of College and High, which was formerly a BP gas station. The applicant team explained that they had been through several revisions internally as part of a goal to respect the Community Arts Center and Uptown gateway. The building would be 46 feet tall and cover the entire site except for an area for trash and other services along the alley. Wall and trim cross section details were submitted at the meeting. The design team provided a three dimensional view of the building design in order to assist HAPC in understanding the impact to the area. The design team also provided exterior material samples for Commission feedback. The Commission heard from staff and the public and approved the request, as submitted, with several staff-recommend conditions. This was the first major project reviewed and approved under the 2019 HAPC Code re-write which now allows one year to obtain a building permit and then two years following the building permit for substantial completion of the project.

Approval:

Department Head:

City Manager:

 1/13/20

 1/13/20

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 7, 2020

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount: N/A

January 3, 2020
Date Prepared

Agenda Title:	Board of Zoning Appeals Meeting Report – December 18, 2019
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BZA-2019-14, 36 W. High Street, variance to section 1151.05(a)(2)B1, signs shall have only indirect illumination, **Sign Connection, Appellant**

Jane Fiehrer, of Sign Connection requested a back-lit, halo style lighting method for a new replacement business sign for existing business owner Beau Hiner, of Doughby's. The location is adjacent to Koffenya Coffee. The existing box sign would be completely removed and replaced with wall lettering that would have lighting reflecting off the wall of the building, not showing through the lettering. This type of lighting is not permitted in the Uptown District. The BZA held a hearing, heard from staff, the applicant and the public. Staff reported that a recommendation to Planning and Council for this type of lighting to be allowed would be coming forward in 2020. Starbucks was permitted in 2017 to have this type of lighting for the lettering but not the logo. The Historic and Architectural Preservation Commission had reviewed both cases. This type of lighting provides some additional variety from gooseneck-style floodlit wall signage. The Board discussed the case using the seven decision standards and voted 3-1-0 to approve the request, citing two of the decision standards.

Approved By:

Department Head:

City Manager:

Initial

Date

SP 1/1-3-20

DRE 1/1-3-20

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

Police

Originating Department

Council Meeting Of: January 7, 2020

John A. Jones

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 11, 2019

Date Prepared

Agenda Title: Authorization to Dispose of Surplus Property

Recommendation: Approve

Discussion: The following vehicle has reached the end of its useful service to the Police Division. Staff requests authorization to declare the following vehicle as surplus so it may be taken out of service. Vehicles shall be auctioned to the highest bidder.

#164 2013 Chevy Camaro marked police vehicle

This Resolution will authorize the City Manager to dispose of the above referenced vehicle by public auction, including Internet electronic auction, at the earliest convenience of the City.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JAG \ *12/11/19*

DRE \ *1-3-20*

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN PROPERTY IN THE POLICE DIVISION'S POSSESSION AS SURPLUS AND NOT NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING ITS ADVERTISEMENT AND SALE TO THE HIGHEST BIDDER AT PUBLIC AUCTION OR INTERNET AUCTION.

WHEREAS, the City Manager and the Police Chief recommend certain property in the Police Division's possession be sold to the highest bidder at public auction or internet auction.

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

SECTION 1: Pursuant to Oxford Codified Ordinance Section 127.11, the item set forth in Exhibit 'A' attached hereto and incorporated herein, is hereby declared surplus for City purposes and not needed for any municipal purpose, and the same may be sold at auction.

SECTION 2: Council hereby authorizes such sale of said item to the highest bidder at public auction or internet auction with the proceeds thereof deposited into the general fund.

SECTION 3: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

EXHIBIT “A”

Vehicle #164

2013 Chevrolet Camaro marked police vehicle

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: January 7, 2020

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

December 19, 2019
Date Prepared

Agenda Title: A Resolution appointing Edna Southard as Council Representative to the Self Board.

Recommendation: Approve

Discussion:

As requested by the Executive Director of SELF. Councilor Southard will fill Steve Dana's unexpired term on the SELF Board until her term on Council ends on November 22, 2021.

Approved By:

Initial Date

Department Head:

City Manager:

MAE 1/23-20

RESOLUTION NO.

A RESOLUTION APPOINTING EDNA SOUTHARD AS COUNCIL REPRESENTATIVE TO THE SUPPORTS TO ENCOURAGE LOW-INCOME FAMILIES (SELF) BOARD.

WHEREAS, Oxford City Council supports the efforts of the Supports to Encourage Low-Income Families (SELF) Board in helping low-income residents of Butler County to achieve self sufficiency.

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

SECTION 1: Edna Southard shall be appointed as Council representative to the SELF Board to fill Steve Dana's unexpired term until her term on City Council ends on November 22, 2021.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

Mary Ann Eaton

From: Jeffrey A. Diver <jdiver@selfhelps.org>
Sent: Tuesday, December 17, 2019 1:39 PM
To: Douglas Elliott
Cc: Mary Ann Eaton; Bill Woeste; Edna Southard
Subject: Appointment of Edna Southard to the SELF Board of Directors

Dear Doug,

On behalf of SELF's Board of Directors, I would appreciate it if Oxford City Council would appoint Edna Southard this evening to SELF's Board of Directors to replace Steve Dana. This would be for Steve's unexpired term, which ends January 2022.

We are excited to have Dr. Southard on our board with her experience serving on a local nonprofit board and her desire to see that Oxford residents are connected with needed services to get ahead.

With Oxford City Council's appointment, SELF's Board of Directors are expected to elect Dr. Southard on January 9 at its annual meeting.

If you have any questions, please contact me.

Thank you!

Jeff

Jeffrey Diver
Executive Director
Supports to Encourage Low-income Families (SELF)
P.O. Box 1322
Hamilton, OH 45012

(513) 820-5000 (direct)

www.selfhelps.org

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas R. Elliott, Jr.

Police

Originating Department

Council Meeting Of: January 7, 2020

John Jones

Account Code #: 140.110.61127

Prepared By

Budgeted Amount: \$90,900

December 18, 2019

Date Prepared

Agenda Title:

Purchase of replacement Police Division radio equipment

Recommendation: Approve

The portable radios currently used by the Police Division have reached the end of their serviceable life. Scheduled software upgrades in 2019 and 2020 to the countywide radio systems may affect operation of certain features of our current radios. Under the terms of the Participation Agreement with the Butler Regional Interoperable Communications System, when subscriber equipment previously purchased by the County becomes obsolete or unusable, replacement lies with the subscribing local user. After testing Kenwood and Motorola radios, the Police Chief is recommending the purchase of Motorola APX6000XE radios with certain accessories, to replace our existing 62 radios.

In 2019, 18 Motorola APX6000XE radios, chargers, and accessories were purchased for approximately \$75,000. Those radios were issued to patrol officers. To complete this project, the remaining radios issued to the remaining officers, sergeants, administration, and public safety assistants need to be purchased. This resolution will authorize the City Manager to enter into a contract with Motorola for the purchase of radio equipment in the attached Quote #19-1213 for an amount not to exceed \$90,898.95.

State Term Schedule #573077-0

Approved By:

Department Head:
City Manager:

Initial Date

DRE \ 1-3-19

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MOTOROLA SOLUTIONS FOR THE PURCHASE OF SIXTY TWO (62) MOTOROLA RADIOS AND ASSOCIATED ACCESSORIES AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AT STATE CONTRACT PRICING AT A COST NOT TO EXCEED \$90,900.00.

WHEREAS, the 2020 Capital Equipment Budget includes \$90,900.00 to complete the phased approach of purchasing replacement radios for the Police Division; and

WHEREAS, the City Manager and the Police Chief recommend City Council authorize the City Manager to enter into a contract with Motorola Solutions for the purchase of sixty two (62) Motorola radios and associated accessories as set forth on Exhibit "A" attached hereto at State Contract pricing at a cost not to exceed \$90,900.00.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Police Chief and accepts the State Contract pricing for the purchase of sixty two (62) Motorola radios and associated accessories as set forth on Exhibit "A" attached hereto at State Contract pricing at a cost not to exceed \$90,900.00.

SECTION 2: Council further authorizes the City Manager to enter into a contract with Motorola Solutions for the purchase of sixty two (62) Motorola radios and associated accessories as set forth on Exhibit "A" attached hereto at State Contract pricing at a cost not to exceed \$90,900.00, which has previously been appropriated in the 2020 budget.

SECTION 3: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

**MOTOROLA SOLUTIONS**

Equipment Proposal

Prepared By: Chris Hanes

Address: 350 Worthington Rd, Columbus OH 43082

Phone: 937-459-3202

DATE:

December 13, 2019

QUOTE #:

19-1213

CUSTOMER #:

1000424648

email: chris.hanes@motorolasolutions.com

PREPARED FOR: Chief John Jones

COMPANY: Oxford Police

PHONE: 513-524-5247

EMAIL: jones@cityof.oxford.org

BILL TO: Oxford Police Dept

ADDRESS: 11 S Poplar St

Oxford, OH 45056

SHIP TO: Oxford Police Dept

ADDRESS: 11 S Poplar St

Oxford, OH 45056

Qty.	Item	Category	Description	List Price	BC Promo Price	Total Price
APX 4000 Model 2						
11	H51UCF9PW6 N	Radio	APX 4000, MOD 2	1,963.00 \$	981.50 \$	10,796.50
11	QA04865	Radio	TWO KNOB CONFIGURATION	- \$	- \$	-
11	QA02756	Radio	9600 BAUD	1,570.00 \$	785.00 \$	8,635.00
11	QA01648	Radio	HARDWARE KEY	5.00 \$	2.50 \$	27.50
11	H869	Radio	MULTIKEY	330.00 \$	165.00 \$	1,815.00
11	G996	Radio	OTAP	100.00 \$	50.00 \$	550.00
11	QA03399	Radio	ENHANCED DATA	150.00 \$	75.00 \$	825.00
11	QA09000	Radio	DIGITAL TONE SIGNALING	150.00 \$	75.00 \$	825.00
11	QA09008	Radio	GROUP SERVICES	150.00 \$	75.00 \$	825.00
11	QA01767	Radio	P25 LINK LAYER AUTHENTICATION	100.00 \$	50.00 \$	550.00
11	H885BK	Service	3 YEAR WARRANTY	90.00 \$	45.00 \$	495.00
11	T7914	Radio	RADIO MANAGEMENT LICENSE	- \$	- \$	-
11	QA00049AA	Radio	RADIO MANAGEMENT ENTITLEMENT	100.00 \$	61.20 \$	673.20
				\$ 4,708.00 \$	\$ 2,365.20 \$	\$ 26,017.20

