



Agenda

Oxford City Council

Court House

TUESDAY, MARCH 5, 2013

EXECUTIVE SESSION

None.

1. Roll Call. Richard Keebler, Mayor; Ken Bogard, Vice-Mayor; Kevin McKeehan; Bob Blackburn; Kate Rousmaniere; John Harman; Steve Snyder

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. Recognition - Lt. Daniel Umbstead.
- B. Presentation - Oxford Seniors - Joan Potter-Sommer.
- C. Public Comments.

The purpose of the Public Comments Section is for members of the Public to speak to the City Council on any subject not scheduled on the Agenda, except Consent Agenda items. 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 February 19, 2013 City Council Joint Work Session. (Mary Ann Eaton, Clerk of Council)



Minutes

- B. Minutes of the February 19, 2013 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

- C. Report regarding the February 6, 2013 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

- D. Report regarding the February 12, 2013 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

- E. Report regarding the February 27, 2013 Civil Service Commission Meeting. (Donna Heck, Human Resources Director.



Report

- F. A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, April 12, 2013 starting at 10:00 p.m. to Saturday, April 13, 2013 at 5:00 a.m. at Millett Hall on Miami's campus for the American Society's Relay For Life.



Staff Report/Resolution

5. Resolutions - None.

6. Ordinances.

A. First Reading.

1. An Ordinance Repealing Oxford Codified Ordinance Sections 1141.01, Accessory Regulations, 1141.02, Temporary Regulations, And 1141.04, Environmental Regulations, And Adopting New Oxford Codified Ordinance Sections 1141.01, Accessory Regulations, 1141.02, Temporary Regulations, and 1141.04, Environmental Regulations. (Jung-Han Chen, Community Development Director)



Staff Report



Ordinance

2. An Ordinance Repealing Oxford Codified Ordinance Section 1143.10 Entitled Uptown District, And Adopting New Oxford Codified Ordinance Section 1143.10 Entitled Uptown District. (Jung-Han Chen, Community Development Director)



Ordinance

3. An Ordinance Repealing Oxford Codified Chapter 1137 Entitled Nonconformities, And Adopting New Oxford Codified Ordinance Chapter 1137 Entitled Nonconformities. (Jung-Han Chen, Community Development Director)



Staff Report



Ordinance

4. An Ordinance Amending Oxford Codified Ordinance Section 1159.10, Definitions (Beginning With The Letter "I") And Oxford Codified Ordinance Section 1159.19, Definitions (Beginning With The Letter "R"). (Jung-Han Chen, Community Development Director)



Ordinance

5. An Ordinance Repealing Oxford Codified Ordinance Section 1143.12 Entitled GB General Business District, And Adopting New Oxford Codified Ordinance Section 1143.12 Entitled GB General Business District. (Jung-Han Chen, Community Development Director)



Staff Report



Ordinance

6. An Ordinance Repealing Oxford Codified Ordinance Section 1151.05 Entitled Permanent Signs, and Adopting New Oxford Codified Ordinance Section 1151.05 Entitled Permanent Signs. (Jung-Han Chen, Community Development Director)



Ordinance

7. An Ordinance Amending Oxford Codified Ordinance Section 351.17 Entitled Vendor Parking. (Alan Kyger, Economic Development Director)



Staff Report/Ordinance

8. An Ordinance Amending Oxford Codified Ordinance Section 729.05 Entitled Sales On Certain Municipal Property Prohibited. (Alan Kyger, Economic Development Director).



Staff Report/Ordinance

9. An Ordinance Repealing Oxford Codified Ordinance Section 931.12 Entitled Garbage, Refuse and Recycling Service, And 931.13 Entitled Charges, And Adopting New Oxford Codified Ordinance Section 931.12 Entitled Garbage, Refuse and Recycling Service, And 931.13 Entitled Charges. (Alan Kyger Economic Development Director).



Staff Report/Ordinance

B. Second Reading - None.

7. A. Announcements & Communications. 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.

1. Remarks from City Council and City Staff.

B. Future Meetings.

WED - Mar 6 Historic and Architectural Preservation Commission Work Session 6:00 p.m.

WED - Mar 6 Environmental Commission Meeting 7:00 Municipal Building

FRI - Mar 8 Student Community Relations Commission Meeting 3:45 p.m. LCNB

TUES - Mar 12 Planning Commission Meeting 7:30 p.m.

THUR - Mar 14 Police Advisory Board Meeting 7:00 p.m. Senior Center

MON - Mar 18 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

TUES - Mar 19 City Council Meeting 7:30 p.m.

WED - Mar 20 Community Relations Commission Meeting 4:30 p.m. Municipal Building

WED - Mar 20 Board of Zoning Appeals Meeting 7:30 p.m.

FRI - Mar 22 Community Improvement Corporation Meeting 12:00 p.m. LCNB

FRI - Mar 22 Student Community Relations Commission Meeting 3:34 p.m. LCNB

WED - Mar 27 Civil Service Commission Meeting 7:00 p.m.

8. Adjourn.

A Joint Work Session of the Oxford City Council and Planning Commission was called to order by Mayor Richard Keebler on Tuesday, February 19, 2013 at 6:30 p.m. The Council members present were, Ken Bogard, Bob Blackburn, John Harman, Kevin McKeehan, Kate Rousmaniere and Steve Snyder. The Planning Commission members present were, David Prytherch, Chair, Rich Daniels, Bob Benson, Kate Rousmaniere, and Richard Keebler, Vice Chair.

Staff members present: Doug Elliott, City Manager; Jung-Han Chen, Community Development Director; Alan Kyger, Economic Development Director; Steve McHugh, Law Director and Mary Ann Eaton, Clerk of Council.

APPROVAL OF AGENDA

Mr. Bogard moved to approve the Agenda. Mr. Blackburn seconded. The motion carried 10-0-0.

PURPOSE

The purpose of the Work Session was for Council and the Planning Commission to discuss the Planning Commission's goals and priorities for 2013 and beyond.

GOALS AND PRIORITIES

Mr. Prytherch provided a PowerPoint presentation with the assistance of Mr. Chen. Mr. Prytherch discussed the Planning Commission's major accomplishments in 2012 including the creation of a Neighborhood Conservation Overlay District, the acceptance of the 'Shifting Gears' document with regard to alternative transportation planning, the amendment of R3 zoning and the overhaul of the non-conformities ordinance and a minor revision of the General Business District. Mr. Prytherch discussed the Planning Commission's major priorities for 2013 and outlined the amendments they wanted to propose to the existing zoning code, the need to diversify commercial zoning and related issues, the need to continue to plan for alternative modes of transportation and the ongoing related issues and the need to update parking requirements and related issues.

Mr. Snyder noted it was good to be proactive instead of reactive and noted he was pleased with what Mr. Prytherch presented.

Mr. Blackburn noted another Joint Work Session could be scheduled in 6 months or so if it would be useful to keep things moving forward.

Mr. Bogard suggested setting short term and long term goals to keep initiatives moving forward.

Mayor Keebler noted the Planning Commission would work on difficult items and not so difficult items at the same time in an effort to accomplish their goals.

ADJOURNMENT

Mr. Bogard moved to adjourn at 7:21 p.m. Mr. Harman seconded. The motion carried 10-0-0.

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, February 19, 2013 at 7:30 p.m. Those members present were Ken Bogard, Bob Blackburn, John Harman, Kevin McKeehan, Kate Rousmaniere and Steve Snyder.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. Bob Holzworth, Police Chief; Mr. Joe Newlin, Finance Director; Mr. John Detherage, Fire Chief; Mr. Jung-Han Chen, Community Development Director; Mr. Alan Kyger, Economic Development Director; Mr. Steve McHugh, Law Director, and Ms. Mary Ann Eaton, Clerk of Council.

PLEDGE OF ALLEGIANCE

Mayor Keebler requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. McKeehan moved to approve the agenda. Mr. Bogard seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

MINUTES

Minutes of the February 5, 2013 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

RESOLUTIONS

RESOLUTION

ONLINE AUCTION

A Resolution No. 4728 declaring a Printronix P522OS printer, a Printronix P5205B printer, and a PFE 1190 bill burster as surplus City property no longer needed for any municipal purpose and authorizing the sale of said items to the highest bidder utilizing GovDeals, Inc. (Joe Newlin, Finance Director)

Mr. Bogard moved to approve the consent agenda. Mr. Blackburn seconded. The motion passed 7-0-0.

ORDINANCES
SECOND READING

ORDINANCE
NEW CHAPTER 1133

An Ordinance No. 3198 Repealing Oxford Codified Ordinance Chapter 1133, Provisions For Zoning Districts, And Adopting New Oxford Codified Ordinance Chapter 1133, Provisions For Zoning Districts, To Add The R-4 Multi-Family Residential District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised he had no new information regarding the proposed four Ordinances since the First Reading at the last meeting.

Mayor Keebler advised the proposed Ordinance would create a new R4 District. Mayor Keebler noted Council adopted a new R3 District which made it easier for the redevelopment of existing R3 areas in town and R4 would be predominately applied to existing R3 developments outside of the core area of town.

Mr. Snyder moved to adopt Ordinance No. 3198. Ms. Rousmaniere seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Snyder, Mr. Blackburn, Mr. Bogard, Mr. Harman, Mr. McKeehan, Ms. Rousmaniere, Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
AMENDING CHAPTER 1143

An Ordinance No. 3199 Amending Oxford Codified Ordinance Chapter 1143, Districts, To Add New Section 1143.065, R-4 Multi-Family Residential District. (Jung-Han Chen, Community Development Director)

Ms. Rousmaniere clarified that the previous Ordinance created the R4 District and this Ordinance would set the regulations for the R4 District.

Mr. Bogard moved to adopt Ordinance No. 3199. Mr. McKeehan seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Blackburn, Mr. Bogard, Mr. Harman, Mr. McKeehan, Ms. Rousmaniere, Mr. Snyder Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW SECTION 1141.03

An Ordinance No. 3200 Repealing Oxford Codified Ordinance Section 1141.03, Supplemental Regulations, And Adopting New Oxford Codified Ordinance Section 1141.03, Supplemental Regulations. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed Ordinance included the R4 District in the Supplemental Regulations to allow multiple buildings on one lot.

Mr. Snyder moved to adopt Ordinance No. 3200. Ms. Rousmaniere seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Bogard, Mr. Harman, Mr. McKeehan, Ms. Rousmaniere, Mr. Snyder, Mr. Blackburn
Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW SECTION 1149.03

An Ordinance No. 3201 Repealing Oxford Codified Ordinance Section 127.12 Entitled General Regulations Of The Vehicle Management Chapter And Adopting New Oxford Codified Ordinance Section 1149.03 Entitled General Regulations Of The Vehicle Management Chapter. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed Ordinance dealt with the off street parking requirements for the R4 District and noted it would require 2.5 parking spaces per dwelling unit.

Ms. Rousmaniere moved to adopt Ordinance No. 3201. Mr. Harman seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Harman, Mr. McKeehan, Ms. Rousmaniere, Mr. Snyder, Mr. Blackburn, Mr. Bogard
Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
AMEND FEE ORDINANCE

An Ordinance No. 3202 Amending The 2013 Fee Ordinance No. 3193, City Of Oxford Board Of Zoning Appeals, Variance Petition. (Doug Elliott, City Manager) **(Tabled)**

Mr. McKeehan moved to remove the proposed Ordinance from the table. Mr. Blackburn seconded. The motion passed 7-0-0.

Mr. Elliott advised the proposed Ordinance was amended based on Council's input from the last meeting. Mr. Elliott noted the fee for a single variance request was \$200.00 and \$100.00 for each additional variance request to a maximum of \$1,000.00 plus postage.

Ms. Rousmaniere clarified that the proposed maximum fee was changed from \$600.00 to \$1,000.00 to make sure the City's costs were covered for processing BZA cases with multiple variance requests. Mayor Keebler noted the average number of variance requests per BZA case was 2-3 so the average cost would be \$300.00 to \$400.00.

Mr. Bogard moved to adopt Ordinance No. 3202. Mr. McKeehan seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. McKeehan, Ms. Rousmaniere, Mr. Snyder, Mr. Blackburn, Mr. Bogard, Mr. Harman
Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW SECTION 127.12

An Ordinance No. 3203 Repealing Oxford Codified Ordinance Section 127.12 Entitled "Maximum Age For An Original Appointment To The Police Department" And Adopting New Oxford Codified Ordinance Section 127.12 Entitled "Maximum Age For An Original Appointment To The Police Department". (Bob Holzworth, Police Chief)

Mayor Keebler noted the proposed Ordinance was slightly different than the Ordinance presented at the first reading and asked for a motion.

Mr. Snyder moved to substitute and adopt the proposed Ordinance as presented. Mr. Harman seconded.

Chief Holzworth advised some clarifying language had been substituted in the proposed Ordinance since the First Reading at the last Council meeting. Chief Holzworth noted the maximum age of 35 would apply to a candidate with no police experience or training which was consistent with other agencies for candidates with no experience.

Chief Holzworth advised for candidates with experience other than with the City of Oxford the maximum age limit would be 50 years of age and for candidates with OPD experience there would be no maximum age limit. Chief Holzworth noted he felt the proposed language would work extremely well and advised it was the first step in the screening process for hiring police officers.

Mr. Bogard inquired at what age an officer would lose efficiency. Chief Holzworth noted he felt being a police officer, not a command officer, was a job for younger people and it was very unlikely anyone 65 or older would apply for a police officer position but this would not close the door to them should they choose to pursue that opportunity.

Mr. Snyder inquired if this was the original intent of the proposed Ordinance and Chief Holzworth advised yes.

Mayor Keebler inquired if Chief Holzworth had concerns that a desirable candidate could be precluded from the screening process for a part-time position because they were over the age of 50. Mayor Keebler inquired if Chief Holzworth wanted this limit set for part-time employees. Chief Holzworth advised historically, the proposed language would work well and would not exclude anyone.

Mr. Snyder moved to substitute and adopt Ordinance No. 3203 as presented. Mr. Harman seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Rousmaniere, Mr. Snyder, Mr. Blackburn, Mr. Bogard, Mr. Harman, Mr. McKeehan
Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott noted a new transportation partnership between Miami University and the Butler County Regional Transit Authority (BCRTA) was announced last week in a Miami University press release and an article was also in the Oxford Press. Mr. Elliott advised the new local public transportation service would commence August 1, 2013 and run through the school year. Mr. Elliott noted the expansion of the student bus service would include local public transportation service which was a great accomplishment for the City. Mr. Elliott advised one of the strategic initiatives of the City's 2008 Comprehensive Plan was to promote alternate modes of transportation and investigate the feasibility of city-wide bus service available to all residents. Mr. Elliott thanked Miami University, Miami University staff and BCRTA for working together to help the City accomplish one of its strategic initiatives.

Mr. Elliott advised the City's deer management season concluded February 2nd with 25 deer being harvested which was a 25% increase over last season. Mr. Elliott noted 15 deer were donated to the Community Meal Center. Mr. Elliott advised the program began in 2009 and 67 deer had been harvested to date.

Mr. Elliott referred to the municipal income tax reform bill and noted House Bill 5 was a reintroduction of the uniformity proposal that was introduced last year as HB601. Mr. Elliott noted the authors made some welcome changes to the bill but there were still aspects of the bill that would be harmful to the City of Oxford and other cities that collected municipal income tax. Mr. Elliott advised as written, the bill would have a negative revenue impact on the City of approximately \$50,000. Mr. Elliott noted he would continue to monitor the progression of the bill and urge the authors to make it revenue neutral.

Chief Holzworth advised Lieutenant Dan Umbstead was retiring on Friday and noted a traditional send-off would take place in a couple of weeks. Chief Holzworth wished Lt. Umbstead well and noted he would be sorely missed.

Ms. Rousmaniere noted the partnership with BCRTA and having a public transportation system was a fantastic advancement in town/gown relations. Ms. Rousmaniere noted in addition to the current Miami Metro routes some other routes may be added as well. Ms. Rousmaniere advised as a public transportation system the buses would be accessible for people with disabilities.

Mr. Bogard advised there was a lot of discussion and a presentation on the Brent Spence Bridge Project at the recent OKI meeting. Mr. Bogard noted he provided Council members with a pamphlet from the meeting regarding tolls. Mr. Bogard advised the entire length of the project was 7.8 miles and the bridge itself was 870 feet in length with the cost was estimated to be 2.7 billion dollars if the project was fast tracked. Mr. Bogard noted there were safety concerns with the functionality of the current bridge. Mr. Bogard advised 172,000 vehicles crossed the bridge each day and annually 417 billion dollars of freight traversed the bridge. Mr. Bogard advised the new bridge would affect 10 states from Michigan to Florida along the I75 Corridor. Mr. Bogard noted the amount for tolls across a new bridge should be decided in the next 3-6 months. Mr. Bogard advised a major question was whether or not the federal government would assist in funding the project and if the project was postponed past 2018 the cost would increase by 5 million dollars.

Mr. Bogard advised he provided Council with an initiative update from the City of Hamilton which was discussed at the Butler County Land Use Coordinating Committee meeting and noted it was a very positive and well put together document.

