

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: May 19, 2009

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

May 13, 2009
Date Prepared

Agenda Title:	PC-06-2009 ZONING CODE TEXT AMENDMENT to amend Section 1141.03 Supplemental Regulations Related to Residential Building Additions, City of Oxford, Applicant
Recommendation:	Approval

Discussion:

The intent of Section 1141.03 is to ensure that no additional dwelling units would be permissible when the allowable number of units have already been established. This section has been construed to prohibit any additional unit to a single-family dwelling in a higher density district. It actually forces the demolition of an existing single family structure in order to build a two-family dwelling, since the language outright prohibits an additional unit to be built.

This amendment attempts to clarify the intent of the language and to preserve the property rights of individuals by expanding the language to accomplish both purposes. Additionally, this amendment also augments the definition of "addition" by stipulating certain requirements for building a habitable addition.

The Planning Commission is recommending approval of this draft language with one minor modification in reference to "...structure must exceed 30%" to now read "...shall not be less than 30%".

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

JHC | 5/13/09

[Signature] | 5/15/09

ORDINANCE NO.

ORDINANCE REPEALING ZONING CODE SECTION 1141.03 SUPPLEMENTAL REGULATIONS, AND ADOPTING NEW SECTION 1141.03 SUPPLEMENTAL 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 May 12, 2009 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1141.03, Supplemental Regulations, and adopting new Section 1141.03, Supplemental Regulations.

SECTION II: Council finds that amending Section 1141.03 by revising Subsection (j) will preserve property rights while still allowing for the regulation of additions.

SECTION III: Council hereby repeals Section 1141.03 of the Oxford Code of Ordinances and adopts new Section 1141.03 as follows:

1141.03 SUPPLEMENTAL REGULATIONS.

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

(a) One Principal Building Per Lot. In a Residential district there shall be no more than one principal building on one lot.

(b) Setback Requirement for Corner Lots. On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located. (See the definition of Yard- front.)

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

(d) Use of the Vacated Right of Way. On any lot, having as a portion of its area, land vacated by Ordinance No. 103, the use of that vacated portion shall be restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways, except that in the Uptown District such land vacated by Ordinance No. 103 may be used for municipally-owned parking lot municipally-regulated parking.

(e) Front Yards.

(1) The width of a lot is measured at the setback line established under the zoning district or on a plat of record on file with the Butler County Recorder.

(2) An average front yard may be established when more than 50% of the lots have been developed within that block face. The average front yard setback required shall, in no circumstances, be less than 16.5 feet, or more than 30 feet.

(3) Buildings on lots having frontage on two streets, (double frontage lots) need not have a rear yard; however, the required front yard shall be provided on both streets.

(4) Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall have its principal entrance upon a street bordering such lot.

(f) Yard Requirements for Multi-Family Dwellings. Multi-family dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one front, one rear and two side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

(g) Exceptions to Height Regulations.

(1) The height limitations contained in Chapter 1143 District Requirements do not apply to any farm structure provided they are located not less than 50 feet from a lot line of residentially zoned property, nor to church spires, belfries, cupolas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of an aircraft at an established airport.

(2) Such height regulations shall not apply to fire towers, cooling towers, gasholders or other structures where the manufacturing process requires a greater height. All such structures shall not occupy more than 25 percent of the area of the lot and shall be at least 25 feet in all parts from every lot line.

(h) Projections into Required Yards. Every part of a required yard shall be open to the sky except for accessory buildings and ordinary projections of sills, belt courses, cornices and ornamental features which may project to a distance not to exceed eighteen inches into a required yard. Architectural features may project into required yards or into courts as follows:

(1) Into any required front or side yard adjoining a side street:

A. Cornices, canopies, eaves, or the architectural features may project a distance not to exceed two feet, six inches.

B. Fire escapes may project a distance not to exceed four feet, six inches.

C. An open air ramp and necessary landing may project a distance not to exceed six feet.

D. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed three feet; provided however, that the aggregate width of such projection shall not exceed one-third of the length of the wall upon which they are located.

E. A porte-cochere or canopy may project into a required side yard provided every part of such porte-cochere or canopy is unenclosed and shall not be less than five feet from the side lot line.

(2) Subject to the limitations in the preceding paragraphs, the above named features may not project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth of the required least width of such side yard, but not exceeding three feet in any case.

(3) Rear Yard Exceptions.

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

B. Open or lattice-enclosed fire escapes, fire-proof outside stairways, and balconies opening upon fire towers and the ordinary projections of chimneys and flues into the required rear yard may be permitted by the Zoning Administrator for a distance of not more than five feet, but only where the same are so placed as not to obstruct light and ventilation.

(i) Projection into Right-of-Way in the UP Uptown District. No part of a building shall project into the public right-of-way unless specifically allowed by the Oxford Codified Ordinance Chapter 13, Building Code; or by Chapter 1151, Signs.

(j) ~~Residential Building Additions. Any addition to a residential building that results in or enables a new dwelling unit is not permitted.~~ *No addition to an existing residential building that results in or enables a new dwelling unit shall be approved, unless it is permitted by the underlying zoning district. The addition shall also be subject to the following requirements:*

- 1. Any addition shall reflect the character, material, style, mass and architectural features of the existing structure.*
- 2. Any habitable addition must be physically attached and share a common wall with the existing structure. The common wall between the addition and the existing structure shall not be less than 50% of the total square footage of the exterior wall where the addition is to be attached. Such measurement shall be based on the total square footage of the existing wall and shall only include wall that completely encloses the interior space of the existing structure. The square footage of a wall shall be the length of the wall, where the addition is to be attached, multiplied by the height that wall, excluding attic area.*

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

SECTION IV: 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 an 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 no limited to Section 121.22 of the Ohio Revised Code.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	May 13, 2009
<u>Case Number</u>	PC-06-2009
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Text Amendment
<u>Summary of Request</u>	Modifying Chapter 1141.03 Supplemental Regulations Related to Residential Building Additions
<u>Public Hearing Information</u>	At the May 12, 2009 Planning Commission meeting a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on April 11, 2009.
<u>Commission Action</u>	The Planning Commission voted 4-0-0 to recommend approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission voted to recommend approval of the draft language with a minor modification.
<u>Exhibits Submitted to the Commission</u>	1. Community Development Staff Report 2. Draft Language 3. Zoning Code Text Amendment Application

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-06-2009

Date – May 12, 2009

APPLICATION

Applicant:	City of Oxford
Action Request:	Amend Section 1141.03 (j) Supplemental Regulations related to Residential Building Addition.

DESCRIPTION

Previously, staff had recommended deleting the entire section of 1141.03(j) to eliminate any inconsistencies between the underlying zoning district and the supplemental regulations. The Planning Commission was not in favor of deleting this particular subsection entirely without ensuring certain provisions were in place. This proposed amendment incorporates the intent of the Planning Commission's comments while revising it to be consistent with other sections of the Oxford Zoning Code.

AGENCY COMMENTS

No comments were received from other agencies.

STAFF ANALYSIS

The City is divided into various zoning districts. Each district has outlined permitted uses and dimensional requirements. For residential zoned districts, the number of dwelling units is controlled by the underlying zoning district. Only one dwelling unit is allowed in a single-family district. Two-family dwellings and one family-dwelling are permitted in a two-family district.

Section 1141.03(j) states "**Any addition to a residential building that results in or enables a new dwelling unit is not permitted.**" It is understood that the intent of this section is to ensure that no additional dwelling units would be permissible when the allowable number of units have already been established. However, this section has been construed to prohibit any additional unit to a single-family dwelling in a higher density district. It actually forces the demolition of an existing single family structure in order to build a two-family dwelling, since the language outright prohibits an additional unit to be built.

This amendment attempts to clarify the intent of the language and to preserve the property rights of individuals by expanding the language to accomplish both purposes. Additionally, this amendment also augments the definition of "addition" by stipulating certain requirements for building a habitable addition.

DECISION CRITERIA

Any proposed amendment shall be considered and 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 to 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.

RECOMMENDATION

Staff has prepared the proposed language for the Commission's consideration.

SUBMITTED

BY: Jung-Han Chen
Jung-Han Chen, AICP
Community Development Director

DATE: April 20, 2009

Case No.: PC-6-2009
Date filed: 3/27/09

Zoning Code Text Amendment Application
City of Oxford, Ohio

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 Street
Oxford OH

Telephone Number(s)

513/524-5204

SUBMISSION REQUIREMENTS

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

All applications must include:

1. A general description of the proposed amendment.
2. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
3. A statement that identifies potential negative consequences of the proposed amendment.
4. Any existing section number and text that is proposed to be deleted or amended.
5. Any new or amended text as it is proposed to be codified including its proposed location in the Code.
(section numbers)
6. A narrative statement that describes the expected effects of the proposed text.
7. 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 payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Community Development Department at (513) 524-5204.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.

SIGNATURE OF APPLICANT:

Jung-Han Chen

Date: 3/27/09

PRINTED NAME:

Jung-Han Chen

FEE / RECEIPT

\$150 Fee Paid / Receipt Number:

NA

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: May 27, 2009

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

May 28, 2009

Date Prepared

Agenda Title: Report regarding the May 27, 2009 Civil Service Commission meeting.

Recommendation:

Discussion: The Civil Service Commission held their regular meeting on Wednesday, May 27, 2009. Those members present were: Phil Russo, Chair; Fred Russell; Charles Crain and Karen Martino. Susan Lipnickey was excused. Donna Heck, Human Resources Director; Mary Ann Eaton, Recording Secretary; Steve McHugh, Law Director; Bob Holzworth, Police Lieutenant and Tom Horvath, Police Lieutenant were in attendance for the City.

Mary Smith was in attendance for the Talawanda School District.

The Commission reviewed the report regarding new appointments within the Police Department and requested congratulatory letters be sent to the employees on behalf of the Commission.

The Commission reviewed and approved the 'Before You Apply' Handout for the Police Department.

The Commission advised no action would be taken on the proposal for Seniority Calculation within the Police Department.

Various other items on the agenda were tabled to the next meeting.

The next meeting is tentatively scheduled for June 17, 2009.

Approved By:

Department Head:

City Attorney:

A City Manager:

Initial Date

ME 5/28/09

ME 5/29/09

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: June 2, 2009

Kathryn A. Dale
Prepared By

Account Code No. #:

May 13, 2009
Date Prepared

Budgeted Amount:

Agenda Title:	Planning Commission Meeting Report – May 12, 2009
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Recommendation:	N/A
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DISCUSSION:

Public Hearing

PC-03-2009 *PC-03-2009 CONDITIONAL USE – 5017 College Corner Pike, Enterprise Rent-A-Car, addition of an auto rental in a General Business (GB) District to an existing auto body repair business, Kelly Simon, Applicant*

Staff presented that the Applicant seeks a Conditional Use permit to establish a rental car facility in conjunction with a pre-existing repair shop. The Applicant wishes to locate the rental office inside the existing building, approximately 200 sq.ft., employing one full-time and one part-time employee, and storing 8 cars on the premises. Enterprise would also utilize approximately 600 sq.ft. of the basement for vehicle cleaning. The site plan illustrates reserved spaces on the south side of the site for the sole use of Enterprise and additional treescape will be provided along College Corner Pike. Staff suggested that the number of vehicles allowed on the lot at one period of time be limited to a set number, similar to a condition that was added when its current location was approved and that a condition be added that cars should not be parked along College Corner Pike.

There were no public comments. Planning Commission Members discussed staff recommendations and ultimately voted 4-0-0 to recommend **APPROVAL** to City Council with the following condition:

1. That, vehicles are managed on the site to allow for free flow through the site.

PC-05-2009 *ZONING CODE TEXT AMENDMENT to amend Section 1147.02 Issuance and Revocation of Conditional Use Permit, Section 1147.03 Use Specific Regulations and Potential Concerns, and Section 1159.07(10) Definitions, City of Oxford, Applicant*

Staff presented that three areas of significant changes were being proposed; the revocation of any existing Conditional Use Permit; design requirements for a fraternity house; and, the definition of a fraternity/sorority house. An Ad-Hoc Committee was formed to begin reviewing this matter in September 2008. The Committee consisted of representation from the University, City and public including Student Community Relations Commission. The Committee spent a great deal of time focusing on concerns and requirements in the hope that when the proposed recommendations were adopted that any potential Applicants would have a clearer understanding as to what the expectations would be from the community.

Planning Commission asked if the proposed language which stated that the Planning Commission would have the authority to revoke an approved Conditional Use was accurate, as City Council is ultimately the deciding body on approving a Conditional Use. In the end, the Planning Commission felt that City Council should make a final ruling upon recommendations from the Planning Commission.

There were no public comments and Planning Commission voted 4-0-0 to recommend **APPROVAL** to City Council with the amendment that any revocation shall only be approved by City Council upon affirmative recommendation from the Planning Commission; and, the verbiage in the summary sheet presented as part of the staff report to the Planning Commission be incorporated into the proposed legislation.

PC-06-2009 ZONING CODE TEXT AMENDMENT to amend Section 1141.03 Supplemental Regulations Related to Residential Building Additions, City of Oxford, Applicant

Staff shared that Section 1141.03(j) states "Any addition to a residential building that results in or enables a new dwelling unit is not permitted." The intent of this section was to ensure that no additional dwelling units would be permissible when the allowable number of units have already been established. However, this section has been construed to prohibit any additional unit to a single-family dwelling in a higher density district. It actually forces the demolition of an existing single family structure in order to build a two-family dwelling, since the language outright prohibits an additional unit to be built. The proposed amendment attempts to clarify the intent of the language and to preserve the property rights of individuals by expanding the language to accomplish both purposes. Additionally, this amendment also augments the definition of "addition" by stipulating certain requirements for building a habitable addition.

Planning Commission voted 4-0-0 to recommend **APPROVAL** to City Council with a minor amendment.

PC-07-2009 ZONING CODE TEXT AMENDMENT, Chapter 1133 Provisions for Zoning District and Chapter 1143 Districts, to add the Historic District overlay to the establishment of zoning districts and to add cross references to the Codified Ordinance Chapter 1331 Historic and Architectural Preservation, specifically to the site development regulations of the R1MS, R2MS, R3MS, RO UP and MU districts for those properties in the Historic District, City of Oxford, Applicant.

In an effort to make Applicants more aware that HAPC guidelines exist, the HAPC requested that cross reference to the HAPC guidelines be added to the zoning code. The first addition of the proposed cross reference will be inserted under the general compliance provisions of establishing the zoning districts in Chapter 1133.02 as a new item (h). The second location this language is added is under the "Site Development Regulations" of individual zoning districts that fall within the three HAPC Historic Districts. The intent *is not* that the HAPC guidelines will apply to the entire zoning district, but only reference that those properties that are in the Historic District are also subject to HAPC review. Another amendment included officially listing the Historic District as an Overlay under Chapter 1133.01. This addition was basically a housekeeping issue and is nothing new that wasn't currently being applied.

Planning Commission voted 4-0-0 to recommend **APPROVAL** to City Council with a minor amendment.

PC-08-2009 ZONING CODE TEXT AMENDMENT, Chapter 1151 Signs, amendments to Temporary Signs and to provide cross reference to Chapter 1331 of the Codified Ordinance, Historic & Architectural Preservation, in the review process, those properties in the Historic District must also follow Historic Guidelines regarding signage, City of Oxford, Applicant

In July & August of 2008 City Council heard proposed text changes to the HAPC Design Guidelines regarding banners and sandwich board signs. HAPC regulations specifically prohibited the use of sandwich board signs and banners which is in conflict with the zoning code sign provisions. In 2007, there were many HAPC "Administrative Findings" letters sent to business and property owners regarding banners. The HAPC, after discussion, determined they would like to see sandwich boards continue in place of banners. However, City Council was not in favor of that recommendation because commercial properties Uptown would be treated differently than commercial properties in other zoning districts. City Council advised that their preference was to permit banners and sandwich board signs in the Historic District if they followed the zoning code. While preparing this proposed language to the HAPC Design Guidelines to accommodate City Councils' preferences, HAPC indicated that they would like to request the Planning Commission consider amending the temporary sign requirements for Special Events and would apply to all commercial businesses.

HAPC specifically requested that the Planning Commission consider:

1. Reducing the size of permitted signage for commercial and residential uses
2. That a maximum length was established for such signage
3. That special event signs be required to be posted or hung on that portion of the building in which the sign is affiliated
4. To reduce the amount of time a sign can be hung
5. To reduce the amount of window coverage allowed
6. To include a cross reference to the HAPC Design Guidelines, specifically to the "General Sign Provisions" and to the permanent sign requirements of the RO and UP zoning districts.

The Planning Commission discussed the length of time signage should be permitted and to remove the length requirement since a square footage requirement is established. Planning Commission voted 4-0-0 to recommend **APPROVAL** to City Council with amendments.

Other Business:

A Planning Commission work session has been scheduled for May 26, 2009 6:00-8:00 p.m.

Ms. Dale shared that the HAPC in conjunction with the Visitors Bureau were conducting tours every Saturday during the month of May for National Preservation Month. She also shared that the Historic Preservation Award deadline is August 1, 2009 and the applications are available online.

The next regular meeting is scheduled for June 9, 2009.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial	Date
JHC	5/26/09
	1
WBT	5/29/09

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: May 19, 2009

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

May 11, 2009
Date Prepared

Agenda Title: PC-17-2006	An Ordinance Approving the Extension of the Conditional Use Permit for a Miami University Community Federal Credit Union Branch Facility with a Drive-Thru at 5120 College Corner Pike, Approved by Ordinance No 2932, on November 21, 2006 for a Period of Six Months.
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Recommendation: Approval

Discussion:

The City Council approved a Conditional Use permit for a branch facility to be located at 5120 College Corner Pike on its November 21, 2006 meeting.

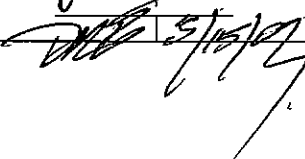
Mr. Rick Parker, President/CEO of the Credit Union has made a formal request in his letter for a second six-month extension. The letter, outlining the reasons for the extension request, is attached for your consideration.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

JHC 5/12/09

 5/15/09

ORDINANCE NO.

AN ORDINANCE APPROVING THE EXTENSION OF THE CONDITIONAL USE PERMIT FOR A MIAMI UNIVERSITY COMMUNITY FEDERAL CREDIT UNION BRANCH FACILITY WITH A DRIVE-THROUGH AT 5120 COLLEGE CORNER PIKE, APPROVED BY ORDINANCE NO. 2932 ON NOVEMBER 21, 2006, FOR A PERIOD OF SIX MONTHS.

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

SECTION 1: Council having reviewed the request submitted by Miami University Community Federal Credit Union for an additional extension of six months of the deadline for construction of a banking facility with a drive-through at 5120 College Corner Pike, has determined the request to be reasonable.

SECTION 2: Council granted the first extension for a period of six months of the construction deadline on November 4, 2008 by adopting Ordinance No. 3025.

SECTION 3: Council hereby approves the request for an additional extension of the construction deadline and grants an additional six month extension of the Conditional Use Permit for construction of a banking facility with a drive-through at 5120 College Corner Pike.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)



changing lives
everyday

05/11/09

City of Oxford
JUNG-HAN CHEN, AICP
Director of Community Development
101 East High St.
Oxford, Ohio 45056

Re: Request for Conditional Use Extension 5120 College Corner Pike

Dear Mr. CHEN,

The Miami University Community Federal Credit Union is requesting a six month extension to place into service our city council approved, "Conditional Use Permit". The request is predicated on two issues:

- 1) The Economic Recession of the last 18 months has had a negative impact on all financial institutions, including our Credit Union. As a result we have not yet reached the financial targets necessary to initiate construction, though we anticipate doing so in 2010.
- 2) The forthcoming phase three widening of US 27, College Corner Pike and the disruption this may cause to our building process, and new banking operations.

We will keep you and the City of Oxford well informed as to our anticipated construction start date.

Respectfully Submitted

Rick Parker
President/CEO

Miami University Community Federal Credit Union

420 Wells Mill Drive • Oxford, Ohio 45056 • phone 513-529-2739 • fax 513-529-2638 • cumemservice@muccu.org • www.muccu.org

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Police

Originating Department

Council Meeting Of: June 2, 2009

Account Code No. #: N/A

Steve Schwein

Prepared By

Budgeted Amount: N/A

May 21, 2009

Date Prepared

Agenda Title: A Resolution authorizing the Oxford Division of Police to dispose of Junk/Abandoned vehicles in accordance with ORC section 4513.62 to the highest bidder.

Recommendation: Adopt the Resolution.

Discussion: These vehicles were either junked/abandoned, or impounded and not retrieved by their registered owners. All are salvage quality and none have been in our possession less than approximately 90 days. They are of no other value to the City of Oxford other than their redemption value to a licensed salvage/scrap dealer.

Approved By:

Department Head:

City Attorney:

A. City Manager:

Initial Date

SSS 5/21/09

MSD 5/29/09

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE SALE OF SALVAGED MOTOR VEHICLES.

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

SECTION 1: The following items are hereby declared to be valued for salvage and not needed for any municipal purpose and the same shall be sold for salvage to one buyer for the highest obtainable salvage price. The vehicles are those as set forth on Attachment 'A', a Memorandum to the Chief of Police and incorporated herein.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

Memorandum

To: Chief Stephen Schwein
Fr: Ptl. Ron Brooks, Property Officer
Mike O'Leary, Property Technician
Re: Salvage Vehicles
Dt: May 20, 2009

Sir,

I respectfully request that the Oxford Police Department dispose of the attached list of vehicles in accordance with ORC section 4513.62.

1. 08T2456 Title



1995 Nissan Pathfinder
Vin # JN8HD17YXSW109708
Reason for tow: 72 Hr. Vio.
* poor condition
* towed: 09-18-2008

2. 08T2559 Title



1997 Dodge Intrepid
Vin # 2B3HD46F7VH642259
Reason for tow: Pkg Tkts
* poor condition
* towed: 02-17-2009

3. 08T2465 Salvage Title



1994 Ford Thunderbird
Vin # 1FALP6243RH205537
Reason for tow: Fail to Display
* poor condition
* towed: 10-12-2008

4. 08T2490 Title



1993 Ford Explorer
Vin # 1FMDU34X9PUD82610
Reason for tow: warrant
* poor condition
* towed: 12-22-2008

5. 08T2430 Salvage Title



1995 Dodge Stratus
Vin # 1B3EJ56H9SN546137
Reason for tow: DUS
* poor condition
* towed: 07-29-2008

6. 07T2254 Salvage Title



1991 Dodge Shadow
Vin # 1B3XP48K1MN548915
Reason for tow: OMVI
* poor condition
* towed: 12-21-2007

7. 08T2484 Title



1999 Chrysler LHS
Vin # 2C3HC56G1XH536655
Reason for tow: Pkg Tkts
* dismantled
* towed: 11-19-2008

8. 08T2461 Salvage Title



1996 Ford Escort
Vin # 3FASP11J8TR146691
Reason for tow: OMVI
* dismantled
* towed: 09-30-2008

9. 08T2465 Salvage Title



1984 Pontiac Grand Am
Vin # 1G2NW55M2RC790947
Reason for tow: Expired Reg.
* dismantled
* towed: 03-05-2009

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance

Originating Department

Council Meeting Of: 5/19 & 6/2

Heidi Hill

Account Code No. _____

Prepared By

Budgeted Amount: _____

5/13/09

Date Prepared

Agenda Title: Year 2010 Tax Budget submitted to the County

Recommendation: Approve

Discussion:

This is the annual Tax Budget for the General Fund to be submitted for the coming year to the Butler County Tax Commission, in accordance with requirements stipulated by Ohio Revised Code. Approval by the legislative body is required by July 15th and it is due to the County by July 20th.