APX 4000 Accessories

10	PMLN7182A	Holster	APX2000/4000 TWO-KNOB,SWIVEL,LEATHER CARRY CASE	66.00 \$	33.00 \$	330.00
10	PMPN4174A	Charger	SINGLE CHARGER	76.00 \$	38.00 \$	380.00
1	PMPN4284A	Charger	MULTI-UNIT CHARGER W/ 1 DISPLAY	655.00 \$	327.50 \$	327.50
				\$	\$	1,037.50

SERVICES

10	SVC03SVC0039	Services	ENGRAVING	31.25 \$	31.25 \$	312.50
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APX 6000XE Model 2.5

15	H98UCF9PW6BN	Radio	APX 6000XE, MOD 2.5	3,026.00 \$	1,513.00 \$	22,695.00
15	QA02006	Radio	APX 6000XE RUGGED	800.00 \$	400.00 \$	6,000.00
15	Q806	Radio	ASTRO DIGITAL OPERATION	515.00 \$	257.50 \$	3,862.50
15	H38	Radio	SMARTZONE	1,200.00 \$	600.00 \$	9,000.00

15	Q361	Radio	P25 9600 BAUD TRUNKING	\$	300.00	\$	150.00	\$	2,250.00
15	QA01648	Radio	HARDWARE KEY	\$	5.00	\$	2.50	\$	37.50
15	H869	Radio	MULTIKEY	\$	330.00	\$	165.00	\$	2,475.00
15	G996	Radio	OTAP	\$	100.00	\$	50.00	\$	750.00
15	QA03399	Radio	ENHANCED DATA	\$	150.00	\$	75.00	\$	1,125.00
15	QA09001	Radio	WIFI	\$	300.00	\$	150.00	\$	2,250.00
15	QA09007	Radio	OUT OF BOX WIFI PROVISIONING	\$	-	\$	-	\$	-
15	QA09006	Radio	ADAPTIVE NOISE SUPPRESSION	\$	150.00	\$	75.00	\$	1,125.00
15	QA09000	Radio	DIGITAL TONE SIGNALING	\$	150.00	\$	75.00	\$	1,125.00
15	QA09008	Radio	GROUP SERVICES	\$	150.00	\$	75.00	\$	1,125.00
15	QA01767	Radio	P25 LINK LAYER AUTHENTICATION	\$	100.00	\$	50.00	\$	750.00
15	Q58AL	Service	3 YEAR WARRANTY	\$	110.00	\$	55.00	\$	825.00
15	T7914	Radio	RADIO MANAGEMENT LICENSE	\$	-	\$	-	\$	-
15	QA00049AA	Radio	RADIO MANAGEMENT ENTITLEMENT	\$	100.00	\$	61.20	\$	918.00
				\$	7,486.00	\$	3,754.20	\$	56,313.00

APX 6000 Accessories

15	NNTN8863A	CHARGER	SINGLE UNIT CHARGER	\$	187.00	\$	93.50	\$	1,402.50
24	NMNE274A	SPEAKER MI/ XP RSM (Law)		\$	405.00	\$	202.50	\$	4,860.00
15	PMLN5875A	HOLSTER	CARRY CASE - swivel	\$	65.00	\$	32.50	\$	487.50
SERVICES							\$		6,750.00

15	SVC03SVC0039	SERVICES	ENGRAVING	\$	31.25	\$	31.25	\$	468.75
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RADIO TOTAL	\$	82,330.20
ACCESSORIES TOTAL	\$	7,787.50
SERVICE TOTAL	\$	781.25
Final Proposal Total	\$	90,898.95

Terms and Conditions:

All Prices Quoted Per State Term Schedule #573077-0. Please reference STS# on PO.

Payment terms: Net 30. PRICE VALID UNTIL 12-19-19

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Originating Department

Council Meeting Of: Jan. 7, 2020

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: Dec. 27, 2019

Agenda Title: Aquatic Center Season Passes – Fee Update

Recommendation: Approve

The 2020 season pass fees for the Oxford Aquatic Center did not include any type of 'Family' Pass. This was due to a large volume of feedback received by the Parks and Recreation Department about how the Family pass structure was not inclusive of many families in the community. In an attempt to be as fair as possible, all passes were listed for 2020 as individual sales only, which eliminated the need to define a Family and would be equally inclusive to all members. This fee structure was supported and approved by City Council.

After direct conversations with multiple members of the community, and through over 100 comments posted on Social Media about this topic, the Parks and Recreation Department felt it best to reconsider the current pass option. The new proposal includes a "Household" Pass option. This new option allows greater flexibility to include more individuals whom live in the same household, as well as creating a more affordable option for larger households. The proposed requirements are listed below:

- Household pass includes up to 4 members of the same household
- Household Pass must include at least 1 adult, age 18+, but not more than 2 adults.
- If more than one adult is included, they must share the same permanent address.
- All minors (under age 18) listed on the Household pass must also have their parent or legal guardian listed on the Household pass.

2020 Season Passes will be available online and in-person beginning March 30, 2020.

Approved By:	Initial Date
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Department Head:	<u>CDW</u> \ <u>12/27/2019</u>
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City Manager:	<u>DRE</u> \ <u>1-3-20</u>
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ORDINANCE NO.

AN ORDINANCE AMENDING FEES AND CHARGES FOR THE FISCAL YEAR 2020.

WHEREAS, the City Manager and the Parks & Recreation Director recommend City Council amend Ordinance No. 3541, and adopt new fees for 2020, as itemized below.

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

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Parks and Recreation Director and authorizes the amendment of the fees as contained herein. Additionally, the Council authorizes the City Manager to implement changes to existing fees or add new fees as deemed appropriate.

A. RECREATION DEPARTMENT (Residents living or working in the City of Oxford)

	<u>\$ Amount</u> <u>Residents</u>		<u>\$ Amount</u> <u>Non-residents</u>	
<u>7) AQUATIC CENTER</u>				
Season pool passes				
Household (4 or less)	210.00		231.00	
Each Additional	25.00		28.00	
Adult (18-59)	75.00	100.00	83.00	110.00
Senior (60+)	65.00	80.00	72.00	88.00
Youth (2-17)	50.00	80.00	55.00	88.00
Child under 2	FREE		FREE	

SECTION 2: This ordinance amends Ordinance No. 3541 adopted by the City of Oxford, but does not repeal the enabling language of the legislation by which these fees were previously adopted, which language shall otherwise remain in full force and effect.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY : LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 7, 2020

Sam Perry
Prepared By:

Account Code No. #:

Budgeted Amount:

December 30, 2019
Date Prepared:

PC-2019-24, FINAL PLANNED DEVELOPMENT AMENDMENT, 5990 Contreras Road, Scott Webb, Agent
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Recommendation: Approval

Discussion: On behalf of the McCarthy family, Architect Scott Webb is seeking an amendment to the previously approved Final Planned Development. The request is to amend the 2018 Final Planned Development approval from a three-family dwelling or two-family with office to a revised plan for a five-suite Short Term Rental. Two dwelling units will remain. Short Term Rental usage was not previously approved. The potential for office use is eliminated with this revision.

In addition to the new Short Term Rental use, the second request is also to allow the subdivision of land within the 1-Acre Planned Development boundary for a future potential separate home lot. Neither of those two changes could have been approved as minor amendments. Therefore, Planning Commission was required to review the request and forward a recommendation to City Council. The Law Director reviewed the procedural steps ahead of time to ensure consistency with other cases. The Commission held a hearing on December 10, heard from the public, heard from staff and reviewed decision standards. The Commission voted 5-1-0 to recommend approval to City Council, as requested, with the following conditions as recommended by staff:

1. The conditions of Ordinances 3334 and 3506 shall be void with the exception of 3334 condition e. as revised: The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress and any required changes shall be designed and constructed in consideration and observance of the historical features of the structure.
2. The separate lot shall be void if not split and recorded within 2 years.
3. A sanitary sewer easement shall be recorded with the lot split and copy provided to the City Engineer.

Note: This property is registered as a Short Term Rental per Oxford Code 743. The passage of this ordinance does not prevent new city-wide zoning legislation pertaining to Short Term Rentals.

Approved By:	Department Head: _____/_____
	City Manager: <u>DRF</u> / <u>1-3-20</u>

ORDINANCE NO.

ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR FINAL PLAN APPROVAL OF A MAJOR CHANGE TO AN EXISTING PLANNED DEVELOPMENT AT 5990 CONTRERAS ROAD WITH CONDITIONS.

WHEREAS, in accordance with Oxford Codified Ordinance Section 1145.10, the Oxford Planning Commission held a public hearing on December 10, 2019 on the application of Scott Webb, Applicant, for approval of a final plan for a major change to an approved, existing planned development at 5990 Contreras Road; and

WHEREAS, the Planning Commission, after due deliberation approved a motion recommending the approval of the final plan for a major change to an approved, existing planned development at 5990 Contreras Road, amending the 2018 Final Planned Development approval from a three-family dwelling or two-family dwelling with office to the revised plan for a five-suite short term rental and lot split with conditions.

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

SECTION 1: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants approval of the final plan for a major change to an approved, existing planned development at 5990 Contreras Road with the following conditions:

1. The conditions of Ordinances 3334 and 3506 shall be void with the exception of 3334 condition e. as revised: The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress and any required changes shall be designed and constructed in consideration and observance of the historical features of the structure.
2. The approval for a lot split shall be void if not split and recorded within 2 years.
3. A sanitary sewer easement shall be recorded with the lot split and a copy shall be provided to the City Engineer.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2019-24

Date –December 10, 2019

APPLICATION

Applicant:	Scott Webb, Agent/Architect/Applicant
Location:	5990 Contreras Road
Owner:	Peter and Constance McCarthy
Action Request:	Amendment to Final Planned Development
Current Use:	Short Term Rental and Two Family Dwelling
Proposed Use:	Short Term Rental and Lot Split
Zoning:	R1B (Single-Family Medium Density Residential) District
Surrounding Existing Land Uses:	Single and Two-Family and Multi-Family Dwelling

GENERAL DESCRIPTION

On behalf of the McCarthy family, Architect Scott Webb is seeking an amendment to the previously approved Final Planned Development. The request is to amend the 2018 Final Planned Development approval from a three-family dwelling or two-family with office to the revised plan for a five-suite Short Term Rental. The request is also to allow the subdivision of land within the 1-Acre Planned Development boundary for a future potential separate home lot.

Surrounding Area: There is a multi-family dwelling neighborhood to the east, single family to the south, north and west. This area is also in close proximity to the Lynn Avenue commercial corridor.