Mr. Snyder advised Governor Kasich was giving his State of the State Address tonight and noted there had been a lot of information in the news about the Governor's Budget, school funding and sales tax increases. Mr. Snyder inquired if Mr. Elliott was concerned with anything that might directly affect municipalities. Mr. Elliott advised local funding would remain about the same and noted he thought the Governor favored municipal income tax uniformity. Mr. Elliott noted he would look at the Governor's proposal carefully.

Mayor Keebler advised the City of Cincinnati did not have a rental inspection process in place and there was a tragic fire there recently resulting in two students passing away. Mayor Keebler noted the City of Oxford had experienced a similar tragedy and it could happen anywhere. Mayor Keebler advised the City of Cincinnati was pushing for a new smoke detector ordinance which would require the use of photoelectric smoke detectors. Mayor Keebler noted Chief Detherage worked hard last year to obtain a federal grant to purchase photoelectric style smoke detectors for all rental properties in Oxford and they were also made available to other residents.

Mayor Keebler advised he felt the City had a proactive program in place with rental inspections, a permitting system and the installation of the latest style of smoke detectors. Mayor Keebler noted he appreciated the efforts made by Chief Detherage in this regard.

ADJOURN

Mr. Bogard moved to adjourn at 8:04 p.m. Ms. Rousmaniere seconded. The motion passed 7-0-0.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: March 5, 2013

Service Department
Originating Department

Account Code #: N/A

David Treleven
Prepared By

Budgeted Amount: N/A

February 22, 2013
Date Prepared

Agenda Title: Environmental Commission Meeting of February 6, 2013

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, February 6, 2013 meeting were: Chair, Mr. Vince Hand; Vice-Chair, Mr. Kevin Armitage; City Council Representative, Ms. Kate Rousmaniere; Planning Commission Representative, Mr. Ted Wong, and Mr. Wright Gwyn. A quorum was present. Mr. Tyler Elliott, a senior with Miami University's Western Program, was also in attendance.

Minutes from the January 9, 2013 Commission meeting was unanimously accepted as presented.

Mr. Tyler Elliott informed Commissioners that as a Senior Project, he was working with Dr. Jonathan Levy to investigate the creation of municipal legislation to limit and/or prohibit potential wastewater injection into the local bedrock. Mr. Elliott intends to present additional details of the proposed legislation at the Commission's March 6, 2013 meeting.

City Council Representative Ms. Kate Rousmaniere informed the Commission that City Council is working to expand zoning regulations encouraging the environmentally sustainable re-development of existing urbanized multi-family residential parcels (R-3 Districts, approved by City Council in September 2012). The intent is to apply similar opportunities for environmentally sustainable development and/or re-development of apartment complexes located on the current periphery of Oxford.

Commissioners presented their reviews of storm water management documents and regulations. Chair Mr. Vince Hand observed that Oxford's Storm Water Management Design Manual outlines the rules and regulations Oxford utilizes "...to secure the best results from the construction, operation, and maintenance..." of storm water controls in the community. It was noted that Oxford's Design Manual had been prepared in or before 1994, prior to the Ohio Environmental Protection Agency's (OEPA's) inclusion of the City in the National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Management Program (effective 2009). Also since the creation of the Design Manual, the incorporation of storm water best management practices (BMPs) has been more acceptable and widespread as control mechanisms. It was noted that Chapter 4 of the Design Manual had been reserved for the NPDES Program, and that inclusion of BMP requirements to improve storm water management
(Continued)

Approved By:

Department Head:
City Manager:

Initial Date
WPH 2/25/13

DRE 3/1/13

in this chapter of the Design Manual may be a better approach for potential local storm water management improvements than the creation of a specific Codified Ordinance addressing storm water issues.

Commissioners presented their reviews of the two Storm Water Management Plans for the City of Oxford and Butler County. Commissioner's noted how very similar the two Plans were in format and content. Staff explained that in the creation of Oxford's Plan, the outline of requirements as presented by the OEPA was utilized for the structure of the Plan. It was commented that most of the Storm Water Management Plans for Ohio Phase II entities seemed to have utilized this approach for their management plan format as well.

The Commission reviewed the draft Storm Water Management Summary Report prepared by Councilor Ms. Kate Rousmaniere and Mr. Wright Gwyn. The report is intended to be a summary of past and current storm water conditions and recommendations for Council consideration. Summary of existing rules, regulations, and guidelines pertaining to storm water management, a presentation of past investigations pertaining to storm water issues and their findings, research into various storm water BMPs, their benefits, and their relative base capital costs, a Mission Statement for storm water management in Oxford, and recommendations by the Commission are included in the draft summary report. Commissioners are to prepare more detailed summaries of past storm water investigations and summarize the findings of the previously conducted key shareholder (developers, property managers, City staff, etc.) interviews for incorporation into the draft Summary Report by the March 6, 2013 meeting.

Staff provided an update on current urban forestry activities. A street tree removal project is to start the week of February 11th to remove 11 trees along South College Avenue in preparation of a larger project entailing improvements to sanitary and storm sewers, sidewalks, cross-walks, and street pavers between West High and West Spring Streets, scheduled for later this year. The street trees to be removed show evidence of decline or decay, and/or are located too close to sanitary sewer laterals for them to survive the excavation associated with the replacement of the laterals. In addition, two declining trees on West Walnut and South Beech Streets were included in the project. Staff noted that the lowest quote to perform the removal of these 13 street trees and their stumps (\$5,455) was a very favorable price.

Proclamations for Earth and Arbor Days (April 22 and 26, 2013, respectively) were unanimously accepted. Staff was instructed to provide the proclamations to the Clerk of Council.

The Commission adjourned at 8:40 p.m. The next scheduled meeting of the Environmental Commission is on Wednesday, March 6, 2013 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: March 5, 2013

Account Code No. #:

Jung-Han Chen
Prepared By

Budgeted Amount:

February 27, 2013
Date Prepared

PLANNING COMMISSION MEETING REPORT – February 12, 2013

Work Session

A Work Session took place to discuss 2013 Planning Commission priorities.

Communications:

Mr. Mike Dreisbach provided an update on the US 27 South safety improvements projects.

Public Hearing:

PC-02-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1141 Accessory, Temporary, Supplementary and Environmental Regulations, Specifically Temporary Sales, Roadside Stands or Transient Vendors, Mobile Food Carts and Vendors; and Chapter 1143.10 Uptown (UP) District Regarding the Sidewalk Use Permit, **City of Oxford, Applicant**

Staff reported that this text amendment was a result of several Planning Commission Work Sessions. Inconsistencies between various chapters of the Codified Ordinances in relation to charitable/community events and Uptown District sidewalk sales/uses were occurring. Staff amended the language to allow the City Manager's Office to review and approve these types of events. The sidewalk sales language was also clarified to allow the same commercial activity as the principal use on the first floor of the principal structure. Other minor changes took place as well for cross-referencing purposes.

Staff noted that other changes would need to occur in other sections of the Codified Ordinances (different departments) to align with the Zoning Code but would not need to come before the Planning Commission.

After the Public Hearing, the Planning Commission voted 6-0-0 to recommend approval to City Council.

PC-03-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1137 Nonconformities and Adding Definitions to Chapter 1159, **City of Oxford, Applicant**

Under the directive from City Council, a Planning Commission subcommittee was formed to review the Nonconforming Chapter of the Zoning Code and to tackle the redevelopment of apartment complexes. The proposed text amendment would allow a building with nonconforming uses move through the redevelopment process. The amendment also recommended and defined the improvements of a structure into three categories: renovation, reconfiguration and reconstruction.

Other recommendations included allowing buildings with nonconforming uses to expand, subject to the underlying regulations and no increase in intensity of the nonconforming use, and providing leeway for porch additions to the building with a nonconforming use. The subcommittee believed this amendment would encourage redevelopment of dilapidated/obsolete buildings with newer and safer buildings.

After the Public Hearing, the Planning Commission voted 6-0-0 to recommend approval to City Council.

PC-04-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1143.12 GB General Business District and Chapter 1151.05(a)(3) Permanent Signs for GB-General Business District, **City of Oxford, Applicant**

This text amendment addressed certain site development regulations in the GB District. Those site regulations did not reflect the overall vision of the Planning Commission. Also, the Chamber of Commerce, in writing, asked the Planning Commission to review existing regulations in the GB District as they felt that certain regulations were not clear in regards to the City's expectations.

The Planning Commission cleaned up some of these development regulations, including earthen mounds, landscape planting materials and sign regulations in relation to the business district.

After the Public Hearing, the Planning Commission voted 6-0-0 to recommend approval to City Council.

New Business:

A joint Work Session with City Council to review the Planning Commission's 2013 priorities has been scheduled for February 19, 2013.

Next Meeting:

The next regularly scheduled Planning Commission meeting will take place March 12, 2013.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial

Date

JHC / *2/28/13*
ME / *3/1/13*

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: March 5, 2013

Kim Newton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

February 28, 2013

Date Prepared

Agenda Title: Report regarding the February 27, 2013 Civil Service Commission Meeting.

Recommendation:

Discussion: The Civil Service Commission held a regular meeting on Wednesday, January 23, 2013. Those members present were: Phil Russo, Chair; Karen Martino; Mike Pavloff and James Burchyett. Susan Lipnickey, Vice Chair was excused.

Donna Heck, Human Resources Director; Kim Newton, Recording Secretary; Robert Holzworth, Police Chief and Gail Brahier, Parks & Recreation Director, were in attendance for the City.

Vicki Brunn, Director of Human Resources, was in attendance for the Talawanda School District.

The Commission approved the request to extend the Head Secretary Eligibility List for Talawanda Schools for thirty days.

The Commission approved the City's request to comply with Civil Service Rule X (Promotional Opportunity 5. Less than 3 Qualified) allowing for one candidate, Casey Wooddell, to be promoted to the Sports Activities Supervisor and certifying the same to the appointing authority.

The Commission approved the request of Chief Holzworth to use the OACP Assessment Center Process for the Police Lieutenant position.

The Commission approved the Police Officer and Police Sergeant IPMA Examinations.

The next regular meeting is scheduled for March 27, 2013.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

DN 12/28/13

DN 3/1/13

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: March 5, 2013

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

February 27, 2013

Date Prepared

Agenda Title: A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, April 12, 2013 starting at 10:00 P.M. to Saturday, April 13, 2013 at 5:00 a.m. at Millett Hall on Miami's Campus for the American Cancer Society's Relay for Life.

Recommendation: N/A

Discussion:

This request is for the American Cancer Society's Relay for Life event which raises money for the American Cancer Society. The event will take place at Millett Hall and is open to the public and alcohol free. Council has approved the Noise Abatement for this event for the past several years.

Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

MAE 3/1/13

RESOLUTION NO.

A RESOLUTION AUTHORIZING A TEMPORARY ABATEMENT OF THE NOISE ORDINANCE NO. 2550, SECTION 509.09, ON FRIDAY, APRIL 12, 2013 STARTING AT 10:00 P.M. TO SATURDAY, APRIL 13, 2013 AT 5:00 A.M. AT MILLETT HALL ON MIAMI'S CAMPUS FOR THE AMERICAN CANCER SOCIETY'S RELAY FOR LIFE.

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

SECTION 1: The City Manager and Police Chief recommend a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, for the American Cancer Society's Relay for Life on Friday, April 12, 2013 starting at 10:00 p.m. to Saturday, April 13, 2013 at 5:00 a.m. at Millett Hall on Miami's campus in accordance with the provision in the Noise Ordinance No. 2550, Section 509.11, Exceptions to Noise Restrictions, Section G: "Noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the City of Oxford, Ohio."

SECTION 2: Council having reviewed the recommendation and finding this to be a community event hereby authorizes the City Manager to issue a temporary abatement of the Noise Ordinance.

SECTION 3: The City Manager is hereby authorized to approve a temporary abatement of the Noise Ordinance No. 2550 Section 509.09 for the American Cancer Society's Relay for Life on Friday, April 12, 2013 starting at 10:00 p.m. to Saturday, April 13, 2013 at 5:00 a.m. at Millett Hall on Miami's Campus.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
NOISE ABATEMENT APPLICATION**

EVENT INFORMATION:

DATE REQUESTED FOR NOISE ABATEMENT : 4/12/13 - 4/13/13

FROM: 10 ^{a.m.} ~~p.m.~~ TO: 5 ^{a.m.} ~~p.m.~~

ACTIVITY/EVENT TO BE UNDERTAKEN:

Relay for Life

LOCATION (attach copies of paperwork showing approval to use site):

Millett Hall

NUMBER OF PEOPLE EXPECTED TO ATTEND: 700

OPEN TO PUBLIC
ALCOHOL AVAILABLE

YES
YES

NO
NO

TYPE OF SOUND EQUIPMENT TO BE USED:

Music Speakers

SOUND MONITORING PLANS (including person in charge of this process):

MUPD will be on site, sound volume will be turned down bet. 10 pm and 8 am

Christie Gingras will be in charge of process

APPLICANT ORGANIZATION INFORMATION:

NAME OF ORGANIZATION: Colleges Against Cancer

ADDRESS: Miami University

Is this a registered student organization at Miami University? yes

INDIVIDUAL INFORMATION (RESPONSIBLE PARTY, MUST BE OVER 18 yrs.):

NAME OF CONTACT PERSON: Christie Gingras

ADDRESS: 110 Ardmore Dr. Oxford, OH TEL. #: (513)-923-0299

What is the contact person's relation to the organization (title, etc.)?

Chair of Production, Relay for Life

**ATTACH EXTRA PAGES IF THE SPACE PROVIDED ABOVE IS INSUFFICIENT
AND ATTACH ANY SUPPLEMENTAL DOCUMENTATION THAT MAY BE OF
RELEVANCE.**

I have read and understand the rules, conditions and laws applicable to the waiver of the noise ordinances, and understand that acceptance of them is a condition of approval. I hereby certify that the event/activity, which is the subject of this application will be open to the public and alcohol free.

Applicant's signature Christie G Date: 4/25/13

For the third year in a row, Miami University Colleges Against Cancer has decided to hold Relay for Life at Millett Hall. We are excited to continue to hold the event at this venue, for we have received a lot of positive feedback from event participants about this site. This year, our organization is entering into a full partnership with Miami University Police Department; we will have at least one police officer on duty at the event at all times. By having police presence on scene, we hope to minimize possible late-night incidences that could result in noise to nearby residents. We are taking the same precautions for noise abatement as we have in the preceding years, which include notification of nearby residence halls, reduced music volume between 12 pm and 6 am, and vigilant monitoring of the noise of all participants. The stage placement will remain the same as it has for the past two years in order to maintain noise reduction.

Furthermore, Colleges Against Cancer is seeking to make this event even more accessible and appealing to City of Oxford residents. Our organization has partnered with AfterDark, a substance-free event planning organization, in order to bring more family-friendly activities, such as pottery painting and a Disney movie, to our event. We hope that Oxford residents will come out and support our event. By taking precautionary measures ahead of time and establishing police presence on scene, we hope to ensure that Relay for Life will be a successful event enjoyed by all residents of Oxford.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City ManagerCommunity Development**Originating Department****Council Meeting Of:** March 5, 2013Jung-Han Chen**Account Code No. #:****Prepared By:****Budgeted Amount:**February 14, 2013**Date Prepared:**

Agenda Title: PC-02-2013 Zoning Code Text Amendment – To Amend Chapter 1141, Accessory, Temporary, Supplementary and Environmental Regulations, Specifically Temporary Sales, Roadside Stands or Transient Vendors, Mobile Food Carts and Vendors; and Chapter 1143.10 Uptown (UP) District Regarding the Sidewalk Use Permit, City of Oxford, Applicant

Recommendation: Approval**Discussion:**

Chapter 1141 went through a major overhaul in 2011 which addressed many issues staff had dealt with over the years. Recently, several issues surfaced in relation to transient vendors in residential districts and the Uptown District, specifically with charitable and community events sanctioned under Codified Ordinance Chapter 735.01.

It is not the intent of City Council to limit charitable and community events to take place in the Community; however, there are specific regulations event organizers need to follow. In order to eliminate any conflict or misinformation, it is critical to have consistency among all of the relevant sections of the Codified Ordinances. Therefore, Staff has provided an amended language to allow the City Manager's Office to review and approve these types of events. Therefore, some modifications to the Zoning Code will make exceptions for those events under the purview of Chapter 735.01.

There are other sections of the Codified Ordinances that will also need to be reviewed that do not require review by the Planning Commission.

In addition, changes were included which clarify the intent of the Zoning Code in relation to Uptown District Sidewalk sales to only permit the same commercial activity as the same principal use on the first floor of the principal structure, so that there is no ambiguity in reviewing the regulations.

The Planning Commission held a Public Hearing on the matter on February 12, 2013. The Planning Commission made some minor amendments to the proposed language and voted 6-0-0 to recommend City Council approve these changes.