The tax budget required for the County is essentially a preliminary budget estimate for next year. Beginning in August we will undertake our normal detailed line-item budget analysis and preparation. We will spend approximately 3 months of intensive preparation on our detailed budget, and the final approved budget will then be submitted to the County Budget Commission to replace this preliminary estimate.

This tax budget provides our first glimpse at 2010's General Fund budget. We have prepared this budget with a 0% change from the 2009 Budget except for a few items. It was prepared as follows:

- 1) **Income Tax Revenue:** Level funding for 2010.
- 2) **Local Government Revenue Sharing (LGF):** Level funding.
- 3) **Real Estate Tax:** Increased by \$90,000 to compare with current collections.
- 4) **911 Wireless Reimbursement:** Reduced by \$250,000.
- 5) **Accident billing (cost recovery):** Reduced by \$44,000.
- 6) **Interest income was reduced:** Reduced Interest Income by \$100,000 based on current market purchases.
- 7) **All other revenue:** All other revenue budgeted with a 0% increase.

The net of the increased revenue, offset by the reductions noted above, enables the expenses to be increased by 0%. Please keep in mind this is just a preliminary estimate.

Ohio Revised Code requires one public hearing be held, advertised at least 10 days in advance. We have advertised the public hearing for the Council meeting of June 2nd.

Approved By:

Department Head:

City Manager:

Initial Date

[Signature] 5/13/09
[Signature] 5/13/09

ORDINANCE NO.

ORDINANCE AUTHORIZING THE TAX BUDGET FOR THE YEAR 2010 AND
DIRECTING THAT THE SAME BE TRANSMITTED TO THE BUTLER COUNTY
AUDITOR.

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

SECTION 1: The year 2010 tax budget, attached hereto as
Attachment A for the City of Oxford is hereby adopted and the
Finance Director is directed to transmit a copy of said budget to
the Butler County Auditor.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUDENCE DANA

PREPARED BY: LAW (STAFF)

13-May-09

Director of Finance

Signed: BUDGET COMMISSION

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

[illegible]

STATEMENT OF FUND ACTIVITY

(Complete only for General Fund, Bond Retirement Fund, and any other funds
requesting general property tax revenue)

EXHIBIT I

FUND: **GENERAL FUND**

DESCRIPTION	FOR 2007 ACTUAL	FOR 2008 ACTUAL	2009 CURRENT YEAR ESTIMATE	2010 BUDGET YEAR ESTIMATE
REVENUES:				
Property Taxes (Real & Personal)	\$ 971,757	\$ 1,001,412	\$ 995,000	\$ 1,085,000
Municipal Income Tax	\$ 6,539,440	\$ 7,100,077	\$ 7,102,190	\$ 7,102,190
Local Govm't/Rev. Ass't. Fund	\$ 745,988	\$ 739,711	\$ 744,364	\$ 744,364
Other Revenues	\$ 2,987,707	\$ 5,038,461	\$ 3,328,113	\$ 2,814,113
TOTAL REVENUES	\$ 11,244,892	\$ 13,879,661	\$ 12,169,667	\$ 11,745,667
TOTAL EXPENDITURES	\$ 10,086,046	\$ 14,742,862	\$ 12,164,551	\$ 11,743,051
REVENUES OVER (UNDER) EXPENDITURES	\$ 1,158,846	\$ (863,201)	\$ 5,116	\$ 2,616
BEGINNING CASH BALANCE	\$ 4,635,940	\$ 5,855,274	\$ 4,996,913	\$ 5,002,029
ENDING CASH BALANCE	\$ 5,530,665	\$ 4,796,581	\$ 5,002,029	\$ 5,004,645
ENCUMBRANCES AT YEAR END	\$ 264,121	\$ 195,492	\$ -	\$ -

FUND: _____

DESCRIPTION	FOR 2006 ACTUAL	FOR 2007 ACTUAL	2008 CURRENT YEAR ESTIMATE	2009 BUDGET YEAR ESTIMATE
REVENUES:				
Property Taxes (Real & Personal)	\$	\$	\$	\$
Homestead and Rollbacks				
Other Revenues				
TOTAL REVENUES				
TOTAL EXPENDITURES				
REVENUES OVER (UNDER) EXPENDITURES				
BEGINNING CASH BALANCE				
ENDING CASH BALANCE				
ENCUMBRANCES AT YEAR END				

SCHEDULE OF INDEBTEDNESS

EXHIBIT II

PURPOSE OF BONDS AND NOTES	AUTHORITY FOR LEVY OUTSIDE 10 MILL LIMIT *	DATE OF ISSUE	DATE DUE	ORDINANCE OR RESOLUTION	SERIAL OR TERM	RATE OF INTEREST	AMOUNT OF BONDS/NOTES OUTSTANDING AT BEGINNING OF BUDGETED YEAR 1/1/2010	AMOUNT REQUIRED FOR PRINCIPAL & INTEREST PAYMENTS 1/1/2010 TO 12/31/2010
INSIDE TEN MILL LIMIT:								
Payable from Bond Retirement Fund								
General Obligation								
Parks Improvement Bonds	N/A	12/99	2019	Ordinance	Serial & Term	Varies	\$ 2,455,000	\$ 325,398
2002 Refunding Water Bonds	N/A	12/02	2014	Ordinance	Serial	3.42% Average	\$ 4,130,000	\$ 923,100
Revenue Bonds								
NONE								
Other -OWDA Issued Debt								
1987 OWDA Sewer debt	N/A	1987	2009	Ordinance	Serial	7.73%	\$ -	\$ -
1995 OWDA Landfill debt	N/A	1995	2015	Ordinance	Serial	4.35%	\$ 1,452,760	\$ 299,843
1997 OWDA Sewer Collection System Debt	N/A	4/97	2018	Ordinance	Serial	4.12%	\$ 321,975	\$ 50,341
1997 OWDA Sewer Plant Construction, Sewer Plant and Design Debt	N/A	5/97	2019	Ordinance	Serial	4.12%	\$ 3,638,322	\$ 487,932
1998 Sandra Drive Collection System Debt	N/A	3/98	2019	Ordinance	Serial	3.98%	\$ 172,170	\$ 22,948
TOTAL							\$ 12,170,228	\$ 2,109,561
OUTSIDE TEN MILL LIMIT:								
NONE								
TOTAL							\$	\$

* If the levy is outside the 10 mill limit by vote enter the words "by vote" and the date of the election.
If outside the 10 mill limit without a vote, enter the reference to the statute under which the levy is exempt from the 10 mill limit.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Economic Development
Originating Department

Council Meeting Of: June 2, 2009

Alan Kyger
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

May 26, 2009
Date Prepared

Agenda Title: Resolution, Patterson Finance Company, LLC
Revolving Loan Fund application ratification.

Recommendation: Approval, with conditions

Discussion: Patterson's Uptown Café, owned by Patterson Finance Company LLC, at 109 West High Street has outgrown its current location. Patterson Finance Company LLC has requested a Revolving Loan Fund (RLF) loan of \$205,600 to assist in the relocation and expansion of the business to a new larger location. The RLF request represents 24% of the total project funding of \$845,500.

The RLF application will allow Patterson's Uptown Café to relocate to 103 W. Spring St. in the Stewart Square Shopping Center. Seating will increase from 25 seats to 90 seats. Employment will increase from 8 FTE to 14 FTE.

The proceeds from this loan will be used to purchase, tables, chairs, display cases, cabinets, computer menu system, flooring, telecommunications system, architectural & engineering designs and signage.

The Oxford Community Improvement Corporation approved this loan on May 15, 2009 with the following condition:

*Financing commitment letters are provided from all financing sources before the loan can be closed and funded.

Staff has requested the following conditions.

*Butler County Community Development ratifies this loan.

*The City of Oxford receives acceptable collateral to Secure the loan obligation.

The following documents are attached for your review:

*Patterson's Café RLF Project Summary.

*CIC Loan review committee recommendations.

*Patterson's Café assumptions and projections.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

AK 5/27/09

AK 5/29/09

AK 5/29/09

RESOLUTION NO.

A RESOLUTION APPROVING THE OXFORD COMMUNITY IMPROVEMENT CORPORATION'S RECOMMENDATION TO LOAN \$205,600.00 TO PATTERSON FINANCE COMPANY LLC, (DBA PATTERSON'S CAFE):

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

SECTION 1: Council finds that the Oxford Community Improvement Corporation met on May 15, 2009, to consider the loan request of Patterson Finance Company, LLC, for a loan from the Oxford Revolving Loan Fund (RLF) to assist with the relocation and expansion of Patterson's Uptown Cafe. The business will relocate to 103 West Spring Street, Oxford, Ohio and will be renamed Patterson's Café.

SECTION 2: The Oxford Community Improvement Corporation, after due deliberation, did recommend a loan of \$205,600.00 at three percent (3%) interest for ten (10) years. The loan proceeds will be used to purchase case goods, computer menu system and other equipment.

SECTION 3: The Oxford Community Improvement Corporation found the applicant will create job opportunities as required.

SECTION 4: Council of the City of Oxford hereby accepts and approves the recommendation of the Oxford Community Improvement Corporation and approves the loan as proposed.

SECTION 5: Council hereby authorizes the City Manager, Finance Director and Law Director to prepare and execute loan documents as necessary with the following conditions being met prior to closing:

- a. Butler County Community Development ratifies this loan.
- b. Financing commitment letters are provided from all the sources of financing.
- c. Loan documents acceptable to the City securing the loan obligation are agreeable.

SECTION 6: This resolution shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: KEN BOGARD

PREPARED BY: LAW (STAFF)

Projections for Patterson's Café Growth

Sales

Current Location

Breakfast & Lunch
25 Seats Limited parking / limited seating.
Average Check = \$7.00 Limited options for menu due to limited food prep area.
45,000 Turns per Year 25 seats x 360 days x 5 turns a day.
Currently, can not handle take-out orders after 10am on weekend.

Proposed Location First Year

Breakfast & Lunch Expanded Menu and some alcohol sales.
90 Seats The larger location will allow for private parties.
Average Check = \$8.00 Liquor License has been secured - will have influence on average check.
126,600 turns per years 90 seats x 360 x 4 turns per day
Carry out Expanded kitchen & staff allows for capturing lost carryout sales.
Better kitchen facilities allows for Catering Options.
Convenient free parking, & no lines for dine-in/take-out options.

Second Year

Breakfast, Lunch & Diner
90 Seats
Average Check = \$9.00 Adding Dinner hours and expanding the menu.
194,400 turns per years 90 seats x 360 x 6 turns per day
Alcohol sales increase with the addition of a dinner menu.
Family restaurant niche which is not high end nor bar atmosphere.

Gross Profit

Current Location

Limited prep area causing many food items to be purchased pre-prepared.
Limited storage area means food items can not be purchased at discounted bulk rates.
On high Volume weekends (36 weeks) food is purchased at Kroger at retail price to fill in the gaps.
Due to the small facilities "homemade" items cannot be prepared.

Proposed Location

Gross Profit will increase due to the following:
Food costs decrease with bulk purchase discounts. No retail (Kroger) purchases for food items.
Food prep cost decreases with more food being prepared on site vs. being purchased pre-packaged.
Labor costs will decrease due to more efficient food production.

Fixed Expenses

Current Location

Proposed Location

The proposed new location should see proportional adjustments in most of the line items except:

<u>Loan Payments:</u>	<u>Source</u>	<u>Term</u>	<u>Amount</u>	<u>Rate</u>	<u>Monthly</u>	<u>Yearly</u>
	Bank	10 yr	146,615	6.50%	\$1,665	\$19,980
	RLF	10 yr	205,600	3.00%	\$1,985	\$23,820
	Stewart Dev	20 yr	429,000	5.00%	\$2,831	\$33,972
			781,215		\$6,481	\$77,772

Patterson's Café
Patterson Finance Company LLC
PROJECT SUMMARY
Revolving Loan Fund (RLF)

Borrower: Patterson Finance Company LLC

Small Business Concern: Patterson's Cafe

Principals & Guarantors: Michael M. Patterson
Michelle Krause Patterson

Business Address: 6163 Contreras Rd.
Oxford, Ohio 45056

Project Address: 103 West Spring Street
Stewart Square Shopping Center
Oxford, Ohio 45056

Company Description: Patterson's Uptown Café is locally owned café specializing in home cooked breakfast and lunch fare. The Uptown Café has been in business for 5 years in Uptown Oxford. The Uptown Café has seen consistent growth over the last five years and has out grown its current location in both seating and kitchen facilities.

Proposed Project: Patterson's Café new location in the Stewart Square Shopping Center is 2,528 sq. ft. and has an area for outside dining. The seating area will then expand from the current 25 seats to 90 seats. The kitchen and food preparation and food storage areas will also be greatly expanded. Of the \$845,500 total project cost, the \$205,600 RLF loan application is for: Architectural and Engineering design work, Inventory, Equipment, Computer /Cashiering system, Communications systems, Signage, Case Goods, Smallwares and Flooring.

Proposed Cost: **\$ 845,500**

Proposed Financing:

\$ 205,600	24% - RLF
\$ 146,615	17% - Commercial Loan
\$ 406,885	48% - Private Loan
\$ 86,400	10% - Equity

Annual Debt Service:

RLF	\$ 23,820	3.0%	10 yrs
C. Loan	\$ 19,980	6.5%	10 yrs.
P. Loan	\$ 33,972	5.0%	20 yrs.

Collateral:

Michael M. Patterson - Personal Guarantee
Michelle Krause Patterson- Personal Guarantee

Michael M. Patterson - Primary Residence
Michelle Krause Patterson- Primary Residence

Patterson Finance Company
UCC Filings on Equipment

New Employment:

8 jobs retained
6 new full time jobs to be created
\$34,266 per job created
\$14,685 per job retained and created

Patterson's Café
Revolving Loan Fund Application
CIC Loan Committee Recommendation

Loan review Committee:

Joe Newlin
JC Rupel
Mike Davis

Staff:

Alan Kyger
Kim Newton
Steve McHugh

The loan review committee met on three occasions to discuss and review the application. Mike Patterson met with Kim and Alan on at least three other occasions.

On May 13, 2009 the loan review committee voted to recommend approval of the following RLF application to the full CIC Board.

For Patterson's Café relocation and expansion.

Patterson Finance Company, LLC
DBA: Patterson's Cafe

\$205,600 Revolving Loan Fund Loan
3% Interest
10 years

Collateral:

Personal Guarantees from Michael & Michelle Patterson
Primary residence at 6163 Contreras Rd.
UCC filing on financed equipment

Conditions:

Financing commitment letters are provided from all financing sources before the loan can be closed and funded.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: June 2, 2009

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

May 19, 2009
Date Prepared:

Agenda Title:	PC-03-2009 CONDITIONAL USE – 5017 College Corner Pike, Enterprise Rent-A-Car, addition of an auto rental in a General Business (GB) District to an existing auto body repair business, Kelly Simon, Applicant
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Recommendation:	Approve with Condition
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Discussion:

The Applicant seeks a Conditional Use permit to establish a rental car facility in conjunction with a pre-existing repair shop. The Applicant wishes to locate the rental office inside the existing building, approximately 200 sq.ft., employing one full-time and one part-time employee, and storing 8 cars on the premises. Enterprise would also utilize approximately 600 sq.ft. of the basement for vehicle cleaning. The site plan illustrates reserved spaces on the south side of the site for the sole use of Enterprise and additional treescape will be provided along College Corner Pike. Staff suggested at the Planning Commission hearing that the number of vehicles allowed on the lot at one period of time be limited to a set number (similar to a condition that was added when its current location was approved) and that a condition be added that cars should not be parked along College Corner Pike.

Planning Commission Members deliberated staff recommendations and ultimately voted 4-0-0 to recommend **APPROVAL** to City Council with the following condition:

1. That, vehicles are managed on the site to allow for free flow through the site.

Approved By:

Department Head:
City Attorney:
A. City Manager:

Initial	Date
<u>JHC</u>	<u>5/21/09</u>
<u>TJB</u>	<u>5/29/09</u>

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR AN AUTOMOBILE RENTAL BUSINESS IN THE GENERAL BUSINESS (GB) DISTRICT AT 5017 COLLEGE CORNER PIKE, OXFORD OHIO, WITH A CONDITION.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on May 12, 2009 for the purpose of considering the request of Kelly Simon, Applicant, Agent, for a conditional use permit for an automobile rental business in the General Business (GB) District at 5017 College Corner Pike, Oxford, Ohio.

SECTION 2: The Planning Commission, after public hearing and discussion, voted to approve a motion recommending approval of the conditional use application for an automobile rental business in the General Business (GB) District at 5017 College Corner Pike, Oxford, Ohio with the following condition:

- a. Any vehicles associated with this Conditional Use Permit are managed on the site in such a manner that the flow of vehicle traffic through the site is neither hampered nor impeded.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application for an automobile rental business in the General Business (GB) District at 5107 College Corner Pike, Oxford, Ohio, with the condition set forth above incorporated into the approval.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	May 19, 2009
<u>Case Number</u>	PC-03-2009
<u>Applicant Information</u>	Kelly Simon, Agent for Enterprise Rent-A-Car
<u>Requested Action</u>	Conditional Use
<u>Summary of Request</u>	To allow for an Auto Rental Business in a General Business (GB) District.
<u>Public Hearing Information</u>	On May 12, 2009 a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on April 3, 2009.
<u>Commission Action</u>	The Planning Commission voted 4-0-0 to recommend to City Council <i>APPROVAL</i> of the Auto Rental Business with the following condition: 1. That, vehicles are managed on the site to allow for free flow through the site.
<u>Commission Findings and Conclusions</u>	At the May 12, 2009 meeting, the Planning Commission approved the Auto Rental Business with condition on the basis that all of the Decision Standards were satisfied.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated April 9, 2009 2. Interoffice Review Transmittal Sheets to Fire, Engineering, Police 3. Letter of Agency 4. Application 5. Transmittal Letter from Applicant Dated March 26, 2009 6. Project Description 7. Statement of Proposed Conditional Use Compliance with Decision Standards. 8. Site Plan 9. Building Floor Plans 10. Existing Site Photos 11. Signage Design

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-03-2009

Date – May 12, 2009

APPLICATION

Applicant:	Kelly Simon, Agent for Enterprise Rent-A-Car
Location:	5017 College Corner Pike
Owner:	Mike Libecap; Thomas Rohrer, Tr. Et Al
Action Request:	CONDITIONAL USE – 5017 College Corner Pike, Enterprise Rent-A-Car, Addition of an Auto Rental in a General Business (GB) District to an Existing Auto Body Repair Business [Section 1143.12(b)(2)(A)(6)]
Current Use:	CARSTAR Collision and Auto Repair Shop
Surrounding Existing Land Uses:	Business/Retail, Shopping Center, Restaurants

DESCRIPTION

The Applicant seeks a Conditional Use permit to establish a rental car facility in conjunction with a pre-existing repair shop. The building currently exists as CARSTAR, a collision and auto repair station. The Applicant wishes to locate the rental office inside the existing building, approximately 200 sq.ft., employing one full-time and one part-time employee, and storing 8 cars on the premises. Enterprise would also utilize approximately 600 sq.ft. of the basement for vehicle cleaning. The site plan illustrates reserved spaces on the south side of the site for the sole use of Enterprise and additional treescape will be provided along College Corner Pike.

HISTORY

No prior history involving this particular property with the Planning Commission. Enterprise received Conditional Use approval in Case# PC 11-2006 for its current location at 5180 College Corner Pike.

ZONING CODE

Section 1143.12(b)(2)(A)(6) allows the sale 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 as a conditional use. Chapter 1147 regulates Conditional Uses. Section 1147.03 regulates Use Specific Regulations & Potential Concerns and does not show any specific concerns or regulations for automobile rental businesses.

The site is currently zoned GB-General Business. This property has been used as an automobile repair center prior to CARSTAR relocating when under the former Chrysler & GM car dealer operations. The plan would tie two related businesses together that have been intertwined previously.

COMPREHENSIVE PLAN

The Comprehensive Plan indicates this site is included in the Corridor Enhancement Area. The development intent for this corridor includes the enhancement of landscaping, signage and access along the corridor to improve the local image when entering the city. The site for many years has been vacant.

Infill development, redevelopment and reuse of vacant and underutilized properties are a priority of the Comprehensive Plan.

According to Chapter 3 of the Comprehensive Plan (Pg. 3.23), Objective 6, the U.S. 27 (CCP) corridor should be developed and redeveloped in a planned and coordinated manner. This is achieved through land use strategies:

LU 4.2 Enhance U.S. 27 with sidewalks, curbing, gutters, and street trees to create a welcoming gateway into the community.

LU 5.1 Focus future efforts on infill development and redevelopment of existing sites and not physical expansion of the commercial district.

LU 6.3 Encourage designs which place parking to sides and rear of structures as properties are developed and redeveloped, placing the structures closer to the frontage.

LU 6.4 New development should include green space to buffer neighboring uses.

COMMENT FORMS

No public comment forms have been received to date.

AGENCY REVIEWS

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

Police:	States that this is a great location for this type of business.
Fire:	Comments returned with no comments on this request.
Engineering:	Comments returned with no comments on this request.
Econ. Dev.:	Recused. Neighboring Property Owner

DECISION CRITERIA

A copy of the Zoning Code Conditional Use Decision Standards is attached.

ANALYSIS

The proposed use is in fact a conditional use in the GB District and appears to satisfy all of the Decision Standards. Attributes of the Comprehensive Plan are achieved with the joint business operations, side parking area, infill development/reuse of underutilized properties and landscaping upgrades. While these may not be inclusive of all the intentions of the Comprehensive Plan, they are steps in the right direction. Modifications to the zoning regulations are needed to accomplish more Comprehensive Plan goals, objectives and strategies for this type of site reuse.

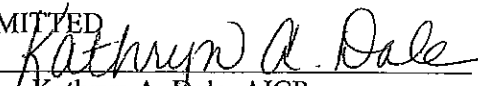
The only suggestions that Staff has is that the number of vehicles allowed on the lot at one period of time be limited to a set number, e.g. 15. Also, it is suggested that a condition be added that cars should not be parked along College Corner Pike. While cars may be permitted to be located along the Pike for the other users of the building, potentially in the future, over time, the streetscape could be improve substantially, similar to Kroger's recent approvals along Locust Street.

RECOMMENDATION

Not applicable.

SUBMITTED

BY:


Kathryn A. Dale, AICP
Community Development Department

DATE: April 9, 2009

PC-03-2009

ATTACHMENT

(c) Planning Commission Review. The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

(1) Burden of proof.