RECOMMENDATION

Based upon the 2015 staff findings, the current application, and recent staff meetings with the owner and buyer, a recommendation of approval can be forwarded to City Council with the following conditions:

1. The conditions of Ordinances 3334 and 3506 shall be void with the exception of 3334 condition e. as revised: The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress and any required changes shall be designed and constructed in consideration and observance of the historical features of the structure.
2. The separate lot shall be void if not split and recorded within 2 years.
3. A sanitary sewer easement shall be recorded with the lot split and copy provided to the City Engineer.

PUBLIC COMMENTS

Public notices were mailed to property owners within 200 feet of the boundary. One neighboring property responded to the mailing, requesting clarification from staff about the proposal and Oxford Zoning Code.

PROPERTY HISTORY

PC-2010-04	Rezoning from R1B to RO- Recommended by PC and subsequently denied by Council
PC-2010-08-ADM-	Lot Split (withdrawn)

PC-2010-09-ADM- Lot Split (Referred to BZA for adjudication hearing for not meeting zoning requirements)
PC-2015-16 Zoning Map amendment from R1B to R3 (withdrawn)
PC-2015-23 Preliminary Planned Development – approved with conditions
PC-2015-23 One year extension approved December 12, 2017 – due to expire 12-12-18
PC-2018-27 Final Planned Development – approved with conditions on 12-18-18

BACKGROUND

Per Zoning Code an approval of a final plan that is consistent with the approved preliminary plan, should be recommended for approval. This application is an amendment to a previously approved Final Plan. Some amendments can be approved without full Planning Commission review. This particular one had changes that were not viewed as minor by staff or legal counsel, so it was placed on the agenda for full Commission review. This type of Final Planned Development is uncommon because no new construction is planned at this time. Bishop Square, Gaslight Ave and Stewart Square are all examples of new construction Planned Developments. There is however interior reconfiguration that has been administratively permitted in 2019 because it was not prohibited by the 2018 approval.

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering and Economic Development Departments. The following comments have been received:

Police:	Returned without comments.
Fire:	Returned without comments.
Engineering:	Returned with comments.
Econ. Dev.:	Returned with comments.

See the 2015 Staff report for findings related to the 2008 Comprehensive Plan and the Planned Development Code. Particularly the reference to the preservation of historic/cultural resources.

ANALYSIS

There is not substantially new analysis provided by staff because of the following:

- Staff views this amendment as lower intensity than the previous 2018 approval.
- There is no prohibition in Oxford Code of multiple owners of a Planned Development. The lot split otherwise complies with R1B zoning requirements and also mimics the pattern of the surrounding neighborhood. However, in order to retain some predictability for the neighborhood, a time limit of 2 years could be applied, if desired by the City.
- There have not been any complaints registered with the Community Development Department specific to the Short Term Rental use of this property. Code drafting is underway specific to STR's, however no new land use regulations are in effect. There are separate codes already in effect for any potential nuisance concerns: noise, trash, parking, lighting.
- The Fire Chief did not request additional safety provisions or raise other concerns.

SUBMITTED

BY:



Sam Perry, AICP
Community Development Director

DATE: November 27, 2019

APPENDIX

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

1145.10 – Changes to a planned development.

- (a) Minor Changes to an Approved Final Planned Development.
The developer of an approved final planned development may submit a written request for approval of changes to the plan or development schedule. The Zoning Administrator and the Planning Commission Chair together may administratively approve changes to a planned development if such changes:
 - (1) Do not change the use
 - (2) Are of a magnitude that will not substantially alter the appearance of the development from off of the site
 - (3) Will not substantially or detrimentally affect the provision of public services to the site or general vicinity
 - (4) Will not substantially or detrimentally increase potential demand on public or private utilities
 - (5) Are not of a scope, scale, or character, that would cause a negative impact on adjoining properties and neighborhood
 - (6) Are not contrary to and in no way diminish the intent of the originally approved plan Administrative approvals shall be clearly documented, made part of the original final planned development on file, and the details of any such changes shall be reported to the Planning Commission at its next regularly scheduled meeting.
- (b) Major Changes to an Approved Planned Development.
Any proposed changes to an approved planned development that do not meet the criteria of a minor change are considered a major change. A major change requires an entirely new preliminary planned development application (including the fee), according to the provisions of this chapter.
- (c) Changes to a Planned Development not Procedurally Approved.
An existing planned development that was not approved according to the provisions of this Chapter and was never approved by a legislative, quasi-judicial, or administrative review, and that was legal at the time of its establishment is considered an approved planned development and is subject to the provisions of this chapter.

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 that do not include any activity conducted as business.
 - 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 and breakfast homes for transients.
- 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

(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 – 35 percent
 - 2. All enclosed buildings – 25 percent of lot
 - 3. Front yard – 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 – 40 percent
 - 2. All enclosed buildings – 25 percent of lot
 - 3. Front yard – 5 percent of front yard

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2015-23

Date –October 13, 2015

APPLICATION

Applicant:	Scott Webb, Agent/Applicant
Location:	5990 Contreras Road
Owner:	Peter and Connie McCarthy
Action Request:	Preliminary Planned Development
Current Use:	Single-Family
Zoning:	R1B (Single-Family Medium Density Residential) District
Surrounding Existing Land Uses:	Single and Two-Family and Multi-Family Dwelling

GENERAL DESCRIPTION

The applicant is seeking a Preliminary Planned Development approval for the property. Based on the narrative, the applicant is seeking for approval to reconfigure the existing residence into a maximum of three (3) dwelling units, and potentially a professional office.

The property is bordered by a multi-dwelling rental property to the east, single family to the south, north and west. This area is in proximity to Lynn Avenue where commercial activities are prominent.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners. No responses were received.

PROPERTY HISTORY

PC-2010-04	Rezoning from R1B to RO- Recommended by PC and subsequently denied by Council
PC-2010-08-ADM-	Lot Split (withdrawn)
PC-2010—09-ADM-	Lot Split (Referred to BZA for adjudication hearing for not meeting certain underlying zoning requirement)
PC-2015-16	Zoning Map amendment from R1B to R3 (withdrawn)

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering and Economic Development Departments. The following comments have been received:

Police:	Returned without comments.
Fire:	Returned without comments.
Engineering:	Returned without comments.
Econ. Dev.:	Returned with comments.

COMPREHENSIVE PLAN REVIEW

A Comprehensive Plan is a broad policy document intended to guide decision-making on long-term physical development. The Ohio Planning and Zoning Law Handbook even provides a more rigorous legal definition of a Comprehensive Plan, which is a chief policy instrument for: (1) the administration of zoning and subdivision regulations; (2) the location and classification of streets and thoroughfares; (3) the location and construction of public and semi-public buildings and related community facilities and infrastructure.....etc.

It provides the frame work to be used on a daily basis as public and private decisions are made concerning development. Administrative and legislative approvals of development proposal, including rezoning and subdivision plats, should be a central means of implementing the Comprehensive Plan. Decision by the Planning Commission should reference relevant Comprehensive Plan recommendation and policies.

There are many goals and objectives as outlined in the Comp Plan as what the community at large vision what this community would like. Various goals and objectives may seem contradictory and inconsistent; it is the purview for the City Council, Planning Commission, with the assistance from staff, to find the balance between these goals and objectives when reviewing development projects.

Relevant information from the 2008 Comprehensive Plan is provided as follows for discussion:

Land Use Chapter:

The map titled "Conservation and Development Map" on page 3.19 showed the aspiration and choices that are expressed by the community in 2008.

The area considered for redevelopment is mainly defined between Lynn Avenue and Locust Street between College Avenue and McGuffey Avenue. The subject property is adjacent to this redevelopment area. The intent of this redevelopment is to create a mixture of small and medium sized commercial uses with a well-defined landscape and public space; where residential uses shall also be integrated within the area to create a 24 hour district to create shopping and dining options within walking distance of surrounding neighborhoods.

The subject area is also considered Neighborhood General 3 under the Character Map Matrix on page 3.20, since the development of this area tends to be after WWII and does not share the same geographic configuration as the Mile Square. This character of the neighborhood is considered to be residential areas on the outskirts of the Mile Square with the lowest residential density.

Cultural Resources:

Enhance and improve the promotion and preservation of the City's historic and cultural resources. There is a large historic building located on the subject property that should be preserved.

The Comp Plan also supports and encourages the preservation, restoration, rehabilitation and reuse of historic structures and sites. Additionally, it is also recommended in the Comp Plan to consider historic and cultural resources in all land use decisions.

PLANNED DEVELOPMENT

Chapter 1145 Planned Development purpose statement provides the rationale and framework for consideration. Furthermore, the goals of any proposed planned development shall at minimum address the proposal in relation to the common goals of the Planned Development under Chapter 1145.01 and they are:

- A. Protect the neighbors of a planned development and the City in general to at least the same degree normally inherent in the Zoning Code.
 - B. Produce a development equal to or better than that resulting from single-use or traditional subdivision
 - C. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings
 - D. Result in a design in which the placement, height, and uses of buildings, vehicle management areas, and open spaces efficiently utilize potentials of the site
 - E. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development
 - F. Be functional within a time period that helps ensure a viable development.
- (2) Infill development also satisfies the following goals:

- A. Fully utilize sites that could not be fully utilized because of their shape or because of their location relative to available public access.
- B. Increase geographic efficiencies of existing utilities such as public streets, water, sewer, electric, telephone, and cable by using them where they are already available.
- C. Help keep development from sprawling to and beyond the municipal boundaries of Oxford.

ANALYSIS:

In reviewing the planned development application, the Commission should consider both the Purpose Statement and the Decision Standards of the Zoning Code Planned Development to determine the pros and cons of the request during its deliberation.

The Planned Development Chapter also pointed out that the Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. The 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 of the neighborhood in which it is proposed.

The Applicant 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.

The focus of this report will be analyzing the proposal based upon the Decision Standards.

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

Staff analysis:

The Planned Development provision allows any land use permitted in any residential zoning district in this code, except mobile homes, when a planned development proposal that overlays an existing zoning district.

The existing land use classification of the property is R1-B, and all permitted land uses includes multi-family dwelling and professional offices (permitted land uses under R-3 multi-family dwelling district)

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

Staff analysis:

There was no previously considered Planned Development for this site within one year. This decision standard is not applicable.

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

Staff analysis:

The purpose and intent of the Zoning Code is to promote and protect the public health, safety and general welfare of the people and to support the comfort and convenience of the Citizens of Oxford. Additional analysis, in relation to these decision standards concerning health, safety and general welfare of the people, is combined with the potential impact of the proposal.

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

Staff analysis:

As written in a staff report, dated July 14 and August 11, 2015 concerning the Zoning Map Amendment, there was no direct evidence from the Comp Plan to support the site to be a multi-family dwelling. It might be arguably plausible for two-family, given the uniqueness of the size of the dwelling and the site. It certainly is an anomaly in this general vicinity. However, this site, as indicated in that particular report, was not identified as a future expansion area for commercial development.