Approved By:**Department Head:****City Attorney:****City Manager:**

JHC, 2/14/13
ME 3/1/13

Certification of Action Oxford Planning Commission Recommendation to City Council

<u>Report Date</u>	March 5, 2013
<u>Case Number</u>	PC-02-2013
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Code Text Amendment
<u>Summary of Request</u>	PC-02-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1141 Accessory, Temporary, Supplementary and Environmental Regulations, Specifically Temporary Sales, Roadside Stands or Transient Vendors, Mobile Food Carts and Vendors; and, Chapter 1143.10 Uptown (UP) District Regarding the Sidewalk Use Permit, City of Oxford, Applicant
<u>Public Hearing Information</u>	On February 12, 2013 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on January 11, 2013.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	After several Planning Commission Work Sessions, inconsistencies between various Codified Ordinances and clarifications in the Zoning Code were identified. The Planning Commission and Staff modified Chapter 1141 and 1143.10.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated January 25, 2013 2. Interoffice Review Transmittal Sheets 3. Proposed Language 4. Zoning Code Text Amendment Application dated November 28, 2012

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-02-2013

Date – February 12, 2013

APPLICATION

Applicant:

City of Oxford

Action Request:

PC-02-2013 ZONING CODE TEXT AMENDMENTS to Amend Chapter 1141 Accessory, Temporary, Supplementary and Environmental Regulations, Specifically Temporary Sales, Roadside Stands or Transient Vendors, Mobile Food Carts and Vendors; and, Chapter 1143.10 Uptown District (UP) Regarding the Sidewalk Use Permit, **City of Oxford, Applicant**

DESCRIPTION

Chapter 1141 went through a major overhaul in 2011, to address many issues staff had dealt with over the years.

Several issues came to light in relation to transient vendors in residential and the Uptown districts, specifically charitable and community events sanctioned under Codified Ordinance Chapter 735.01. Literal interpretation of the temporary regulations prohibited any charitable/community event from taking place on private property, which might not have been the intent of City Council.

Therefore, some modifications to the Zoning Code will make exceptions for those events under the purview of Chapter 735.01. Additionally, these modifications will clean up the intent of the code as well.

ZONING CODE

The attached text amendment illustrates changes to Chapter 1141 as a result of recent Planning Commission Work Session meetings.

COMPREHENSIVE PLAN

Since the proposed changes are to correct inconsistencies between various Codified Ordinances and clarify the intent of the Zoning Code, reference made to the Comprehensive Plan was not specifically provided.

AGENCY REVIEWS

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

Police:	No comments received
Fire:	No comment
Engineering:	No comment
Econ. Dev.	Comments attached

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

The issue of charitable/community events were brought forth by the Economic Development Director, as he has been involved with many community events in and around the Community. It appears that there were some inconsistency between various chapters of the Codified Ordinance in relation to the public right-of-way application for charitable and community events. The Zoning Code only deals with the use of private property; it is quite common to prohibit non-residential activities in residential districts. It is also not uncommon to allow commercial activity to spill over onto the public right-of-way, particularly in the core business district.

It may not be the intent of City Council to limit charitable and community events to take place in this Community; hence, there are specifics of regulations for the event organizers to follow. In order to eliminate any conflict or misinformation all together, it is critical to have all the relevant sections of the Codified Ordinance be consistent. Therefore, staff has provided amended language to allow the City Manager's Office to review and approve these types of events.

Additionally, changes are also included to clarify the intent of the Zoning Code related to Uptown District Sidewalk sales that only permit the same commercial activity as the same principal use on the first floor of the principal structure, so there is no ambiguity in reviewing the regulations.

Other minor changes are shown in yellow bold. They are not considered as major changes, but just to be consistent and allow for cross-referencing.

With the proposed changes in the Temporary Vendors section, the Economic Development Director will need to work with other departments to make changes to those Codified Ordinances that will not come before the Planning Commission, but would be necessary to bring those changes in the same time as this amendment goes before the City Council for consideration.

RECOMMENDATION

Staff recommends that the Commission recommend to Council for the adoption of these changes.

SUBMITTED

BY: _____


Jung-Han Chen

Community Development Director

DATE: January 25, 2013

ATTACHMENT

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

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

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

Text Amendments

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/4/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-02-2013 ZONING CODE TEXT AMENDMENTS to Amend Chapter 1141 Accessory, Temporary, Supplementary and Environmental Regulations, Specifically Temporary Sales, Roadside Stands or Transient Vendors, Mobile Food Carts and Vendors; and, Chapter 1143.10 Uptown District (UP) Regarding the Sidewalk Use Permit, **City of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/8/13** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

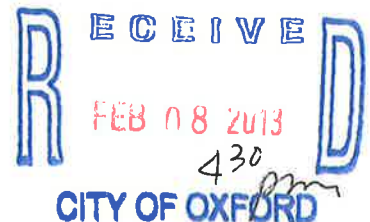
Drawings reviewed by:



John Detherage

PRINTED NAME

Date: 2-7-13



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/4/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-02-2013 ZONING CODE TEXT AMENDMENTS to Amend Chapter 1141 Accessory, Temporary, Supplementary and Environmental Regulations, Specifically Temporary Sales, Roadside Stands or Transient Vendors, Mobile Food Carts and Vendors; and, Chapter 1143.10 Uptown District (UP) Regarding the Sidewalk Use Permit, **City of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/8/13** 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: _____

V. Popescu

Date: 2-5-13

VICTOR POPESCU

PRINTED NAME

RECEIVED

FEB - 5 2013

City of Oxford
Engineering Division

PRINTED NAME

Zoning Code Text Amendment Application
City of Oxford, Ohio

Feb

REQUIRED INFORMATION

Name of Applicant:

City of Oxford
(Attach a Letter of Agency if the applicant is not the property owner.)

Mailing Address:

101 E High St.
Oxford, OH 45056

Telephone Number(s)

Email Address

jhchen@cityofoxford.org

SUBMISSION REQUIREMENTS

A written, detailed description, where applicable, is required for each subsection.

1141

All applications must include:

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

Planning Commission and Council Review The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider the Planning Commission recommendation. If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

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

- make the Code conform more closely with the Comprehensive Plan.
- improve the public health, safety, and general welfare of Oxford.
- clarify the intent of the Code.
- better implement the intent of the Code.
- improve enforcement of the Code.

All materials and the application fee in the amount of **\$150.00 plus actual postage**, payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056 45 days prior to the proposed meeting date. Any questions should be directed to the Community Development Department at (513) 524-5204.

NOTE: Incomplete applications will not be processed. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.

SIGNATURE OF APPLICANT:



Date:

11/28/12

PRINTED NAME:

Jung-Han Chen

FEE / RECEIPT

\$150 Fee plus Actual Postage Paid / Receipt Number:

NA

ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTIONS 1141.01, ACCESSORY REGULATIONS, 1141.02, TEMPORARY REGULATIONS, AND 1141.04, ENVIRONMENTAL REGULATIONS AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTIONS 1141.01, ACCESSORY REGULATIONS, 1141.02, TEMPORARY REGULATIONS, AND 1141.04, ENVIRONMENTAL REGULATIONS.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on February 12, 2013 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Sections 1141.01, Accessory Regulations, 1141.02 Temporary Regulations and 1141.04, Environmental Regulations and adopting new Oxford Codified Ordinance Sections 1141.01, Accessory Regulations, 1141.02, Temporary Regulations and 1141.04, Environmental Regulations.

SECTION II: Council hereby repeals Sections 1141.01, 1141.02 and 1141.04 of the Oxford Code of Ordinances and adopts new Sections 1141.01, 1141.02 and 1141.04 as follows: (additions are **bolded** and deletions are ~~struck through~~)

1141.01 ACCESSORY REGULATIONS.

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

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

(1) Accessory Buildings

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

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

A. Swimming Pools & Hot Tubs

1. The pool and hot tub is to be used only by the occupants and guests of the principal use on the property.
2. The pool, including any ancillary sidewalk or decking surrounding said pool, shall be no closer to the side lot line than the side yard requirement for the district in which it is located; and may encroach into the rear yard setback but in no instance shall be closer than ten feet to the rear property line.

3. A swimming pool located closer than 50 feet to a property line shall be screened by an obscuring fence, wall, hedge, or building not less than six feet in height and maintained in good condition.
 4. A pool is exempt from the lot coverage regulations, except that an above ground pool shall not exceed 50% of the rear yard area.
 5. No private swimming pools, including inflatable pools, shall be located in the front yard.
 6. A hot tub shall not be located in a front yard and shall setback from the side and rear property lines in accordance with the district requirements.
- B. Private Residential Recreational Facilities. (i.e. tennis courts, baseball field, skate ramps, basketball court)
1. May only be used by the occupants and guests of the principal use on the property.
 2. May be located only in the rear yard.
 3. A fence is permitted in accordance to Sub-section (c)(4) below, except the fence shall be located no closer than five feet of any property line.
 4. Such courts may be fenced with a chain link fence located around the perimeter of the court, except as regulated in the Mile Square, and any fence over six feet in height shall be planted with large shrubs in sufficient quantities to screen and filter the view.
 5. A fence or wall shall not exceed eight feet in height.
 6. No special lighting shall be erected for the recreational facility other than standard lighting typical for residential use.
 7. A portable basketball hoop may be located off of a driveway in the front yard, but such hoops shall not be positioned in such a way that participants are playing in the public street.
- (3) Porches, Decks and Patios
- A. All porches, decks and patios, attached to the principal structure or detached shall meet the setback requirements for the district in which it is located except when affiliated with a pool as regulated in Section 1141.01(a)(2) above.
- B. Properties in the Mile Square are subject to the Mile Square Design Guidelines.
- (4) Exemptions.
- A. The following items are permitted in the side or rear yards, and do not require a permit:
1. Swings or play sets.
 2. Sandboxes.
 3. Gardens with garden type fencing.
 4. Clotheslines.
 5. Inflatable pools of less than 2 feet in depth.
 6. Trellises.
 7. Outdoor fire pits or chimneys.
 8. Wood piles.
- B. The following items are permitted in any yard, and do not require a permit:
1. Birdbaths or Fountains.
 2. Flagpoles.
 3. Statues.

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

(1) Accessory Buildings.

- A. The total square foot area of all accessory buildings on a lot shall not exceed 1,000 or 10% of the footprint of the principal structure whichever is greater.

- B. A detached accessory building shall be at least ten feet from any other building or structure situated on the same lot or abutting.
 - C. A detached accessory building shall not exceed the height of the principal structure.
 - D. All parts of a detached accessory building shall be at least 10 feet from all lot lines.
 - E. Accessory buildings are not permitted in front of the principal structure or within a front yard.
 - F. On a corner lot all accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.
- (2) Outdoor Vending Machines, Facilities for Recycled Goods or Materials, Display and Storage Areas, etc.

- A. As used in this subsection, the term “vending facilities” includes:
 - 1. Self-service mechanical dispensers such as but not limited to soft drink machines, candy machines, news racks, movie kiosks, mechanical rides; and
 - 2. Freestanding container racks from which customers pick up merchandise to be purchased inside the buildings such as, but not limited to ice coolers/freezers, propane tanks, mulch, and;
 - 3. Dumpster styled containers for recycling materials or clothing donations; but
 - 4. Excludes motor fuel pumps.
- B. These facilities may be permitted in all business and industrial districts.
- C. Such facilities shall not occupy the following unless designated on a site development plan.
 - 1. Private sidewalks that impede pedestrian traffic.
 - 2. The public right-of-way,
 - 3. Within an interior drive or drive isles,
 - 4. Landscape areas or required parking areas,
 - 5. Any area that will interfere with required driveway sight distance,
 - 6. The front yard setback or side yard setback adjacent to the public right-of-way, except when located against the building.

(c) Accessory Use Provisions for All Zoning Districts.

- (1) Handicap Ramps As regulated in the City of Oxford Buildings Codes.
- (2) Accessory building or use shall be erected on the same lot which a principal structure already exists.
- (3) An accessory building or use which is attached to the main building shall comply with all the requirements of the zoning district regulations that are applicable to the principal building.
- (4) Fences, walls and hedges. The intent of these provisions is to outline the regulations for accessory fences, walls and hedges. Such structures and plantings shall generally improve the aesthetic appearance of a site. Where buffer yard or other screening requirements pursuant to the provisions of this Ordinance differ from the provisions of this section, the more stringent requirements shall apply.
 - A. Residential fences, walls, and hedges:
 - 1. May not exceed four feet in height front yards.
 - 2. Cannot exceed eight feet in height in side and rear yards.
 - 3. Shall not obstruct visibility at intersections per Section 1141.03(e).
 - 4. May not be located closer than two feet to the front lot lines.
 - B. Non-residential fences, walls, and hedges:
 - 1. May not exceed six feet in height in the front yards or four feet in height in the Uptown “UP” Zoning District.
 - 2. May not exceed twelve feet in height in side and rear yards.
 - 3. Shall not obstruct visibility at intersections per Section 1141.03(e).
 - 4. May not be located closer than two feet to the front lot lines, except in the Uptown district.

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

6. Any operation that is listed as a Conditional Use in Chapter 1147 of this zoning code.

1141.02 TEMPORARY REGULATIONS.

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

(b) General Provisions.

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

(c) Permitted Temporary Uses. Permits shall be required, unless otherwise exempted, for the following temporary uses, provided that they meet these requirements:

(1) Construction Facilities.

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

(2) Temporary Shelter.

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

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

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

(4) Place of Worship or School Festivals.

- A. All temporary stands, tents or rides shall not be located within twenty-five (25) feet of any property line.
 - B. Maximum length of permit shall be three days.
 - C. Set-up for such festival shall not start more than 72 hours prior to the event and shall be completely removed within 48 hours after the event.
- (5) Carnivals or Circuses.
- A. Permitted in the General Business or Light Industrial zoning district and any property owned by the City of Oxford, Talawanda School District, or Miami University.
 - B. No structure or equipment shall be within 250 feet of any residential property line.
 - C. Maximum length of permit shall be seven days.
 - D. Site plan, parking plan and any other health, fire, state or federal approvals required at time of request.
 - E. The person responsible for the operation of any such carnival or circus shall provide the City Manager in advance of the event date(s), any contact information in the event of an emergency and requests for any other special arrangements (i.e. road closures, police assistance or emergency personnel)
 - F. Upon completion of the temporary use, the site shall be cleaned, all evidence of the use(s) removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.
- (6) Auctions. (No permit required)
- A. Auctions for the sale of personal property or land may be conducted at any individual location no more than once per year.
 - B. Every precaution shall be taken to control parking and keep attendees on the property being auctioned.
 - C. Such auction held in a non-residential district must be related to the business conducted on the property or the contents of the premises.
 - D. An auction house as the principle use is exempt from these requirements, but subject to the requirements of the district in which it is located.
- (7) Garage Sales. (No permit required)
- A. Garage sales are permitted in residential districts in order to allow residents to sell excess personal property.
 - B. Each garage sale shall not exceed four days.
 - C. Only two garage sales shall be permitted per calendar year at any individual location.
 - D. No person conducting a garage sale under the provisions of this Article shall sell or offer for sale any food or beverage for consumption on the premises. Food or beverage may be provided for such consumption at no cost to the consumer, but only if a permit is obtained in advance from the Health Department.
 - E. No fee or other charge shall be imposed upon members of the public attending any such sale.
 - F. One non-illuminated sign not exceeding four square feet in size, no more than three feet in height above grade may be displayed on the property where the sale is being held.
 - G. Special lighting and noise making devices or other similar advertising displays or notices shall not be used to call attention to the garage sale.
- (8) Temporary Fences.
- A. Temporary fences are permitted in the side or rear yard, not to exceed 4 feet in height, for the purpose of a garden or animal containment only.
 - B. No permit shall be required.
- (9) Christmas Tree sales.
- A. Permitted in any Non-Residential district.
 - B. Maximum length of permit for display and open lots sales shall be 45 days.
- (10) Tents (Residential).
- A. Tents for graduations, weddings or other similar events are permitted for a period not to exceed three (3) days and no more than two (2) times a year.