- A. The Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

(2) General decision standards. All Conditional Uses shall satisfy these General Decision Standards:

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 4/2/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-03-2009

Description:

PC-03-2009 **CONDITIONAL USE** – 5017 College Corner Pike, Enterprise Rent-A-Car, addition of an auto rental in a General Business (GB) District to an existing auto body repair business, **Kelly Simon, Applicant**

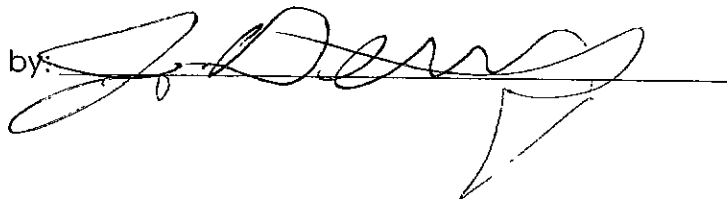
_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **5/4/2009** 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:



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 4/2/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-03-2009

Description:

PC-03-2009 **CONDITIONAL USE** – 5017 College Corner Pike, Enterprise Rent-A-Car, addition of an auto rental in a General Business (GB) District to an existing auto body repair business, **Kelly Simon, Applicant**

_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **5/4/2009** 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. J. [Signature] 4-6-09

To Eng 4/2/09 2:36pm

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 4/2/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-03-2009

Description:

PC-03-2009 **CONDITIONAL USE** – 5017 College Corner Pike, Enterprise Rent-A-Car, addition of an auto rental in a General Business (GB) District to an existing auto body repair business, **Kelly Simon, Applicant**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **5/4/2009** Note: If no comments are received, we will assume the project meets your department's standards.

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

A Great Location for this type of business!

Drawings reviewed by: *J. Schwen*

Quote

"A great location for this type of business!"



February 26, 2009

To Whom It May Concern:

As owner of CARSTAR of Oxford, I authorize Enterprise Rent a Car to file for a conditional use permit with the city of Oxford. This conditional use permit will pertain to the location of 5017 College Corner Pike, Oxford, Ohio.

Please feel free to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Libecap", with a large, stylized loop at the end.

Mike Libecap
Owner

CARSTAR of Oxford Auto Body, Inc.

Case No.: PC-03-2009
Date Filed: 2/27/09

Conditional Use Permit Application
City of Oxford, Ohio

REQUIRED INFORMATION (print clearly)

Name of Applicant: Enterprise Rent-A-Car Company of Cincinnati
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 3670 Park 42 Drive
Cincinnati, OH 45241
Telephone Number(s): 513 956 3805
Location of Property: 5017 College Corner Pike
Legal Description: LOT 1183 PIN H4000015000009
Zoning District: GB
Total Area: 3.040 Acres / Square Feet (circle one) 1.3 acres
Existing Use: auto body repair, sales, service
Proposed Use: addition of auto rental

SUBMISSION REQUIREMENTS

The required fee of \$400.00, made payable to the City of Oxford, must accompany the application. The entire submission must be prepared in accordance with Chapter 1147, Conditional Uses, of the Zoning Code of the City of Oxford.

Attach thirteen (13) copies of a site plan indicating the following:

1. North arrow
2. Scale
3. Vicinity Map
4. All existing and proposed lot lines within the site
5. Dimensions of all lots and of the entire site and any adjacent rights-of-way
6. Location, height, and use of all proposed and existing structures
7. Location and design of all proposed vehicle management areas
8. Location, size, and type of all proposed signs
9. Location, height, and type of all proposed screening and landscaping
10. Distances to residential zoning districts if within 1,000 feet
11. The use of land and location of structures on adjacent property and across adjacent rights-of-way
12. Elevations of proposed structure, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use
13. Photographs of the existing use and its surroundings.
14. Other information as required by the Planning Commission

Attach a statement describing how the proposed Conditional Use meets the following Decision Standards of the zoning district in which it is to be located:

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

From: city of oxford

To: 99563811

03/03/2009 08:53

#054 P.002/002

- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Uses and its operation have been or can be obtained for the use at the proposed location.

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways.

NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

All materials must be delivered to the office of the Community Development Director, City of Oxford, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The issue will be placed on the next possible agenda.

NOTE: Incomplete applications will not be processed.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.


Signature of Applicant

Kelly Simon
Printed Name

Date: 2/27/09

FEE / RECEIPT

\$400 Fee Paid / Receipt Number: pd / 14491



Rent-A-Car Division
3670 Park 42 Drive
Cincinnati, OH 45241-2072
513-956-3800
enterprise.com

March 26, 2009

City of Oxford
Planning Commission
101 East High Street
Oxford, OH 45045

To Planning Commission Members:

I'd like to take this opportunity to provide you with some additional information about our company. Enterprise Rent-A-Car has grown to be the largest car rental company in North America. Today we are a \$10 billion dollar company with more than 6,000 locations in the United States, Canada, Germany, the United Kingdom, and Ireland. Enclosed with this letter I have included a fact sheet that details our background and also describes our Company's recent accolades and awards.

Enterprise Rent-A-Car opened for business in Oxford in 2002 inside of CarStar Autobody on Beech Street. Since then, we have built a long standing business partnership with Mike Libecap, owner of CarStar Autobody of Oxford. In 2006, we agreed to relocate to Mr. Libecap's CarStar Plus facility on 5180 College Corner Pike and received approval of Conditional Use from the City to do so. Due to his recent sale of the property and his relocation of the Autobody, we are seeking to again co-locate with Carstar Autobody of Oxford in their new facility. The property at 5017 College Corner Pike is such a property that can support the growth we have already and will continue to experience. The proposed use of the property at 5017 College Corner Pike is for the rental, storage, and parking of motor vehicles, for the cleaning (soap/water) and preparations (vacuuming) of such vehicles, for office, administrative and other uses incidental or related thereto.

Our existing Oxford location currently employs one full-time and one part-time employee. Our typical hours of operation are Monday-Friday 7:30-6 p.m. The number of vehicles on our lot fluctuates throughout the week. But typically, we have less than 5 vehicles sitting on our lot at any given time.

I hope this information will provide you with a better understanding of our intentions with the property. We look forward to meeting you and discussing this opportunity further. If you should need any more information please feel free to contact me at 513-956-3805 or 513-314-0499.

Sincerely,

Kelly Simon Regional
Operations Manager



CORPORATE FACT SHEET

ESTABLISHED:

1957

WORLD HEADQUARTERS:

St. Louis, Missouri

EXECUTIVES:

- Andrew C. Taylor, Chairman and CEO
- Donald L. Ross, Vice Chairman
- Pam Nicholson, President and COO
- Matt Darrah, Senior Vice President of North American Operations
- William Snyder, Executive Vice President and CFO
- Ed Adams, Senior Vice President of Human Resources
- Jim Runnels, Senior Vice President of Rental
- James Burrell, Senior Vice President of European Operations
- Lee Kaplan, Senior Vice President of Administration

BACKGROUND:

- Largest rental car company in North America
- Exceptionally low rates
- More than 7,000 offices located conveniently where people live and work
- Outstanding service that includes picking up customers at no extra cost
- Offices within 15 miles of 90 percent of the U.S. population

PRIMARY ACTIVITIES:

Specializes in renting vehicles to customers who:

- Need a car because of an accident, mechanical repair, or theft
- Want to take a short business or leisure trip or who need a different car for a special occasion
- Need a car in town for business purposes
- Need a car rental at the airport – now on-site at more than 240 airport locations

OPERATIONS:

- More than 6,000 offices in the United States
- More than 900 offices in Canada, United Kingdom, Germany, and Ireland

ENTERPRISE BUSINESSES

- Rent-A-Car, enterprise.com
- Fleet Management, enterprisefleet.com
- Car Sales, enterprisecarsales.com
- Commercial Trucks, enterprisetrucks.com

ANNUAL REVENUE (worldwide)

FY 2008: \$10.1 billion

FY 2007: \$9.5 billion

FY 2006: \$8.9 billion

FY 2005: \$8.2 billion

FY 2004: \$7.4 billion

FY 2003: \$6.9 billion

FY 2002: \$6.5 billion

FY 2001: \$6.3 billion

FY 2000: \$5.6 billion

RENTAL CAR VEHICLES IN SERVICE:

2008: 714,000 automobiles

2005: 667,000 automobiles

2000: 493,000 automobiles

1990: 90,000 automobiles

1980: 6,000 automobiles

1970: 500 automobiles

1963: Started rental operation with a fleet of 17 cars

1957: Leasing operation opened as Executive Leasing

ACCOLADES & AWARDS:

- Ranked on *BusinessWeek's* list of "Customer Service Champs" – 2007 and 2008
- Ranked by *BusinessWeek* as one of the "50 Best Places to Launch a Career" for past three years
- Recipient of a 2005 Secretary of Defense Employer Support Freedom Award for its support of employees serving in the National Guard and Reserve
- Ranked No. 18 on the *Forbes'* "500 Largest Private Companies in America" list
- Ranked highest in customer satisfaction by J.D. Power and Associates for rental car companies at or near airports 8 out of the last 9 years
- Largest college recruiter in the United States as reported by *Black Collegian* magazine and *CollegeGrad.com*
- Repeatedly ranks number one on the Market Metrix Hospitality Index in rental car industry customer satisfaction – 23 out of 24 times since MMHI was instituted in 2002
- Named by *Entrepreneur* magazine as "Best Rental Car Company" three years in a row
- Ranks in the Top 50 Most Respected Companies in the U.S. in survey of consumers conducted by Reputation Institute
- President and Chief Operating Officer Pam Nicholson named one of Fortune's 50 Most Powerful Women in Business for 2007 and 2008
- Honored by The National Arbor Day Foundation for Exemplary Tree Planting Efforts



Rent-A-Car Division
3670 Park 42 Drive
Cincinnati, OH 45241-2072
513-956-3800
enterprise.com

Description of Use and Site

Applicant:

Enterprise Rent-A-Car Company of Cincinnati
3670 Park 42 Drive
Cincinnati, OH 45241
513-956-3800

Owner:

Mike Libecap/CarStar Plus
5017 College Corner Pike
Oxford, OH

Statement from owner is attached.

Existing Use: CarStar Autobody of Oxford

Zoning District: GB

Description of proposed use:

The proposed use of the property at 5017 College Corner Pike is for the rental, storage, and parking of motor vehicles, for the cleaning (soap/water) and preparations (vacuuming) of such vehicles, for office, administrative and other uses incidental or related thereto. The proposed auto rental business would co-locate with CarStar Autobody of Oxford. If approved, the existing Enterprise location at 5180 College Corner Pike would relocate to the new property at 5017 College Corner Pike.

Compatibility of proposed use:

The existing use (auto repair establishment) and proposed use (auto rental) are related and would naturally interact at the property. The presence of an auto rental establishment at the property would provide convenience to residents in the community, including business travelers and Miami students.

The size of the building and lot are sufficient for the proposed use. The parcel has a paved area (refer to Exhibit A) that will accommodate orderly parking and also has ample room for overflow parking at the rear of the property should it ever be needed. Enterprise will have eight (8) assigned parking stalls (5 for fleet, 2 for employees, and 1 visitor). Four trees will be planted for screening as per 1149.05(a). The assigned office space (refer to Exhibit B) will be constructed of furniture panels. The proposed use will not be hazardous to any future neighboring uses permitted in the district and will not involve any operations that create excessive noise, odor, fumes,



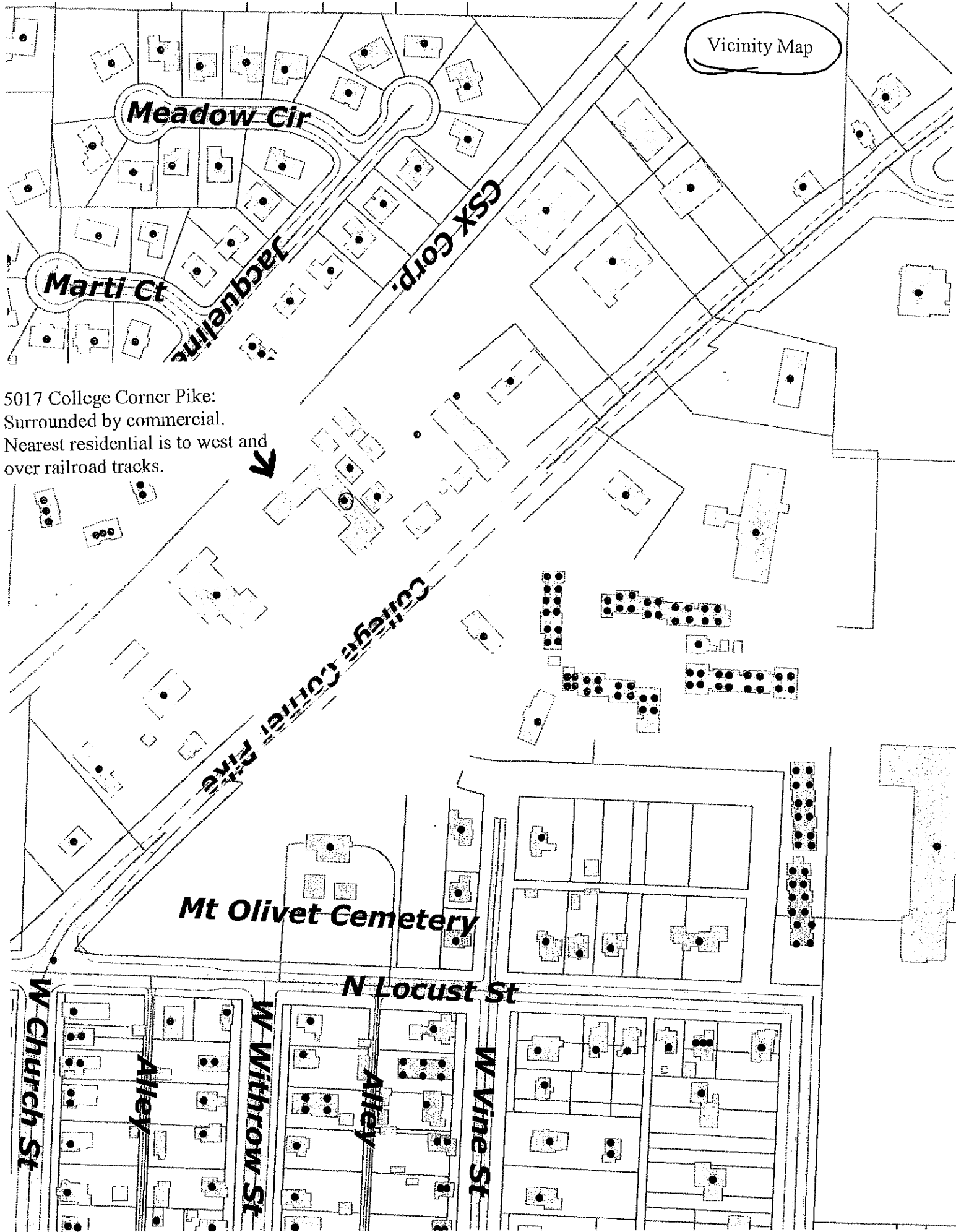
Rent-A-Car Division
3670 Park 42 Drive
Cincinnati, OH 45241-2072
513-956-3800
enterprise.com

or emissions. Vehicles would be hand washed and vacuumed inside the facility in a bay (refer to Exhibit C). The existing structure would not be altered for the proposed use nor would any additional public facilities or services be required to accommodate the proposed use.

The location proposed is appropriate for the use as it does not require any alteration of the structure, is in an area that is compatible with other businesses/uses, provides a convenience to the community, and is easy to access/find as it is on a main street.

Statement describing how the proposed Conditional Use meets the Decision Standards of the zoning district

- A. Motor Vehicle Rental is in fact a Conditional Use in the GB district
In 2006, Enterprise Rent-A-Car was granted Conditional Use approval to operate at 5180 College Corner Pike. With approval this location would relocate to the proposed property.
- B. The use and site satisfy the general intent of the Zoning code by providing a needed service to the community.
- C. The use and site are compatible with the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use and no structural alterations will be required. The proposed site is equal to, if not better suited as Enterprise's current location at 5180 College Corner Pike for the proposed use.
- E. The use is not hazardous or disturbing to neighboring uses in the GB district. The proposed use mirrors that of the use approved in 2006 in the GB district.
- F. The use does not involve activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, glare, odors or other emissions.
- G. There are no accessory uses.
- H. The use and site are adequately served by public facilities and services.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The use will not change the essential character of the area. No modification to existing structures will be done.
- K. The site design will not interfere with the movement of traffic on public streets.
- L. There is no proposed construction.
- M. All necessary permits and licenses for the Conditional Use and its operation can be obtained for the use at the proposed location



Vicinity Map

Meadow Cir

Marti Ct

Jacqueline St

CSX Corp.

College Corner Pike

Mt Olivet Cemetery

N Locust St

W Church St

Alley

W Withrow St

Alley

W Vine St

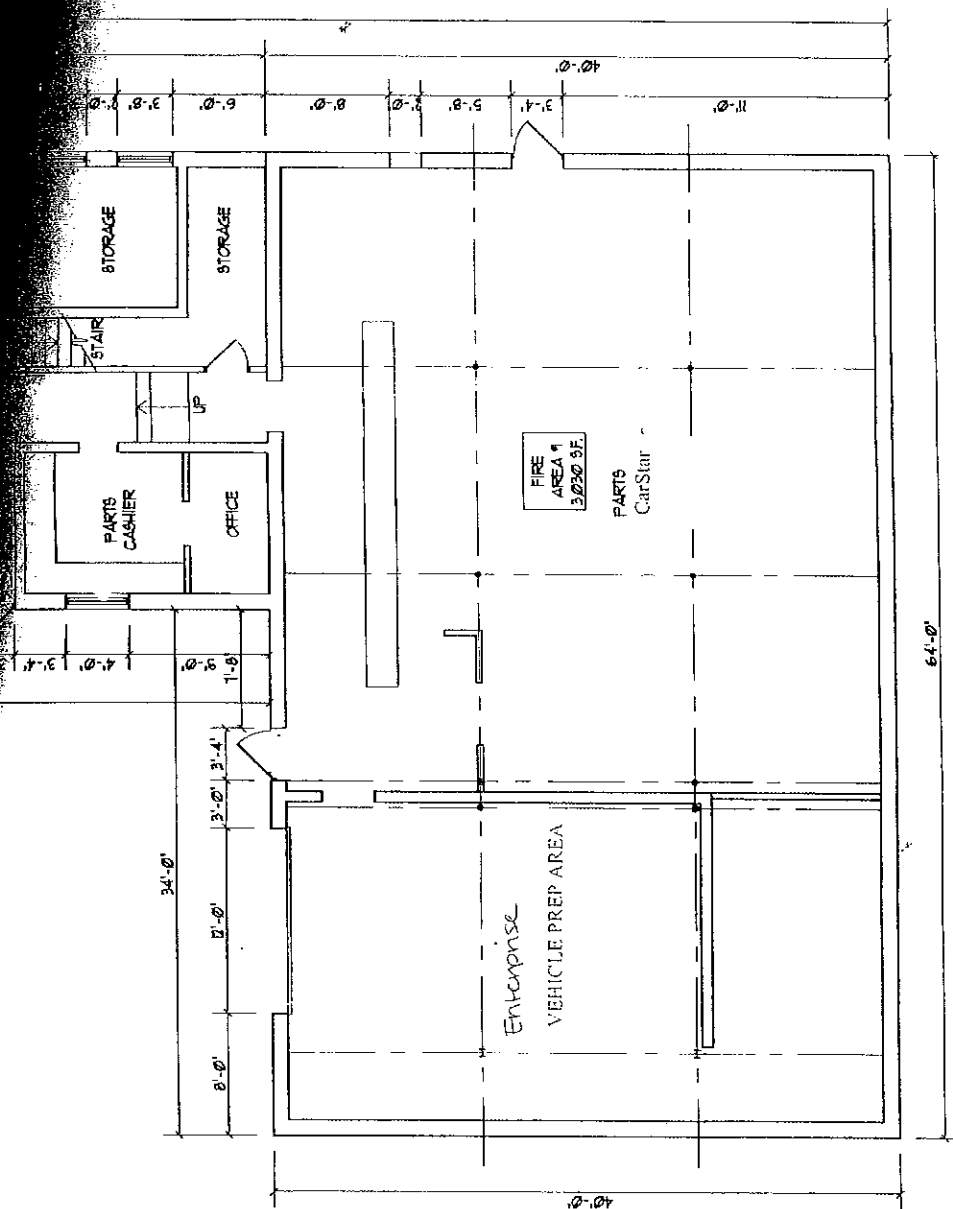
5017 College Corner Pike:
Surrounded by commercial.
Nearest residential is to west and
over railroad tracks.