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

Staff analysis:

The size and shape of the site would seem to be sufficient for the proposed development, without any consideration of potential impact.

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

Staff analysis:

The proposed would have a certain degree of negative impact to existing or potential future neighboring uses, which will be further analyzed in other section of the decision standards.

- (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.***

Staff Analysis:

The narrative indicates the proposed use would be (1) three-family dwelling; and (2) professional office. The uses probably would not generate any excessive noise, smoke, fumes, as the applicant indicated in his narrative. One concern is potential number of off-street parking and the amount of traffic that might generate from the proposal.

The proposal, depending on how the configuration takes place between residential and office space, could be required to provide between 11 and 14 off-street parking spaces, which is much more than typically noted in a neighborhood such as this one. The site plan also shows those future office and residential parking spaces, to be totaled around 11 spaces, without considering garage spaces. Additionally, the traffic generated from this proposal would be much different than what a typical neighborhood would be, from a residential dwelling to a mixed use structure. Even though the site is about twice the size in footage than the properties directly west to this property, being single family dwelling unit and the difference between these properties would be noticeable as far as traffic generation is considered.

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

Staff Analysis:

The proposal does not seem to indicate any changes to the existing accessory structures to be utilized differently.

- (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.***

Staff analysis:

The site and use could be served by public utilities with adequate capacity.

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

Staff analysis:

No anticipated expenditure is expected to serve the proposed development.

(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 analysis:

The character and appearance of the building would not be altered, as indicated by the applicant, since no exterior modifications is expected. Interior modifications would not be visible from the street. However, the appearance and the character of the neighborhood may be altered to be different than the rest of the neighborhood, especially the property is considered the entrance to the neighborhood to the north and neighborhood to the west, given that potential traffic is being generated from this pending proposal, and the potential number of vehicles parked on site.

(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.

Staff analysis:

No engineering input has been provided from the City Engineer Office related to the on-site traffic and traffic accessing the site related to its impact to the safety of all modes of traffic. It would be something to review the potential impact to a major collector road from a single development site that is adjacent to a minor collector street.

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

Staff analysis:

It does not appear the applicant is proposing any removal of natural vegetation and no alteration or demolition to the existing building.

The proposal is seeking for an approval for a preliminary planned development to a maximum 3-dwelling unit with a professional office. One thing to bear in mind is that there are different types of professional offices, ranging from architects, lawyers, to medical, dentist and chiropractor's offices. The extent of client visit varies greatly from one type of professional office to another. It also depends how the office is configured to receive patients. Therefore, it is very unclear how the "professional office" would turn out to be. Potentially, a significant concern would be the traffic coming and going on a regular basis in and out of the site onto a major collector street. More information will be needed to ascertain the true impact from the traffic consideration. Since this is a preliminary Planned Development, many details have yet to be determined. And it is also conceivable that the details would not be available until there are specific buyers submitting proposals. Therefore, there is a sunset provision of 2 years after the approval of the preliminary planned development, with the possibility of two one-year extension from the Commission. It is not common for the Commission to review a proposal such as this one that does not have any specific end products and is subject to market demands, dealing with the adaptive re-use of an existing building.

Given that this is a planned development, the Planning Commission can and should require any and all needed information for consideration and to review the proposal to ensure the potential impact can be minimized and mitigated and the proposal poses no detrimental effect to the surrounding neighborhood.

This building was built in 1896 and has many distinctive features and historic significance that the community should cherish. It is known as Welsh-Stewart House by many local residents for its Queen Anne Victorian style. Furthermore, it was also the home of a prominent local member, Josiah Allen Welsh, as well as Dr. William T. Stewart. The original two-story brick house has approximately 3740 square feet, which was significantly larger than any houses of that time. Subsequently, an addition was added on to increase the footage of the house to over 5,000 square feet.

Preservation of cultural and historic resources is specifically highlighted in the Comp Plan and there are specific objectives to consider for land use decisions and to promote preservation of historic structures and sites. Given the size of the structure, it is not an easy task to live in a historic structure, due to the fact it would require constant maintenance, and on-going utility expenses to keep the building in a livable condition. Without a steady income flow, the cost of maintaining the structure would be hard pressed for average family, let alone major renovations that would be necessary for the upkeep of this building.

The size of the lot makes this historic home feels more like a mini-homestead that makes this site/structure even more unique, especially for the size of the structure. This almost one-acre site is part of the reason that a Planned Development approach would seem to be more appropriate with the commitment that the building will be maintained.

The current use of the site is a two-family which would be allowed continuously. It is the transitional step changing from multi-family to the east onto single family to the west of the site, which it would make land use sense for this site. The proposal of maximum 3 families would be departure from the environment of a two-family and single family. Additionally, there is a public street, classified as minor collector road, separating the multi-family residential from single family residential district.

Adding a professional office use for the site would require additional information as to how the office would be in operation. The applicant indicates that the hours of the office portion would be from 7 am to 9 pm. Other than this, there is not much more about the proposed office use for this planned development. The hours of operation would seem to be too long, considering this is a residential neighborhood.

In order to address the potential traffic concerns, the Commission may require the City Engineer to ascertain the traffic impact in and out of the site. It would also be critical to maintain vegetation, and possibly adding some more to protect and preserve the appearance of the neighborhood.

It is important for the Commission to balance the needs of maintaining, preserving, and continuing to improve this historic structure as time goes on and the community characters as a whole in the context of this Planned Development proposal. It may also require the Commission to outline specific conditions for the proposal if the Commission feels that this proposal meets the decision standards and the purpose statement of the Planned Development.

RECOMMENDATION

Reviewing the requested Planned Development Application based on the Comp Plan and the Zoning Code's Decision Standards, the application seems to be somewhat subject to market since it does not provide much detailed information, as many other Planned Development projects normally would have. And based on the analysis, the recommendation would be to consider this Planned Development to be no more than a two-family dwelling and an office. It is unclear what the rationale was when this property was rezoned to a single family in 2003. A two-family residential might be the extent of what could be supported due to the "alleged" error on the Zoning Map. Adding an office use to the structure may provide additional income to support the historic building if the potential issues could be mitigated, such as operating hours, traffic and the protection and preservation of the neighborhood character.

SUBMITTED

BY:

Jung-Han Chen
Community Development Director

DATE: October 6, 2015

ATTACHMENT

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.

(c) Additional Final Plan Decision Standards

(1) The final planned development shall substantially conform to the preliminary plan.

(2) Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process.

(3) If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

ORDINANCE NO. 3334

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY PLAN APPROVAL OF A PLANNED DEVELOPMENT FOR ONE (1) ACRE OF LAND AT 5990 CONTRERAS ROAD OXFORD, OHIO 45056 TO ALLOW THE RECONFIGURATION OF AN EXISTING STRUCTURE FOR RESIDENTIAL AND OFFICE USES WITH CONDITIONS.

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

SECTION 1: Council hereby finds that the Planning Commission held a public hearing on October 13, 2015, in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant/Agent for approval of a Preliminary Plan for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses.

SECTION 2: The Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code and recommended approval of the Preliminary Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 with conditions.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Preliminary Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses based on the submittals of the applicant that are incorporated and made a part of this approval with the following conditions:

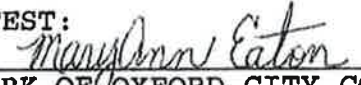
- a. The use shall be limited to a maximum of 3 dwelling units (the current efficiency apartment and 2 additional units) or 2 dwelling units (the current efficiency apartment and 1 additional unit) and 1 professional office (limited to only those professional office uses specifically enumerated in Oxford Zoning Code Section 1159.17).
- b. Maximum occupancy of any dwelling unit for which a rental permit is required shall be 4 persons, no more than two of which may be unrelated unless constituting a family as allowed in Oxford Zoning Code Sections 1146.02(a) and 1146.02(b).
- c. The office use shall be limited to a maximum of 2,500 square feet.
- d. Any sign for the Professional Office shall conform to Oxford Zoning Code Section 1151.05(a)(1) except only a free-standing sign will be permitted and the design of the sign shall be in harmony with the historic character of the home.

- e. The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress of the new uses and any required changes shall be designed and constructed in consideration and observance of the historical features of the structure.
- f. The hours of operation of the professional office shall be limited to 8:00 a.m. to 8:00 p.m.
- g. The Planned Development shall in all other respects comply with Oxford Zoning Code Section 1143.09 RO Office Residential District.

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


MAYOR

ADOPTED: November 17, 2015

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW(STAFF)

ORDINANCE NO. 3506

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR FINAL PLAN APPROVAL OF A PLANNED DEVELOPMENT FOR ONE (1) ACRE OF LAND AT 5990 CONTRERAS ROAD OXFORD, OHIO 45056 TO ALLOW THE RECONFIGURATION OF AN EXISTING STRUCTURE FOR RESIDENTIAL AND OFFICE USES WITH CONDITIONS.

WHEREAS, Council hereby finds that the Planning Commission held a public hearing on November 13, 2018 in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant/Agent for approval of a Final Plan for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses; and

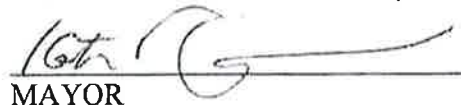
WHEREAS, the Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code and recommended approval of the Final Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 with conditions.

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 Final Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses based on the submittals of the applicant that are incorporated and made a part of this approval with the following conditions:

- a. All conditions of Ordinance No. 3334 shall apply with the exception of condition 'g' regarding compliance with the RO District.
- b. The professional office hours shall be limited to 8:00 a.m. to 8:00 p.m. and no more than two customers shall be present simultaneously.
- c. Should the third dwelling unit or professional office tenant not be substantially established within two years of the Final Plan approval, the Final Planned Development approval shall become void.