- B. No permit is required except for tents over 200 square feet.
 - C. Such tent shall be placed in such location that will not interfere with access drives into or within the property, or will reduce required parking spaces.
- (11) Tents Sales (Non-Residential).
- A. Tent Sales are only permitted in relation to the business conducted on the property.
 - B. Tents and all display items shall maintain a 30-foot setback from all adjacent thoroughfare rights-of-ways.
 - C. Such activities shall be placed in such location that will not interfere with access drives into or within the site, or reduce required parking spaces.
 - D. Tents are permitted for a maximum 30-day period per calendar year. No permits are required except as required by the Ohio Basic Building Code.
- (12) Farmers Markets (No permit required)
- A. Seasonal merchandise, such as, but not limited to, plants, garden supplies, produce, pumpkins, fruit, vegetables, honey, maple syrup, may be sold outdoors within the General Business, and Light Industrial District.
 - B. Such activities shall be placed in such location that will not interfere with access drives into or within the site, nor will reduce space for required off-street parking facilities.
 - C. Such facilities and all display items shall maintain five (5') foot setback from the sidewalk or ten (10') foot setback from the back of curb, whichever is greater, so as not to impede traffic or affect sight visibility in and out of a parking area.
 - D. Typically held between March and October with the exception of Christmas tree sales.
 - E. One (1), 6 sq. ft. sign per vendor may be displayed at their respective stand.
 - F. One (1) ten foot by ten foot (10' x 10') tent or awning is permitted per vendor.
 - G. All tables, chairs and merchandise shall be loadable into a standard vehicle and shall be removed by dusk.
 - H. The following are exempted from these regulations:
 - 1. The Uptown Farmer's Market authorized by City Council.
 - 2. The Talawanda Farmer's Market authorized by Talawanda School Board on school property.
 - 3. Any Farmer's Market on University property, authorized by the University.
- (13) Temporary Sales, Roadside Stands or Transient Vendors.
- A. ~~Temporary or seasonal merchandise sales~~ **commercial activities**, such as book **sales/purchases**, mattress **sales**, jewelry **sales**, art **sales**, craft, rug and or food **sales** products may be sold conducted outdoors **only on private property** in the General Business and Light Industrial Zoning Districts. **Commercial activities in right of ways are prohibited in accordance with Section 735.01.**
 - B. Such activities shall be placed in such location that will not interfere with access drives into or within the site, nor will reduce space for required off-street parking facilities.
 - C. Such facilities and all display items shall maintain the underlying zoning districts front yard setback from all adjacent thoroughfare rights-of-ways so as not to impede traffic or affect sight visibility in and out of a parking area.
 - D. A maximum of one (1) twenty foot by twenty (20' x 20') tent or awning is permitted per vendor.
 - E. All tables, chairs and merchandise shall be secured within the tent upon the close of the operation hours.
 - F. Merchandise is prohibited from being sold directly out of a semi-trailer, box truck, moving van or other vehicle.

- G. One (1) sign per vendor, not to exceed 30 sq. ft., may be displayed at their respective stand and are subject to the Temporary Sign Regulations in Section 1151.06 and the Vehicle Management Section 1149.05(c)(3).
 - H. Permits will be issued for a maximum of 14-days per vendor and per property, per calendar year.
 - 1. Proof of approval from the land owner must accompany the application.
 - 2. Proof of current vendors license in accordance with Chapter 705 of the Oxford Codified Ordinance.
- (14) **Vendors & Mobile Food Carts & Vendors.**
- 1. **Vendors & Mobile Food Carts & Vendors** are specifically prohibited in any Residential district and the Uptown **District unless approved by permit from the Office of the City Manager as part of a Charitable or Community event as defined in Section 735.01.**
 - 2. **Zoning Districts categorized as Residential are listed in Section 1133.**
 - 2.3. **Vendors & Mobile Food Carts & Vendors** are also subject to Sections 337.01, 351.17, ~~705.02, 705.03~~, Chapter 729 and 735 of the City of Oxford Codified Ordinance.
- (15) Portable Storage Containers- Containers designed for the temporary storage of property that can be moved by truck or trailer (including intermodal storage units).
- A. No zoning certificate is required if portable storage containers are to be placed on the premise no more than seven (7) days. The Zoning Administrator may permit any portable storage container to be placed on a property for up to thirty (30) days, provided the property owner has an active building permit or has demonstrated the need. An additional fourteen (14) day extension may be granted provided the property owner demonstrates extenuating circumstances.
 - B. Any portable storage container must be located on a driveway or other hard surfaced area. Portable storage containers shall be a minimum of eight (8) feet from the back of the curb and shall not extend onto the sidewalk.
 - C. Calamity Exception. If the portable storage container is being used to store personal property as a result of a major calamity (e.g. fire, flood or other event where there is significant property damage), the City Manager may extend the time period allowed in subsection A. above.

1141.04 ENVIRONMENTAL REGULATIONS.

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

- (a) **Air Pollution.** Air pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency, the Regional Air Pollution Control Agency, and the United States Environmental Protection Agency.
- (b) **Erosion and Drainage.**
 - (1) No erosion by either wind or water shall be permitted that will have a noticeable adverse impact on neighboring properties.
 - (2) The Oxford Engineering Division as part of the zoning permit review process shall review plans ~~for proposed surface drainage~~ **according to the City of Oxford Storm Water Management Design Manual.**
- (c) **Fire and Explosion Hazard.** Adequate safety devices shall be provided at any point where there are activities involving burning or storage of flammable or explosive materials. Adequate safety devices against the hazards of fire and explosion and adequate fire fighting and fire suppression equipment and devices, standard in the industry, shall be provided. Otherwise, burning of waste materials in open fire is prohibited.

- (d) Hazardous Materials and Electrical Disturbance. No activities shall be permitted which utilize hazardous, fissionable or radioactive materials if their use results at any time in the release or emission of any such materials into the atmosphere, the ground, or sewerage systems, and no activities shall be permitted that emit electrical disturbance affecting the operation at any point of any equipment other than that of the creator of such disturbances.
- (e) Noise. No activity on private property shall emit noise in excess of sound levels that creates a nuisance to surrounding properties or in violation of the noise ordinances.
- (f) Light and Glare from Exterior Lights.
- (1) The light source within a light fixture shall not be visible from a neighboring structure. Lights may be shielded or recessed and set on low poles to prevent light from shining onto neighboring properties and distracting drivers.
 - (2) No light used for illuminating a parking area shall shine onto property in a residential district.
 - (3) The intensity and direction of light shall not significantly disrupt the night habitat of any natural area larger than one-half acre, a stream and riparian corridor, or other similar natural areas.
 - (4) The foot-candle measurement at any property line shall not exceed 1.0 lumen.
 - (5) Lighting intensity shall be reduced after closing hours.
- (g) Exemptions.
- (1) The following noise levels shall be exempt from the noise provisions during the daytime only: Firearms on authorized ranges, Legal blasting, Temporary construction activity and equipment, Installation of utility equipment, lawn mowers, chainsaws, garden and farming equipment.
 - (2) The following noise sources shall be exempt from the noise provisions at all times: Aircraft, Railroads, Emergency vehicles and equipment, Warning devices operating continuously for not more than five minutes, Bells, chimes or carillons operating continuously for not more than five minutes, The repair of essential utility services. Officially sanctioned parades or other events.
- (h) Prohibited Outdoor Storage of Inoperative Vehicles, Farm Equipment, Junk, Building Materials, And Trash.
- (1) Outdoor storage, including, but not limited to junk, trash, salvage, building material, or parts thereof, including used tires, shall be prohibited anywhere within the City of Oxford except in an authorized junk yard or scrap processing facility.
 - (2) The parking of a currently licensed inoperative vehicle for a period of more than one week shall be prohibited, with the exception of those stored in an enclosed garage or other accessory building.
 - (3) Parking of inoperative farm equipment that has not been operative for more than one year shall be prohibited unless stored in an enclosed structure.
 - (4) After receipt of notice of any of the above violations, such violation shall be resolved within ten days or declared a nuisance, with each subsequent period of 30 days during which the violation exists, constituting a separate valuation of this Ordinance and subject to the Nuisance Prevention provisions for the City of Oxford.
- (i) Exotic Animals.
- (1) No person shall own, harbor, keep, breed, sell or import any exotic animals or reptiles. The term "exotic animal or reptiles" shall mean wild animals/reptiles not indigenous to Ohio. Example: lions, tigers, elephants, alligators, crocodiles.
 - (2) Exemptions and special provisions:
 - A. Exotic animals purchased or adopted or housed on the subject property prior to the adoption of this Amendment provided:
 1. That a bill of sale or notarized statement verifying this date is provided.
 2. That such exotic animal be confined in a house, building, or other enclosure in such a way that human contact, other than with the owner(s), cannot occur.
 - B. Wild animals held for exhibit or use by research institutions and other governmental agencies having legal authority to process wild animals, publicly supported zoos, circuses, or extensions thereof.
 - C. Any animal which is commonly sold by a bona fide commercial pet shop which does not constitute a hazard to the health or safety of persons or household pets.
- (j) Trash Collection Facility.
- (1) Adequate waste disposal on-site facilities shall be shown on the plans submitted for

a zoning permit, including a change of use permit. The Zoning Administrator may accept an alternative plan that adequately provides for the disposal of all waste generated by the proposed use. If such facilities or alternative plan are not acceptable, the permit may be denied.

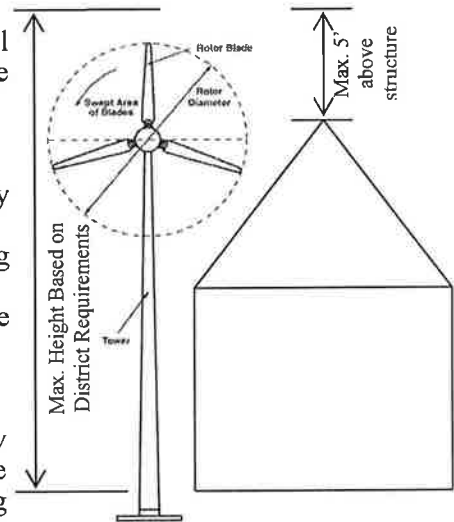
- (2) A trash collection facility shall include a large container such as a dumpster or a small container such as a garbage can, bag or other similar container. No trash collection facility shall be stored in the front yard and shall conform to side and rear yard pavement setbacks of the applicable zoning district.
- (3) A large trash collection facility shall be situated in a permanent location and placed on a concrete pad (4000 psi minimum). A dumpster pad shall be of a dimension that will allow a dumpster to sit entirely on the pad and to permit the front or rear wheels of a trash disposal truck to rest on the pad while emptying the dumpster. No part of the container shall overhang the limits of the pad.
- (4) If a site contains a large exterior trash collection facility such as a dumpster, this area shall be screened so as to not be visible from a public right-of-way or an adjacent property.
- (5) The Zoning Administrator may approve plans for shared dumpster facilities.

(k) Wind Turbines.

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

(1) General.

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



(2) Requirements:

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

(l) Solar Panels.

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

- (1) Freestanding solar panels are prohibited in the front yard.
- (2) Panels that are freestanding or attached shall satisfy the rear and side yard setback

- requirements of the zoning district in which they are located.
- (3) Solar Panels are permitted on the roof of the principal structure or accessory structure, provided that the addition of the panels does not cause the structure to exceed the height requirement for the zoning district in which it is located.
 - (4) Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.
 - (5) Panel systems are subject to the Property Maintenance Code and shall be removed within six (6) months of being nonfunctional.
 - (6) No panel shall be used for advertising of any kind.
 - (7) Permit is required.

SECTION III:

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 1143.10 ENTITLED UPTOWN DISTRICT, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 1143.10, ENTITLED UPTOWN DISTRICT.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on February 12, 2013 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1143.10 entitled Uptown District, and adopting new Oxford Codified Ordinance Section 1143.10 entitled Uptown District.

SECTION II: Council hereby repeals Section 1143.10 of the Oxford Code of Ordinances and adopts new Section 1143.10 as follows: (additions are **bolded** and deletions are ~~struck through~~)

1143.10 UPTOWN DISTRICT.

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

(b) Uses.

(1) Permitted uses.

- A. Any combination of residential dwelling types as defined in Section 1159.05(8), A through E., on the second floor or higher.
- B. Retail services shall not exceed 10,000 square feet of floor area on any given floor.
 - 1. Apparel and jewelry.
 - 2. Bars and establishments serving alcohol.
 - 3. Books, stationery, newspapers, magazines, office equipment and office supply stores.
 - 4. Drugs and pharmaceuticals.
 - 5. Food products, including groceries, meat, fish, baked goods, confectionary, and beverages.
 - 6. Flowers, potted plants, and garden supplies.
 - 7. Hardware, paint, home furnishings, and other home improvements products.
 - 8. Optical aids.
 - 9. Photography, bicycles, gifts and toys, pets, music, sporting goods, and other hobby and craft supplies.
 - 10. Restaurants, not including drive-in.
 - 11. Other similar establishments engaged in retail trade except those included as Conditional Uses in subsection (b)(2) hereof.
- C. Personal and professional services shall not exceed 10,000 square feet of floor area on any given floor.
 - 1. Accounting, advertising, architectural, auditing, bookkeeping, legal, and medical offices, and offices for other similar professional service providers.

2. Banks, credit agencies, investment firms, real estate, insurance offices, and other similar establishments engaged primarily in financial services.
 3. Barber and beauty shops.
 4. Cleaners, including dry cleaning and laundromats.
 5. Home improvement services, including carpentry, electrical, heating, plumbing, and decorating.
 6. Offices for nonprofit, charitable, labor, and other service organizations.
 7. Repair establishments for bicycles, household appliances, locksmiths, shoes, and motor vehicles (if no gasoline is sold).
 8. Theaters, not including drive-ins.
 9. Other similar personal and professional services, such as employment agencies, travel bureaus, and ticket offices.
- D. Accessory buildings incidental to the principal use.
- E. Sidewalk uses.
1. This section is intended to provide for active use of private and public property in the Uptown District for outdoor cafes and retail sales. A sidewalk use requires a permit, shall be operated according to the provisions of this section, and is valid for one year and only for the location, design, and use approved.
 2. A sidewalk use may include outdoor activity on both private and public property as follows:
 - a. Private property in the front setback area or any courtyard or other partially enclosed area adjacent to a right-of-way may be utilized only for **the same** commercial activity ~~related to~~ as the principal use on the first floor of the principal structure.
 - b. The public sidewalk and other paved portions of the right-of-way that are designed and constructed to accommodate pedestrians may be utilized only for **the same** commercial activity ~~related to~~ as the principal use on the first floor of an immediately adjacent principal structure.
 3. A sidewalk use permit application shall include a fee, a scaled site plan, and other information sufficient to determine compliance with all of the following provisions:
 - a. The use may not extend more than five feet into the right-of-way; and
 - b. The use may not result in less than five feet of unimpeded sidewalk adjacent to the sidewalk use (street trees, parking meters, street sign poles, and the like are impediments); and
 - c. The adjacent property owner and the operator of the use have a liability insurance policy that covers accidents and injuries on the public right-of-way for a minimum of one hundred thousand dollars (\$100,000) per person and three hundred thousand dollars (\$300,000) per accident, premiums are fully paid for the calendar year of the permit, and the

City of Oxford is a named insured upon such liability policy; and

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

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

A. Retail services:

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

B. Personal and public services:

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

C. Other uses.

1. Any combination of dwelling types as defined in Section 1159.05(8), A through E, on the first floor or basement.
2. Community-Oriented Residential Social Service Facilities (CORSSF's).
3. Shared Housing and Congregate Housing for the elderly.
4. Government owned and/or operated parks and recreation facilities.
5. Bed and breakfast homes.
6. Publicly owned and operated neighborhood recreation centers.
7. Day care facilities, including Day Care for child, Day Care Center for child, Day Care Home Type A family, and Day Care Home Type B family.
8. Schools: primary, intermediate, and secondary, both public and private.
9. Hospitals

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

(1) Lot requirements.

A. Minimum Lot Area:

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

(2) Yard requirements.

Front Yard

16.5 feet minimum *except*

* On High Street – at least 70 percent of building must meet the right-of- way line

Rear Yard

none *except*

* Adjacent to a residential district
10 feet minimum

Side Yard

none *except*

* Adjacent to a residential district
6 feet minimum

(3) Structural requirements.

A. Building height:

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

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

B. Gross Floor Area Ratio:

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

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

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

ii. Uncovered outdoor areas shall:

a. Be associated with the first floor commercial occupant,

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

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

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

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

(4) Maximum Residential Density.

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

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: March 5, 2013

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

February 15, 2013

Date Prepared:

Agenda Title: PC-03-2013 Zoning Code Text Amendment – To Amend Chapter 1137 Nonconformities, and Adding Definitions to Chapter 1159, City of Oxford, Applicant

Recommendation: Approval

Discussion:

Last year, the Planning Commission under the directive from City Council, formed a subcommittee to review the existing Nonconforming Chapter of the Oxford Zoning Code and identify barriers to the redevelopment of nonconforming buildings/uses. The first task was to review existing regulations dealing with large apartment complexes. The second task was to deal with, specifically, nonconforming land use and develop new regulations to encourage redevelopment of quality housing stock to replace those dilapidated/blighted buildings.

The current regulations were put in place in 2007 and depending on the square footage of improvements the building may have been subject to different requirements. The proposed amendment to the Nonconforming Chapter would allow a building with nonconforming uses go through the process in a more streamlined manner. The proposed amendment breaks down the improvements of a structure into three (3) categories: renovation, reconfiguration and reconstruction. Any proposed improvement, under the category of renovation, would not require any reduction from the approved rental occupancy. Improvements under reconfigurations would require 30% reduction from the approval rental occupancy. Reconstruction would require full compliance with the underlying zoning district. Due to these changes, several new definitions have been created in Chapter 1159 as well.

Other recommendations include allowing buildings with nonconforming uses to expand, subject to the underlying regulations and no increases in intensity of the nonconforming use. Additionally, it would also provide leeway for porch additions to the building with a nonconforming use.

The Subcommittee spent a great deal of time meeting, discussing and debating the proposed changes. In the end, the proposed language represents a good balance of various concerns and is believed that the recommended changes are needed for redevelopment projects.