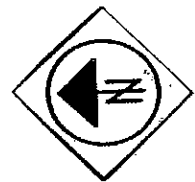


$$|g\rangle = |1\rangle - |0\rangle$$

- A. OVERALL BUILDING AREA: 9201 SF. (NO CHANGE)
- B. USE GROUP CLASSIFICATION: MIXED USE - NON-SEPARATED (NO CHANGE)
- FIRST FLOOR-BUILDING 1: 'B' BUSINESS AREA
 LOWER LEVEL-BUILDING 1: 'B-1' STORAGE
 FIRST FLOOR-BUILDING 2: 'B-1' STORAGE
 FIRST FLOOR-BUILDING 3: 'B-1' STORAGE
- C. TYPE OF CONSTRUCTION: 3B - NON-COMBUSTIBLE EXTERIOR WALLS, COMBUSTIBLE INTERIOR & ROOF
- D. HEIGHT & AREA LIMITATIONS: BASED USE GROUP 'U' (MOST RESTRICTIVE)
- ALLOWABLE HEIGHT: 4-STORY, 55'-0" ACTUAL HEIGHT: 1-STORY, 11'-0"
 ALLOWABLE AREA: 19,000 SF. ACTUAL AREA: 9,201 SF.
- E. PHYSICALLY HANDICAPPED ACCESSIBILITY: PROVIDED, (NO CHANGE)
- F. FIRE PROTECTION SYSTEM: EXISTING BUILDING 1 LOWER LEVEL FIRE SUPPRESSED, (NO CHANGE)
- FIRE AREA 1: 10,791 SF.
 FIRE AREA 2: 1940 SF.
- G. OCCUPANT LOAD:
- FIRST FLOOR-BUILDING 1: (3,050 SF. ÷ 100 GROSS) = 30 (NO CHANGE)
 LOWER LEVEL-BUILDING 1: (3,050 SF. ÷ 300 GROSS) = 10 (NO CHANGE)
 FIRST FLOOR-BUILDING 2: (4,541 SF. ÷ 300 GROSS) = 14 (NO CHANGE)
 FIRST FLOOR-BUILDING 3: (25,673 SF. ÷ 300 GROSS) = 6 (NO CHANGE)
- TOTAL = 60 (NO CHANGE)

6. OCCUPANT LOAD:



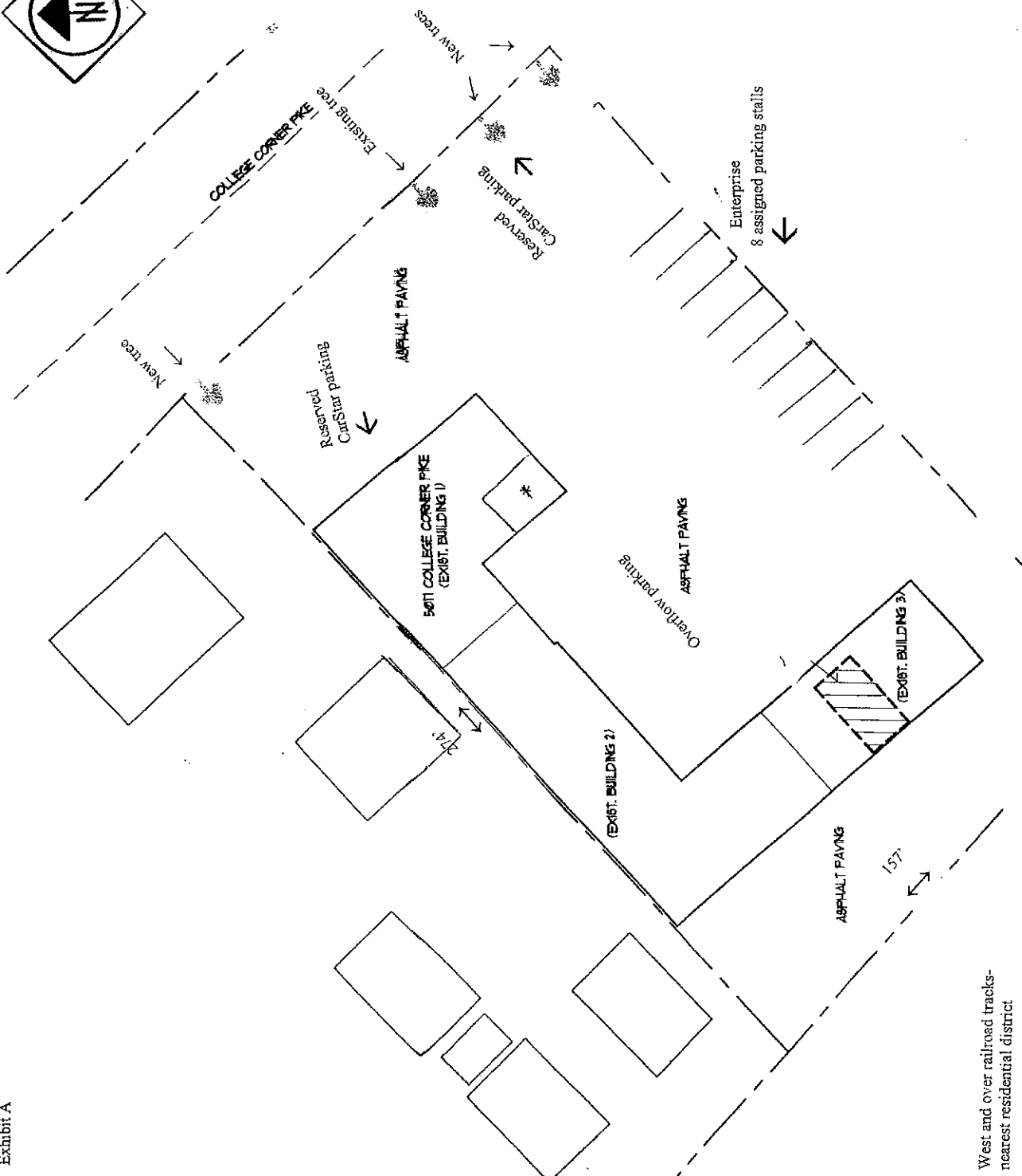


VEHICLE MANAGEMENT

8 assigned parking stalls
5 for fleet
2 for employees
1 visitor

Landscaping/Screening
3 new trees to be planted per
1149.05(a):
2 trees per parking facility and 1
tree per 5 spaces.

At time of planting, trees to be min.
6' tall and 2" diameter.



West and over railroad tracks-
nearest residential district

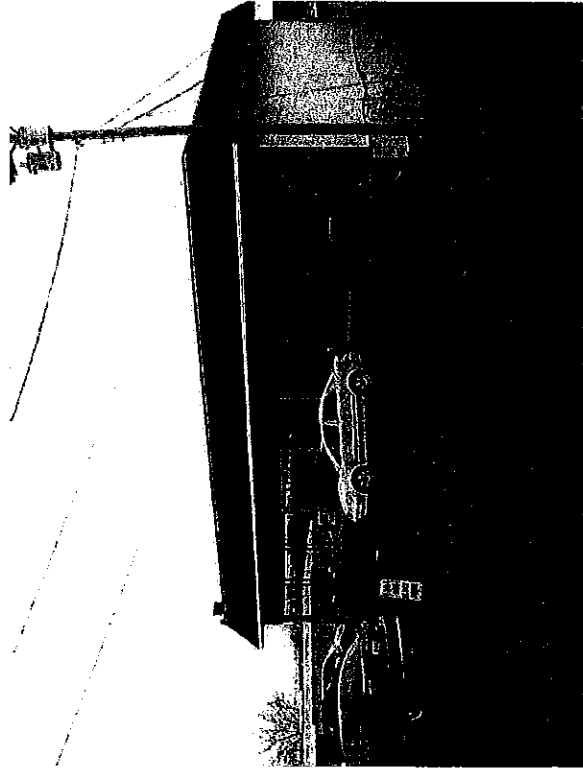
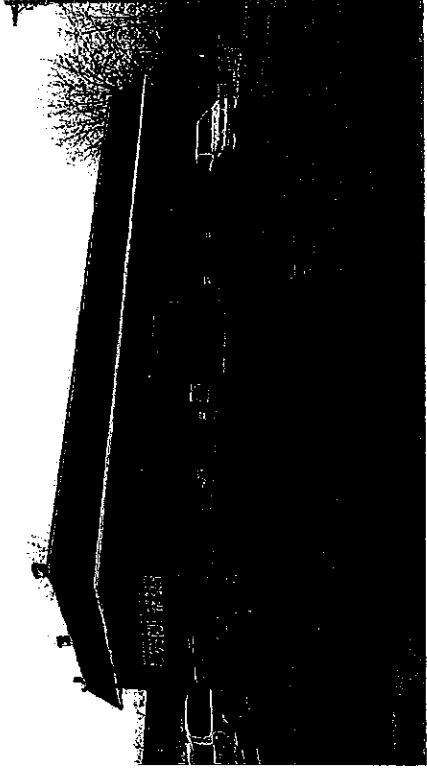


Exhibit A

5017 College Corner Pike

CarStar Autobody

Proposed use: add auto rental

Enterprise Rent-A-Car

20 ft

20 ft

5 ft

CARSTAR

Plus

Quality Collision Service

Enterprise



Proposed Signage for ERAC-CarStar New Facility Oxford, Ohio		NOTES FILE Oxford New Facility DATE 9/24/03	Approved By: _____ Date: _____ Approved Approval: _____ Date: _____
--	--	---	--

CARPENTER
 Sign Service
 2026 Vine Street
 Cincinnati, Ohio 45202
 (513) 381-7915
 Fax (513) 381-8915
The design shown is the property of Carpenter Sign Service and may not be reproduced without their written permission.

CARSTAR OF OXFORD
+ AUTO BODY

enterprise
IMPORTS & EXPORTS

University **USED CARS**

24" {
→ 24" x 96"



CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: June 2, 2009

Account Code #: N/A

Budgeted Amount: N/A

Service Department
Originating Department

David Treleven
Prepared By

May 28, 2009
Date Prepared

Agenda Title: Environmental Commission Meeting of May 27, 2009

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, May 27, 2009 meeting were: City Council Representative, Mr. Greig Rutherford; Secretary, Ms. Heidi Schran; Mr. Charlie Ford; Ms. Kelly Church; Mr. Kevin Armitage; and Mr. Wright Gwyn. A quorum was present. McGuffey Foundation School student Ms. Anna Osatuke, Mr. Igor Osatuke, and Mr. Vincent Hand were also in attendance.

Commission Officers were elected, with Mr. Charlie Ford as Chair, Mr. Wright Gwyn as Vice-Chair, and Ms. Heidi Schran as Secretary. All elections were unanimous.

Ms. Kelly Church made a presentation of Robert's Rule of Order. While the implementation of the Rules was perceived as too formal and cumbersome for the Commission, its goals of meeting efficiency and fairness in allowing all to present their views were appreciated. The Commission voted unanimously to limit discussion on an agenda item to a half hour, with extensions at the Chair's discretion, and to limit a meeting to one and a half hours in length, with extensions requiring a majority approval by the Commission members present.

Fourteen topics, identified during Commissioner's independent review of Oxford's 2008 Comprehensive Plan, were suggested to serve as an outline of Commission goals for the coming year. In part, topics suggested included: open space cluster residential developments, agricultural zoning districts, green building standards, improving energy efficiency of existing buildings, connectivity, alternate transportation, protection of natural areas, expansion of recycling, environmental education for students of all ages, coordination of litter control, and encouraging backyard habitats. Subsequent discussions are intended to prioritize the goals.

The Commission adjourned at 8:40 p.m. The next Commission meeting is tentatively scheduled for Wednesday, June 24, 2009 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

Approved By:

Department Head:

City Attorney:

A- City Manager:

Initial

Date

HTS / 5/28/09

HTS / 5/29/09

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: June 2, 2009

Donna Heck

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

May 26, 2009

Date Prepared

Agenda Title: A Resolution supporting the National League of Cities (NLC) Prescription Discount Card Program.

Recommendation:

Discussion: The National League of Cities (NLC) is making the Prescription Discount Card Program available to residents through our membership in NLC. The card is free to all residents, regardless of age, income or existing health insurance and residents may save an average of 20% off the regular retail price of prescription drugs at participating pharmacies.

The cards will have the City logo on them and will be available at specific locations. We will have advertising material which is provided by NLC as well as media notifications.

I have attached a media fact sheet for your review as well as a list of frequently asked questions. We will be receiving proofs of our discount card and posters in two weeks and once approved CVS Caremark will produce and ship to us.

Locations for distribution of the cards as well as advertising materials will need to be determined within the next couple of weeks.

Approved By:

	Initial	Date
Department Head:	<u>[Signature]</u>	<u>5/28/09</u>
City Attorney:	<u>[Signature]</u>	<u>5/29/09</u>
A. City Manager:	<u>[Signature]</u>	<u>5/29/09</u>

RESOLUTION NO. _____

**A RESOLUTION SUPPORTING THE NATIONAL LEAGUE OF CITIES (NLC)
PRESCRIPTION DISCOUNT CARD PROGRAM.**

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

SECTION 1: The City Manager and Clerk of Council find that the National League of Cities (NLC) sponsored program provides relief to city residents around the country from the high cost of prescription drugs including those citizens of Oxford without health insurance or with limited prescription drug coverage and to be of value to Oxford residents and recommend implementation of the Program which offers an average savings of 20 percent off the retail price of most prescription drugs.

SECTION 2: The NLC in collaboration with CVS Caremark are offering the Prescription Discount Card Program to member cities of NLC at no cost to those cities and CVS Caremark will provide participating cities with prescription discount cards, marketing materials and customer support for the Program. The program has no enrollment form or membership fee, no restrictions based on the resident's age or income level, and may be used by Oxford residents and their families any time their prescriptions are not covered by insurance.

SECTION 3: The Oxford City Council believes the NLC Prescription Discount Card Program to be of benefit to the citizens of Oxford and supports the Program and authorizes the City Manager and Clerk of Council to proceed with the implementation of the program.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

National League of Cities (NLC) Prescription Discount Card Media Fact Sheet

What the Prescription Discount Card is:

The NLC prescription discount card is designed to help residents save money on prescriptions that are not covered by insurance. The program is offered in collaboration with the National League of Cities through their member cities. The program is not insurance.

Who it is for:

The card is offered to all city residents, there are no age or income restrictions. There are no restrictions and no limits on how many times individuals can use the card. One card can be used by all family members.

Savings:

While savings may vary by drug and by pharmacy, the NLC prescription discount card program provides average savings of 20%. Residents will pay the negotiated discount price offered through the program or the pharmacy's retail price whichever is lower.

What the program costs:

The card is FREE. There is no cost to the city or to the residents to use the card. There are no enrollment fees and no membership fees. Residents just pay the prescription cost less any applicable discounts.

How residents access the program:

There is no waiting period. City residents simply present their card at a participating pharmacy. More than 59,000 pharmacies nationwide participate in the program, including the major chains as well as many independent pharmacies.

Additional features:

A dedicated toll-free number is provided for residents to access CVS Caremark's award winning customer care and a program Web site is available for residents to access program tools and information.

About CVS Caremark

The NLC prescription discount card is administered by CVS Caremark the largest provider of prescriptions and related health care services in the nation. CVS Caremark has administered prescription discount programs since 1992.

This is not insurance. Savings are only available at participating pharmacies. Savings may vary by drug and by pharmacy. By using this card, residents agree to pay the entire prescription cost less any applicable discount.

National League of Cities Prescription Discount Card

Frequently Asked Questions (FAQ)

General Questions

I just received my card. Can I use it right away?

Yes, just use your card to start saving immediately. Present your prescription discount card at a participating retail pharmacy when you fill or refill your prescriptions.

How much does the card cost?

Your prescription discount card is provided to you free of charge. You pay the cost of the prescription less any applicable discount.

Does everyone in my family need an individual card?

No. Everyone in the family may use the same card if desired.

Can I use this card to get discounts on my pet's medications?

Yes, if your pet has been prescribed a medication that is also used to treat a human condition, you may receive a discount on the medication by taking the prescription to a participating retail pharmacy.

Can I use my card to get discounts on over-the-counter products and non-prescription medications?

Not usually. However, discounts are available for many diabetic supplies.

How is this prescription discount program different from traditional prescription insurance?

This is not insurance; it is a prescription discount program. The card provides immediate discounts at participating retail pharmacies. Upon presenting your card to the pharmacist, you will pay the lower of a discounted price or the pharmacy's regular retail price. There are no claim forms to fill out and no limit to the number of times you can use the card. These discounts are available only at participating retail pharmacies.

Can I use my prescription discount card with my current insurance benefit to reduce my costs?

Your card cannot be used in conjunction with other insurance. However, you are encouraged to use your card to purchase prescriptions anytime they are not covered by your insurance plan.

Can I still use my prescription discount card if I sign up for a Medicare prescription plan?

Yes, you can use your prescription discount card anytime you need to purchase a

prescription that is not covered by your Medicare prescription plan or any other insurance.

Should I use my prescription discount card during my deductible and coverage gap periods of coverage for covered medications?

No. Only use your prescription discount card to purchase non-covered medications.

Can I use my prescription discount card in addition to my Medicare prescription plan and get additional discounts?

No. You need to present either your Medicare prescription plan card or your prescription discount card. Only use your prescription discount card when purchasing medications not covered by your Medicare prescription plan.

I'm not going to sign-up for a Medicare prescription plan; can I still use my prescription discount card?

Yes, you can continue to use your prescription discount card just as you do today.

Pharmacy and Pricing Questions

Which pharmacies accept the card?

The prescription discount card is accepted at more than 59,000 retail pharmacies nationwide, including the major chains as well as many independent pharmacies. Ask your local pharmacy if they participate or visit www.caremark.com/nlc or call toll free 1-888-620-1749 to find out if a specific pharmacy participates in the program.

How much will I save?

While savings on each prescription may vary, you can save an average of 20 percent off of the pharmacy's regular retail prices for prescription drugs. In addition, you may save even more on select medications.

Will I always receive the lowest price?

Yes. You will receive the best price available to you through this program at the participating pharmacy. On occasion, pharmacies will price a particular medication lower than the discount rate provided by the card. If that occurs, you will pay the lower price.

Can I find out the discounted price of my prescriptions before going to the pharmacy?

Because prices can vary by location, only the actual pharmacy can tell you the exact price of the prescription. However, you can look up an estimated price for medications at www.caremark.com/nlc or call toll free 1-888-620-1749.

Why did the price of my prescription change since the last time I purchased the prescription?

Drug prices may vary from pharmacy to pharmacy. Even pharmacy chains have different prices in their stores depending on the population they are servicing. Additionally, manufacturers' drug prices change periodically.

Will I save 20 percent on all my medications?

Because a pharmacy's retail price or usual and customary charge can differ greatly by pharmacy, your exact percentage of savings may vary depending on the prescription drug and the price you have paid before.

Should I use my prescription discount card at a retail pharmacy with a flat rate generic pricing plan?

Yes, always present your prescription discount card when buying prescriptions not covered by insurance. For a medicine on a generic pricing plan you will pay either the flat rate or the prescription discount card price, whichever is lower.

About Specialty Pharmacy

What is specialty pharmacy and what kinds of services do they offer?

Specialty pharmacy offers delivery of injectable and select oral specialty medication and supplies to the location of your choice. Services include delivery notification and refill reminder calls to help you stay on your treatment plan. You'll also receive expert care services including counseling, follow-up care calls, informative disease-related materials and access to health experts 24 hours a day, seven days a week.

What drugs are offered through specialty pharmacy?

Medications for a variety of chronic conditions including multiple sclerosis, rheumatoid arthritis, cystic fibrosis, hemophilia, infertility, immunologic disorders, Crohn's disease, Gaucher disease, pulmonary hypertension, Fabry disease, MPS 1, blood dyscrasia, growth hormone deficiency, respiratory syncytial virus, hepatitis C and more are available through specialty pharmacy.

[Logout](#)

Pharmacy Search Results

[Print](#) [?](#)

Results are listed by closest distance from your starting point. You may obtain a pharmacy location map or driving instructions by clicking the associated link displayed by the pharmacy name.

Your search has returned 8 pharmacies based on:

Starting Point: 45056

Max Travel Distance: 10

<u>Pharmacy Name</u>	<u>Distance(mi)</u> ▲	<u>Map</u>	<u>Driving Directions</u>
CVS PHARMACY 06084 540 S LOCUST ST OXFORD OH 45056 513-523-6378	1.13		
WAL-MART PHARMACY 10-2275 419 S LOCUST ST OXFORD OH 45056 513-524-3744	1.15		
KROGER PHARMACY 14412 300 S LOCUST ST OXFORD OH 45056 513-523-7323	1.26		
WALGREENS 09906 20 S LOCUST ST OXFORD OH 45056 513-523-4683	1.45		
MEIJER PHARMACY 135 1560 MAIN ST HAMILTON OH 45013 513-896-2610	8.66		
WAL-MART PHARMACY 10-2441 1505 MAIN ST HAMILTON OH 45013 513-737-0894	8.79		
KROGER SAV-ON 14909 1474 MAIN ST HAMILTON OH 45013 513-868-6578	8.99		
CVS PHARMACY 06083 28 N BROOKWOOD AVE HAMILTON OH 45013 513-863-8906	 9.45		

[\[+\]](#)
FEEDBACK

[New Search](#)[Reset Sort Sequence](#)

Your employer or health plan has selected a network of pharmacies that have agreed to provide service to you. This tool is intended to help you identify pharmacies in your area that participate in your plan; however, pharmacy networks are subject to change without notice and this tool does not guarantee plan participation. Additionally, copay/coinsurance may differ from pharmacy to pharmacy for some plans. Pharmacy address and services information is self-reported and based on information provided to Caremark by the network participants. All pharmacies listed are reimbursed using a discounted fee for service methodology.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: May 19, 2009

Donna Heck

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

May 11, 2009

Date Prepared

Agenda Title: An Ordinance Repealing The City of Oxford Administrative Code Title Three Legislative, Chapter 111, And Title Five Administrative, Chapters 121, 123, 125, 127, 129, 145 And 147, And Adopting New Title Three Legislative, Chapter 111, And Title Five Administrative, Chapters 121, 123, 125, 127, 129, 145, and 147.

Recommendation:

Discussion: Part One of the Oxford Codified Ordinances covers the Administrative Code and includes General Provisions, Legislative, Administrative, Judicial and Taxation. There have been some amendments to certain sections of the Administrative Code, however, a complete review has not been done for many years.

The Administrative Code was reviewed and a draft submitted to the Law Director for his legal review and input. The Code was then submitted to the City Manager and Department Heads for their comments. The attached legislation covers Legislative and the Administrative Sections. General Provisions, Judicial and Taxation are not included as General Provisions are standard requirements, Judicial refers only to the County Court and Taxation was amended in 2007.

Chapter 147. Employment Provisions - the Sections relating to employee benefits (147.02/03/04/05/06 and 08) have been removed. These sections are addressed each year in the Salary Ordinance.

Additions are noted in bold and deletions or changes with strikeout.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

gh 5/12/09

DCH 5/15/09

ORDINANCE NO. ____

ORDINANCE REPEALING THE CITY OF OXFORD ADMINISTRATIVE CODE TITLE THREE LEGISLATIVE, CHAPTER 111, AND TITLE FIVE ADMINISTRATIVE, CHAPTERS 121, 123, 125, 127, 129, 145 AND 147, AND ADOPTING NEW TITLE THREE LEGISLATIVE, CHAPTER 111, AND TITLE FIVE ADMINISTRATIVE, CHAPTERS 121, 123, 125, 127, 129, 145 AND 147.

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

SECTION I: Council hereby finds that the City Manager, Law Director and Clerk of Council have reviewed the Administrative Code for the City of Oxford and as a result of said review recommend repealing Oxford Codified Ordinance Title Three Legislative, Chapter 111, and Title Five Administrative, Chapters 121, 123, 125, 127, 129, 145 and 147, and adopting new Title Three Legislative, Chapter 111, and Title Five Administrative, Chapters 121, 123, 125, 127, 129, 145 and 147.

SECTION II: Council hereby repeals Title Three and Title Five of the Oxford Code of Ordinances and adopts new Title Three and Title Five as follows:

TITLE THREE - Legislative

- Chap. 111. Council.
- Chap. 113. Ordinances and Resolutions.
- Chap. 115. Clerk of Council.

CHAPTER 111 Council

- 111.01 Meeting dates; special meetings.
- 111.02 Order of business.
- 111.03 Deadline for submitting matters for meetings.
- 111.04 Salary of Council members and Mayor.
- 111.05 Open meetings.

111.01 MEETING DATES; SPECIAL MEETINGS.

Council shall, except as otherwise provided in this chapter, meet in regular session at the Council chambers at 7:30 p.m. on the first and third Tuesday of each month. Should any holiday fall upon the date for a regular meeting, Council shall appoint another date within the same month in lieu thereof. The Mayor or any three members may call special meetings upon at least ~~twelve~~ **twenty-four** hours notice to each member, **via e-mail, telephone**, served personally or left at ~~his~~ **their** usual place of residence. (Ord. 959. Passed 12-17-63; Ord. 1656. Passed 1-19-82; Ord. 1989. Passed 1-19-88.)

111.02 ORDER OF BUSINESS.

- (1) At all meetings of Council business shall be transacted, as far as practicable, in the following order subject to the written rules of Council:
- (2) Roll call.
- (3) Executive Session. (If necessary.)
- (4) Approval of Agenda.
- (5) Mayor's Proclamations.
- (6) Public Participation.
- (7) Consent Agenda. (A member of Council can remove an item for separate discussion. A second is not required to remove an item.)