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


MAYOR

ADOPTED: December 18, 2018

ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Aerial Map

 Site Parcel

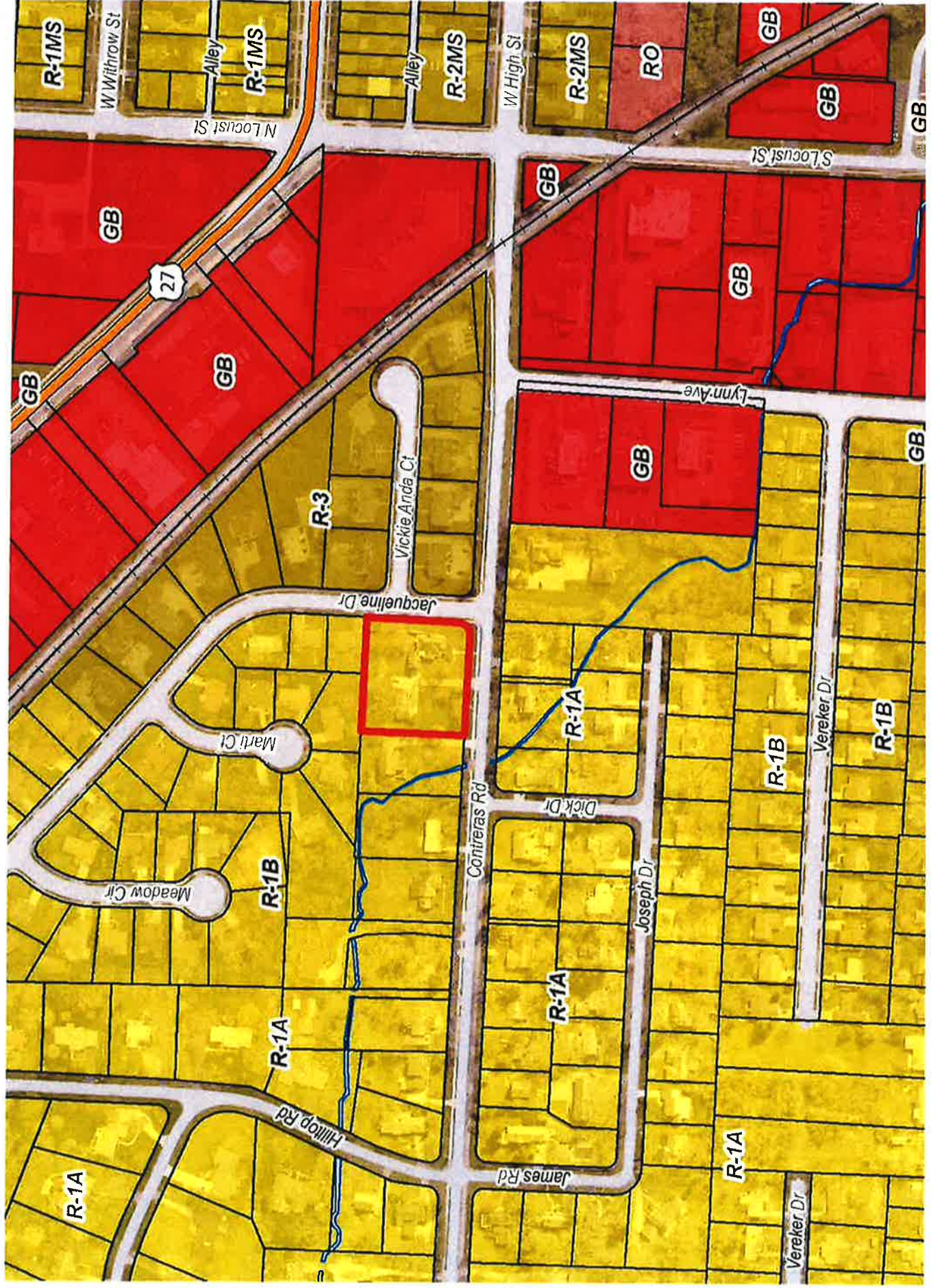


Location Map

 Site Parcel



Zoning Map



City of Oxford
Inter-Office Review Transmittal Sheet



Date: November 5, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-24, PRELIMINARY & FINAL PLANNED DEVELOPMENT, 5990 Contreras Road, one acre,
R-1B District, Scott Webb, Applicant, Agent

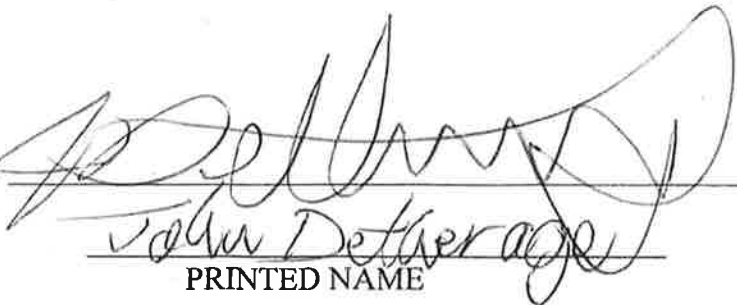
 X Review Revisions Other

Please return no later than: **November 26, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:


John Dethier
PRINTED NAME

Date: 11-7-19

City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 5, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-24, PRELIMINARY & FINAL PLANNED DEVELOPMENT, 5990 Contreras Road, one acre,
R-1B District, Scott Webb, Applicant, Agent

 X Review Revisions Other

Please return no later than: **November 26, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

See memo dated 11/25/19.

-SAO

Drawings reviewed by:

Scott Otto

Date: 11/25/19

Scott Otto

PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: PC-2019-24
Preliminary and Final Planned Development – 5990 Contreras

DATE: November 25, 2019

The Engineering Division offers the following comment:

- If the lot split is approved, please provide a recorded copy of the Plat of Survey, including the proposed private sanitary easement, to the City of Oxford Engineering Division.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 5, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-24, PRELIMINARY & FINAL PLANNED DEVELOPMENT, 5990 Contreras Road, one acre,
R-1B District, Scott Webb, Applicant, Agent

 X Review Revisions Other

Please return no later than: **November 26, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

[Signature]

Date: 11/19/19

John A. Jones

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 5, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-24, PRELIMINARY & FINAL PLANNED DEVELOPMENT, 5990 Contreras Road, one acre,
R-1B District, Scott Webb, Applicant, Agent

 X Review Revisions Other

Please return no later than: **November 26, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

IT SEEMS THIS PLAN SAVES THE EXISTING
STRUCTURE. I LIKE SAVING THE STRUCTURE.

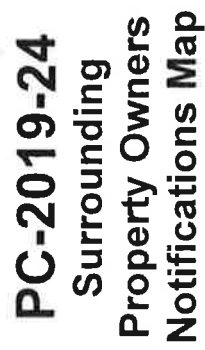
A COMPARABLE STRUCTURE WAS DEMOLISHED
ON FIVE DRIVE AFTER AN ACCEPTABLE REUSE
COULD NOT BE OBTAINED.

Drawings reviewed by: _____


G. ALAN KYCHEN

PRINTED NAME

Date: 11.20.19



Paved Roadway



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.



LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Planning Commission & City Council regarding the proposed change to an approved Planned Development at 5990 Contreras Road.

Thank you,

Signed: Constance McCarthy
Peter & Constance McCarthy

10-28-2019
Date:

**Internal Use Only:**

Case No.

PC-2019-24

Date Filed

10/28/19

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 *

Scot Webb, Architect

Mailing Address *

103 West Walnut Street

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number *

523-3838

Email Address

scott@scottwebbarchitect.com

Owner Information

Name *

Peter & Constance McCarthy

Mailing Address *

6073 Contreras Road

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number *

431-1920

Email Address

pecomcc@gmail.com

Engineer/Surveyor Information

Name *

Bayer Becker / David Douglas Smith P.S.

Mailing Address *

318 S College Ave. / 910 Marilyn Drive

City, State & Zip Code *

Oxford, Ohio 56045

Telephone Number *

523-4270/523-9964

Email Address

ettareed@bayerbecker.com

Location and Lot Information

Name of Subdivision *

Location of Property *

Legal Description *

5990 Contreras Road

H4100016000047 - Survey Attached

Zoning District *

R-1B

Total Area *

1

Acres

Submission Requirements and Documentation

The application requirements (Section 1145.05¹) 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

- O. Other information as required by the Planning Commission or Council.
- (7) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.
- (8) Other. Photographs of the existing site and its surroundings.
- (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 1145.06¹.

Fees & Receipt

The fees for a Preliminary, Final, or combined Preliminary and Final Planned Development application are \$470.00 plus \$100.00 per acre, plus \$10.00 postage charge.

Sign and Date

Applicant Signature *

Date *



The image shows a handwritten signature in blue ink over a horizontal line. Below the signature, the date "11/4/19" is handwritten in blue ink over another horizontal line.

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).**

¹ See City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

² Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

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



**SCOTT
WEBB**

A R C H I T E C T

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

www.scottwebbarchitect.com

**Re: Proposed Change to an Approved Planned Development
5990 Contreras Road**

October 28, 2019

Mr. Perry,

My clients have asked me to present a proposed change to the approved Planned Development at 5990 Contreras Road as shown on the attached drawings.

This application seeks to modify existing PUD Ordinance 3506. In lieu of the previously approved multi-family and professional office use, the applicant proposes to:

1. Separate the one acre lot into two separate lots. Lot B to be .6 acres that includes the current 5000 SF house. Lot A is .4 acres and includes the detached garage. A survey indicating the boundary lines of each lot is enclosed.
2. Use of the existing house to be non-owner occupied short term rental, residential, and to maintain the existing rental permit for 5. Five short term rental suites are proposed, in keeping with the current rental permit. The intent is to market five self-contained guest suites for stays less than 14 days as the primary use. Occasionally guests request a stay of longer than 14 days so we request that the existing rental permit remain active. The enclosed floor plan indicates the size and general layout of each suite. Site plan shows on-site parking for five spaces (a reduction from the previous PUD submission) on Lot A.
 - a. Studio Suite 555 SF.
 - b. Family Suite 791 SF
 - c. Master Suite 440 SF
 - d. Family Suite 1150 SF
 - e. Master Suite 816 SF
3. Lot B to include a future residence meeting all requirements of the R1B district.

Based on the decision standards as addressed below, we feel this could be approved as a Minor Change to an Approved Planned Development.

The attached Site Plan shows the proposed lot split and its effect on the dimensional requirements of the Approved Planned Development

Also attached is a narrative statement from the owners regarding the proposed changes and drawings of the interior alterations of the existing historic house.

1145.10 Changes to a Planned Development

The definition of a Minor Change to a Planned Development is clearly outlined in this chapter of the Zoning Code, and as decisions standards, are addressed as follows:

(1) Does not change the Use

As the site was approved for either (2) dwelling units with a max. 2,500 s.f. professional office or (3) dwelling units. The application at hand proposes a minor modification in how the (3) dwelling unit option could be realized on the site, making it available as a non-owner occupied short term rental.

(2) Are of a magnitude that will not substantially alter the appearance of development from off of the site

The proposed change does not affect the appearance of the original historic house and is in fact reduces the changes that may be required for a conversion to a commercial use.

The additional building lot is reflective of the lot sizes in the neighborhood and complies with the requirements of the underlying zoning district, compatible with the neighborhood.

(3) Will not substantially or detrimentally affect the provision of public services to the site or general vicinity

The proposed minor changes will not change the provision of public services.

(4) Will not substantially or detrimentally increase potential demand on public or private utilities.