The Planning Commission held a Public Hearing on the matter on Feb 12, 2013. The Planning Commission voted 6-0-0 to recommend City Council approve these changes.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC 2/15/13
DRE 3/1/13

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	March 5, 2013
<u>Case Number</u>	PC-03-2013
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Code Text Amendment
<u>Summary of Request</u>	PC-03-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1137 Nonconformities and Adding Definitions to Chapter 1159, City of Oxford, Applicant
<u>Public Hearing Information</u>	On February 12, 2013 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on January 11, 2013.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	After Subcommittee findings and Planning Commission Work Sessions, Chapter 1137 Nonconformity language necessitated major changes. Definitions were also edited/added to Chapter 1159, reconfiguration, reconstruction and renovation.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated January 7, 2013 2. Interoffice Review Transmittal Sheets 3. Proposed Language 4. Zoning Code Text Amendment Application dated December 17, 2012

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-03-2013

Date – February 12, 2013

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING CODE TEXT AMENDMENT to Amend Chapter 1137 Nonconformities and Adding Definitions to Chapter 1159, City of Oxford, Applicant

DESCRIPTION

Last year, the Planning Commission under the directive from City Council, formed a subcommittee to review the existing Nonconforming Chapter of the Oxford Zoning Code and to identify barriers to the redevelopment of nonconforming buildings/uses. The first task was to review existing regulations dealing with large apartment complexes. The second task was to deal with, specifically, nonconforming land use and develop new regulations to encourage redevelopment of quality housing stock to replace those dilapidated/blighted buildings.

ZONING CODE

The attached text amendment includes proposed changes to Chapter 1137 Nonconformities, as a result of many Planning Commission Subcommittee meetings.

COMPREHENSIVE PLAN

Some applicable **Land Use Principles** of the Comprehensive Plan are as follows (p. 3.9):

- Infill development and redevelopment of underutilized sites is a priority. (3.9)
- The development of new residential areas, and redevelopment of existing residential areas, will have strong neighborhood qualities. (3.10)
- Places will be connected to create better opportunities to walk, bike and access public transportation throughout the community. (3.12)
- Environmentally sensitive and sustainable practices will be encouraged in future developments. (3.12)

Some applicable **Land Use Goals** of the Comprehensive Plan are as follows (p. 3.21):

Objective 1: Manage Growth

LU 1.5 Charge the Planning Commission with planning and managing long term growth, including, but not limited to a comprehensive review of the zoning code and subdivision regulations. (p. 3.21)

Objective 2: Enhance neighborhoods within the Mile Square

LU 2.1 Continue to promote diversity of housing opportunities in the Mile Square. (p. 3.21)

Objective 9: Create new residential areas with traditional neighborhood qualities

LU 9.4 Create standards, or modify existing standards, to allow for a mix of housing types within neighborhoods. (p. 3.24)

AGENCY REVIEWS

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

Police:	No comments received
Fire:	No comment
Engineering:	No comment
Econ. Dev.	Comments attached

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

City Council and the Planning Commission met in 2012 and tasked the Planning Commission with several work items. One of the items was the redevelopment of old housing stock, encompassing single family dwelling units and apartment complexes. The Commission formed a subcommittee to tackle two subjects: the redevelopment of apartment complexes and the amendment to the Nonconformities Chapter. The revision to the regulations governing the R-3 (Multi-Family Residential) District was adopted in September, 2012.

The Planning Commission Subcommittee on Nonconformities took a deliberate step to review the Nonconforming Chapter since the Chapter encompassed a larger geographical area than the regulations of a specific zoning district. One of the major changes was to deal with those buildings with nonconforming uses. The Subcommittee felt there were many buildings with nonconforming uses that would require some form of improvements.

The current regulations were put in place in 2007 and depending on the square footage of improvements the building may be subject to different requirements. The proposed amendment to the Nonconforming Chapter would allow a building with nonconforming uses to go through the process in a more streamlined manner. The proposed amendment breaks down the improvements to a structure into three (3) categories: renovation, reconfiguration and reconstruction. Improvements falling under the category of renovation encompassing nonstructural improvements would not require any reduction from the approved rental occupancy. Proposed improvements involving structural modifications, the improvements are considered reconfiguration. The proposed language would allow reconfiguration to move forward without meeting the site development regulations of the underlying district, but is subject to a 30% reduction in the approved rental occupancy. Any demolition/destruction of an existing building is considered reconstruction; therefore, the new building must satisfy the use and site development regulations of the underlying district. Due to these categories, a new definition was also created under Chapter 1159.

Other recommendations include allowing the buildings with nonconforming uses to expand, subject to the underlying regulations and no increase in intensity of the nonconforming use. Additionally, it also provides leeway for porch additions to the building with a nonconforming use.

In essence, the proposed changes are to combine existing 1137.04 and 1137.08. The Subcommittee believed that the recommended changes would remove the development barriers to facilitate the redevelopment of dilapidated/obsolete buildings with newer and safer buildings.

Based on suggestions from the Subcommittee, the Planning Commission also held two work sessions to review the proposed changes and felt that the changes would be needed in anticipation of future redevelopment projects.

Many thanks to the Subcommittee members who spent countless hours to discuss, debate and work through this proposed language. The Subcommittee felt that this proposed language would fulfill the desire of the Planning Commission and City Council in encouraging the redevelopment of dilapidated buildings.

RECOMMENDATION

Staff recommends that the Commission make affirmative recommendations to City Council for adoption to facilitate anticipated redevelopment of various dilapidated housing stock in this community.

SUBMITTED

BY:

Jung Han Chen
Jung-Han Chen
Community Development Director

DATE: January 7, 2013

ATTACHMENT

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

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

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

Text Amendments

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/4/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-03-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1137 Nonconformities, **City of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/8/13** Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned: w/comments without/comments

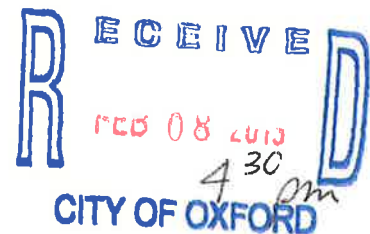
Drawings reviewed by:



John Detherage

PRINTED NAME

Date: 2-7-13



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/4/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-03-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1137 Nonconformities, **City of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/8/13** 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: *A. Popescu*

Date: 2-6-13

VICTOR POPESCU

PRINTED NAME

RECEIVED

City of Oxford
Engineering Division

Co-ALAN KUCAN
PRINTED NAME

CHAPTER 1137

Nonconformities

1137.01 PURPOSE.

The purpose of this Chapter is to recognize the existence of uses, buildings, lots and structures that lawfully existed at the time of this Code's enactment, or amendment thereto, but which now do not conform with one or more of the regulations contained in this Code. This Chapter regulates the disposition of legally established nonconforming uses, buildings, lots and structures which are subject to regulations limiting their use, restoration, reconstruction, extension, and substitution. Such nonconforming status shall be permitted to continue only in conformance with this Chapter. The provisions are intended to encourage ~~greater compliance~~ **reduction of nonconformity** with this Zoning Code in the short-term and elimination of nonconformities in the long-term, while respecting vested interests in the existing uses and improvements.

1137.02 ADMINISTRATION.

(a) The provisions of this Chapter shall apply only to nonconformities that have been legally established. A nonconformity that was not legally established shall not qualify for any of the protections provided.

(b) An applicant and/or owner for any development review procedure that deals with nonconformities shall bear the burden of proof in demonstrating that the use was a legal nonconformity on the effective date of this Code.

(c) Board of Zoning Appeals shall have all powers conferred upon it as per Section 713.15 of the Ohio Revised Code, or as authorized by the City of Oxford Charter and in compliance with state law.

(d) The Zoning Administrator shall determine if a use, lot, structure, or site is less nonconforming than another use, lot, structure, or site based upon criteria such as required parking spaces, trip generation, potential nuisances, setbacks, bulk, or other criteria relevant to the intent of this Code.

1137.03 AVOIDANCE OF UNDUE HARDSHIP.

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

1137.04 NONCONFORMING LAND USES.

~~Where, at the time of adoption of this Code, lawful uses of land exist that would not be permitted by the regulations of this Code, the uses may be continued so long as they remain otherwise lawful and provided that:~~

~~(a) A legal nonconforming land use may continue, but shall not be expanded either on the same or adjoining land beyond the building or structure that was occupied by the use at the time the land use became nonconforming, except that such use may be extended~~

Zoning Code Text Amendment Application
City of Oxford, Ohio

Feb

REQUIRED INFORMATION

Name of Applicant: City of Oxford
(Attach a Letter of Agency if the applicant is not the property owner.)
Mailing Address: 101 E. High St.
Oxford, OH 45056
Telephone Number(s): (513) 524-5204
Email Address: Jchen@cityofoxford.org

SUBMISSION REQUIREMENTS

A written, detailed description, where applicable, is required for each subsection.

1137
nonconformities

All applications must include:

- A. A general description of the proposed amendment.
- B. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
- C. A statement that identifies potential negative consequences of the proposed amendment.
- D. Any existing section number and text that is proposed to be deleted or amended.
- E. Any new or amended text as it is proposed to be codified including its proposed location in the Code. (section numbers)
- F. A narrative statement that describes the expected effects of the proposed text.
- G. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

Planning Commission and Council Review The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider the Planning Commission recommendation. If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

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

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

All materials and the application fee in the amount of **\$150.00 plus actual postage**, payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056 45 days prior to the proposed meeting date. Any questions should be directed to the Community Development Department at (513) 524-5204.

NOTE: Incomplete applications will not be processed. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.

SIGNATURE OF APPLICANT: _____

Date: 12/17/12

PRINTED NAME: _____

Jung-Han Chen

FEE / RECEIPT

\$150 Fee plus Actual Postage Paid / Receipt Number: NA

ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 1137 ENTITLED NONCONFORMITIES, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 1137 ENTITLED NONCONFORMITIES.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on February 12, 2013 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Chapter 1137 entitled Nonconformities, and adopting new Oxford Codified Ordinance Chapter 1137 entitled Nonconformities.

SECTION II: Council hereby repeals Chapter 1137 of the Oxford Code of Ordinances and adopts new Chapter 1137 as follows: (additions are **bolded**, deletions are ~~struck through~~)

CHAPTER 1137 Nonconformities

1137.01 PURPOSE.

The purpose of this Chapter is to recognize the existence of uses, buildings, lots and structures that lawfully existed at the time of this Code's enactment, or amendment thereto, but which now do not conform with one or more of the regulations contained in this Code. This Chapter regulates the disposition of legally established nonconforming uses, buildings, lots and structures which are subject to regulations limiting their use, restoration, reconstruction, extension, and substitution. Such nonconforming status shall be permitted to continue only in conformance with this Chapter. The provisions are intended to encourage the ~~greater compliance~~ **reduction of nonconformity** with this Zoning Code in the short-term and elimination of nonconformities in the long-term, while respecting vested interests in the existing uses and improvements.

1137.02 ADMINISTRATION.

(a) The provisions of this Chapter shall apply only to nonconformities that have been legally established. A nonconformity that was not legally established shall not qualify for any of the protections provided.

(b) An applicant and/or owner for any development review procedure that deals with nonconformities shall bear the burden of proof in demonstrating that the use was a legal nonconformity on the effective date of this Code.

(c) Board of Zoning Appeals shall have all powers conferred upon it as per Section 713.15 of the Ohio Revised Code, or as authorized by the City of Oxford Charter and in compliance with state law.

(d) The Zoning Administrator shall determine if a use, lot, structure, or site is less nonconforming than another use, lot, structure, or site based upon criteria such as required parking spaces, trip generation, potential nuisances, setbacks, bulk, or other criteria relevant to the intent of this Code.

1137.03 AVOIDANCE OF UNDUE HARDSHIP.

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently.

Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

Where demolition or removal of an existing building has substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

1137.04 NONCONFORMING LAND USES.

~~Where, at the time of adoption of this Code, lawful uses of land exist that would not be permitted by the regulations of this Code, the uses may be continued so long as they remain otherwise lawful and provided that:~~

- ~~(a) A legal nonconforming land use may continue, but shall not be expanded either on the same or adjoining land beyond the building or structure that was occupied by the use at the time the land use became nonconforming, except that such use may be extended throughout those parts of an existing building that were clearly arranged or designed for such use at the adoption of this Code.~~
- ~~(b) The intensity of a nonconforming nonresidential land use shall not be increased through the introduction of goods and services not directly related to the nonconforming use. If the intensity of a nonconforming use is diminished, the intensity of the use shall not be reinstated except as provided for in Section 1137.08.~~
- ~~(c) No new signs are permitted for nonconforming land uses. (Ordinance 2981, Passed 10-16-07.)~~

1137.04 NONCONFORMING LAND USES.

Any use of any structure or lot that was conforming or validly nonconforming and otherwise lawful at the enactment date of this Ordinance and is nonconforming under the provisions of this Ordinance or that shall be made nonconforming by a subsequent amendment, may be continued so long as it remains otherwise lawful, subject to the standards and limitations of this Section.

(a) General regulations and development standards.

1. A nonconforming use may not move in whole or in part to any other location of the lot unless the use satisfies the provision of this Section.
2. A nonconforming use may be enlarged, expanded or extended to occupy parts of another structure or portions of a lot that it did not occupy on the effective date of this Ordinance, provided such enlargement shall comply with the provisions of this Chapter. Additionally, such expansion, extension and enlargement shall not increase the degree of nonconformity, or increase in intensity.
3. Any building or structure containing a nonconforming use may be enlarged up to 25% of the existing total gross floor area on the effective date of this Ordinance, provided that the expanded portion complies with all coverage and site development requirements of the zone in which it is located.
4. A porch addition to the front façade of an existing residential building that contains a nonconforming use may be permitted, provided that the proposed addition satisfies the design standards, setback and lot coverage regulations of the District. Such porch addition shall not be enclosed and shall be open at least on 2 sides.

5. Any proposed addition under Section 1137.04(a)3 shall be considered as reconfiguration to an existing structure and shall comply with the conditions set forth in this Chapter.
6. The enlargement of a nonconforming use that has the effect of making a structure nonconforming, other than as described in subsection c. above, shall not be permitted, but rather shall be construed as a request for a variance.
7. Any nonconforming vehicle management shall be made in conformance with the current regulations when the improvement to the structure is considered a reconfiguration and reconstruction.
8. A legal nonconforming land use may be extended throughout those parts of an existing building, provided that the extension shall not create any new nonconformity. Such improvement is considered as reconfiguration and shall comply with the conditions outlined below.
9. Change to another Nonconforming Use.
Except as provided in this Section, a nonconforming use may be changed only to a use that conforms to the Ordinance. Once changed to a conforming use, no use may revert to a nonconforming use.

(b) Improvements to a Structure.

Improvements to a structure containing a nonconforming use may be permitted, but are subject to the following conditions:

1. Such improvements result from being remodeled, damaged or demolished voluntarily.
2. Such improvements shall not cause a new nonconformity, nor shall it increase the degree of nonconformity or noncompliance existing prior to such remodeling or improvements, except permitted in this Section.
3. For nonconforming residential uses in residential districts: Improvements fall within the following three categories (as defined in Section 1159.19):
 - (1) Renovation: For renovation, the following shall apply:
 - a. Any structure may be maintained to its original footprint, no reduction in occupancy.
 - (2) Reconfiguration: For reconfiguration, the following shall apply:
 - a. Any structure that has more occupancy than permitted in the underlying zoning district shall have its occupancy reduced by at least 30% from the approved rental occupancy, or the allowable occupancy permitted in the underlying district, whichever is larger.
 - b. The use and structure remain nonconforming unless they

satisfy the requirements of that District.

- c. All fractional numbers of residential occupancy greater than or equal to 0.5 shall be rounded up to the next whole number.
- d. Proposed enlargement that is above and beyond 25% of the existing total gross floor area on the effective date of this Ordinance may be allowed, provided additional reduction in occupancy from the approved rental permit based on the ratio of each one percent of the additional enlargement, one percent of reduction in occupancy is required subject to the approval of the Planning Commission.

(3) Reconstruction: For reconstruction, the following conditions shall apply:

- a. The new building shall satisfy all the site development regulations of that District.
- b. The use shall satisfy the underlying use regulations.

4. For other nonconforming uses: Nonconforming use may be expanded, as described in 1137.04(a)3 In no instance, shall the uses increase in intensity.

1137.05 NONCONFORMING LOTS.

- (a) A lot in a residential zoning district that does not satisfy the site development ~~dimensional~~ regulations for any permitted use in that District may have erected on it a single-family dwelling if the lot has a minimum area of 3,000 square feet and a minimum lot width of 33 feet. This provision shall apply even though the lot fails to meet the requirements for lot areas, lot depth, lot width, or any combination thereof that are generally applicable in the zoning district provided that the new single-family conforms to the height, lot coverage, vehicular access and yard or setback requirements of the District where the property is located.
- (b) Additions to a conforming/permitted use and structure on a nonconforming lot are permitted if the addition satisfies all ~~dimensional~~ site development regulations ~~requirements of the code in the District where the property is located.~~
- (c) The lot on which there is located a nonconforming use or structure, shall not be reduced in any of the dimensional requirements to further increase the structure's nonconformity.