Minutes. (Reading of the minutes of the previous meeting or meetings only if there is a specific request to do so by a member of Council; provided, however, before the reading can be dispensed with, a copy of such minutes must have been received by each Council member prior to the meeting. Minutes shall consist of factual statements as to formal actions taken by Council, names and topics of persons addressing Council, and names and topics of Council members presenting a concern under the agenda item "Information Items", and shall be approved by Council upon motion and vote either "as read" or "as submitted" or "as read or submitted with corrections noted".

- (8) Resolutions.
 - (9) Ordinances.
 - (10) Communications.
 - (11) Information Items.
 - (12) Executive Session. (If necessary.)
 - (13) Adjournment.
- (Ord. 2556. Passed 11-4-97.)

111.03 DEADLINE FOR SUBMITTING MATTERS FOR MEETINGS.

(a) ~~Thursday, 12:00 noon, immediately preceding the regular Council meeting shall be the deadline for receiving matters for Council consideration.~~ **Friday, prior to Staff Meeting, preceding Council Meeting, all Directors are to submit to the Clerk of Council a description of any items to be placed on the upcoming Council Agenda.**

(b) Matters submitted after this deadline may be scheduled for the meeting subsequent to the one mentioned in subsection (a) hereof. (Res. 1393. Passed 6-04-68.)

111.04 SALARY OF COUNCIL MEMBERS AND MAYOR.

Pursuant to the authority granted Council by Charter Section 2.08 entitled Salary of Mayor, and Section 2.05 entitled Salary, the annual salary of the Mayor is hereby set at three thousand eight hundred dollars (\$3,800) effective on adoption of this section and the annual salary of Council members increased to three thousand two hundred dollars (\$3,200) effective on adoption of this section. (Ord. 2695. Passed 9-19-00.)

111.05 OPEN MEETINGS.

(a) Meetings to be Open. All meetings of Council, other than ~~authorized executive sessions,~~ **as allowed by law**, shall be open to public attendance.

(b) Compliance with State Law. Council shall ~~fully~~ comply with ~~both the letter and the spirit of~~ Ohio R.C. 121.22.

(c) Purpose of Special Meetings. The regularly scheduled meetings of this body shall be held on the first and third Tuesday of each month in the Council chambers ~~in the City Building at the Court House~~. Within the context of this section, a special meeting is any meeting scheduled or called for a date or place or time other than as hereinabove specified. Such special meeting, as so defined solely for the purpose of this section, may be for the purpose of:

(1) Continuing or commencing a regular meeting of Council in discussing and acting upon all such business as may come before the body; or

(2) A ~~true~~ special meeting within the context of parliamentary definition, wherein the purpose of the meeting shall be to consider only specific and enumerated matters, and in which action will not be taken on matters unrelated to the matter, or matters, for which such a meeting is held. No special meeting, as defined herein, shall be held until the Clerk of Council has given at least 24 hours advance notice of the date, time, place and purpose of such meeting to those news media that have requested notification, except in the event of an emergency. An emergency exists when immediate official action is necessary. In that event, the member, or members, calling such a meeting shall immediately notify such news media as have requested notification of the date, time, place and purpose of such meeting.

(d) Determination and Notice of Meetings.

(1) Any person may determine the date, time and place of regularly scheduled meetings by phoning or contacting the Clerk at the City Building.

(2) Any person may determine the date, time, place and purpose of special meetings, as defined herein, by making such a request, in writing, to the Clerk and sending forth their name, address and telephone number. The Clerk shall notify such person of the date, time, place and purpose of special meetings either by **e-mail** ~~mail~~ or telephone and will in any case endeavor with all reasonable effort and dispatch to make such notification immediately. When time permits reasonable anticipation of timely mail delivery, the Clerk may notify such person by mail. When, in the judgment of the Clerk, it seems reasonable to believe mail notification will not be timely, the Clerk shall make all reasonable efforts to contact such person by **e-mail** or telephone. ~~Long distance calls will only be placed collect.~~

(e) Agendas. Any person desiring information as to any specific business to be discussed at a meeting may obtain advance notification of the proposed discussion by securing a copy of the meeting agenda by any or all of the following methods. **The Agenda will be available on Saturday, Sunday, Monday or Tuesday preceding the regularly scheduled meeting:**

(1) Agendas for regularly scheduled meetings will be available **via the City of Oxford website (www.cityofoxford.org)** or without charge, **at the Municipal Building during regular business hours or at the Police Department dispatcher's office lobby on the Saturday, Sunday, Monday or Tuesday preceding the regularly-scheduled meeting.**

(2) Agendas for special meetings will be available immediately upon their preparation at the **City website (www.cityofoxford.org), at the Municipal Building during regular business hours or the Police Department lobby dispatcher's office, without charge.**

~~(3) Persons paying an annual fee of \$10.00 to the Clerk and providing the Clerk with self-addressed business-size envelopes (approximately 9"x4") with sufficient first class postage affixed thereto will be mailed all Council agendas upon their preparation, for so long as the Clerk has a supply of such required envelopes. It shall be the sole obligation of the person requesting such mailings to determine that the Clerk has sufficient envelopes to continue mailing agendas for so long as such person desires to receive agendas. The fee required hereunder shall be a calendar year fee and shall be due once each calendar year regardless of the date upon which the request for such mailing is filed.~~

(Res. 2029. Passed 12-02-75; Ord. 1656. Passed 1-19-82.)

CHAPTER 113 Ordinances and Resolutions

113.01 Administrative Code adopted.

113.02 Adoption of resolutions.

113.01 ADMINISTRATIVE CODE ADOPTED.

The provisions of Part One of the Codified Ordinances shall be known and designated as the "Administrative Code" of the City of Oxford. The Administrative Code shall implement the Charter of the City of Oxford, and the provisions thereof shall be so construed. Should any provision of this Administrative Code be found to be in conflict with the Charter, the Charter provisions shall control. Any such conflict with the Charter shall render only the conflicting provisions of the Administrative Code invalid, and all other provisions of the Administrative Code shall remain in full force and effect. (Ord. 959. Passed 12-17-63.)

113.02 ADOPTION OF RESOLUTIONS.

(a) Council on recommendation of the City Manager and Law Director, hereby formally enacts reading by title for adoption of resolutions. The City Manager and Law Director recommend resolutions be enacted on vote after reading of the title once. This recommendation is pursuant to the authority provided Council by Section 1.02 and Section 3.01 of the City of Oxford Charter.

(b) Council hereby ordains that resolutions be read by title once and thereafter on motion duly made and seconded, be voted upon.

(c) The City Manager further recommends Council authorize Resolutions to be placed in the Consent Agenda and to be adopted as a part of the Consent Agenda. This recommendation is for Resolutions to be placed under the Consent Agenda item and to be adopted by Motion without reading by title as otherwise provided for by Ordinance. The City Manager's recommendation is that resolutions of general recurring matters be adopted as part of the Consent Agenda to more efficiently manage Council's business.

(d) Council further accepts the recommendation of the City Manager and hereby authorizes the adoption of Resolutions which are placed as an item in the Consent Agenda, be adopted on motion for adoption of the Consent Agenda items, without reading of the title of the Resolution. Those Resolutions not adopted as a Consent Agenda item will be acted upon after reading of the title by Motion. (Ord. 2555. Passed 11-4-97.)

TITLE FIVE – Administrative

- Chap. 119. City Manager.
- Chap. 121. Departments Generally.
- Chap. 123. ~~Department of Finance~~ **Department.**
- Chap. 125. ~~Department of Law~~ **Department.**
- Chap. 127. ~~Department of Safety~~ **Department.**
- Chap. 129. ~~Department of Service~~ **Department.**
- Chap. 131. Records Commission.
- Chap. 135. Environmental Commission.
- Chap. 137. Housing Advisory Commission.
- Chap. 141. Boards and Commissions.
- Chap. 143. Civil Rights; Community Relations Commission.
- Chap. 145. Civil Service.
- Chap. 146. Finance Commission.
- Chap. 147. Employment Provisions.
- Chap. 149. Facility Naming and/or Renaming.

CHAPTER 119 City Manager

EDITOR'S NOTE: There are no sections in Chapter 119. This chapter has been established to provide a place for cross references and future legislation.

CHAPTER 121 Departments Generally

- 121.01 Departmental organization.
- 121.02 Duties of department and division heads.
- 121.03 ~~Recreation~~ **Parks and Recreation** Director.
- ~~121.04 City Engineer.~~
- 121.05 ~~4 Planning and Zoning~~ **Community Development** Director.
- 121.05 Economic Development Director.**
- 121.06 Human Resources Director.**

121.01 DEPARTMENTAL ORGANIZATION.

In addition to the Department of Law and Department of Finance, the administrative service of the City shall be divided, under the City Manager, into the departments and divisions under the heads thereof as is indicated below:

<u>Departments</u>	<u>Division</u>	<u>Dept. Head</u>	<u>Division Head</u>
SAFETY	Police	Safety Director	Chief of Police
	Fire		Fire Chief
	Building Inspection	Building Administrator	
	Housing Inspection	Housing Inspector	

SERVICE	Streets Managers Utilities Managers Engineering	Service Director	
			City Engineer

RECREATION	Recreation Director	
PARKS & RECREATION		Parks & Recreation Director

COMMUNITY DEVELOPMENT	Inspections Zoning	Community Development Director
PLANNING AND ZONING	Zoning Planning and Zoning	Director
Administrator		

~~ENGINEERING~~ ~~City Engineer~~

ECONOMIC DEVELOPMENT	ECONOMIC DEVELOPMENT DIRECTOR
-------------------------	----------------------------------

HUMAN RESOURCES	HUMAN RESOURCES DIRECTOR
(Ord. 959. Passed 12-17-63; Ord. 1600. Passed 9-02-80.)	

121.02 DUTIES OF DEPARTMENT AND DIVISION HEADS.

(a) Each department and division head shall perform all duties required of such office by charter, ordinance or other laws, and such other duties not in conflict therewith as may be assigned by the City Manager.

(b) All department heads shall:

(1) Be immediately responsible to the City Manager for the effective administration of their departments and all activities assigned thereto.

(2) Keep informed as to the latest practices in their particular field and shall inaugurate, with the approval of the City Manager, such new practices as appear to be of benefit to the service and to the public.

(3) Submit reports of the activities of their departments when requested by the City Manager.

(4) Establish and maintain a system of records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the reports required by the City Manager.

(5) Be responsible for the proper custody and maintenance of all City property and equipment used in their departments.

(c) The heads of the various divisions shall be immediately responsible to their appropriate department head.
(Ord. 959. Passed 12-17-63.)

121.03 PARKS AND RECREATION DEPARTMENT – PARKS AND RECREATION DIRECTOR.

The **Parks and Recreation** Department shall be administered by a **Parks and Recreation** Director of Recreation, appointed by the City Manager, who shall be responsible to the Manager for all work having to do with the execution of the recreational programs and the operation of the recreation facilities of the City. The Director shall exercise supervision over all employees in the department as authorized by Council and the Manager and shall perform such other duties as may be prescribed by ordinance or required by the Manager.
(Ord. 959. Passed 12-17-63.)

~~121.04 CITY ENGINEER.~~

~~—The Department of Engineering shall be administered by the City Engineer, appointed by the City Manager, who shall prepare the engineering drafts, plans and drawings for the use of other departments as may be requested by the Manager, render engineering advice and assistance to the various City departments as may be requested, and perform such other duties as directed by the Manager.
(Ord. 959. Passed 12-17-63.)~~

121.05 4 PLANNING AND ZONING COMMUNITY DEVELOPMENT DEPARTMENT – COMMUNITY DEVELOPMENT DIRECTOR.

(a) The **Community Development Planning and Zoning** Department shall be administered by a **Community Development Director Planning and Zoning Director** appointed by the City Manager, who shall serve as City Planner and shall work with the Planning Commission to guide and facilitate the planning functions necessary for the City and who shall also serve as Zoning Administrator if appointed to such position by the City Manager, as provided by law.
(Ord. 1601. Passed 9-2-80.)

~~—(b) The Director shall be responsible to the Manager and shall serve as Assistant City Manager when and if so appointed by the Manager and shall also perform such other duties as may be provided for by ordinance or as directed by the Manager.
(Ord. 1673. Passed 4-20-82.)~~

121.05 ECONOMIC DEVELOPMENT DEPARTMENT – ECONOMIC DEVELOPEMET DIRECTOR.

(a) The Economic Development Department shall be administered by an Economic Development Director, appointed by the City Manager, who shall be responsible for corporate and industrial recruitment and retention. The Economic Development Director serves as staff support to the Community Improvement Corporation.

121.06 HUMAN RESOURCES DEPARTMENT – HUMAN RESOURCES DIRECTOR.

(a) The Human Resources Department is responsible for the planning and developing of a variety of personnel policies and programs. The Human Resources Director is appointed by the City Manager and assists in maintaining a balanced and productive workforce. The Human Resources Director serves as staff support to the Civil Service Commission.

CHAPTER 123 ~~Department of Finance~~ Department

- 123.01 Duties and functions of City Auditor.
- ~~123.02 Merger of other offices with City Auditor.~~
- 123.03 ~~2~~ Treasury investment.
- 123.04 ~~3~~ Capital Improvement Reserve Fund.
- ~~123.05 Federal Revenue Sharing Trust Fund.~~
- 123.06 ~~4~~ Parks and Recreation Gift Fund.
- 123.07 ~~5~~ Special assessment policy.
- ~~123.08 City fees and rates.~~

123.01 DUTIES AND FUNCTIONS OF CITY AUDITOR.

The City Auditor shall be governed by the applicable Ohio Revised Code sections and shall perform such other functions as may be assigned by ordinance or by order of the City Manager or Council. (Ord. 1289. Passed 11-20-73.)

~~———— 123.02 MERGER OF OTHER OFFICES WITH CITY AUDITOR.~~

~~———— Council may, by a majority vote, merge the duties of clerk of the waterworks, other utility operations and Clerk of Council with duties of the City Auditor. (Ord. 959. Passed 12-17-63.)~~

123.03 ~~2~~ TREASURY INVESTMENT.

Whenever there are moneys in the treasury of the City which will not be required to be used for a period of six months or more, such moneys, may, in lieu of being deposited in a bank or banks, be invested in accordance with the provisions of Ohio R.C. 731.56 et seq. Investments so purchased shall be sold in accordance with Ohio R.C. 731.57. (Ord. 950. Passed 5-21-63.)

123.04 3 CAPITAL IMPROVEMENT RESERVE FUND.

(a) There is hereby established in the books and records of the City, a Capital Improvement Reserve Fund.

(b) The Capital Improvement Reserve Fund shall be used for the purposes as set forth in Section 7.05 of the Charter.

(c) The City Auditor is hereby authorized to credit to the Capital Improvement Reserve Fund, such funds authorized to be transferred or appropriated to such Fund by Council. (Ord. 939. Passed 12-18-62.)

~~123.05 FEDERAL REVENUE SHARING TRUST FUND.~~

~~—(a)— There is hereby established a special fund to be known as the Federal General Revenue Sharing Trust Fund under the provisions of Ohio R.C. 5705.12.~~

~~—(b)— All moneys paid to the City under the State and Local Fiscal Assistance Act of 1972 shall be credited to such Fund and expended in accordance with the terms and provisions of the Federal Act. (Ord. 1253. Passed 11-21-72.)~~

123.06 4 PARKS AND RECREATION GIFT FUND.

(a) There is hereby created a special account to be known as the Parks and Recreation Gift Fund, which is established for the purpose of providing an opportunity for citizens to make voluntary donations of money to the City, to benefit the parks and recreation facilities of the City, in either a general or a specific manner, at the option of the contributor.

(b) Money donated to such Fund shall be spent only as authorized by resolution or ordinance of Council, and Council is hereby authorized to expend funds from the Fund solely for parks and recreational purposes.

(c) Individuals and/or other entities may make gifts and contributions to the Fund, to be expended for a specific purpose and/or use as designated by the donor. All gifts and contributions to the Fund shall be deposited with the City Auditor and upon the receipt of any designated and specified gift, the Auditor shall advise Council fully of the designated nature of the gift and any and all restrictions and conditions placed by the donor upon its expenditure. Council within ninety days subsequent to such notification by the Auditor shall, by resolution or ordinance, direct the Auditor to accept or reject the specific gift. If Council fails to act by resolution or ordinance within ninety days subsequent to the above required notification by the auditor, such failure to act shall constitute a rejection of the specific gift and the Auditor shall return the same forthwith to the donor.

(d) Funds given for general park and recreational purposes and without being specifically designated, shall be automatically accepted by the Auditor and require no action of Council for acceptance. Funds donated and accepted for a specific and designated purpose may not be expended for any other purpose except upon the written permission directed to Council by the donor, his or her heirs, assigns, successors and administrators, or pursuant to order of a court of competent jurisdiction.

123.07 6 SPECIAL ASSESSMENT POLICY.

(a) Council has determined that it is beneficial to establish a consistent stated policy for special assessments.

(b) The Staff reports dated February 13, 1974 and March 29, 1974 examining special assessments are hereby received, approved and ordered filed.

(c) The base map for the Major Street Plan adopted by the Planning Commission on November 16, 1965 and Council on October 4, 1966, the base map for the General Plan of Sanitary Truck Sewers dated November, 1963, and the base map for the General Plan of Waterworks Improvements dated March, 1966, as maintained and updated are hereby ordered filed for purposes of defining the various elements of the assessment policy.

(d) The following constitute the elements of the assessment policy guidelines for special assessments:

(1) What to assess.

A. Streets. All street improvements including street reconstruction.

B. Utilities. All sewer and water line construction.

C. Curb, gutter and sidewalk repairs.

(2) How much to assess.

A. Streets. Property shall be assessed for street improvements for curb, gutter, sidewalks, trees and driveways for new construction or reconstruction of both residential and major streets.

B. Utilities. All residential utility projects shall be assessed to a standard residential service size (eight-inch sewer and six inch water.) Trunk lines shall be assessed to the total area served and interceptors shall be paid for by the City.

C. Curb, gutter and sidewalk repairs. The total cost of the repairs shall be assessed to property owners.

(3) How to assess.

A. Streets. Assessments for curb, gutter, sidewalks, trees and driveways shall be on a front foot basis unless fifty-one percent of the property owners affected petition for an alternate method of assessment, provided such method is specified and permitted by the Ohio Revised Code.

Assessment for curb, gutter and sidewalks for corner lots shall be 100 percent of the front lot and 100 percent of the side lot.

Assessments for projects on State or County routes which receive State or County funds will not be altered. The funds received will be applied to the City's share of the project costs.

Assessments for projects which include cul-de-sacs will be based upon the front foot cost of curb, gutter, sidewalks, trees and driveways. Should ~~council~~ **Council** determine that this is excessive, it may distribute a portion of the cost over the total project.

B. Utilities. Assessments for residential utility projects shall be assessed on a front foot basis, unless fifty-one percent of the residents affected petition for an alternate method of assessment. Assessments for trunk lines shall be assessed to the total area served (drainage area) on a square foot basis, provided such method is specified and permitted by the Ohio Revised Code.

C. Curb, gutter and sidewalk repairs. Assessments for curb, gutter and sidewalk repairs shall be on a front foot basis. (Res. 1844. Passed 4-16-74.)

~~123.08 CITY FEES AND RATES.~~

Misc. Copies ~~_____~~

(Under 20 pages) ~~_____~~ No charge ~~_____~~

(21 or more pages) ~~_____~~ .05 per page ~~_____~~

Final Budget ~~_____~~ At cost to city ~~_____~~

Comprehensive Annual Financial Report ~~_____~~ At cost to city ~~_____~~

Income tax rate ~~_____~~ 1.75% ~~_____~~

Hotel tax rates: ~~_____~~

Hotel tax ~~_____~~ 3.00% ~~_____~~

Convention tax ~~_____~~ 3.00% ~~_____~~

Motor vehicle license tax ~~_____~~ 5.00 per motor vehicle ~~_____~~

Property tax rate ~~_____~~ 3.65 mils ~~_____~~

Motor Coach or bus (each) ~~_____~~ 25.00 per year ~~_____~~

Taxicab (each) ~~_____~~ 10.00 per year ~~_____~~

Minimum fee per company ~~_____~~ 25.00 per year ~~_____~~

Vendor license ~~_____~~ 50.00 per calendar month, or 300.00 per year ~~_____~~

NSF check fee ~~_____~~ 15.50 per check ~~_____~~

Dog License ~~_____~~ 0.75 per Tag (City Share), plus amount charged by county ~~_____~~

~~_____~~ (Ord. 2736. Passed 11-20-01.)

CHAPTER 125 ~~Department of Law~~ Department

125.01 State law duties of City Attorney.

125.02 Specific duties of City Attorney.

125.01 STATE LAW DUTIES OF CITY ATTORNEY.

The City Attorney shall be governed by the applicable Ohio Revised Code sections.

(Ord. 1290. Passed 11-20-73.)

125.02 SPECIFIC DUTIES OF CITY ATTORNEY.

The City Attorney shall:

(a) Prepare all contracts, bonds and other instruments in writing in which the City is concerned.

(b) Serve the several directors and officers as legal counsel and attorney.

(c) Be the prosecuting attorney of the Mayor's court.

(d) When required to do so by resolution of Council, prosecute and defend on behalf of the City, all complaints, suits and controversies in which the City is a party, and such other suits, matters and controversies as the City Attorney is by resolution or ordinance directed to prosecute. The City Attorney shall not be required to prosecute any action before the Mayor for violation of an ordinance without first advising such action.

(e) Within a reasonable time, reply orally or in writing to an inquiry of an officer of the City who entertains doubts concerning the law in any matter before such officer in his official capacity, which inquiry clearly states in writing the question upon which the opinion is desired. The right conferred upon such officers by this subsection extends to Council and to each board and commission provided by Charter, this Administrative Code or otherwise by Council.

(f) Apply, in the name of the City, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of City funds, the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the City in contravention of the laws or ordinances governing it, or which was procured by fraud or corruption.

(g) Apply for the forfeiture or the specific performance of an obligation or contract made on behalf of the City, granting a right or easement or creating a public duty, which is being evaded or violated.

(h) Apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of a duty, in case an officer or board or commission of the City fails to perform any duty expressly enjoined by law or ordinance.

(i) Make a report to Council, at its first regular meeting in January, of the business of the office of City Attorney and such other matters as the City Attorney may deem proper to promote the good government and welfare of the City. (Ord. 959. Passed 12-17-63.)

CHAPTER 127 ~~Department of Safety~~ Department

127.01 ~~Director of Safety.~~ **Director.**

127.02 Police Division composition and control.

127.03 Police Chief.

127.04 Fire Division composition and control.

127.05 Fire Chief.

127.06 Emergency patrolmen **officers** and firemen **fighters**

127.07 General duties of Police and Fire Divisions.

127.08 Police manual of procedure.

127.09 Auxiliary police.

127.10 Code enforcement.

127.11 Police disposition of property.

127.12 Police Department fees.

127.01 ~~DIRECTOR OF SAFETY~~ DIRECTOR

The ~~Department of Safety~~ **Department** shall have and perform such functions relative to fire and police protection and ~~building inspection services~~ as may be assigned by ordinance or by order of the City Manager. The head of this department shall be designated as the ~~Director of Safety~~ **Director**. Under the direction of the Manager, the Director shall be the executive head of the Police and Fire Divisions and ~~building inspection services~~. The Director shall have all powers and duties connected with and incident to the regulation and government of the department except as otherwise provided by law. The Director shall be appointed by the City Manager. (Ord. 959. Passed 12-17-63.)