All utilities are available on the site or in the street.

(5) Are not of a scope, scale, or character, that would cause a negative impact on adjoining properties or the neighborhood.

While the proposed change would result in construction of an additional single family residence, the elimination of the potential commercial use will reduce the potential negative impacts on the neighborhood

(6) Are not contrary to and in no way diminish the intent of the originally approved plan.

The proposed change is represents a minor reconfiguration of one available option of the approved Planned Development.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written over a light blue horizontal line.

Scott Webb, Architect

Peter & Connie McCarthy
6073 Contreras Rd.
Oxford, OH 45056
e: pecomcc@gmail.com

City of Oxford
Community Development Department
15 South College Ave.
Oxford, OH 45056
Attn: Mr. Sam Perry, Community Development Director

Dear Mr. Perry:

This application is being made on behalf of the buyers of proposed Lot B, Kelly & Dan Umbstead, long time Oxford residents. We began limited short term rental use of the studio apartment in 2015 while the house was for sale. We found that STR use created much less wear and tear on the house than our experience with long term tenants. In 2017, the short term rental use was expanded to the upstairs in the main house as our STR demand steadily grew and we continued to market the house. The second floor lobby created a natural division between suites. Locks with keypad devices were installed allowing for two separate guest suites that share the lobby. The three suites provided clean, comfortable, reasonably priced, safe accommodations that are marketed primarily to Miami parents, in a beautiful setting that is within walking distance of Oxford and Miami's campus. Over the past two years demand continued to grow (with many repeat customers) and we found that we enjoyed the STR business. As was the case with the apartment, wear and tear on our house was minimal, and this seemed to be a great use for our historic home.

All safety devices required by the City of Oxford for long term rentals are installed in each suite including smoke detectors, CO2 monitors, fire extinguishers, etc. No meals are prepared for guests, although a gift basket filled with fresh muffins, fruit, and breakfast bars is offered. To date, no complaints from the neighborhood have been received. Guests are required to sign off on a set of house rules (details below) prior to booking. What began as a hobby has grown into a viable business that helps to meet the increasing housing demand for travelers to Oxford. We actively promote local restaurants, attractions such as the Oxford Community Arts Center, and Miami University through our guidebook and verbal conversations with guests.

The first floor is currently vacant. This application proposes dividing the first floor into two additional guest suites, including one with a full kitchen. Separate entrances with keypad access will be installed and the suites will include safety devices consistent with what is provided in the current three suites. Construction to create the two new suites is limited to two bathrooms

with no demolition of the house's historic features. No significant modifications to the building exterior will be made.

On site parking is planned to accommodate five to seven guest vehicles. Additional parking is available along Jacqueline Drive.

We currently advertise on two platforms – AirBnB and VRBO/Homeaway. Both of these platforms require guests to sign off on the owner's House Rules prior to booking. Our House Rules are clearly stated on both platforms –

No Smoking

No Additional Guests without prior approval

No Excessive Noise

No Parties

No Pets

We feel the proposed plan is less impactful to the existing neighborhood than the previously approved PUD since only residential use is proposed. The location of the house is in a barrier zone between the business district at Lynn Avenue and the residential district to the west on Contreras Rd. This barrier zone includes a large multi-family complex to the east, and a multi-family PUD to the south. The property is also adjacent to single family residences (one being a student rental). This location is well suited for a bed and breakfast style short term rental.

The proposed plan is consistent with the goal of the previous PUD – that being to allow an income producing use that will help preserve this historic home that has had a rich history in the City of Oxford. We have found short term rental use to have much less wear and tear on the home than long term rental use. Because the suites are spacious, we have been able to accommodate many international families who are visiting their student during Miami breaks. These families tend to stay for longer periods, up to a month. We request maintaining our current permit for five unrelated persons to accommodate these types of situations.

It is the Umbstead's intent to continue the business model described above. The current professional office use and separate apartment use for the PUD can be removed in favor of this less impactful plan.

Sincerely,


Peter & Connie McCarthy

SITE DESIGN

SECTION 145.12

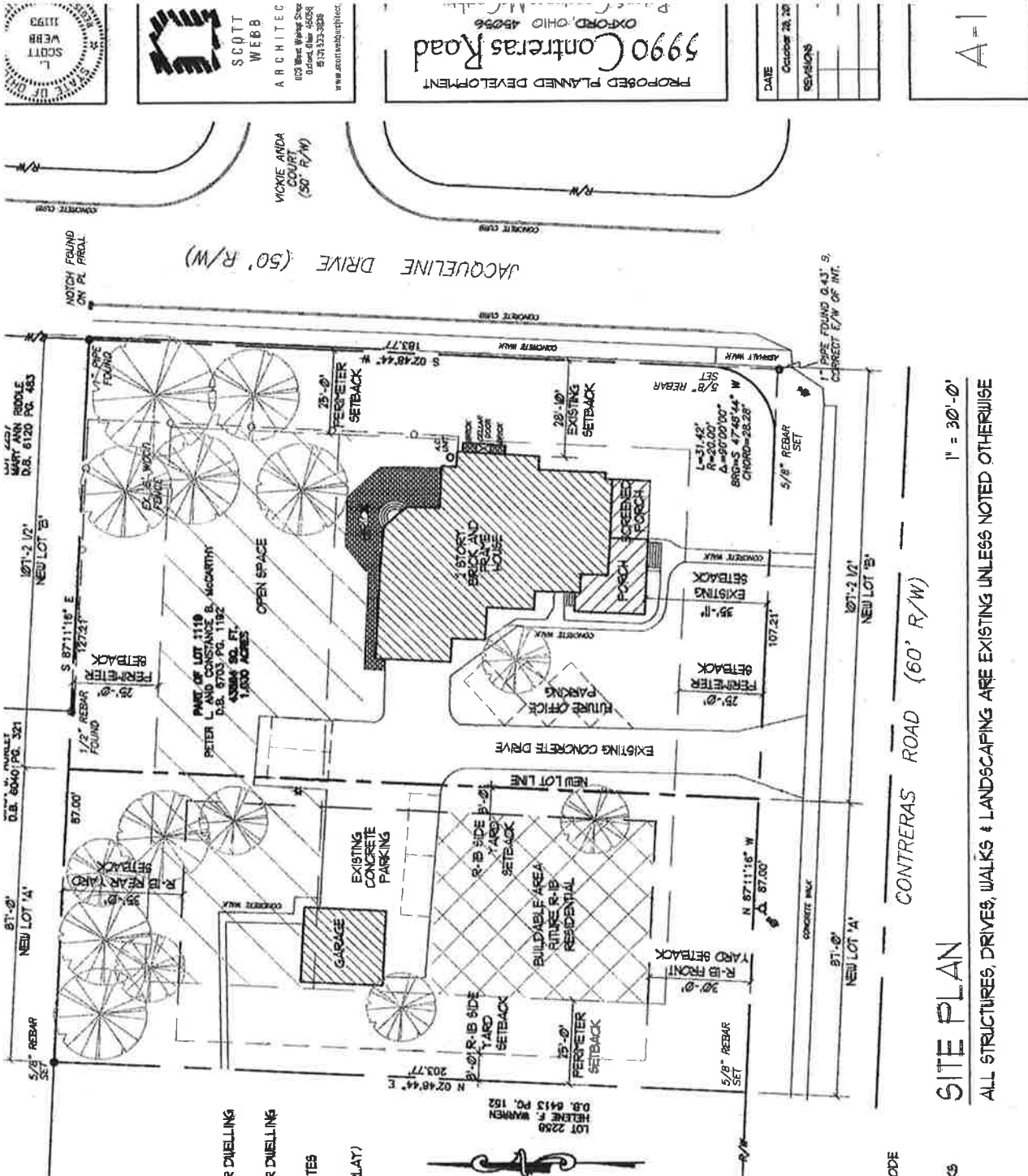
LAND AREA: 43,564 SF. (1 ACRE)
 LAND USE: LOT A: 1728 SF. (4 ACRES)
 R-B SINGLE-FAMILY RESIDENTIAL
 LAND USE: LOT B: 25, 236 SF. (5.93 ACRES)
 NON-OWNER OCCUPIED SHORT TERM RENTAL

APPROVED MAX. RESIDENTIAL DENSITY:
 (6) UNRELATED OCCUPANTS * (3) DWELLING UNITS MAX (2) PER DWELLING
 PROPOSED RESIDENTIAL DENSITY:
 (6) UNRELATED OCCUPANTS * (3) DWELLING UNITS MAX (2) PER DWELLING
 LOT A: PERMITTED FOR (3) UNRELATED OCCUPANTS
 (5) NON-OWNER OCCUPIED SHORT TERM RENTAL SUITES
 LOT B: R-B SINGLE FAMILY LOT
 (2) UNRELATED OCCUPANTS (NEIGHBORHOOD OVERLAY)

DIMENSIONAL REGULATIONS:
 BUILDING HEIGHT MAX. 35' (UNDERLYING ZONING DISTRICT)
 FRONT SETBACK 30' (UNDERLYING ZONING DISTRICT)
 REQUIRED PERMETER SETBACK = 25'
 OPEN SPACE:
 MIN 20% OF LOT NOT INCLUDING SETBACK AREAS
 9,362 SF. OPEN SPACE AREA = 18.2%

LOT COVERAGE:
 MAX. 25% ENCLOSED BUILDINGS
 3,491 SF. EXISTING RESIDENCE
 5,300 SF. EXISTING ACCESSORY STRUCTURE
 4,021 SF. = 9.25%
 6,810 SF. AVAILABLE FOR FUTURE
 R-B RESIDENCE
 MAX. 35% LOT TOTAL
 4,021 SF. = ENCLOSED BUILDINGS
 5,301 SF. = DRIVES, SIDEWALKS & PATIOS
 3,418 SF. = 21.62% EXISTING
 + 1,253 SF. = FUTURE RESIDENTIAL PARKING
 10,610 SF. = 24.45% TOTAL EXISTING
 4,511 SF. AVAILABLE LOT COVERAGE
 FOR FUTURE R-B RESIDENCE

ENVIRONMENTAL:
 100' NATURAL BUFFER FROM NATURAL SURFACE WATER - N/A
 LANDSCAPING & SCREENING:
 EXISTING MATURE TREES EXCEEDS MINIMUMS OF THE ZONING CODE
 ACCESS & MOBILITY:
 DIRECT ACCESS FROM COLLECTOR OR ARTERIAL ROAD
 PEDESTRIAN CONNECTIVITY PROVIDED BY EXISTING SIDEWALKS
 UTILITIES & INFRASTRUCTURE:
 NO CHANGE TO EXISTING UTILITIES OR INFRASTRUCTURE