1137.06 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) Additions to a nonconforming structure are permitted if the addition satisfies all dimensional requirements of the code and the use occupying the building is an approved permitted or conditional use.
- (b) No nonconforming building or structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- (c) A nonconforming building or structure shall not be enlarged or extended unless the proposed extension is in compliance with the regulations of the District in which it is located, and will not increase any existing nonconformity in any other portion of the building or structure.
- (d) A nonconforming building or structure shall not be moved in whole or in part to any other location on the lot or to another premise(s) unless the building is made to conform to the regulations of the District in which it is to be located.
- (e) A building or structure that contains a dwelling unit, that has less than the minimum required lot or dwelling square foot area may be changed in any way that does not make the dwelling unit area more nonconforming and does not violate any other provision of this code.
- (f) **Reconstruction of damaged and demolished nonconforming structures may be permitted provided that the reconstructed portion satisfies the site development regulations of the District.**

1137.07 DISCONTINUANCE OF NONCONFORMITIES.

- (a) A nonconforming land use, structure, or portion thereof, shall not be reinstated if it is discontinued for a continuous one-year period and thereafter any use of the premises shall conform to the use regulations of the District in which the building or lot is located. The intent to continue a nonconforming use shall not be assumed to be evidence of its continuance.
- (b) A nonconforming structure or lot that has been made conforming shall not be made nonconforming.

~~—1137.08 MAINTENANCE AND REPAIR, DAMAGED AND DEMOLISHED NONCONFORMING STRUCTURES~~

~~(a) — Ordinary repairs may be performed on a nonconforming structure or on any portion thereof. In the event that a nonconforming use, building, or structure is destroyed, damaged or demolished voluntarily or by accidental fire, explosion, act of God or the public enemy by any means, those portions so destroyed, damaged or demolished, may be restored and repaired provided that such reconstruction, restoration and repair shall be in compliance with the following conditions:~~

- ~~(1) — A zoning certificate and building permit authorizing such reconstruction, restoration or repair shall be obtained within one year of the date of such damage, and~~
- ~~(2) — Such permit shall only be issued once every 3 years.~~
- ~~(3) — Such reconstruction, restoration or repair shall be completed within a period of one year from the date of issuance of the zoning certificate and building permit.~~

- ~~(4) Such reconstruction, restoration or repair shall not cause a new nonconformity, nor shall it increase the degree of nonconformity or noncompliance existing prior to such reconstruction, restoration or repair.~~
- ~~(5) The proposed structure shall be designed and constructed with the similar architectural character to the existing structure and/or the surrounding neighborhood(s) and in accordance with HAPC and/or the Mile Square Design Guidelines when applicable.~~
- ~~(6) All fractional numbers greater than or equal to 0.5 shall be rounded up to the next whole number.~~

~~(b) Those portions so reconstructed, restored or repaired to the extent less than 25% of the total gross floor area, may be restored to the original footprint, floor area and height of the building or structure.~~

~~(c) Those portions so reconstructed, restored or repaired to the extent greater than 25% and less than 50% of the total gross floor area shall be subject to the following conditions:~~

- ~~(1) Any structure occupied by more occupants than permitted in the underlying zoning district shall have its occupancy reduced by at least 20% from the approved rental permit.~~
- ~~(2) Any structure or portion reconstructed must not encroach into any right-of-way or adjacent property and shall satisfy the setback regulations of the district when applicable; and~~
- ~~(3) The use and structure remain nonconforming unless they satisfy the requirements of that district.~~

~~(d) Those portions so reconstructed, restored or repaired to the extent greater than 50% and less than 75% of the total gross floor area shall be subject to the following conditions:~~

- ~~(1) Any structure occupied by more occupants than permitted in the underlying zoning district shall have its occupancy reduced by at least 20% from the approved rental permit.~~
- ~~(2) Any structure or portion reconstructed must not encroach into any right-of-way or adjacent property and shall satisfy the setback regulations of the district when applicable.~~
- ~~(3) Any structure or portion reconstructed may exceed the floor area and height of the original building provided the use is permitted, but may not exceed the height of the underlying zoning district.~~
- ~~(4) The use and structure remain nonconforming unless they satisfy the requirements of that district.~~

~~(e) Any nonconforming structure that is willfully demolished, reconstructed, restored or repaired to the extent 75% or more shall be subject to the following conditions:~~

- ~~(1) Any structure occupied by more occupants than permitted in the underlying zoning district shall have its occupancy reduced by at least 20% from the approved rental permit.~~
- ~~(2) Any nonconforming structure that is willfully demolished reconstructed, restored or repaired as described above shall have its nonconforming status of a nonresidential use eliminated unless such use satisfies the use requirement of the underlying zoning district.~~
- ~~(3) All dimensional requirements of the underlying zoning district shall be satisfied. (Ord. 2981. Passed 10-16-07.)~~

1137.08 RESTORATION OF NONCONFORMING BUILDING DAMAGED BY FIRE, EXPLOSION, ACT OF GOD OR THE PUBLIC ENEMY

Any building which has been damaged by fire, explosion, act of God or the public enemy may be repaired and reconstructed and used as before the time of damage provided that a complete application for such repairs or reconstruction is filed within one year of the date of such damage and such repair or reconstruction is substantially completed within one year of the issuance of a zoning certificate.

1137.09 NONCONFORMING VEHICLE MANAGEMENT.

- (a) A conforming land use that does not have a sufficient number of parking spaces to satisfy this Code, or an amendment thereto, may continue indefinitely; however, the ~~parking~~ **vehicle management** and landscaping requirements for the entire use shall be satisfied if the use is expanded within the existing structure, if the structure is expanded or if the use is changed or substituted.
- (b) A use that is required to meet the nonresidential vehicle management area regulations and that does not satisfy the design criteria of this Code may continue indefinitely; however, the design criteria for the entire site shall be made to comply with all provisions of this Code if the footprint of the principle structure is expanded upon a change of use.

1137.10 NONCONFORMING SIGNS.

- (a) Determination of Legal Nonconformity:
 - (1) An existing sign that does not conform to the specific provisions of this Code may be eligible for the designation of a “legal nonconforming sign” provided that the sign was covered by a valid permit or variance, or complies with all applicable laws on the effective date of this Code, and amendments thereto.
- (b) Loss of Legal Nonconforming Status: A legal nonconforming sign loses the legal nonconforming designation if:
 - (1) The sign is relocated;
 - (2) The sign is replaced;
 - (3) The structure or size of the sign is altered in any way except towards compliance with this Chapter. This provision does not refer to general maintenance, changeable marquees, or face and copy changes.
 - (4) The sign is part of an establishment that discontinues its operation for a period of 1 year.
 - (5) The sign has not been used for a continuous period of six (6) months.
- (c) Maintenance and Repair of Nonconforming Signs:
 - (1) Normal maintenance shall be permitted, which includes painting of chipped or faded signs; replacement of faded or damaged surface panels; or repair or replacement of electrical wiring or electrical devices. A non-conforming sign shall not be structurally altered to prolong the life of the sign.
 - (2) If the sign suffers damage to an extent greater than 60% of the estimated replacement value, the sign shall be replaced with a sign that complies with Chapter 1151.
- (d) **No new signs are permitted for nonconforming land uses.**

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

ORDINANCE NO.

ORDINANCE AMENDING OXFORD CODIFIED ORDINANCE SECTION 1159.10, DEFINITIONS (BEGINNING WITH THE LETTER "I") AND OXFORD CODIFIED ORDINANCE SECTION 1159.19, DEFINITIONS (BEGINNING WITH THE LETTER "R").

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on February 12, 2013 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended that Oxford Codified Ordinance Section 1159.10, Definitions (Beginning with the letter "I") and Oxford Codified Ordinance Section 1159.19, Definitions (Beginning with the letter "R") be amended to add three (3) new definitions and revise one (1) definition.

SECTION II: Council hereby amends Oxford Codified Ordinance Section 1159.10, Definitions (Beginning with the letter "I") and Oxford Codified Ordinance Section 1159.19, Definitions (Beginning with the letter "R") as follows:

Section 1159.10 DEFINITIONS (BEGINNING WITH LETTER "I")

- (1) IMPERVIOUS SURFACE – A surface which has been compacted or covered with a layer of material so that it is resistant to infiltration by water, including semi-pervious surfaces such as compacted clay, gravel, most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar surfaces.
- (2) INDUSTRIAL PARK - A tract of land that is planned, developed, and operated as an integrated facility for a number of individual industrial uses, with consideration to transportation facilities (rail and highway), circulation, parking, utility needs, aesthetics, and compatibility.
- (3) INSTITUTION – Buildings or land occupied by a non-profit corporation or a non-profit establishment for public or semi-public use including community residence living arrangements for more than twelve unrelated individuals.
- (4) **INTENSITY – The measure of collective activities related to the principal use within a building or site based upon trip generation, number of employees (ex. Barber chairs, mechanical lifts, number of shifts, and hours of operation.)**

Section 1159.19 DEFINITIONS (BEGINNING WITH THE LETTER "R")

- (1) **RECONFIGURATION-** interior or exterior modification to change the layout of a building or to make substantial/structural repair or alteration
- (2) **RECONSTRUCTION-** Rebuilding as a result of destruction or demolition of an existing building to allow for a new building to be constructed on the same site.
- (3) **RECREATIONAL FACILITIES (COMMERCIAL)** - Recreational facilities open to the public and operated for gain.

(4) RECREATIONAL FACILITIES (NON-COMMERCIAL) - Private and semipublic recreational facilities which are not operated for gain.

~~(3) RENOVATION - Interior or exterior remodeling of a structure, other than ordinary repair.~~

(5) RENOVATION- interior or exterior maintenance and/or upgrade of a structure, which does not involve any structural alteration.

(6) RESIDENTIAL USE - Land designated in the Zoning Code and official map for buildings consisting only of dwelling units.

(7) RESTAURANT - An establishment which sells prepared food for consumption. Restaurants shall be classified as follows:

- A. Restaurant, fast food: An establishment which sells food already prepared for consumption, packaged in paper, Styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.
- B. Restaurant, general: An establishment which sells food for consumption on or off the premises.
- C. Restaurant, take-out: An establishment which sells food only for consumption off the premises.

(8) RETAIL - The disposal, by sale or exchange, of specific goods to, or the acquisition of specific goods by, a person for use other than for purposes of resale.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: March 5, 2013

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

February 15, 2013

Date Prepared:

Agenda Title:	PC-04-2013 Zoning Code Text Amendment – To Amend Chapter 1143.12 GB General Business (GB) District and Chapter 1151.05(a)(3) Permanent Signs for General Business (GB) District, City of Oxford, Applicant
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Recommendation: Approval

Discussion:

The Planning Commission, with the support from City Council, spent some time reviewing the site development regulations of the General Business (GB) District. Certain site development regulations created practical difficulty to development and did not reflect the overall vision of the Planning Commission. The idea here is to clean up the site development regulations so that development can occur in a fashion that would meet the vision of the Comprehensive Plan.

Several months ago the Oxford Chamber of Commerce asked the Planning Commission to review the existing regulations for the GB District because certain site development regulations were not clear in what the City's expectations were. Additionally, regulations requiring earthen mounds created sight line obstruction at intersections. Furthermore, the sign regulations, in relation to the business district, was ambiguous and had the one size fits all requirements. The Planning Commission spent several Work Sessions going over the draft language and considering comments from the public to fine tune the regulations.

The proposed language clearly stipulates the transitional setback and landscaping requirements which the current regulations lacked. The proposed recommendations also outlined the responsibilities in maintaining those planting materials. Additionally, the proposal also addressed the building orientation issue to allow for flexibility, but ensuring pedestrian/building connectivity. All these revisions were geared toward making this set of regulations reflect the vision of the Comprehensive Plan. Signage regulations for the business district have also gone through some changes to address various circumstances: single and multi-tenant sites. It has become clearer for sign contractors to follow.

The Planning Commission held a Public Hearing on the matter on February 12, 2013. The Planning Commission made some amendments to the proposed language in order to further clarify the language and voted 6-0-0 to recommend City Council approve these changes.

Approved By:	Department Head:	<i>JHC / 2/15/13</i>
	City Attorney:	
	City Manager:	<i>DAE / 3/1/13</i>

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	March 5, 2013
<u>Case Number</u>	PC-04-2013
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Code Text Amendment
<u>Summary of Request</u>	PC-04-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1143.12 GB General Business District and Chapter 1151.05(a)(3) Permanent Signs for GB-General Business District City of Oxford, Applicant
<u>Public Hearing Information</u>	On February 12, 2013 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on January 11, 2013.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Code Text Amendment approval so that development could occur and meet the vision of the Comprehensive Plan.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated January 14, 2013 2. Interoffice Review Transmittal Sheets 3. Proposed Language 4. Zoning Code Text Amendment Application dated December 17, 2012

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-04-2013

Date – February 12, 2013

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING CODE TEXT AMENDMENT to Amend Chapter 1143.12 GB General Business District and Chapter 1151.05(a)(3) Permanent Signs for GB-General Business District City of Oxford, Applicant

DESCRIPTION

The Planning Commission, with the support from the City Council, spent some time reviewing the site development regulations of the GB (General Business) District. Certain site development regulations created practical difficulty to development and did not reflect the overall vision of the Commission. The idea here is to clean up the site development regulations, so that development can occur in a fashion that will meet the vision of the Comprehensive Plan.

ZONING CODE

The attached text amendment illustrates changes to Chapter 1143.12 General Business District and Chapter 1151.05(a)(3), as a result of a series of Planning Commission Work Session meetings.

COMPREHENSIVE PLAN

Some applicable **Land Use Principles** of the Comprehensive Plan are as follows:

- Infill development and redevelopment of underutilized sites is a priority.
- New commercial and light industrial development will be developed with pedestrian amenities and green space.
- Places will be connected to create better opportunities to walk, bike and access public transportation throughout the community.
- Environmentally sensitive and sustainable practices will be encouraged in future developments.

Some applicable **Land Use Goals** of the Comprehensive Plan are as follows:

Objective 1: Manage Growth

LU 1.5 Charge the Planning Commission with planning and managing long term growth, including, but not limited to a comprehensive review of the zoning code and subdivision regulations.

Objective 5: Support the redevelopment of commercial areas along Locust Street

LU 5.3 Enhance the Zoning Code to provide for increased buffering between commercial and residential uses including screening, noise restrictions, lighting restriction, trash receptacle screening. (p. 3.21)

LU 5.4 Develop additional pedestrian and bicycle linkage along Locust Street.

LU 5.5 Create architectural and site control for office, retail and residential uses along Locust Street to guide new development that complements the small town character and supports a mix of uses.

Objective 6: Redevelop the U.S. 27 North corridor in a planned and coordinated manner

LU 6.1 Pursue street projects along the corridor that improve automobile, pedestrian and bicycle access.

- LU 6.2 Modify development regulations to support the creation of attractive development s along the corridor
- LU 6.4 New development should include greenspace to buffer neighboring uses, and serve as shading to reduce the heat index of large of impermeable surfaces.

AGENCY REVIEWS

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

Police:	No comments received
Fire:	No comments received
Engineering:	No comment
Econ. Dev.	Comments attached

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

Several months ago the Oxford Chamber of Commerce asked the Planning Commission to review the existing regulations for the GB District because certain site development regulations were not clear in what the City expectations would be. Additionally, the regulations requiring earth mounds create sight line obstruction at intersections. Furthermore, the sign regulations in relation to the business district was ambiguous and had the one size fits all requirement. The Planning Commission spent several Work Sessions going over the draft language and considering comments from the public to fine tune the regulations.

The proposed language clearly stipulates the transitional setback and the landscaping requirements which the current regulations lacked. The proposed recommendation also outlined the responsibility to maintain those planting materials. Additionally, the proposal also addresses the building orientation issue to allow for flexibility, but ensure pedestrian connectivity to the building. All these revisions are geared toward making this set of regulations reflect the vision of the Comprehensive Plan. Signage regulations for the business district have also gone through some changes to address various circumstances: single and multi-tenants site. It has become clearer for sign contractors to follow.

Several work sessions were held to go over these changes with the Planning Commission. These changes are also reflecting those concerns raised by the Chamber. It is anticipated that these changes would allow development projects to move forward with the products that are aligned with the Commission desire. Future changes may come forward, should concerns raised by the Commission.

Attached also is the decision criteria for Zoning Code amendment for deliberation purpose. We believe that the recommended changes can and will better implement the Comprehensive, as well as clarify the intent of the Zoning Code and continue to promote the health, safety and public welfare. The changes can also improvement the enforcement of the Zoning Code.

RECOMMENDATION

Staff recommends that the Commission to recommend to Council for the adoption of these changes.