127.02 POLICE DIVISION COMPOSITION AND CONTROL.

The Police Division shall be composed of a Chief of Police appointed by the City Manager and such number of patrolmen **officers**, radio operators and other employees as Council shall provide by ordinance. The ~~Director of Safety~~ **Director** shall have the exclusive management and control of all other officers, secretaries, clerks and employees in the Police Division as are provided by ordinance or resolution of Council. The Director may commission private policemen **officers**, who may not be in the classified list of the Division, under such rules and regulations as Council prescribes. (Ord. 959. Passed 12-17-63.)

127.03 POLICE CHIEF.

The Chief of Police shall have exclusive control of the stationing and transferring of all patrolmen **officers** and other officers and employees in the Police Division under such general rules and regulations as the ~~Director of Safety~~ **Director** prescribes. (Ord. 959. Passed 12-17-63.)

127.04 FIRE DIVISION COMPOSITION AND CONTROL.

The Fire Division shall be composed of a Chief and an Assistant Chief appointed by the City Manager and such other officers, volunteer firemen **fighters** and employees as are provided by ordinance. The ~~Director of Safety~~ **Director** shall have the exclusive management and control over such other secretaries, clerks and employees as are provided by ordinance or resolution of Council. (Ord. 959. Passed 12-17-63.)

127.05 FIRE CHIEF.

The Fire Chief shall have exclusive control of the stationing and transferring of all volunteer firemen **fighters** and other officers and employees in the Fire Division under such general rules and regulations as the ~~Director of Safety~~ **Director** prescribes. (Ord. 959. Passed 10-17-63.)

127.06 EMERGENCY PATROLMEN OFFICERS AND FIREMEN FIGHTERS.

In case of riot or other like emergency, the City Manager may appoint additional patrolmen **officers** and officers for temporary service in the Police Division, or firemen **fighters** and officers for temporary service in the Fire Division, who need not be in the classified list of such Divisions. Such additional persons shall be employed only for the time during which the emergency exists. (Ord. 1291. Passed 11-20-73.)

127.07 GENERAL DUTIES OF POLICE AND FIRE DIVISIONS.

(a) The police force of the City shall preserve the peace, protect persons and property and obey and enforce all ordinances of Council and all criminal laws of Ohio and the United States.

(b) The Fire Division shall protect the lives and property of all people in case of fire.

(c) Both the Police and Fire Divisions shall perform such other duties as are provided by ordinance or as may be ordered by the City Manager. (Ord. 959. Passed 12-17-63.)

127.08 MANUAL OF PROCEDURE.

(a) The manual of procedure for the Division of Police shall be prepared and from time to time revised or amended by the Chief of Police.

(b) Said manual of procedure, and any revisions or amendments thereto, shall be effective only upon the written approval and authorization of the ~~Director of Safety~~ **Director**.

(c) Whenever any revision or amendment of the manual of procedure is proposed by the Chief of Police and is approved and authorized by the ~~Director of Safety~~ **Director**, said ~~Director of Safety~~ **Director** shall within ten days of such approval and

authorization cause copies of the same to be provided to all members of Council along with such explanatory matter as is determined appropriate by the Director of Safety.

(d) The Current manual of procedure approved by Council on September 16, 1981, and all subsequent revisions or amendments, shall be available in the offices of the ~~Director of Safety~~ **Director** and the Chief of Police.

(e) All members of the Police Division shall be provided with a copy of the manual of procedure and with all subsequent revisions and amendments. (Ord. 1647. Passed 11-17-81.)

127.09 AUXILIARY POLICE.

(a) There is hereby established an auxiliary police unit for the City for the purpose of aiding and assisting the regular established Police Division and of creating and sponsoring a youth cadet corps.

(b) Membership in the auxiliary police unit shall not exceed fifteen persons and applicants shall not be under the age of twenty-one years.

(c) An auxiliary police officer shall be appointed by the Chief of Police, with the approval of the City Manager, to act in the capacity of auxiliary instructor and advisor.

(d) Selection to the auxiliary police unit shall be made on the same basis as in recruiting regular personnel to the Police Division but appointees will not be under the classified service or subject to civil service rules and regulations.

(e) The Chief of Police, with the approval of the City Manager, shall establish rules and regulations for the organization, training, administration, control and conduct of the auxiliary police unit.

(f) Members of the auxiliary police unit will receive such compensation as may be determined by Council. (Ord. 1071. Passed 9-05-67.)

127.10 CODE ENFORCEMENT.

(a) The Zoning Administrator shall be appointed by the City Manager and shall be responsible for inspection and enforcement of the Zoning Code as provided in Chapter 1123.

(Ord. 1602. Passed 9-02-80.)

~~————(b)——The Housing Inspector shall be responsible for inspections and enforcement of the Housing Code.~~

~~————(c)——The Heating Inspector shall be responsible for inspections and enforcement of warm air heating systems and equipment.~~

~~————(d)——The Electrical Inspector shall be responsible for inspections and enforcement of electrical work and installations. (Ord. 959. Passed 12-17-63.)~~

~~————(e)——The Building Administrator shall be appointed by the City Manager and shall be responsible for inspection and enforcement of applicable Building Codes pursuant to Chapters 1301 and 1303. (Ord. 1660. Passed 2-02-82.)~~

127.11 POLICE DISPOSITION OF PROPERTY.

(a) Property which has been lost, abandoned, stolen or lawfully seized or forfeited and which is in the custody of the Police Division shall be safely kept pending the time it is no longer needed as evidence and disposed of pursuant to this section.

(b) The Police Division shall make a reasonable effort to locate the persons entitled to possession of property in its custody and to notify them when and where it may be claimed. In the absence of evidence identifying persons entitled to custody, it is sufficient notice to advertise once, thirty days prior to the proposed disposition of said property, in a newspaper of general circulation in the City, briefly describing the nature of the property in custody and inviting persons to view and establish their right to it.

(c) A person loses any right to possession of property:

(1) Which was the subject or was used in a conspiracy or attempt to commit, or the commission of an offense other than a traffic offense, and such person is found to be a conspirator, accomplice or offender with respect to the offense.

(2) When, in light of the nature of the property or the circumstances of such person, it is unlawful to acquire or possess it.

(d) All such property in the custody of the Oxford Police Division that has been held by the Police Division for at least ninety days shall be disposed of as follows:

(1) Drugs and drug paraphernalia, beer, intoxicating liquor and alcohol shall be destroyed in the presence of the Chief of Police and Finance Director.

(2) Firearms and dangerous ordinances suitable for police work may with Council's consent be given to the Police Division for that purpose and for the purpose of acquisition of firearms and/or ammunition for the officers of the Division. Firearms and/or ammunition may be traded to a Federal firearms licensed dealer in exchange for ammunition. Firearms, knives, bayonets, or swords suitable for sporting use, museum pieces or collectors' items may with Council's consent be sold at public auction. Those firearms and dangerous ordinance shall be destroyed in the presence of the Chief of Police and Finance Director.

(3) Obscene materials shall be destroyed in the presence of the Chief of Police and Finance Director.

(4) Vehicle and vehicle parts may be given with Council's consent to the Police Division for use in the performance of its duties. All other vehicles and vehicle parts may be sold at auction or sold as junk or scrap. If not sold at auction the vehicle or vehicle parts shall be sold as scrap or junk. The Finance Director and Chief of Police shall jointly determine which vehicles or vehicle parts are subject to be sold as junk or scrap. Such junk or scrap shall be sold to the highest bidder on a per pound basis with a minimum requirement of two bids. The bids shall be sealed and submitted to the Finance Director and shall be based on pick up at the City impound lot of the junk or scrap by the high bidder.

(5) Property turned into the Police Division as lost or abandoned by a person finding the same may, in the discretion of the Police Division when said property is lawful and appropriate for private ownership, be returned to the finder after ninety days if the owner is not located. This provision does not apply to members of the Police Division. (Ord. 2303. Passed 5-4-93.)

(6) All other unclaimed or forfeited property with Council's consent, may be used by the Police Division. If other unclaimed or forfeited property is not used by the law enforcement agency it shall either:

A. Be donated to a not for profit organization, charitable organization, or a third party for a use beneficial to the public; or

B. Be sold without appraisal with the Council's consent at public auction to the highest bidder for cash. (Ord. 2598. Passed 8-18-98.)

(e) Upon the sale pursuant to this section of any property that is required to be titled or registered under law, the state shall issue an appropriate certificate of title or registration to the purchaser.

(f) The proceeds from property disposed of pursuant to this section shall be placed in the general fund of the City. (Ord. 2303. Passed 5-4-93.)

~~127.12 POLICE DEPARTMENT FEES.~~

~~Fingerprinting \$10.00~~

~~Records Checks 10.00~~

~~Accident, crime, other reports 3.00~~

~~Purchase Meter time,~~

~~Fee for Special Event (Meter Bags) 3.00 per meter per day~~

~~Signs: "No Parking by Order of the Oxford P.D." 0.15 per sign~~

~~Impound/Immobilization Fees 50.00 for the first day or any part thereof~~

~~10.00 each subsequent day or any part thereof~~

~~Towing Charges 50.00 plus any additional charges for services requiring specialized equipment or extra personnel~~

~~Parking~~

~~Hourly meters (including garage) 0.25 per hour~~

~~10-hour meters 0.25 for two hours~~

~~Monthly garage lease 45.00 per space~~

~~(Ord. 2736. Passed 11-20-01.)~~

CHAPTER 129 ~~Department of Service~~ Department

129.01 ~~Director of Service~~ **Director.**

129.02 ~~Division of Streets & Maintenance~~ **Division; Streets Superintendent. & Maintenance Manager**

129.03 ~~Division of Utilities; Utilities Superintendent.~~ **Water Plant Division; Water Plant Manager**

129.04 **Water Distribution Division; Water Distribution Manager**

129.05 **Wastewater Treatment Plant Division; Wastewater Plant Manager**

129.06 **Wastewater Collection Division; Wastewater Collection Manager**

129.07 **Engineering Division; City Engineer**

129.01 ~~DIRECTOR OF SERVICE~~ DEPARTMENT - SERVICE DIRECTOR.

(a) The ~~Department of Service~~ **Department** shall have the custody, care and maintenance of the public buildings, grounds, streets, sewers, Municipal utilities and cemeteries owned by the City. The administrative head of this department shall be known as the ~~Director of Service~~ **Director**, who shall be appointed by the City Manager.

(b) The ~~Director of Service~~ **Director** shall manage and supervise all public works and undertakings of the City except as otherwise provided by the Charter or State law. The Director shall supervise the improvement and repair of streets, avenues, alleys, lands, lanes, squares, bridges, sidewalks, sewers, drains, ditches, culverts, streams and watercourses; the lighting, sprinkling and cleaning of public places; and the construction of public works, except those having reference to the ~~Department of Safety~~ **Department** or as otherwise provided by the Charter or State law. The Director shall manage the Municipal water works, garbage and refuse collection, sewage disposal plant, and shall make and preserve surveys, maps, plans, drawings and estimates of and for the City. The Director shall supervise the construction and have charge of the maintenance of public buildings and other property of the City. **The Director shall supervise the activities of the Engineering Division with regard to the review, planning, design and administration of all engineering related activities relative to the City's infrastructure and utility service area. The Director oversees all environmental programs within the City and insures compliance with all federal, state and local environmental regulations.** The Director shall perform such other duties as may be assigned by ordinance or as directed by the Manager. (Ord. 959. Passed 12-17-63.)

129.02 ~~DIVISION OF STREETS; STREETS SUPERINTENDENT.~~ & MAINTENANCE MANAGER.

The ~~Division of Streets & Maintenance~~ **Division** shall be administered by a ~~Streets Superintendent, & Maintenance Manager~~ appointed by the City Manager, who shall be responsible to the ~~Director of Service~~ **Director** for all work having to do with the construction, maintenance and repair of public streets, alleys and public places, and the maintenance and operation of all public buildings, parks and other public properties, except those under the supervision of the Safety Department, and ~~shall be responsible for~~

~~the collection of garbage and refuse materials and the disposal thereof through the landfill operation. The Superintendent Streets & Maintenance Manager shall be responsible for the maintenance, operation and repair of the storm sewer system of the City and shall perform such other duties as may be prescribed by ordinance or required by the Director of Service Director. The Superintendent Streets & Maintenance Manager shall exercise supervision over all equipment operators, laborers and such other employees or assistants as are authorized by Council and the City Manager. (Ord. 959. Passed 12-17-63.)~~

**129.03 DIVISION OF UTILITIES; UTILITIES SUPERINTENDENT.
WATER PLANT DIVISION; WATER PLANT MANAGER**

~~——— The Division of Utilities shall be administered by a Superintendent of Utilities, appointed by the City Manager, and who shall be responsible to the Director of Service for all work having to do with the operation of the waterworks, the sewage treatment plant and the sanitary sewer system of the City. The Superintendent shall exercise supervision over all utility engineers, assistant engineers, equipment operators, laborers and other employees as are authorized by Council and the Manager. The Superintendent shall perform such other duties as may be prescribed by ordinance or required by the Director of Service. (Ord. 959. Passed 12-17-63.)~~

The Water Plant Division shall be administered by the Water Plant Manager, appointed by the City Manager, who shall be responsible to the Service Director for all work having to do with the quality and quantity of water produced by the City. The Water Plant Manager shall perform such other duties as may be prescribed by Ordinance or required by the Service Director. The Water Plant Manager shall exercise supervision over all operators, utility maintenance technician and utility meter reader and such other employees or assistants as are authorized by Council and the City Manager.

**129.04 WATER DISTRIBUTION DIVISION; WATER DISTRIBUTION
MANAGER.**

The Water Distribution Division shall be administered by the Water Distribution Manager, appointed by the City Manager, who shall be responsible to the Service Director for all work having to do with the maintenance activities of the water distribution system within the City. The Water Distribution Manager shall perform such other duties as may be prescribed by Ordinance or required by the Service Director. The Water Distribution Manager shall exercise supervision over all service workers within the Division and such other employees or assistants as are authorized by Council and the City Manager.

**129.05 WASTEWATER TREATMENT PLANT DIVISION;
WASTEWATER PLANT MANAGER**

The Wastewater Treatment Plant Division shall be administered by the Wastewater Plant Manager, appointed by the City Manager, who shall be responsible to the Service Director for all work having to do with the proper discharge and disposal of products associated with wastewater treatment. The Wastewater Plant Manager shall perform such other duties as may be prescribed by Ordinance or required by the Service Director. The Wastewater Plant Manager shall exercise supervision over all operators, plant mechanics, lab technician and service workers within the division and such other employees or assistants as are authorized by Council and the City Manager.

**129.06 WASTEWATER COLLECTION DIVISION; WASTEWATER
COLLECTION MANAGER.**

The Wastewater Collection Division shall be administered by the Wastewater Collection Manager, appointed by the City Manager, who shall be responsible to the Service Director for all work having to do with the maintenance activities of the wastewater collection system. The Wastewater Collection Manager ensures prevention of overflows and bypasses of wastewater into the environment. The Manager shall perform such other duties as may be prescribed by Ordinance or required by the Service Director. The Wastewater Collection Manager shall exercise supervision over all service workers within the division and such other employees or assistants as are authorized by Council and the City Manager.

129.07 ENGINEERING DIVISION; CITY ENGINEER

The Engineering Division shall be administered by the City Engineer, appointed by the City Manager, who shall be responsible to the Service Director for all work having to do with the review, planning, design and administration of all engineering related activities relative to the City's infrastructure and utility service area. The City Engineer shall perform such other duties as may be prescribed by Ordinance or required by the Service Director. The City Engineer shall exercise supervision over all engineers, engineer-in-training, and engineering aide and such other employees or assistants as are authorized by Council and the City Manager.

CHAPTER 145 Civil Service

- 145.01 Scope.
- 145.02 Administration of personnel program.
- 145.03 Powers of City Manager.
- 145.04 Appointments by City Manager.
- 145.05 Temporary appointments.
- 145.06 Tenure of employment; removal for cause.
- 145.07 Suspensions.
- 145.08 Notice to affected officer or employee; hearing.
- 145.09 Appeals to the Civil Service Commission.
- 145.10 Hearing upon appeal; conduct and decision.
- 145.11 Layoffs.
- 145.12 Transfers and reassignments in the classified service.
- 145.13 Resignations.

145.01 SCOPE.

The purpose of this chapter is to establish, insofar as Council has the authority to do so, a personnel program for the City, including the procedures, rules and regulations relating to the appointment, promotion, suspension, demotion, removal and compensation of persons in the administrative service of the City. (Ord. 959. Passed 12-17-63.)

145.02 ADMINISTRATION OF PERSONNEL PROGRAM.

The personnel program of the City shall be administered by Council, the City Manager and the Civil Service Commission pursuant to the Charter and the provisions of this chapter not in conflict therewith. (Ord. 959. Passed 12-17-63.)

145.03 POWERS OF CITY MANAGER.

The City Manager shall:

- (a) Appoint and promote all officers and employees in the classified service pursuant to the rules and regulations of the Civil Service Commission.
- (b) Remove, demote or discipline all officers and employees in the classified service as hereinafter provided.
- (c) Recommend to Council changes in the Administrative Code.
(Ord. 959. Passed 12-17-63.)

145.04 APPOINTMENTS BY CITY MANAGER.

- (a) Appointment of officers and employees in the exempt service, except those to be appointed by Council under the Charter, shall be by the City Manager according to merit, in such manner as he determines.

(b) Appointment of officers in the classified service shall be made by the City Manager in such manner as is provided by the rules and regulations promulgated by the Civil Service Commission.
(Ord. 959. Passed 12-17-63.)

145.05 TEMPORARY APPOINTMENTS.

(a) Whenever there is no person eligible under the rules and regulations of the Civil Service for appointment to a particular position, or in case of an emergency, the City Manager may appoint a person temporarily to that position without regard to the rules of the Commission and with the approval of the Commission.

(b) A temporary appointment shall not continue longer than ~~thirty days~~, **six months (180 days)**, except as approved by the Commission, during which time the Commission shall establish a list of persons eligible for appointment. A temporary appointee shall not be eligible for regular appointment unless such person has taken the examination and stands high enough on the eligibility list to be considered for an appointment.

(c) The acceptance or refusal of a temporary appointment by an eligible person shall not affect such person's standing on the register for permanent appointment; nor shall the period of temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position. (Ord. 1708. Passed 10-5-82.)

145.06 TENURE OF EMPLOYMENT; REMOVAL FOR CAUSE.

(a) The City Attorney, Clerk of Council and City Auditor shall serve for an indefinite term of office and may be removed at any time by majority vote of all members elected to Council.

(b) The City Manager shall serve for an indefinite term and may be removed at any time in accordance with the provisions of Charter Section 4.04.

(c) Members of boards and commissions shall serve for a definite term and may be removed before the expiration of such term only in accordance with the provisions of Charter Sections 10.03 and 10.04.

(d) Officers and employees in the exempt service who are appointed by the City Manager serve for an indefinite term and may be removed or otherwise disciplined at the discretion of the Manager. (Ord. 959. Passed 12-17-63.)

(e) The City Manager shall suspend, demote or dismiss any officer or employee in the classified service only for just and reasonable cause. (Ord. 1708. Passed 10-5-82.)

145.07 SUSPENSIONS.

(a) Officers and employees in the classified service may be suspended for cause without pay **upon recommendation by the division or department head to the City Manager for approval**, ~~by their division or department head~~, provided that such suspension does not exceed three working days, ~~without the approval of the City Manager.~~

~~———— (b) ——— The division or department head shall report all suspensions in writing to the City Manager within three working days after the suspension is commenced. (Ord. 1708. Passed 10-5-82.)~~

145.08 NOTICE TO AFFECTED OFFICER OR EMPLOYEE; HEARING.

(a) Whenever an officer or employee in the classified service is suspended for three or fewer days, that employee shall be entitled to a prompt hearing before the City Manager. Such hearing shall afford the employee a statement of charges against him/her and an opportunity to explain or refute those charges.

(b) Whenever an officer or employee in the classified service has been suspended for more than three days, or dismissed, other than at the end of the probationary period, the City Manager shall give that employee written notice containing the specific reasons and factual basis for suspension or dismissal. The employee shall be entitled to a prompt hearing before the City Manager in order to allow the employee an opportunity to explain or refute the reasons for the discipline. Following such a hearing the City Manager shall notify the Civil Service commission of any suspension or dismissal.

(c) Whenever an officer or employee in the classified service has been suspended for more than three days, demoted or dismissed, the City Manager shall cause written notice of such discipline to be given to the affected officer or employee within five days after the effective date of such discipline. The notice shall contain a statement of the substantial reasons for such discipline and shall inform the officer or employee that he/she may file a request for hearing before the Civil Service commission within fourteen days from the date of such notice, and the request for hearing shall be in writing. (Ord. 1708. Passed 10-05-82.)

145.09 APPEALS TO THE CIVIL SERVICE COMMISSION.

If the officer or employee requests a hearing before the Civil Service Commission, the Commission shall schedule the hearing within thirty days from the date of such request and shall notify the officer or employee and the City Manager of the time and place appointed for that hearing.
(Ord. 1708. Passed 10-5-82.)

145.10 HEARING UPON APPEAL; CONDUCT AND DECISION.

(a) The Commission shall hear the evidence upon the charges and specifications contained in the notice to the officer or employee and filed with it by the City Manager. No material amendments of or additions to said charges or specifications will be considered by the Commission. The proceedings shall be as informal as is compatible with the requirements of justice and according to the rules and regulations of the Commission. A record of proceedings shall be kept by the Commission.

(b) The City Manager shall present evidence in support of the charges. The appellant or his/her designated representative shall then present evidence. Both sides may then offer rebuttal evidence. The Commission in its discretion may hear arguments. The Commission shall then move to a decision promptly and may affirm, disaffirm or modify the action of the City Manager. The written decision of the Commission shall be final and shall be given promptly to the officer or the employee and to the City Manager.

(c) If either the officer or employee or the City Manager fails to appear at the time fixed for the hearing, the Commission shall render judgment after hearing evidence, or based on the charges and specifications described in the notice to the employee. The Commission shall then move to a decision promptly. The written decision shall be final and shall be given promptly to the officer or employee and to the City Manager. (Ord. 1708. Passed 10-5-82.)

145.11 LAYOFFS.

(a) Whenever there is a lack of work or lack of funds requiring a reduction in the number of officers or employees of the City in the classified service, the required reduction shall be made in such classes as the appointing authority shall designate. Employees shall be laid off in the inverse order of their relative length and quality of service, as determined by records of merit, efficiency, character, conduct and seniority maintained under the rules and regulations of the Civil Service Commission regarding promotions. Within such affected classes all temporary employees shall be laid off before provisional employees, and the latter before probationary employees and the latter before permanent employees.

(b) The City shall give one work week's notice in writing in cases of layoffs and reductions.
(Ord. 959. Passed 12-17-63.)

145.12 TRANSFERS AND REASSIGNMENTS IN THE CLASSIFIED SERVICE.

(a) Any employee in the classified service who transfers voluntarily from one division or department to another shall lose seniority in the department or division that the employee is being transferred from and shall begin earning seniority in the new department or division.