SITE PLAN

ALL STRUCTURES, DRIVES, WALKS & LANDSCAPING ARE EXISTING UNLESS NOTED OTHERWISE

1" = 30'-0"

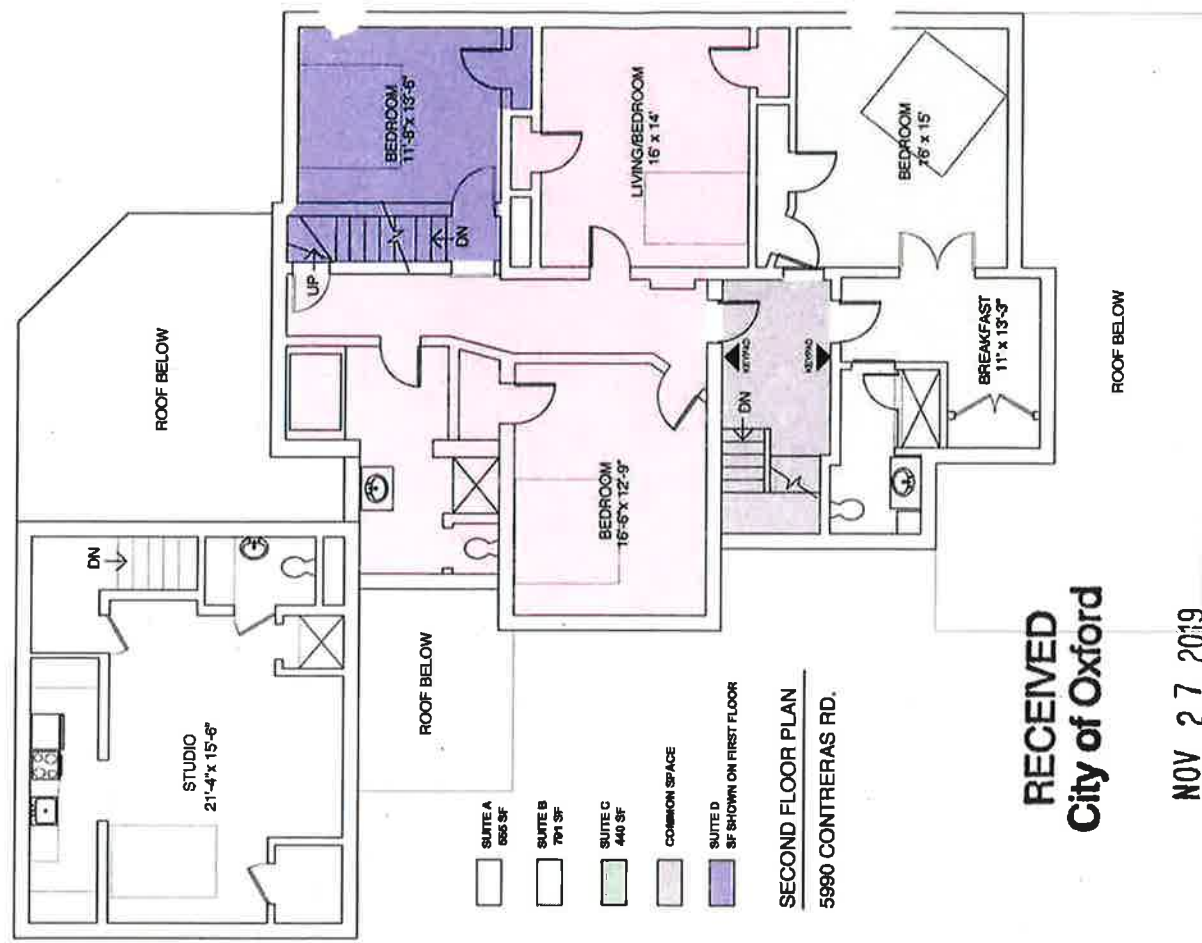
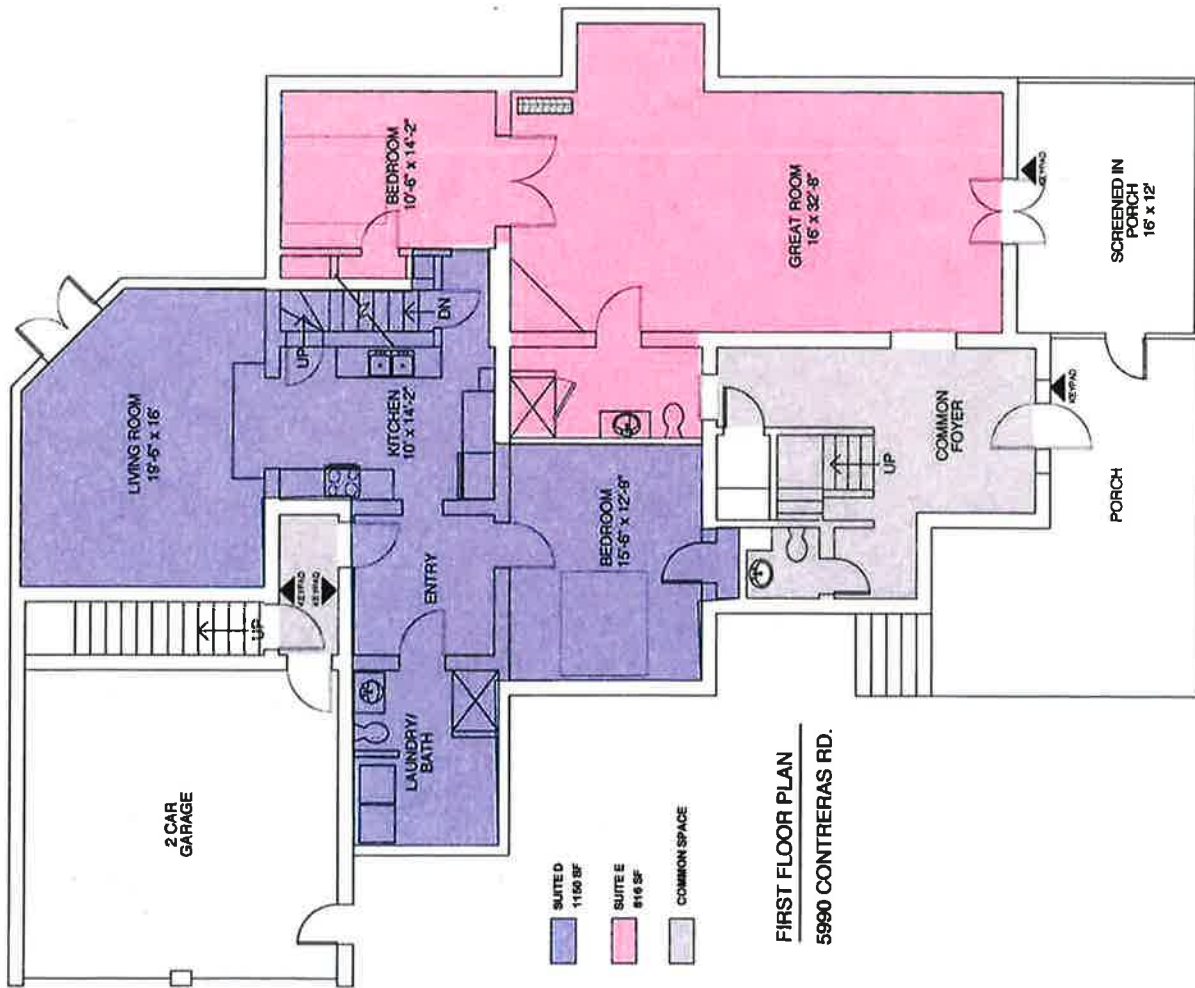
SCOTT WEBB ARCHITECT
 103 West Main Street
 Oxford, Ohio 45056
 513-333-3338
 www.scottwebbarchitect.com

PROPOSED PLANNED DEVELOPMENT
5990 Contreras Road
 OXFORD, OHIO 45056

DATE: October 28, 20
 REVISIONS:

A=1





CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 17, 2019

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 5, 2019

Date Prepared

Agenda Title: An Ordinance Amending The Codified Ordinances Of The City Of Oxford, Ohio, By Adding New Section 521.13 Entitled Unsolicited Materials To Chapter 521 Health, Safety And Sanitation.

Recommendation: Adoption.

Discussion:

Proposed Ordinance Regulating Unsolicited Written Materials.

I have worked with staff (Police Chief and Law Director) on an Ordinance regulating the delivery location of unsolicited written materials such as advertising circulars. The proposed Ordinance is modeled after legislation enacted by the City of Upper Arlington. The legislation would require the placement of unsolicited written materials on a porch nearest the front door, securely attached to the front door, through a mail slot on the front door, between the exterior front door and interior front door (if unlocked), or a distribution box located on the premises.

It is proposed to be located in Chapter 521 Health, Safety, and Sanitation of the City of Oxford's Codified Ordinances and will add new Section 521.13 Unsolicited Written Materials. It will include both civil and criminal penalties for violation of this Ordinance for both individuals and organizations.

The focus of this legislation is to prevent the littering caused by the tossing of the advertising circulars on to the streets, driveways, lawns, and sidewalks in the City of Oxford. It will not prevent the distribution only the placement.

This legislation is important for the City of Oxford since 68% of our occupied housing units are rental with a transient student population occupying most of the units. Many of the circulars remain where they have been tossed for weeks or end up in the streets especially when students are gone.

It is my hope that upon notification of the enactment of this legislation the distributor of the advertising circulars will comply with the regulations without the City needing to take any enforcement action.

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Approved By:	Department Head:	Initial Date
	City Manager:	<u>DRE</u> <u>12-13-19</u>

ORDINANCE NO.

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF OXFORD, OHIO, BY ADDING NEW SECTION 521.13 ENTITLED UNSOLICITED MATERIALS TO CHAPTER 521 ENTITLED HEALTH, SAFETY AND SANITATION.