SUBMITTED

BY:


Jung-Han Chen

Community Development Director

DATE: January 14, 2013

ATTACHMENT

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

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

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

Text Amendments

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/4/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-04-2013 ZONING CODE TEXT AMENDMENT to amend Chapter 1143.12 GB General Business District and Chapter 1151.05(a)(3) Permanent Signs for GB-General Business District **City of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/8/13** 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: _____

Date: 2-6-13

VICTOR POPESCU

PRINTED NAME

RECEIVED

FEB - 11 2013

City of Oxford
Engineering Division

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/4/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-04-2013 ZONING CODE TEXT AMENDMENT to amend Chapter 1143.12 GB General Business District and Chapter 1151.05(a)(3) Permanent Signs for GB-General Business District **City of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/8/13** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

I support these recommended changes. Eliminating the requirement for a 10' earthen perimeter mound in our existing GB District is huge. Is type of requirement may be appropriate for a new business district, but not in an already established business district which has been developed without perimeter mounding.

Allowing more flexibility in the location of the front door also seems to make sense, currently about 30% of the businesses in the Locust Business District and 25% in the CCP District do not meet the existing standard.

Drawings reviewed by:



Date: 2-10-13

G. ALAN KUGLER

PRINTED NAME

Zoning Code Text Amendment Application
City of Oxford, Ohio

GB

Feb

REQUIRED INFORMATION

Name of Applicant:

City of Oxford
(Attach a Letter of Agency if the applicant is not the property owner.)

Mailing Address:

101 E. High St
Oxford, OH 45056

Telephone Number(s)

(513) 524-5204

Email Address

Jchen@cityofoxford.org

SUBMISSION REQUIREMENTS

A written, detailed description, where applicable, is required for each subsection.

All applications must include:

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

Planning Commission and Council Review The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider the Planning Commission recommendation. If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

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

- make the Code conform more closely with the Comprehensive Plan.
- improve the public health, safety, and general welfare of Oxford.
- clarify the intent of the Code.
- better implement the intent of the Code.
- improve enforcement of the Code.

All materials and the application fee in the amount of **\$150.00 plus actual postage**, payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056 45 days prior to the proposed meeting date. Any questions should be directed to the Community Development Department at (513) 524-5204.

NOTE: Incomplete applications will not be processed. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.

SIGNATURE OF APPLICANT:

Jing-Han Chen

Date: 12/17/12

PRINTED NAME:

Jing-Han Chen

FEE / RECEIPT

\$150 Fee plus Actual Postage Paid / Receipt Number: NA

ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 1143.12 ENTITLED GB GENERAL BUSINESS DISTRICT, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 1143.12 ENTITLED GB GENERAL BUSINESS DISTRICT.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on February 12, 2013 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1143.12 entitled GB General Business District, and adopting new Oxford Codified Ordinance Section 1143.12 entitled GB General Business District.

SECTION II: Council hereby repeals Section 1143.12 of the Oxford Code of Ordinances and adopts new Section 1143.12 as follows: (additions are **bolded**, deletions are ~~struck through~~)

1143.12 GB GENERAL BUSINESS DISTRICT.

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

(b) Uses.

(1) Permitted uses.

A. Retail services

1. Apparel and jewelry.
2. Books, stationery, newspapers, magazines, office equipment and office supply stores.
3. Department stores.
4. Drug stores selling health and personal care aids.
5. Food products, including groceries, meat, fish, baked goods, confectionary, and beverages.
6. Flowers, potted plants, and garden supplies.
7. Hardware, paint, home furnishings, and other home improvement products.
8. Optical aids.
9. Photography, bicycles, gifts and toys, pets, music, sporting goods, and other hobby and craft supplies.
10. Restaurants, not including drive-in or fast food.
11. Sales of new and used motor vehicles by dealerships holding franchises authorized by manufacturers for the sale of new vehicles.

B. Personal and professional services.

1. Accounting, advertising, architectural, auditing, bookkeeping, legal, and medical offices, and offices for other similar professional service providers.

2. Banks, credit agencies, investment firms, real estate, insurance offices, and other similar establishments engaged primarily in financial services.
 3. Barber and beauty shops.
 4. Cleaners, including dry cleaning and Laundromats.
 5. Home improvement services, including carpentry, electrical, heating, plumbing, and decorating.
 6. Offices for nonprofit, charitable, labor, and other service organizations.
 7. Repair establishments for bicycles, household appliances, locksmiths, shoes, and motor vehicles (if no gasoline is sold and repair work is done inside).
 8. Theaters, not including drive-ins.
 9. Other similar personal and professional services, such as employment agencies, travel bureaus, and ticket offices.
- C. Accessory buildings incidental to the principal use.
- (2) Conditional uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.
- A. Retail services
 1. Automobile service stations selling gasoline.
 2. Bars and establishments serving alcohol.
 3. Banks with drive-through facilities.
 4. Building supplies, garden supplies.
 5. Drive-in and fast-food restaurants.
 6. Sales of motorcycles and used motor vehicles, rental and service of motor vehicles, sales and rental of boats and marine equipment, and sales and rental of trailers.
 7. Temporary or outdoor sales of plants and garden supplies (see Section 1102.3(7))
 - B. Personal and public services
 1. Animal hospitals or kennels.
 2. Bowling alleys.
 3. Cultural institutions, including libraries, art galleries and museums.
 4. Hotels and motels.
 5. Places of worship.
 6. Funeral homes.
 7. Indoor skating rinks, arcades, and similar recreational uses.
 8. Instructional studios.
 9. Night clubs, discotheques, and other entertainment facilities.
 - C. Other uses.
 1. Community-Oriented Residential Social Service Facilities (CORSSF's).
 2. Shared Housing and Congregate Housing for the elderly.
 3. Government owned and/or operated parks and recreation facilities.
 4. Bed and breakfast homes.
 5. Publicly owned and operated neighborhood recreation centers.

6. Day care facilities, including Day Care for child, Day Care Center for child, Day Care Home Type A family, and Day Care Home Type B family.
7. Schools: primary, intermediate, and secondary, both public and private.

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

- (1) Lot requirements. No minimum lot size or lot width is specified, however, lot size and width shall be adequate to provide for parking, access drive spacing, yard space and screening requirements. Any proposed development for over 1 acre shall submit a concept review to the Planning Commission for discussion purposes.

- (2) A. Yard requirements (minimum).

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

When a side or rear lot line abuts residential district lot lines, the minimum side or rear transitional setback distance shall be 25 feet in depth and ~~provided landscaped screen or wall as defined in Section 826~~ **shall be screened from the residential district by a dense evergreen hedge a minimum of 6 feet tall at planting and that will maintain at least 90 percent opacity over time. Existing vegetation may be considered as long as the anticipated overall opacity effect can be achieved. Alternatively, different types of screenings may be utilized subject to review and approval by the Zoning Administrator if the alternative material can achieve the overall 90% opacity effect.**

B. Maximum front yard setback. A maximum front yard setback of ~~300~~ **150** feet; and at least 75% of the façade of the principal building must be setback no more than ~~300~~ **150** feet from the front lot line.

- (3) Structural requirements.

Maximum building height 45 feet

(d) Supplementary regulations.

- (1) All merchandise, new and used, with the exception of boat, automobile, truck or farm implements and plants and garden supplies, shall be stored within a completely enclosed building. Displays of boats, automobiles, tractors, recreational trailers and/or mobile homes shall conform to the screening requirements as defined in Section ~~1141.01(a)(3)~~ **1141.03 (c)**
- ~~(2) A. Provision shall be made for undulating earthen mounds that extend along 50% of the linear frontage of a site adjacent to a public right-of-way and any adjacent residential zoning district boundary line.~~
- ~~B. A combination of trees, bushes, and shrubs shall be planted on the mounds to provide additional screening and help stabilize the soil.~~
- ~~C. A minimum of 1 tree for every 50 linear feet of frontage shall be required in addition to any other required site landscaping.~~
- ~~D. Each earthen mound shall be a minimum of 10 feet high from the average surrounding grade for property 5 acres or more in size and a minimum of 5 feet in height for properties less than 5 acres in size.~~

- (2) Landscaping: The required front yard, with the exception of the area used for vehicle access shall be landscaped with trees, shrubs and ground cover. A minimum of 1 tree for every 25 linear feet of frontage shall be planted in this area provided that the placement of the trees does not interfere with sight distance entering or leaving the site. Each tree shall be a minimum of 6 feet tall and have a minimum 2-inch diameter at breast height (DBH).
- A. A minimum of 50% of the trees shall be hardwood type, as listed on the City's Tree List maintained by the Environmental Commission.
- B. All landscaping material must be maintained in good condition. Any missing or dead materials must be replaced in a timely manner.
- (3) ~~Every principal structure shall have a principal front entrance that is oriented toward and within 45 degrees of parallel to the adjacent facing right-of-way.~~ The building must shall be oriented so that the principal building entrance faces the principal street or the street providing main access to the site. In cases where the principal entrance does not face the principal street The entrance must be connected to the street and adjacent parking with clearly marked sidewalks/walkways. In either application The building façades facing the street must adhere to the façade treatment as outlined in the following sections. In no instance, shall the rear of the building face the public right-of-way.
- (4) ~~Building facades that are oriented toward or are within 45 degrees or parallel to a right-of-way shall be provided for visual relief as follows:~~
- A. ~~Windows and transparent doors must occupy a minimum of 60% of the entire building wall area measured between 2.5 and 7 feet in height above grade along the entire front façade. Glass block, opaque or darkly tinted glass is not considered to be transparent.~~
- B. ~~Building façades must have different articulation in height and setback. Different horizontal articulations with material, color and opening shall also be utilized when building elevation is higher than 14 feet. Preferred materials include brick, stone, glass or wood.~~
- B. ~~Vertical architectural relief features are required along the front façade separated by no more than 10 feet and extending at least 80% of the façade height in order to break up expanses of blank wall.~~
- (5) ~~Each development is required; where feasible~~ appropriate, to provide adequate space (including easements) for alternative modes of transportation such as bike paths, multi-use paths, bus stops and turn-arounds, etc. Each development is also required to provide bicycle rack space at a rate of 3 per 10,000 square feet of gross floor area.

- (6) The front façade of the principal structure shall be finished, utilizing at least 50% natural materials including brick, stone, masonry, glass, or wood. No aluminum or vinyl siding shall be used in finishing or utilized on the front façade of the building.
- (7)
 - A. All utility boxes must be screened with appropriate landscaping material such that they are not visible from a right-of-way or other publicly accessible area.
 - B. All refuse collection and recycling containers must be enclosed or screened so as not to be visible from a right-of-way or other publicly accessible area. The structure surrounding the container(s) must be enclosed on all sides, one of which includes a gate or door that can be secured. The enclosure may consist of wood or masonry walls. Containers shall not be located in any front yard. The exterior perimeter of the enclosure(s) must be landscaped, excluding the access point.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 1151.05 ENTITLED PERMANENT SIGNS, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 1151.05 ENTITLED PERMANENT SIGNS.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on February 12, 2013 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1151.05 entitled Permanent Signs, and adopting new Oxford Codified Ordinance Section 1151.05 Entitled Permanent Signs.

SECTION II: Council hereby repeals Section 1151.05 of the Oxford Code of Ordinances and adopts new Section 1151.05 as follows: (additions are **bolded**, deletions are ~~struck through~~)

1151.05 PERMANENT SIGNS.

(a) Nonresidential Land Use Identification and Advertising Signs in the following Districts. These regulations describe the signs permitted for the purposes of identification and advertising for nonresidential land uses in those zoning districts that permit nonresidential land uses by right. Such signs are primarily intended to provide for identification of such uses from off-site, but also include pedestrian-scale signs that are intended to provide more detailed information to people who approach the primary entrance to such land uses.

- (1) RO - Residential Office District. No more than a total of 1 wall or freestanding sign is permitted per nonresidential occupant in accordance with the following:
- A. **Wall Signs:**
 - 1. No more than 1 sign as follows, for identification and advertising:
 - a. No more than 20 square feet
 - b. Attached between 9 and 18 feet above the adjacent ground
 - B. **Freestanding Signs:**
 - 1. No more than 1 sign as follows, for identification and advertising:
 - a. No more than 12 square feet per sign face
 - b. No closer than 10 feet to a side lot line
 - c. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.
 - C. **Illumination:**
 - 1. Signs shall have only indirect illumination.
 - D. Proposals for signs on properties that fall within the Historic District Overlay in an RO zoning district shall consult the HAPC sign guidelines and follow the procedures therein.

- (2) UP - Uptown District. No more than a total of 2 wall signs are permitted per nonresidential occupant in accordance with the following:
- A. **Wall signs:**
 - 1. No more than 1 sign per nonresidential occupant as follows, for identification and advertising:
 - a. No more than 3 feet in height that extends horizontally across the entire facade of the structure.

- b. Attached between 9 and 18 feet above the adjacent ground.
 - c. If a building has more than one business occupant, the owner of the building shall apportion the space allotted for signs among the various business occupants in accordance with the regulations above.
 - d. If a building is on a corner lot or the corner of an alley, it is permissible to have one additional wall sign on the side of the building facing the secondary roadway in accordance with the regulations above.
 - 2. No more than 1 sign per nonresidential occupant as follows, for
 - a. menu box:
 - a. No more than 2 square feet in area
 - b. Attached between 4 and 6 feet above the adjacent ground.
 - c. Incorporates no text greater than 2 inches in height.
 - B. Illumination:
 - 1. Signs shall have only indirect illumination.
 - C. Proposals for signs on UP properties that fall within the Historic District Overlay shall consult the HAPC sign guidelines and follow the procedures therein.

(3) ~~GB - General Business District. No more than a total of 2 wall or freestanding signs are permitted per development site in accordance with the following:~~

~~A. Maximum total sign area for all signs on a development site shall be no more than 2 square feet of sign area per linear front foot of the site.~~

~~B. Wall Signs:~~

~~1. No more than 2 signs as follows:~~

~~a. If the average front setback of the structure is less than 100 feet, then the sign may be no more than 3 feet tall. If the average front setback of the structure is 100 feet or greater then a sign may be no taller than the average front setback of the structure multiplied by 0.04, but in no case taller than 12 feet.~~

~~b. A sign may extend the width of a building in accordance with the maximum total sign area requirement.~~

~~e. If a building is on a corner lot or the corner of an alley, it is permissible to have one additional wall sign on the side of the building facing the secondary roadway in accordance with the regulations above.~~

~~C. Freestanding Signs:~~

~~1. No more than 1 sign as follows:~~

~~a. No more than 48 square feet per side~~

~~b. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.~~

~~D. Illumination:~~

~~1. Signs may be indirectly or directly illuminated.~~

GB - General Business District.

A. Maximum total sign area for all signs on a development site shall be no more than 2 square feet of sign area per linear front foot of the site.

1. Single Tenant Site: No more than a total of 2 wall or freestanding signs are permitted per site.

a. Wall Signs: No more than 2 signs as follows:

- i. If the average front setback of the structure is less than 100 feet, then the sign may be no more than 3 feet tall. If the average front setback of the structure is 100 feet or greater then a sign may be no taller than the average front setback of the structure multiplied by 0.04, but in no case taller than 12 feet.
 - ii. No wall sign may exceed the total front width of the building façade facing the public right-of-way.
 - iii. If a building is on a corner lot or the corner of an alley, it is permissible to have one additional wall sign on the side of the building facing the secondary roadway in accordance with the regulations above.
- b. Freestanding Signs: No more than 1 sign as follows:
 - i. No more than 48 square feet per side.
 - ii. No combination of a freestanding sign support structure and sign shall be higher than 6 feet or wider than 12 feet.

2. Multi-Tenant Site:

- a. Wall Signs: No more than 1 wall sign per tenant and the size is limited to the following:
 - i. If the average front setback of the tenant is less than 100 feet, then the sign may be no more than 3 feet tall. If the average front setback of the tenant is 100 feet or greater then a sign may be no taller than the average front setback of the tenant multiplied by 0.04, but in no case taller than 12 feet.
 - ii. No wall sign may exceed the building width of a tenant space.
 - iii. If a building is on a corner lot it is permissible to have one additional wall sign facing the secondary roadway in accordance with the regulations above.
- b. Free-Standing Signs: No more than 1 sign as follows:
 - i. No more than 48 square feet per side.
 - ii. No combination of a freestanding sign support structure and sign shall be higher than 6 feet or wider than 12 feet.

B. Illumination:

- 1. Signs may be indirectly or directly illuminated.

- (4) OI & LI - Office and Light Industrial District & Light Industrial District. No more than a total of 1 wall or freestanding sign is permitted per development site in accordance with the following:
- A. Maximum total sign area for all signs on a development site shall be no more than 1 square foot of sign area per front foot of the development site.
 - B. Wall Signs:
 - 1. No more than 1 sign as follows:
 - a. If the average front setback of the structure is less than 100 feet, then the sign may be no more than 3 feet tall. If the average front setback of the structure is 100 feet or greater then a sign may be no taller than the average front setback of the structure multiplied by 0.04, but in no case taller than 12 feet.
 - b. If a building is on a corner lot or the corner of an alley, it is permissible to have one additional wall sign on the side of the building facing the secondary roadway in accordance with the regulations above.
 - C. Freestanding Signs:
 - 1. No more than 1 sign as follows:
 - a. No more than 48 square feet per side
 - b. No closer than 30 feet to a side lot line
 - c. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.
 - D. Illumination:
 - 1. Signs may be indirectly or directly illuminated.