(b) Whenever an employee in the classified service is laid off for lack of work or lack of funds, the employee's seniority rights remain only in the department in which the layoff occurs.

(c) The City Manager may transfer or reassign employees in the classified service from one department or division to another when at the City Manager's sole discretion such transfer or reassignment is warranted. Such transfers or reassignments shall be to a position in the new department or division whereby the transferee or reassignee has the same pay and similar duties to the department or division from which the employee is being transferred. The employee shall not lose seniority in the department or division from which they are transferred or reassigned under the conditions of this subsection. (Ord. 2654. Passed 9-21-99.)

145.13 RESIGNATIONS.

Any employee wishing to leave City employment in good standing shall file with his appointing authority at least one week before leaving, a written resignation, stating the date the resignation shall become effective and the reason therefor. Failure to comply with this procedure may be considered cause for denying such employee future employment by the City. (Ord. 959. Passed 12-17-63.)

CHAPTER 147 Employment Provisions

147.01 Compensation amount and source.

~~147.02 Department Heads and Supervisory Employees.~~

~~147.03 General provisions.~~

~~147.04 Employee benefits.~~

~~147.05 Disability Income Continuation Benefit.~~

~~147.06 Applicability.~~

~~147.07 Bonds.~~ **147.02 Bonds**

~~147.08 Deferred Compensation Plan.~~

147.01 COMPENSATION AMOUNT AND SOURCE.

Appointed officers and employees shall receive such compensation as Council determines by ordinance, and such compensation shall be payable from funds designated by Council.

(Ord. 959. Passed 12-17-63.)

~~————147.02 DEPARTMENT HEADS AND SUPERVISORY EMPLOYEES.~~

~~————(a) Defined. The positions of City Manager, Finance Director, Law Director, Police Chief, Community Development Director, Service Director, Parks and Recreation Director, Fire Chief, Human Resource Director and Economic Development Director are department heads. These employees in addition to, Deputy Service Director, Streets and Maintenance Manager, Wastewater Collection Manager, Water Distribution Manager, Water Plant Manager and Wastewater Plant Manager for the purposes of group life and accidental death and dismemberment, are considered supervisory employees.~~

~~————(b) Overtime. Department heads are salaried employees and are not entitled to overtime.~~

~~————(c) Vacation. Department heads shall accrue vacation leave monthly at the following rates (except a first year department head who shall receive vacation accrual after the completion of the twelfth month):~~

~~————After 12 months (1 year) 120 hours
————After 84 months (7 years) 160 hours
————After 156 months (13 years) 200 hours~~

~~————(1) The City Manager is authorized to grant up to 80 hours of vacation leave during the first year of employment of a department head on the basis of extenuating circumstances.~~

~~————(2) The City Manager shall receive 120 hours of vacation annually upon employment, and 160 hours annually after five years of service.~~

~~————(d) Other Benefits and Provisions. Except as superseded by the provisions of this section, department heads and supervisory employees shall be entitled to all other benefits and provisions of this chapter applicable to full-time employees of the City of Oxford.~~

~~————(e) Sick Leave. The Police Chief shall receive a bonus of three hundred ten dollars (\$310.00) per calendar quarter if he uses no sick leave during that quarter. If the Police Chief uses no sick leave for the calendar year, he shall receive an additional three hundred sixty dollars (\$360.00). The bonus payment shall be issued at the end of each calendar quarter.(Ord. 2868. Passed 11-15-05.)~~

~~————147.03 GENERAL PROVISIONS.~~

~~————(a) Pay Periods. Employees shall be paid. Pay days shall be on Friday, except when City offices are closed for a holiday on Friday, in which case payday shall be the last workday preceding the holiday.~~

~~————(b) Hours of Work. Full-time, non-salaried employees' work week shall be forty hours. When directed by their supervisor to work overtime, such employees shall~~

~~be compensated at the rate of one and one-half (1-1/2) times their base rate of pay for all hours actually worked in excess of forty hours per week. An employee who is called to work following the completion of their normal work day and one-half (1/2) or more hours prior to the commencement of their next normal work day shall receive a minimum of two (2) hours compensation for such call in at one and one-half (1-1/2) times their normal rate.~~

~~—— (c) —— Emergency Appointments. In case of civil unrest or other like emergency, the City Manager may appoint emergency police officers or other volunteer citizens as may be necessary for temporary service during the emergency and shall report this action to the City Council at its next meeting. Such emergency appointees shall be compensated for all time actually worked on behalf of the City.~~

~~—— (d) —— Firefighters. Firefighters are paid according to the schedule of part-time employees. A firefighter may receive a supplement equal to one-half their ordinary job wage if their employer does not continue to pay while they are away from work attending to a fire.~~

~~—— (e) —— Shift Differential Pay. The applicable rate of shift differential for the entire shift worked will be determined by the applicable rate for the majority of the hours in an assigned shift. If an assigned shift is evenly divided between two rates, the higher rate shall be applicable to all hours of the shift worked. A full-time employee who is assigned by their supervisor to work a shift after 4:00 p.m. and before 8:00 a.m. shall receive shift differential pay for all hours worked. The differential shall be twenty-five cents (\$0.25) per hour for all hours of a shift actually worked after 4:00 p.m. and before 12:00 midnight. The differential shall be forty-five cents (\$0.45) per hour for all hours of a shift actually worked after 12:00 midnight and before 8:00 a.m. Shift differential will be paid at its normal rate for scheduled hours worked on a holiday in addition to holiday pay. Overtime may be incurred for the work week (over 40 hours) attributable to working during a shift differential period (defined above). For purposes of calculating overtime pay, the base pay rate shall include the hourly shift differential amount. The shift differential rate used for overtime calculation will be the same rate used for shift differential as determined per the guidelines above. (Ord. 2868. Passed 11-15-05.)~~

~~147.04 EMPLOYEE BENEFITS.~~

~~—— (a) —— Uniforms.~~

~~—— (1) —— The Police Chief shall receive credit in the same manner as the Detective Sergeant as specified in the Police Sergeants and Lieutenants contract.~~

~~—— (2) —— The City shall provide full-time employees in the Service Department, who wear a uniform in the performance of their duties, with a uniform rental service.~~

~~———— (b) ——— Sick Leave. Sick leave shall be earned by all full-time employees at the rate of ten hours per month and may be accumulated without maximum. Previously accumulated sick leave may be transferred as allowed by law. Under extraordinary circumstances, the City Manager may approve the transfer of sick leave credits from one City employee to another.~~

~~———— (c) ——— Sick Leave Conversion. An employee with a sick leave balance of 280 hours up to a maximum of 1200 hours may convert the balance to vacation or pay at a rate of 5:1. However, there must be 240 hours remaining, and such conversion may only be made by written application to the Finance Department during the month of April, and pay, when requested, will be made on or before May 20th. Upon retirement, death or lay-off of the employee, not more than 1200 hours accumulated sick leave may be converted to vacation time at the ratio of three sick leave days to one vacation day. Should an employee on lay-off (who has converted sick leave to vacation) return to City employment, they may within one year of reinstatement repurchase their accumulated sick leave by repaying at the same rate as the pay-off. Such repayment may be in cash, by payroll deduction or use of newly accumulated vacation time.~~

~~———— (d) ——— Funeral Leave. Full-time employees will be permitted to use up to three days funeral leave per calendar year for such time as may be reasonably needed for the purpose of attending the funeral of a member of their immediate family. After exhausting this annual allowance, an employee will be permitted to use up to three days of sick leave as may be reasonably needed for the purpose of attending the funeral of a member of their immediate family. In no case shall an employee use more than a combined total of three days funeral and/or sick leave for a single funeral. Immediate family shall be construed to mean spouse, child, parent, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, grandparent, spouse's grandparent or grandchild. Leave of absence without pay is allowed for other funerals when approved by the employee's supervisor.~~

~~———— (e) ——— Payment of Health Insurance Premiums. For each full-time employee (forty hours per week) and Law Director who participates in the City group medical insurance programs, the City will pay seven hundred fifty dollars (\$750.00) per month per employee during the effective period of this Ordinance for health/medical insurance, major medical, prescription insurance, dental insurance and vision care insurance. The Employee will pay \$12.87 for single coverage and \$29.61 for family coverage, each pay period, with deductions being made from gross pay before taxes resulting in the cost being reduced to \$9.27 for single and \$21.32 for family.~~

~~_____ (f) _____ Holiday Schedule. There shall be fourteen paid holidays for full-time employees as follows:~~

~~_____ New Year's Day (January 1)
_____ Martin Luther King, Jr. Day (third Monday in January)
_____ Washington/Lincoln Day (third Monday in February)
_____ Memorial Day (last Monday in May)
_____ Independence Day (July 4)
_____ Labor Day (first Monday in September)
_____ Thanksgiving Day (fourth Thursday in November)
_____ Day after Thanksgiving
_____ Christmas Eve Day (The day preceding or following Christmas Day holiday as designated by the City Manager)
_____ Christmas Day (December 25)
_____ Four (4) Personal Days – 32 Hours~~

~~_____ New employees hired during the year shall have their Personal Hours pro-rated based on initial hire date. With the exception of employees who work a continuous schedule, holidays falling on a Saturday shall be observed on the preceding Friday and holidays falling on a Sunday shall be observed on the following Monday.~~

~~_____ (g) _____ Pay for Work on Certain Holidays. Any full-time employee, department heads excluded, who is required by the employee's supervisor to work on a designated holiday as a part of the employee's regularly scheduled duty and within the employee's normal hours of work shall receive pay in an amount equal to one and one-half times the employee's base hourly rate of pay for all hours actually worked by the employee between the hours of 12:01 a.m. and 12:00 midnight, inclusive, on the designated holiday. When such an employee works on a holiday, the employee shall be entitled to an additional day off in lieu of the holiday.~~

~~_____ (1) _____ Employees called to work on a designated holiday (to perform a special project or emergency repair) may receive pay in the amount equal to one and one-half (1-1/2) times their base hourly rate of pay for all hours actually worked on the holiday in addition to the eight hours straight time pay for the holiday at the discretion of the City Manager.~~

~~_____ (2) _____ When a calendar holiday falls on either weekend day(s) (including Christmas Eve and Christmas), the following rules apply:~~

~~_____ A. _____ If an employee works the designated holiday, that employee is entitled to:~~

- ~~_____ 1. _____ One and one-half (1 ½) times their base hourly rate for the hours worked, and~~
- ~~_____ 2. _____ A paid day to be taken at another time.~~

~~_____ B. _____ If an employee works a true calendar holiday(s) that falls on Saturday or Sunday, he or she is entitled to pay at one and one half (1 1/2) times the base hourly rate for the hours worked.~~

~~_____ (h) _____ Group Life and Accidental Death and Dismemberment Insurance. The City will pay one hundred percent (100%) of the premium for these fringe benefits for coverage in an amount equal to the employee's annual base salary, except that the amount of the insurance coverage provided will be subject to a reduction schedule included in the group policy. Such reductions generally begin at age 65 and are subject to ADEA regulations. These fringe benefits apply only to full-time employees working at least forty hours per week and the Law Director. The City will pay one hundred percent (100%) of the premium group life insurance coverage on the Police Chief in an amount equal to one and one half (1 1/2) times the Police Chief's annual salary.~~

~~_____ For each firefighter, the City will pay one hundred percent (100%) of the premium for a Firefighter's Accident Policy, not to exceed ten thousand dollars (\$10,000) in insurance coverage.~~

~~_____ (i) _____ Longevity Bonus Pay. Any employee, not otherwise covered by a collective bargaining agreement, who was hired prior to January 1, 2000, shall continue to receive and/or be eligible for longevity pay. All employees, not otherwise covered by a collective bargaining agreement, hired on or after January 1, 2000, will not be eligible for longevity pay.~~

~~_____ (1) _____ No partial or proportionate Longevity Bonus Pay will be paid. An employee shall accrue one year of service for twelve consecutive months of full-time employment. Part-time employees who become full-time employees may use hours worked as a part-time employee towards years of credit. Credit will not be given for partial years of service.~~

~~_____ (2) _____ Full-time employees who leave the City's employment and are eligible to receive longevity pay based on the anniversary date in 2009, shall be given their longevity payment with their final pay. All other eligible employees will receive their Longevity Bonus pay the last week of November 2009. All eligible full-time employees shall be paid in accordance with the following schedule. Contract employees shall be paid according to the appropriate contracts. The Chief of Police shall be paid longevity according to the current schedule in the Police Supervisors' contract.~~

After 5 years	\$450	After 18 years	\$775
After 6 years	\$475	After 19 years	\$800
After 7 years	\$500	After 20 years	\$825
After 8 years	\$525	After 21 years	\$850
After 9 years	\$550	After 22 years	\$875
After 10 years	\$575	After 23 years	\$900
After 11 years	\$600	After 24 years	\$925

After 12 years	\$625	After 25 years	\$950
After 13 years	\$650	After 26 years	\$975
After 14 years	\$675	After 27 years	\$1000
After 15 years	\$700	After 28 years	\$1025
After 16 years	\$725	After 29 years	\$1050
After 17 years	\$750	After 30 years	\$1075

~~(j) — Vacation. An employee shall accrue vacation monthly at the following rate unless otherwise covered by a collective bargaining unit (except a first year employee who shall receive the employee's vacation accrual after the completion of the twelfth month):~~

After 12 months	(1 year)	80 hours
After 24 months	(2 years)	88 hours
After 48 months	(4 years)	96 hours
After 60 months	(5 years)	104 hours
After 72 months	(6 years)	112 hours
After 84 months	(7 years)	120 hours
After 96 months	(8 years)	128 hours
After 108 months	(9 years)	136 hours
After 120 months	(10 years)	144 hours
After 132 months	(11 years)	152 hours
After 144 months	(12 years)	160 hours
After 156 months	(13 years)	168 hours
After 168 months	(14 years)	176 hours
After 180 months	(15 years)	184 hours
After 192 months	(16 years)	192 hours
After 204 months	(17 years)	200 hours

~~The City Manager is authorized to grant up to 40 hours of the employee's vacation leave to be used in advance of their first year anniversary on the basis of extenuating circumstances.~~

~~(k) — Reimbursement. Employees authorized and required by the assigned supervisor to drive personal vehicles on official City business shall be reimbursed for actual miles driven at the IRS standard mileage rate in effect. Employees who are out of the City on official business or at authorized training functions shall be reimbursed for meals at the IRS recognized per diem rate including those rates for high cost cities (receipts are required). The City Manager is authorized to adopt specific procedures regarding travel reimbursement. (Ord. 2868, Passed 11-15-05.)~~

~~147.05 DISABILITY INCOME CONTINUATION BENEFIT.~~

~~Each full-time employee of the City of Oxford, who is disabled to the extent that he or she cannot perform regular duties as a result of injuries sustained in an identifiable incident while in the course of public employment with the City, not through the employee's own negligence, shall after exhaustion of the employee's accumulated sick leave, continue to receive for a period not to exceed one calendar year from the date of sick leave exhaustion, an amount of compensation equivalent to the employee's full salary less any and all funds received from all public or private agencies by way of pension, compensation or indemnity for such disability. The employee shall make application for "Temporary Total" disability compensation under Workers' Compensation law of Ohio. Provided that where the disability is of a type or nature which will prevent the employee from returning to municipal employment, the employee shall mandatorily apply for such available benefits of said funds or money that may accrue to the employee and be payable from the Public Employees Retirement System or Police and Fire Pension Fund. Provided further, that in the case of firefighters, initial determination and recommendation of compensation shall be made by the Firefighters Dependents Board. The City Manager shall cause the employee to be examined, by a physician of the City's choice, to determine the extent of the disability and may require subsequent examinations during the period of disability.~~

~~147.06 APPLICABILITY.~~

~~Irrespective of any language or wording hereinabove, this chapter shall not be, and no provision or portion hereof shall be applicable to any employee of the City of Oxford employed pursuant to a written contract relative to wages and working conditions. This entire chapter is effective and applicable only as to employees whose employment is not covered pursuant to the terms and conditions of a written contract with the City. (Ord. 2868. Passed 11-15-05.)~~

~~147.07 BONDS. 147.02 BONDS~~

~~(a) Specification of Bonds.~~

Bond	Amount	
Public employees blanket bond (each employee)	\$ 5,000	\$ 10,000
Director of Finance (specific public official bond)	25,000	\$500,000
Money and securities (broad form policy)	5,000	\$ 10,000

~~(Ord. 1412. Passed 1-4-77.)~~

~~147.08 DEFERRED COMPENSATION PLAN.~~

~~(a) The City hereby establishes a Deferred Compensation Plan for certain employees and hereby authorizes the Mayor to execute such Plan with the International City Management Association Retirement Corporation, attached to original Resolution 2004 as Appendix A.~~

~~———— (b) ——— The City Manager may, on behalf of the City execute all joinder agreements with such employees and other eligible officials and officers, which are necessary for such persons' participation in the Plan, an example of which appears as Appendix B, except that any joinder agreement for such designated official shall be executed by the Mayor. (Res. 2004. Passed 9-16-75.)~~

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:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: June 2, 2009

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

May 18, 2009
Date Prepared

Agenda Title:	PC-05-2009 ZONING CODE TEXT AMENDMENT to amend Section Chapter 1147.02 Issuance and Revocation of Conditional Use Permit, Section 1147.03 Use Specific Regulations and Potential Concerns, and Section 1159.07(10) Definition City of Oxford, Applicant
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Recommendation: Approve

Discussion:

In 2008, City Council established a Fraternity Ad-Hoc Committee to evaluate and propose recommendations related to the Conditional Use Requirements. The Committee spent a great deal of time focusing on concerns and requirements to devise recommendations that would clearly outline the expectations for future Applicants to adhere.

Three areas of significant changes are being proposed: the first one is the revocation of any existing Conditional Use Permits; the second area is concerns and design requirements for a fraternity house; the last one is the definition of a fraternity/sorority house.

The Student Community Relations Commission heard the presentation from staff concerning the changes being proposed at their March 20, 2009 meeting. The SCRC felt the changes were beneficial to allow future applicants to understand community expectations.

The Planning Commission made some modifications to ensure the Conditional Use Permit revocation process is the same as the approval process. Furthermore, the Commission requested that the verbiage in the summary sheet, presented as part of the staff report to the Commission, be incorporated into the proposed legislation.

Approved By:	Department Head:	Initial	Date
	City Attorney:	JHC	5/21/09
	City Manager:	JHC	5/21/09

ORDINANCE NO.

AN ORDINANCE AMENDING ZONING CODE SECTION 1147.02 ISSUANCE AND REVOCATION OF CONDITIONAL USE PERMIT, ZONING CODE SECTION 1147.03 USE SPECIFIC REGULATIONS AND POTENTIAL CONCERNS AND SECTION 1159.07(10) DEFINITIONS.

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 May 12, 2009 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended modifying Section 1147.02 Issuance and Revocation of Conditional Use Permit, Section 1147.03 Use Specific Regulations and Potential Concerns, and Section 1159.07(10) Fraternity/Sorority Definition.

SECTION II: Council hereby repeals Sections 1147.02, 1147.03 and 1159.07(10) of the Oxford Code of Ordinances and adopts new Sections 1147.02, 1147.03 and 1159.07(10) as follows:

1147.02 PROCEDURE

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

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

A. Application Fee

B. Description of Use and Site

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

1. The name, mailing address, and telephone number of the applicant and the property owner
2. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf
3. A legal description of the site, including all separate lots
4. A description of the existing uses of the site.
5. The zoning district in which the site is located
6. A description of the proposed use
 - a. A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles
 - b. The hours of operation
7. A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties
 - a. How the use is similar to or different from existing area uses and if there will be any interaction between the proposed use and existing uses

- b. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites
 - c. If the use will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions
 - d. How any potential negative effects on adjacent land will be mitigated
- 8. A statement about why the location proposed is more appropriate for the use than other locations
- 9. A statement of the necessity or desirability of the proposed use to the neighborhood or community
- 10. Separate, detailed statements that individually address each of the items listed as potential concerns for the proposed use.
- 11. A list of the names and mailing addresses of all land owners within 200 feet of the site.
- 12. Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by Planning Commission
- C. Site Plan. A scaled site plan shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.
 - 1. North arrow
 - 2. Scale
 - 3. Vicinity map
 - 4. All existing and proposed lot lines within the site
 - 5. Dimensions of all lots and of the entire site and any adjacent rights-of-way
 - 6. Location, height, and use of all proposed and existing structures
 - 7. Location and design of all proposed vehicle management areas
 - 8. Location, size, and type of all proposed signs
 - 9. Location, height, and type of all proposed screening and landscaping
 - 10. Distances to residential zoning districts if within 1,000 feet
 - 11. The use of land and location of structures on adjacent property and across adjacent rights-of-way
 - 12. Other information as required by the Planning Commission
- D. Elevations of proposed structures, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.
- E. Other. Photographs of the existing use and its surroundings.

(b) Reapplication.

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

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

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

- (1) Burden of Proof

- A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
 - B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.
- (2) General Decision Standards All Conditional Uses shall satisfy these General Decision Standards.
- A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
 - B. The use and site will satisfy the general intent of this Zoning Code.
 - C. The use and site will be compatible with the general intent of the Comprehensive Plan.
 - D. The size and shape of the site are sufficient for the proposed use.
 - E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
 - F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
 - G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
 - H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
 - I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
 - J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
 - K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
 - L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
 - M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

(d) Action by Planning Commission

- (1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) The Planning Commission shall base its recommendation to Council upon how well the application satisfies the General Decision Standards and the Decision Standards for the proposed use. In its recommendation, Planning Commission may waive or

modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.

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

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

(2) Period of Validity

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

B. If an approved Conditional Use fails to meet these deadlines, the applicant may request a time extension from the Planning Commission. No application materials are required, however, the Zoning Administrator may request information he or she deems necessary for the Planning Commission to make a decision. Planning Commission will consider the request at its next regularly scheduled meeting. Such request does not require a public hearing.

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

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

A. **The conditions of approval are not met or maintained.**

B. **The property ceases to be operated as an approved conditional use.**

C. **The continuance of the use would constitute a violation to the public health, safety and welfare.**

(f) Changes to a Conditional Use

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

A. Do not change the use

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

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

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

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

- F. Are not contrary to and in no way diminish the intent of the originally approved permit.

Administrative approvals shall be clearly documented and made part of the original Conditional Use permit on file.

- (2) Major Changes to an Approved Conditional Use. Any changes to an approved conditional use that do not meet the criteria of a minor change are considered a major change. A major change requires an entirely new Conditional Use application (including the fee), according to the provisions of this chapter.
- (4) Changes to a Conditional Use not procedurally approved. An existing use that is listed in this code as a Conditional Use, that is in a zoning district where such use is permitted as a Conditional Use, that was never approved by a legislative, quasi-judicial, or administrative review, and that was legal at the time of its establishment is considered an approved Conditional Use and is subject to the provisions of this chapter.

An existing use that is listed in this code as a Conditional Use and is in a zoning district where such use is not permitted is considered a legal nonconformity. Any proposed changes to such uses are subject to the provisions of Chapter 1137.