WHEREAS, the Constitution of the State of Ohio, in Article XVIII, Section 3, grants municipalities the authority to exercise all powers of local self- government and to enforce local police, sanitary, and other similar regulations as are not in conflict with the general laws; and

WHEREAS, pursuant to this constitutional home rule authority, the people of the City of Oxford have adopted a Charter and Codified Ordinances to exercise the powers of local self-government and enforce local police power regulations; and

WHEREAS, a local police power regulation only conflicts with a general law if it prescribes a rule of conduct that permits that which the state law expressly forbids, or vice versa, and does not conflict with general laws if it merely imposes a greater penalty for conduct that is prohibited by the general law, or regulates activity that is not expressly permitted by general law; and

WHEREAS, the City has substantial, legitimate interests in preserving and maintaining a high level of sanitation throughout the city by reducing visual blight and litter; and

WHEREAS, the City has experienced ongoing problems with the delivery of unsolicited written materials to areas of private property such a yards and driveways, commonly resulting in materials remaining in such locations for extended periods of time, causing visual blight and materials being blown and scattered onto neighboring property and public roads; and

WHEREAS, over a period of years the City has received many resident complaints related to unsolicited written materials being delivered to locations on the residents' property which, in addition to causing visual blight and the spread of litter, cause hardship on residents forced to collect these materials from various portions of their or neighboring property; and residents have requested cessation of delivery often without success; and

WHEREAS, the City wishes to reduce visual blight, littering, and the interference with private property associated with the delivery of unsolicited written materials while at the same time protecting the First Amendment rights of the persons and organizations delivering those materials; and

WHEREAS, the issue of unsolicited materials has been discussed by Council and attempts to deal with the adverse effects of delivery of unsolicited materials under existing ordinances and through voluntary action by those responsible for delivering such material has been unsuccessful; and

WHEREAS, based on observation from City Council members and findings in other communities, City Council finds that some of the unsolicited materials can and do migrate to public property, where upon they become litter; and

WHEREAS, in light of the thousands of unsolicited materials delivered in the City each year, the City has a reasonable basis to believe that restricting such deliveries to certain specified locations will bring about a more consistent esthetic and reduce litter; and

WHEREAS, requiring all unsolicited materials to be delivered to consistent, predictable locations will further reduce the visual impact of such materials by increasing the chances that recipients will find and collect materials and discard them in an appropriate manner; and

WHEREAS, City Council finds that this ordinance leaves open ample alternative channels of communication and does not prohibit the right for individuals to travel door-to-door to proselytize, and leave literature with residents.

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

SECTION 1. Codified Ordinance Section 521.13 is hereby added to read as follows:

§ 521.13 UNSOLICITED WRITTEN MATERIALS

(A) As used in this section:

Front door: means the street-facing entrance(s) to a principal structure. In the event no door faces the street, then any other door of a principal structure nearest the street shall be considered a front door for purposes of this section.

Person: means any person, firm, corporation, association, club, society or other organization.

Organization: means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated nonprofit association, estate, trust or other commercial or legal entity. "Organization" does not include an entity organized as or by a governmental agency for the execution of a governmental program.

Porch: means an exterior appendage to a principal structure leading to a doorway, including any stairway attached thereto.

Premises: means a lot, plot, or parcel of land including any structures, driveways, or other impervious surfaces thereon.

Principal structure: means a structure, or combination of structures of primary importance on the premises, and that contains the primary use associated with the premises. The primary use is characterized by identifying the main activity taking place on the premises.

Unsolicited written materials: means any written materials delivered to any premises without the express invitation or permission, in writing or otherwise, by the owner, occupant, or lessee of such premises.

(B) No Person shall deliver, place, or distribute unsolicited written materials to any premises other than in the following locations and manners:

- (1) On a porch, if one exists, nearest the front door; or
- (2) So that such materials are securely attached to the front door; or
- (3) Through a mail slot on the front door or principal structure, if one exists, as permitted by the United States Postal Service Domestic Mail Manual, Section 508 Recipient Services, Subsection 3.1.2; or
- (4) Between the exterior front door, if one exists and is unlocked, and the interior front door; or
- (5) Where permitted, in a distribution box located on or adjacent to the premises; or
- (6) Securely attached to a hook or within some other receptacle used for the delivery of non-U.S. Mail packages or materials, attached to the mailbox post for the premises, if it exists; or
- (7) Personally to the owner, occupant, and/or lessee of the premises.

(C) Notwithstanding subsection (B), an owner, lessee, or occupant maintains the right to restrict entry to his or her premises.

(D) Organizational Liability: Pursuant to C.O. § 501.11, it is the intent to impose organizational liability for violation of this section committed by an officer, agent, or employee of a business or organization while acting on behalf of the business or organization and within the scope of the officer's, employee's or agent's office or employment.

(E) Unsolicited written materials placed at a premises creates a rebuttable presumption that the materials were placed at the premises by the owner, officer, agent, or employee of the business, product, good, service, or message which is being advertised, promoted, endorsed, or conveyed in such materials. Where the materials are delivered as a package and relate to multiple businesses, products, goods, services, or messages, the presumption shall apply to the identified distributor of the package of materials, if any.

(F) The provisions of this section do not apply to the United States Postal Service.

(G) Violation of this section shall be a minor misdemeanor punishable by a fine of One-Hundred Fifty Dollars (\$150) per violation.

SECTION 2. The City Manager and the City Law Director are hereby authorized to take all actions necessary to implement and administer this Ordinance.

SECTION 3. This Ordinance is enacted pursuant to the home rule powers of the City of Oxford as set forth at Article XVIII, Section 3, of the Ohio Constitution.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: DAVID PRYTHERCH

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 17, 2019

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 11, 2019

Date Prepared

Agenda Title: An Ordinance Amending The Codified Ordinances Of The City Of Oxford, Ohio, By Adding New Section 521.14 Entitled Expanded Polystyrene Ban To Chapter 521 Entitled Health, Safety And Sanitation.

Recommendation: Adoption.

Discussion:

The proposed Ordinance bans the use of expanded (foam) polystyrene by food service operations in Oxford. It was requested by Councilors Raghu and Bracken. It is proposed to be located in Chapter 521 Health, Safety, and Sanitation of the City of Oxford's Codified Ordinances and will add a new Section 521.14 Expanded Polystyrene Ban. It includes both civil and criminal penalties for violations of this Ordinance for both individuals and organizations. It provides for a phasing out period of December 31, 2020 for national food service operations and December 31, 2021 for all other food service operations.

I did not include exemptions from this ban since I do not know what is meant by "reasonably feasible alternative". Including an exemption process would increase the City's compliance cost since the City does not have an Environmental Department. Council can simply extend the deadline by amending the Ordinance if it chooses to do so. Many of our restaurants do not use expanded (foam) polystyrene in their operations. The first step for the City would be to notify all restaurants and other food service operations.

Approved By:

Initial Date

Department Head:

City Manager:

DRE \ 12-13-19

ORDINANCE NO.

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF OXFORD, OHIO BY ADDING NEW SECTION 521.14 ENTITLED EXPANDED POLYSTYRENE BAN TO CHAPTER 521 ENTITLED HEALTH, SAFETY AND SANITATION.

WHEREAS, the Constitution of the State of Ohio, in Article XVIII, Section 3, grants municipalities the authority to exercise all powers of local self- government and to enforce local police, sanitary, and other similar regulations as are not in conflict with the general laws; and

WHEREAS, pursuant to this constitutional home rule authority, the people of the City of Oxford have adopted a Charter and Codified Ordinances to exercise the powers of local self-government and enforce local police power regulations; and

WHEREAS, a local police power regulation only conflicts with a general law if it prescribes a rule of conduct that permits that which the state law expressly forbids, or vice versa, and does not conflict with general laws if it merely imposes a greater penalty for conduct that is prohibited by the general law, or regulates activity that is not expressly permitted by general law; and

WHEREAS, the City has substantial, legitimate interests in preserving and maintaining a high level of sanitation throughout the city by reducing visual blight and litter; and

WHEREAS, the City of Oxford has a duty to protect its natural environment, its economy, and the health of its citizens and visitors; and

WHEREAS, plastic debris and in particular expanded polystyrene is a distinctive litter concern because it is lightweight, floats, and readily migrates from land to waterways where it breaks down into small pieces to be mistaken for food by birds and other marine wildlife; and

WHEREAS, based on observation from City Council members and findings in other communities, City Council finds that polystyrene materials can and do migrate from public land to waterways, causing visual blight, litter and harming birds and other marine wildlife; and

WHEREAS, it is in the best interest of the citizens of Oxford to reduce the cost of the City's solid waste disposal and protect the environment and natural resources by discouraging the distribution and use of disposable expanded polystyrene containers such as cups, bowls, plates, and food containers, and to encourage the use of other recyclable compostable food containers associated with take-out foods; and

WHEREAS, the City of Oxford, through its policies, programs, and laws, supports efforts to reduce the amount of waste that must be disposed of by supporting the State of Ohio's waste management hierarchy to reduce, reuse, recycle, compost, and landfill.

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

SECTION 1. Oxford Codified Ordinance Section 521.14 is hereby added to read as follows:

§ 521.14 Expanded Polystyrene Ban

(A) As used in this section:

“Disposable food service ware” means single-use disposable products used in the restaurant and food service industry for serving prepared food and includes, but is not limited to, plates, trays, cups, bowls, and hinged or lidded containers (clamshells). Disposable food ware does not include straws, utensils, drink lids, or ice chests.

“Food service operation” means a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this section, “served” means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and “prepared” means any action that affects a food other than receiving or maintaining it at the temperature at which it was received.

“Food service operation” includes a catering food service operation, food delivery sales operation, mobile food service operation, seasonal food service operation, temporary food service operation, and vending machine location.

“National food service operation” means a food service operation that is a chain of franchise or corporate owned establishments located in more than one state.

“Expanded polystyrene” means a thermoplastic petrochemical material made from a styrene monomer and expanded or blown using a gaseous agent.

“Prepared Food” means food or beverages that are packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared on the premises. It does not include any raw, uncooked meat products or fruits or vegetables unless it can be consumed without further preparation; or prepackaged food that is delivered to the food service operation wholly encased, contained or packaged in a container or wrapper, and sold or otherwise provided by the food service operation in the same container packaging.

“Organization” means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated nonprofit association, estate, trust or other commercial or legal entity. “Organization” does not include an entity organized as or by a governmental agency for the execution of a governmental program.

(B) No national food service operation shall sell or otherwise provide prepared food in expanded polystyrene disposable food service ware on or after December 31, 2020. No food service operation shall sell or otherwise provide prepared food in expanded polystyrene foam disposable food service ware on or after December 31, 2021.

(C) Organizational Liability: Pursuant to C.O. § 501.11, it is the intent to impose organizational liability for violation of this section committed by an officer, agent, or employee of a business or organization while acting on behalf of the business or organization and within the scope of the officer's, employee's or agent's office or employment.

(D) Violation of this section shall be a minor misdemeanor punishable by a fine of One-Hundred Fifty Dollars (\$150) per violation.

SECTION 2. The City Manager and the City Law Director are hereby authorized to take all actions necessary to implement and administer this Ordinance.

SECTION 3. This Ordinance is enacted pursuant to the home rule powers of the City of Oxford as set forth at Article XVIII, Section 3, of the Ohio Constitution.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: CHANTEL RAGHU

PREPARED BY: LAW (STAFF)