(b) Nonresidential Land Use Signs in Residential Zoning Districts. The following regulations describe the signs permitted for identification of nonresidential land uses such as day care, institutional, public, semi-public, charitable, non-profit, religious, or medical facilities in any residential zoning district as defined in Chapter 1133, Provisions for Zoning Districts. Such signs are primarily intended to provide for identification of such uses from off-site. Signs for legal nonconforming nonresidential land uses are regulated according to the Nonconforming Chapter of this Code and are not entitled to the signs permitted in this section.

- (1) No more than 1 sign per development site is permitted as follows:
 - A. The sign may be either a wall or a freestanding sign but not both
 - B. No more than 12 square feet in area
 - C. Indirect illumination only

(c) Name Plate and Direction Signs in Any District. These regulations describe the signs permitted for the purposes of controlling the flow of pedestrian and vehicular traffic on-site and for identifying the building entrances for nonresidential land uses in any zoning district. Such signs include vehicular and pedestrian-scale signs that describe building occupants, secondary entrances, intended travel directions, and parking regulations and are permitted in accordance with the following:

- (1) No more than 1 wall sign per principle structure as follows, to describe the names, address, and locations within the structure:
 - A. No more than 2 square feet in area
 - B. Attached between 4 and 8 feet above the adjacent ground
 - C. Attached either on or within 2 feet of a door.
 - D. Indirect illumination only
- (2) No more than 1 wall sign per secondary entrance to a principle structure, excluding that described in part 1 of this section, as follows, to describe the purpose of secondary entrances:
 - A. No more than 2 square feet in area
 - B. Attached on or within 2 feet of a door

- (3) No more than 1 wall or freestanding sign per development site as follows, to describe parking regulations:
 - A. No more than 4 square feet in area
 - B. Single sign face only
 - C. Display no commercial message except identification and address
 - D. Indirect illumination only
- (4) Any number of wall or freestanding signs as follows, to describe intended direction of vehicular travel on-site:
 - A. No more than 2 square feet in area
 - B. No higher than 4 feet
 - C. No closer than 5 feet to any lot line
 - D. Display no commercial message except identification and address

(d) These regulations describe the signs permitted for the purposes of identification of residential land uses in any location. Such signs include addresses, large multi-family identification, and subdivision identification and are permitted in accordance with the following:

- (1) No more than 1 freestanding sign per development site as follows, for identification of residential structures with more than three dwelling units in the R3A zoning district:
 - A. A maximum of 2 sign faces
 - B. No more than 24 square feet in area per sign face
 - C. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.
 - D. Indirect illumination only
- (2) No more than 1 freestanding sign per street intersection at the boundaries of a subdivision as follows, for identification of the subdivision:
 - A. A maximum of 2 sign faces
 - B. No more than 48 square feet per sign face
 - C. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.
 - D. Indirect illumination only

(e) Other Permitted Specific Development, Land Use, and Accessory Land Use Signs.

- (1) Street Number Signs. Signs for the display of street numbers as regulated in Oxford Code Section PM-304.3, Street Numbers.
- (2) Building Identification Signs. No more than 1 wall sign per principal structure as follows:
 - A. No more than 6 square feet in area
 - B. Attached between 4 and 18 feet above the adjacent ground
 - C. The sign shall be naturally illuminated only.
- (3) Fuel Sales. In addition to other provisions of this Chapter, a publicly available fuel dispensing station may use a 12 square foot area of no more than one permitted wall or freestanding sign for changeable copy to display the price of fuel. This may be applied on both sides of a two-sided sign.
- (4) Self-service facilities. No such facility shall have more than 4 square feet of total sign area. Such signs shall be permanently attached to or be a part of the facility and shall not extend above it.
- (5) Planned Developments. Signs for planned developments shall be regulated according to the approved final plan.
- (6) Commemorative Structure Identification. Structure names, erection dates, commemorative plaques and the like are permitted on any structure if carved into stone or concrete or set in brick or in some other way permanently made a part of the structure or if made of metal and permanently adhered to the structure. This is intended to permit signs that will remain on the structure until it is razed and that is independent of the occupants. These signs shall be naturally illuminated only.

- (7) Associations. Credit card, trading stamp, trade association window signs are permitted for any nonresidential land use in any zoning district. No symbol shall exceed 1/2 square foot in area. No more than 10 such signs are permitted per nonresidential occupant. These signs shall be naturally illuminated only.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Economic Development Department

For the March 5, 2013
City Council Meeting

Prepared by: G. Alan Kyger
Date Prepared: February 25, 2013

Agenda Title: Section 351.17 Vender Parking

Recommendation: Approval

The Community Development office is bringing forward changes to the Planning & Zoning Codes which will better define the types and methods of retail sales in public spaces the community supports.

There are additional sections of the Code which are not in the Planning & Zoning sections which also need updating.

Section 351.17 of Oxford's code references obsolete zoning districts. The existing language references the C-1, C-3 and C-4 Commercial Districts.

Rather than citing specific zoning districts which could change over time, staff is recommending referencing Commercial Districts in general.

The other change to this section is the additional reference to Section 729.05. Staff is trying to add consistency in-between the separate sections of the code.

Staff recommends the current language referencing C-1, C-3 and C-4, either be updated or eliminated.

Reviewed By:

Department Head:

City Attorney:

City Manager:

Initial Date

GA / 2-25-13

DAK

3-1-13

ORDINANCE NO.

ORDINANCE AMENDING OXFORD CODIFIED ORDINANCE SECTION 351.17
ENTITLED VENDOR PARKING.

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

SECTION I: City Council hereby finds that the City Manager and the Economic
Development Director recommend amending Oxford Codified Ordinance Section 351.17 entitled
Vendor Parking and that the amendment will be in the best interest of the citizens of the City of
Oxford.

SECTION II: Council hereby amends Section 351.17 of the Oxford Code of Ordinances
as follows: (additions are **bolded** and deletions are ~~struck through~~)

351.17 VENDOR PARKING.

A licensed vendor or solicitor parked in a non-metered parking space in a vehicle or vehicles
through which their business is conducted may only be so parked from 6:30 a.m. to 11:00 p.m.
each day. Such parking and the conducting of such business may only be in a commercial
district, **or municipal property per section 729.05.** ~~being those areas designated as C-1,~~
~~Planned Commercial District, C-3 Urban/Business District and C-4, Urban/Commercial~~
~~District.~~ The conduct of such business in all other zoning districts is expressly prohibited and
any such vendor or solicitor shall comply with all provisions of this chapter.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Economic Development Department

For the March 5, 2013
City Council Meeting

Prepared by: G. Alan Kyger
Date Prepared: February 25, 2013

Agenda Title: Section 729.05 Sales on Certain Municipal Property Prohibited

Recommendation: Approval

The Community Development office is bringing forward changes to the Planning & Zoning Codes which will better define the types and methods of retail sales in public spaces the community supports.

There are additional sections of the Code which are not in the Planning & Zoning sections which also need updating.

Section 729.05 of Oxford's code states the selling of goods on City ROW is prohibited, except for:

- Charitable Community Organizations
- Non-profit Organizations

It further states the Oxford City Council must approve the request.

The proposed changes to 729.05 moves the approval agent from the City Council to the Office of the City Manager. This will eliminate the requirement for all groups, like the Girl Scouts, to appear before City Council in order to sell items in City Right of Way (ROW).

A second change to 729.05 will require any group or organization which desires to sell or use alcohol in City ROW must first receive permission from the City Council.

Staff believes the first change will assist in expediting the review process for most of the applications. The second proposed change will continue to provide City Council control on events and applications which include the use of alcohol.

Reviewed By:

Department Head:

City Attorney:

City Manager:

Initial Date

GAK / 2-25-13

 /

DRE / 3-1-13

ORDINANCE NO.

ORDINANCE AMENDING OXFORD CODIFIED ORDINANCE SECTION 729.05
ENTITLED SALES ON CERTAIN MUNICIPAL PROPERTY PROHIBITED.

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

SECTION I: City Council hereby finds that the City Manager and the Economic
Development Director recommend amending Oxford Codified Ordinance Section 729.05 entitled
Sales on Certain Municipal Property Prohibited and that the amendments will be in the best
interest of the citizens of the City of Oxford.

SECTION II: Council hereby amends Section 729.05 of the Oxford Code of Ordinances
as follows: (additions are **bolded** and deletions are ~~struck-through~~)

**729.05 SALES ON CERTAIN MUNICIPAL PROPERTY
PROHIBITED.**

No person shall sell, offer to sell or solicit orders for goods, wares or merchandise for
immediate or future delivery, or services to be furnished, performed or provided in the present or
in the future, within parking meter zones or upon any municipally-owned or controlled property
other than streets. This law shall not be applicable to nonprofit or charitable community
organizations operating with the express consent of Council **the Office of the City Manager**
and shall not apply to the lawful use of sidewalk space where such use is expressly authorized by
the Codified Ordinances of Oxford, nor shall this section be applicable to the selling at a
Farmers' Market of farm produce when such produce has been raised and grown by the vendors
and provided that such selling has been specifically authorized and regulated by the Council.
**Any sale or use of alcohol upon any municipally-owned or controlled property shall be
approved by City Council.**

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Economic Development Department

For the March 5, 2013
City Council Meeting

Prepared by: G. Alan Kyger
Date Prepared: February 25, 2012

Agenda Title: Section 931.12 Garbage, Refuse and Recycling Service
Section 931.13 Charges

Recommendation: Approval

Chapter 931.12 Garbage, Refuse and Recycling Service

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

In laymen's terms this means if you have water service with the City of Oxford you must also have refuse service with the City, unless you are *"...compactor customers contracting directly with the refuse service provider,..."*

With the recent redevelopment of the Uptown District, the Uptown alleys have seen an increase in the number of waste wheelers and dumpsters crowding the alleyways.

Some developers have already installed commercial compactors to reduce the number waste wheelers and dumpsters. To take this reduction of waste wheelers and dumpsters to the next level, some of the owners of these compactors would like to share the compactors with the surrounding residential and commercial users. This could further reduce a number of existing waste wheelers and dumpsters.

The existing Code does not address the sharing of a commercial compactor between multiple users. The suggested language would permit the sharing of commercial compactors with the Uptown District with conditions.

Chapter 931.13 Charges

This change will eliminate the specific rates and charges from being listed inside this section of the Code and will instead refer to the most current City of Oxford Fee Schedule. This will prevent a possible conflict between Chapter 931.13 and the current Fee Schedule.

Reviewed By:

	Initial Date
Department Head: <u>GK</u>	<u>2-25-13</u>
City Attorney:	
City Manager: <u>DK</u>	<u>2-25-13</u>

ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 931.12 ENTITLED GARBAGE, REFUSE AND RECYCLING SERVICE, AND 931.13 ENTITLED CHARGES, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 931.12 ENTITLED GARBAGE, REFUSE AND RECYCLING SERVICE AND 931.13 ENTITLED CHARGES.

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

SECTION I: City Council hereby finds that the City Manager and the Economic Development Director recommend repealing Oxford Codified Ordinance Section 931.12 entitled Garbage, Refuse and Recycling Service and 931.13 entitled Charges, and adopting new Oxford Codified Ordinance Section 931.12 entitled Garbage, Refuse and Recycling Service and 931.13 entitled Charges.

SECTION II: Council hereby repeals Oxford Codified Ordinance Sections 931.12 and 931.13 and adopts new Sections 931.12 and 931.13 as follows: (additions are **bolded** and deletions are ~~struck through~~)

931.12 GARBAGE, REFUSE AND RECYCLING SERVICE.

- (a) All persons within the City of Oxford shall be required to pay for garbage and refuse disposal service and recycling service provided by the City or the waste contractor except vacant or unused properties where waste disposal service is not used and where City water service has been disconnected.
- (b) Notwithstanding the provisions of Section ~~931.12~~(a) above, the provisions of Chapter ~~931~~ shall not be applicable to Miami University or the City of Oxford, or to compactor customers contracting directly with the refuse service provider, as discussed further in Section ~~931.13~~(c).
- (c) **In the Uptown District (UP), water service customers may utilize a shared compactor in lieu of the required City of Oxford refuse service, with the following conditions.**
- 1) Shared compactor users shall be within the same block and within a ½ block distance to the compactor.**
 - 2) There shall be one designated owner of the shared compactor and the owner of the compactor shall be responsible for refuse billing with the shared users.**
 - 3) A signed agreement between the customer and the compactor owner shall be filed and accepted by the City before the City required refuse service can be discontinued.**
 - 4) The City Service Director or his/her designee shall agree to the shared compactor plan and find that it is in the best interest of the Uptown District.**

931.13 CHARGES.

(a) Refuse Service.

Refuse service rates and charges are located in the current City of Oxford Fee Ordinance.

Monthly rate (includes \$2.75 Recycle fee or 3.75 fee with larger 65-gallon container):	
Hand Service refuse	\$29.00
Hand Service recycling	11.60
Residential service	16.80
Collection/disposal of solid wastes and recyclable materials for up to 10 containers (with up to 40/45-gallon capacity, recycling bins or 65-gallon recycling totes (or similar)	
(Single Family or Multi-unit dwellings with four or less units)	
Waste-wheeler	16.80 if owned
Waste-wheeler rental	3.00
Commercial Service	
Waste-wheeler customer	23.40
Waste-wheeler rental	9.00
Two cubic yard dumpster	72.30
Two cubic yard dumpster rental	14.00
Three cubic yard dumpster	95.50
Three cubic yard dumpster rental	17.00
Four cubic yard dumpster	121.80
Four cubic yard dumpster rental	20.00

Six cubic yard dumpster	177.80
Six cubic yard dumpster rental	23.00
Eight cubic yard dumpster	232.70
Eight cubic yard dumpster rental	26.00
Charge per additional pickup	
Waste wheeler customer	16.70
Two cubic yard dumpster	52.00
Three cubic yard dumpster	71.30
Four cubic yard dumpster	93.60
Six cubic yard dumpster	134.30
Eight cubic yard dumpster	175.00

Recycling	
Waste wheeler	9.90
Waste wheeler rental	9.00
Two cubic yard dumpster	34.00
Two cubic yard dumpster rental	14.00
Three cubic yard dumpster	45.60
Three cubic yard dumpster rental	17.00
Four cubic yard dumpster	57.10
Four cubic yard dumpster rental	20.00

Six cubic yard dumpster	74.70
Six cubic yard dumpster rental	23.00
Eight cubic yard dumpster	93.70
Eight cubic yard dumpster rental	26.00
Late fee	10%
One time additional pickup permit stickers	10.00 per sticker
Yard waste stickers	3.00 per sticker
Compactor tickets	29.50 per 1 Cu.Yd.
Portable Toilet Rental and Servicing	Contract cost to City.

(b) Each residential customer may dispose of an unlimited amount of refuse once per week.

(c) Commercial customers requiring additional garbage or refuse to be picked up which is not otherwise in the regular container shall be required to purchase a tag, which tag shall be clearly placed upon the item or bundled items which is (are) to be picked up. Tags shall cost ten dollars (\$10.00) per tag. One tag shall be placed on each non-container or bundled items to be picked up. The waste contractor shall not be required to pick up multiple items unless each item or bundled item has a tag attached. It shall be a violation of Section 931.99 to remove, deface, destroy, or damage a tag.

(d) Compactor users who contract directly with the refuse service provider are required to pay the landfill charge of \$1.2246 per cubic yard disposed, (which will be charged as \$5.30 per cubic yard per month) measured after compaction.

(e) Any commercial customer requiring more than one scheduled refuse or recycling pickup per week will be billed by the City for each additional pickup requested **at the contract cost to the City.** ~~according to the tables in subsection (a) above.~~ Unscheduled special pickups will also be billed **at the contract cost to the City.** ~~according to the tables in subsection (a) above.~~

(f) All customers shall be charged ~~two dollars (\$2.00) per month~~ **a fee** for the collection of recyclable materials which is included in the base rates. **The fee is listed in the current City of Oxford Fee Ordinance.**

(1) For residential customers, recyclable materials shall be placed in a designated 14-gallon bin unless said customer wishes to use a larger container which the customer shall provide. The customer may purchase or rent a larger container through the City, as provided by the contractor. The City will bill customers for additional recyclable pickups and containers requested by the customer at the contract cost to the City. Recyclable materials shall be placed for curbside pickup as is garbage or refuse. Each customer shall be responsible for maintenance and care of the recyclable material container, and each customer shall be charged for the cost to the City of said container should the same be lost, damaged or destroyed. Each customer will affix the service address to the recyclable materials container.

(2) Commercial customers will be permitted to set at curbside up to three thirty-gallon containers for recyclable materials. Each container must be clearly marked recycling. Customers may use a recycling waste wheeler or dumpster (rental or purchase). If a waste wheeler is used, the container should be placed by the customer's refuse waste wheeler or dumpster.

(g) A customer may have special refuse service needs, due to physical space or similar limitations, preventing them from using normal containers (example - in an alley.) The City Manager with the assistance of the Finance Director is authorized to establish rates appropriate for the volume disposed using the same volume-cost basis used for pricing standard containers.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)