1147.03 USE SPECIFIC REGULATIONS & POTENTIAL CONCERNS

The uses listed in this section are Conditional Uses in at least 1 zoning district. Each use is listed with Potential Concerns and may be listed with specific regulations.

The Potential Concerns are use-specific criteria that Planning Commission shall consider when it makes a recommendation to Council on an application for a Conditional Use. The Planning Commission may also consider additional use-specific concerns not listed here if it deems them appropriate.

The Additional Regulations are more strict or additional dimensional regulations or operational conditions that apply to the use, regardless of whether it is permitted or conditional, and regardless of the zoning district in which it is located, and are enforced by the Zoning Administrator.

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

- (b) Uses.

(1) Agricultural Services

A. Potential Concerns

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

B. Regulations

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

(2) Airports and Landing Strips

A. Potential Concerns

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

B. Regulations

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

(3) Animal Hospitals, Veterinary Clinics, and Kennels

A. Potential Concerns

1. Traffic generation from associated retail sales
2. Location of diagnosis and outdoor activity areas relative public streets and residential zoning district
3. Design of facilities that will help ensure humane conditions and treatment of animals
4. Animal noise and odor

B. Regulations

1. Outdoor pens are not permitted
2. Outdoor activity shall be limited to diagnosis and temporary outdoor activity for boarded animals

(4) Bed & Breakfast

A. Potential Concerns

1. Appropriate number of rooms for the neighborhood in which it is proposed
2. Location of separate entrances

B. Regulations

1. No more than 8 rooms for rent in any structure
2. Owner or manager must live in the structure
3. At least one meal must be provided to guests on site

(5) Gas Station with Convenience Store

A. Potential Concerns

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

B. Regulations

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

(6) Vehicle Service and Repair

A. Potential Concerns

1. Proper design of vehicle management area

2. Proximity of service areas to lot lines and adjacent uses
 3. Outdoor sales and storage
 4. Tow truck storage
- B. Regulations
1. All disassembly, service, and assembly of vehicles shall be within a completely enclosed structure
 2. All service equipment and supplies shall be within a completely enclosed structure
 3. Vehicles being serviced or awaiting service shall not be stored in an unenclosed area for more than 7 days
 4. Vehicle service bays shall be setback a minimum of 100 feet from a residential zoning district

(7) Vehicle Washing Facility

- A. Potential Concerns
1. Design of vehicle management area
 2. Enclosure of potential nuisances
 3. Screening from adjacent uses residential
 4. Lighting
 5. Hours of operation
- B. Regulations
1. Wash bays shall be setback a minimum of 100 feet from a residential zoning district
 2. Outdoor equipment (such as vacuum stations) shall not be located in a yard adjacent to a residential zoning district
 3. Queuing spaces shall not be located in a yard adjacent to a residential zoning district

(8) Drive-Through Banking and Pharmacy Facilities

- A. Potential Concerns
1. Design of vehicle management area
 2. Noise from operations (vehicle and loudspeaker)
 3. Screening from adjacent uses
- B. Regulations
1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district
 2. Queue spaces shall not be located in a yard adjacent to a residential zoning district

(9) Drive-Through Convenience and Beverage Facilities

- A. Potential Concerns
1. Design of vehicle management area
 2. Noise from operations (vehicle and loudspeaker)
 3. Proximity to churches, schools, other similar institutions
 4. Location and adequacy of dumpsters
- B. Regulations
1. Structure shall be setback a minimum of 50 feet from a residential zoning district
 2. Drive-through stations shall be completely enclosed
 3. Cue Queue spaces shall not be located in a yard adjacent to a residential zoning district
 4. Site shall be a minimum of 500 feet from a church, school, or similar institution, except in a commercial zoning district

(10) Drive-Through Restaurant Facilities

A. Potential Concerns

1. Design of vehicle management area
2. Noise from operations (vehicle and loudspeaker)
3. Signs and menu boards
4. Location and adequacy of dumpsters

B. Regulations

1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district
2. Cue Queue spaces shall not be located in a yard adjacent to a residential zoning district
3. Drive-up stations shall be setback a minimum of 50 feet from a residential zoning district

(11) Bars and Taverns

A. Potential Concerns

1. Evening traffic
2. Noise from operations (music)
3. Location and adequacy of dumpsters

B. Regulations

1. Site shall be a minimum of 500 feet from a church, school, or similar institution, except in a commercial zoning district
2. Structure shall be setback a minimum of 50 feet from a residential zoning district

(12) Indoor Sports and Recreation Facilities such as Bowling Alleys, Skating Rinks, Tennis and Racquetball Courts, Soccer Fields, and Swimming Pools

A. Potential Concerns

1. Traffic volume during group or league events

B. Regulations

1. Entrance to structure shall not be located in a yard adjacent to a residential zoning district
2. Parking spaces shall not be located in a yard adjacent to a residential zoning district
3. Structure shall be setback a minimum of 30 feet from a residential zoning district

(13) Building Materials Sales Yards

A. Potential Concerns

1. Noise, dust, vibration from operations
2. Height and visibility of merchandise storage structures
3. Commercial vehicle storage
4. Location of loading spaces and on-site management of delivery vehicles
5. Unenclosed storage and display

B. Regulations

1. Traffic management areas shall not be located in a yard adjacent to a residential district.
2. Commercial woodworking equipment and other similar machinery shall not be permanently affixed or operated within 50 feet of a residential zoning district, except within a completely enclosed structure.

(14) Cemeteries

A. Potential Concerns

1. Location and size of structures including mausoleums, chapels, gatehouses, crematoriums, offices, and service and storage buildings.
2. Appropriate screening, ornamental fencing, and landscaping to minimize potential nuisance.

B. Regulations

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

(15) Churches, Libraries, Community and Recreation Centers

A. Potential Concerns

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

B. Regulations

1. none

(16) Clinics

A. Potential Concerns

1. Extent of accessory services
2. Hours of operation

B. Regulations

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

(17) Golf and Country Clubs

A. Potential Concerns

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

B. Requirements

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

(18) Service Organization Lodges

A. Potential Concerns

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

B. Requirements

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

(19) Fraternity and Sorority Houses

A. Potential Concerns

1. ~~Noise~~
2. ~~Location of accessory uses such as ball fields and swimming pools~~
3. ~~Appropriate screening of high activity areas from adjacent properties~~

(1) **Aesthetic Concerns:**

- a. **Historical characteristics of existing structures**
- b. **Residential scale and character**
- c. **Yards and landscaping**
- d. **Walls and fences**

(2) **Activities Areas:**

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

(3) **Vehicle Management:**

- a. **Site access**
- b. **Required parking**
- c. **Emergency access**
- d. **Deliveries**
- e. **Occasional and excess parking management**

(4) **Adequate Public Utilities**

- a. **Water**
- b. **Sewer**
- c. **Storm water management**
- d. **Other services**

(5) **Nuisance:**

- a. **Waste/trash management**
- b. **Noise and off-site impact**
- c. **Lighting and off-site impact**

B. ~~Requirements~~

1. ~~A solid fence, wall, or hedge at least 6 feet in height is required along any property line within 75 feet of an activity area including porches and patios~~
2. ~~Adequate waste and recycling facilities~~

B. Requirements:

1. **New Structures: Building shall be of a size and scale which is approximate with that approximates neighboring structures.**
2. **Existing Structures: Exterior renovation and improvements shall maintain and protect be maintained to protect existing architectural details, materials and ornament-ornamentation.**

3. **Addition: Building expansions shall be sympathetic to the architectural scale and style of the existing building.**
4. **Outdoor Areas: Activity areas shall be designed and located to contain noise and light within the property. Activity areas shall be appropriately screened from adjacent properties.**
5. **Waste facilities: Trash and recycling containers and material shall be stored in a fully enclosed area and properly screened. The waste enclosure shall be adequate for the occupancy and accessible to service vehicles.**
6. **Parking and Transportation Demand Management: Parking shall meet requirements of Zoning Code Chapter 1149 and shall be properly designed, screened and maintained.**

(20) Family Community Residence, Group Community Residence, and Community Residence

A. Potential Concerns

1. Maximum occupancy and staffing
2. Appropriate indoor and outdoor recreation areas
3. Proximity to and number of similar uses in Oxford

B. Regulations

1. Site shall be a minimum of 891 feet from any other Community Residence

(21) Day Care Centers and Nursery Schools

A. Potential Concerns

1. Location and adequacy of planned outdoor play area
2. Noise
3. Adequate drop-off facilities

B. Regulations

1. Use of outdoor play areas shall be limited to between the hours of 8:00 A.M. and 8:00 P.M. daylight hours.

(22) Drive-In Theater

A. Potential Concerns

1. Appropriate screening
2. Setback and visibility of screen from residential zoning district and public streets
3. Design of vehicle management area, especially street access
4. Noise from operations (vehicle)

B. Regulations

1. No outdoor loudspeaker is permitted

(23) Elderly Housing, Congregate Housing

A. Potential Concerns

1. Proximity to existing or possible area uses that are potentially dangerous to elderly or handicapped occupants

B. Regulations

1. Maximum density of 1 dwelling unit per 3,000 square feet

(24) Funeral Homes and Mortuaries

A. Potential Concerns

1. Design of vehicle management areas to ensure quick and efficient access to public streets during processions
2. Adequate cue space at drop-off areas to ensure that access to parking spaces is not impeded

B. Regulations

1. All hearses, limousines, and other related business vehicles shall be stored within an enclosed building when not in use
2. Parking areas are exempt from provisions of the Vehicle Management regulations that would prevent a vehicle management area that is designed to facilitate funeral processions

(25) Gaming Arcades

A. Potential Concerns

1. Proximity to schools, churches, and establishments serving alcohol
2. Proximity to residential zoning district
3. Adequate screening of parking and outdoor gathering areas

(26) Hospitals

A. Potential Concerns

1. Location of parking for employees
2. Parking for visitors
3. Design of drop-off area
4. Emergency vehicle access to the site and to the building
5. Adequate lot size and shape to handle current proposal and possible additions
6. Screening
7. Access to appropriate street
8. Helicopter landing facilities

(27) Motels

A. Potential Concerns

1. Proximity to residential
2. Screening from residential
3. Appropriate street access

(28) Nursing Homes, Convalescent Homes

A. Potential Concerns

1. Adequate lot size to provide for visitors and for outdoor activities
2. Access to an appropriate street
3. Adequate screening from residential

B. Regulations

1. Minimum 500 square feet per bed of on-site open space

(29) Riding Academies, Stables

A. Potential Concerns

1. Adequate lot size
2. Noise and dust from operations
3. Security fencing
4. Location of corrals and other animal areas
5. Adequate vehicle management area for transportation of animals
6. Hours of operation

B. Regulations

1. Any area designed to accommodate animals used in the operations shall be setback a minimum of 50 feet from any lot line

(30) Schools

A. Potential Concerns

1. Adequate lot size to permit future expansion
2. Bus and van storage
3. Access to streets that can handle traffic generated by the use
4. Design of vehicle management area
5. Location of outdoor facilities such as ball fields and band practice areas
6. Proximity to incompatible uses (establishments serving alcohol)

B. Regulations

1. Parking spaces shall not be located in a yard adjacent to a residential zoning district
2. Structure shall be setback a minimum of 30 feet from a residential zoning district

(31) Temporary and/or Outdoor Sales of Plants and Garden Supplies

A. Potential Concerns

1. Signs
2. Sight distance at corner lots

B. Regulations

1. Storage of goods shall not reduce the usable number of parking spaces by more than 10 percent of the required total.
2. Goods shall not be stored in a driveway required to access required parking spaces.

1159.07 DEFINITIONS (BEGINNING WITH LETTER "F")

(10) FRATERNITY/SORORITY HOUSE- ~~a building which is occupied only by a group of university or college students who are associated with a fraternity or sorority that is chartered by a national/international fraternity or recognized by Miami University. These students also receive lodging and / or meals on the premises for compensation. Occupants may also include employees and pledges of the fraternity or its agents, and non members not to exceed ten percent of the maximum occupancy of the building.~~

A building that is occupied by a group of enrolled Miami University students who are active members of a fraternal organization recognized by Miami University. These organizations shall be limited to fraternities, sororities, and like groups in good standing with, and approved by Miami University for communal off-campus living. Occupancy exception: may include employees or agents of the organization not to exceed three (3) persons.

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:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	May 13, 2009
<u>Case Number</u>	PC-05-2009
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Text Amendment
<u>Summary of Request</u>	Amend Section 1147.02 Issuance and Revocation of Conditional Use Permit, Section 1147.03 Use Specific Regulations and Potential Concerns, and Section 1159.07(10) Definition
<u>Public Hearing Information</u>	At the May 12, 2009 Planning Commission meeting a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on April 11, 2009.
<u>Commission Action</u>	The Planning Commission voted 4-0-0 to recommend approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission voted to recommend approval of the draft language with a minor modification.
<u>Exhibits Submitted to the Commission</u>	1. Community Development Staff Report. 2. Inter-Office Review Transmittal Sheets. 3. Zoning Code Text Amendment Application dated March 27, 2009. 4. Chapter 1147.02 Issuance and Revocation of Conditional Use Permit, Section 1147.03 Use Specific Regulations and Potential Concerns, and Section 1159.07(10) Definition

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-05-2009

Date – May 12, 2009

APPLICATION

Applicant:	City of Oxford
Action Request:	Modify Chapter 1147.02 Issuance and Revocation of Conditional Use permit, Section 1147.03 Use Specific Regulations and Potential Concerns, and Section 1159.07(10) Definition

DESCRIPTION

Due to issues in 2008 that were centered on Conditional Use application PC-07-2008, City Council felt there was a need to review the current Conditional Use Requirements associated with fraternity houses. City Council, through the adoption of Resolution 4373, created an Ad-Hoc Committee to study this issue and to direct this Committee to evaluate and propose recommendations related to this issue. A wide spectrum of representation from the University, City and public made up the Ad-Hoc Committee who developed a set of recommendations to be considered by the Student Community Relations Commission, Planning Commission and City Council.

The Ad-Hoc Committee began reviewing this matter in September 2008. Throughout the winter season, several topics were identified, evaluated and deliberated. The Committee spent a great deal of time focusing on concerns and requirements in the hope that when the proposed recommendations were adopted that any potential Applicants would have a clearer understanding as to what the expectations would be from the community.

AGENCY COMMENTS:

No agency comments.

STAFF ANALYSIS

The denial of the last Conditional Use application by City Council to create a fraternity house resulted in the forming of an Ad-Hoc Subcommittee to study zoning regulations governing the establishment of fraternities in the City. It was pointed out that current regulations did not address certain concerns raised during the Public Hearing. In order to be fair and reasonable in considering any future applications, it was prudent to outline community expectations to allow future Applicants to address those expectations during the application and review process. Understanding that any changes to the fraternity regulations would need to be fully considered by many entities, City Council made certain that there would be student representation at this Committee. City Council also recognized that input from the Student Community Relations Commission needed solicited and any recommendations forwarded to the Planning Commission for consideration.

The Committee began discussions by dissecting the existing zoning provisions concerning fraternity/sorority houses. It was clear that the definition of a fraternity/sorority house in the Oxford Zoning Code created certain ambiguities and needed to be strengthened. There was also a need to ensure enforcement efforts between the University and City were consistent and collaborative in nature.

The impact of having numerous students living in a single structure must be fully explored as it relates to adjoining properties and to the community as a whole. The Committee also felt that current regulations did not provide clear expectations that the community would expect; especially in addressing parking management. Lengthy discussions among members relating to the compatibility of proposed additions or new buildings to the overall neighborhood also took place.

It also needs noted that the Committee reviewed the issuance and revocation of Conditional Use permits and felt that the current language was very limited; therefore, it would be necessary to propose parameters for consideration as well.

The intent of this Subcommittee in reviewing and making recommendations to fraternity regulations is to make regulations more explicit and easy to follow. It is the hope from the Committee that the recommendations would make future fraternity houses blend in with the neighborhood and respect the overall character of the neighborhood. A summary of the existing and recommended changes is attached for your information.

Three areas of significant changes are being proposed. The first one is the revocation of any existing Conditional Use permits. The second area is concerns and design requirements for a fraternity house. The last one is the definition of a fraternity/sorority house.

The Student Community Relations Commission heard a presentation from staff concerning the changes being proposed at its March 20, 2009 meeting. The SCRC felt the changes were beneficial in allowing future applications to follow.

DECISION CRITERIA

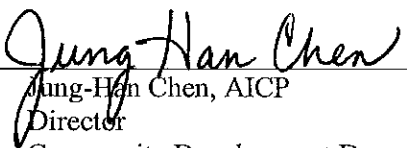
Any proposed amendment shall be considered and approved only if it meets at least one of the following criteria and if its benefits will likely outweigh any potential pitfalls. The proposed amendment will:

- a. Make the Code conform more closely to 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.

RECOMMENDATION

Not Applicable

SUBMITTED

BY: 
Jung-Han Chen, AICP
Director
Community Development Department

DATE: April 20, 2009

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: June 2, 2009

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

May 19, 2009
Date Prepared

Agenda Title:	HAPC – Text Amendments to Chapter 25 Graphics, Signage & Building Identification of the HAPC Design Guidelines, City of Oxford HAPC, Applicant
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Recommendation:	Approve
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Discussion:

HAPC is requesting approval of amendments to Chapter 25, Historic & Architectural Preservation Design Guidelines - Signage.

In July & August of 2008 City Council heard proposed text changes to the HAPC Design Guidelines regarding banners and sandwich board signs. HAPC regulations specifically prohibit the use of sandwich board signs and banners which conflicts with the zoning code sign provisions. At that time, the HAPC determined they wanted to see sandwich boards continue in place of banners. However, City Council was not in favor of that recommendation because commercial properties Uptown would be treated differently than commercial properties in other zoning districts. City Council advised that their preference was to permit banners and sandwich board signs in the Historic District if they followed the zoning code.

Should City Council favorably amend the zoning code as presented under Case# PC 08-2009, amendments to the HAPC guidelines are necessary to coordinate with the Planning and Zoning Code.

Major amendments proposed include:

1. Cross-referencing and coordination to the zoning code regarding the use of sandwich board signs and banners. HAPC regulations specifically prohibit the use of these signs currently.
2. Size requirement and limitation for neon signs. Again, neon signs are prohibited; however, HAPC recognizes that neon signs exist, but the recent influx of signs is unprecedented for the Uptown. Presently, 48 Uptown businesses have 97 neon signs. The HAPC is proposing that businesses be permitted to have one neon sign but regulate that size to 12" x 18". In most cases this will allow for an "open" sign or sign of choice (e.g. product sign), but will not allow for full size neon signs or multiple signs radiating in the window fronts.
3. Clarifying the use of artwork and trademarks. The present guidelines are ambiguous and always an issue for Applicants to clearly understand what is acceptable. The proposed language will hopefully clarify the intent of this regulation and provide an idea to the Applicants of what is considered to be acceptable.

** All items will be renumbered appropriately. Many items are the same but have been moved around to be grouped with other similar requirements.*

Approved By:

Department Head:

City Attorney:

A. City Manager:

Initial Date

ghc | *5/21/09*

ABD | *5/29/09*

ORDINANCE NO. _____

AN ORDINANCE REPEALING CHAPTER 25, GRAPHICS, SIGNAGE, & BUILDING IDENTIFICATION OF THE DESIGN GUIDELINES FOR THE CITY OF OXFORD'S HISTORIC DISTRICTS AND ADOPTING NEW CHAPTER 25, GRAPHICS, SIGNAGE, & BUILDING IDENTIFICATION OF THE DESIGN GUIDELINES FOR THE CITY OF OXFORD'S HISTORIC DISTRICTS.

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

SECTION I: The Historic and Architectural Preservation Commission of the City of Oxford has recommended the repeal of current Chapter 25, Graphics, Signage & Building Identification of the Design Guidelines for the City of Oxford's Historic Districts and has recommended the adoption of new design guidelines regarding the same by cross-referencing and coordinating the City of Oxford's Planning & Zoning Code regarding the use of sandwich board signs and banners, establishing a size requirement and limitation for number of neon signs permitted, and clarifying the use of artwork and trademarks on signage, which is included herein as Exhibit "A".

SECTION II: Council hereby finds that the City of Oxford's Historic and Architectural Preservation Commission held public hearings and that following the public hearings did deliberate and as a result of those deliberations, the Historic and Architectural Preservation Commission recommends repealing Chapter 25, Graphics, Signage, & Building Identification of the Design Guidelines for the City of Oxford's Historic Districts and adopting new Chapter 25, Graphics, Signage, & Building Identification of the Design Guidelines for the City of Oxford's Historic Districts, which is included herein as Exhibit "A".

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

GRAPHICS, SIGNAGE, & BUILDING IDENTIFICATION

03.04.2009 HAPC
RECOMMENDATIONS

Signs serve two purposes for businesses: to advertise and to identify. Unfortunately, these purposes are often placed at cross purposes when individual businesses attempt to distinguish themselves through ever increasing signage (both in size and number). This has the unintended effect of making all businesses in an area less visible while creating potential traffic hazards, confusion, and aesthetic devaluation. The commercial corridor in the Uptown Historic District has undergone numerous changes in graphics and signage throughout the years in an attempt to find the balance between advertising and identifying particular businesses and maintaining the appearance of the District as a whole.

Maintenance and Preservation

General Requirements,

Maintenance and Preservation

1. All proposed new, changes in, or replacements of, signage in historical districts must be submitted for HAPC review according to Chapter 1331 of the Oxford Codified Ordinance, the HAPC Rules of Procedure, in addition, all requirements for submissions for planning and zoning regulations.
2. The Sign Code of the City of Oxford **Planning & Zoning Code** ~~should~~ **must** be consulted for specific sign regulations **in the relevant zoning category underlying a Historic Preservation District.**
3. Any change, installation, preservation, or maintenance work **on signs in a Historic District** ~~should~~ **must** not permanently alter or damage a building. Likewise, any existing architectural details should not be removed, damaged, or covered over. When signs are removed, the building surface ~~should~~ **must** be repaired and/or restored.



Appropriate lighting and signage in Uptown Oxford.

4. All signs ~~should~~ **must** be protected against deterioration or fading.

** All items will be renumbered appropriately. Many items are the same but have been moved around to be grouped with other similar requirements.*

GRAPHICS, SIGNAGE, & BUILDING IDENTIFICATION

Specific Recommendations

Specific Recommendations Regarding Signage, Graphics, & Building Identification

Interior:

4. ~~For signs located inside a building, but~~
Interior signs clearly visible from a public way, ~~internal illumination is discouraged (ie. neon type signs).~~ **must not be internally illuminated with the exception of one small, 12" x 18" neon sign.** ~~Window signs are appropriate if they are applied directly to the window surface or are constructed as panels attached parallel to the surface.~~

12. Excessive use of signage applied to the interior of windows is strongly discouraged in order to provide uncluttered views. ~~of interior curtains, the interior of a business, and/or interior display cases.~~ **Window signs are appropriate if they are applied directly to the window surface or are constructed as panels attached parallel to the surface, and must be in accordance with Oxford Planning and Zoning Code 1151.06(f).** ~~Covering more than 20% of window space with signage is prohibited.~~

Exterior:

1. For signs located on the outside of a building, all illumination shall be indirect, and in accordance with Oxford Planning and Zoning Code 1151.03(e).

~~1. The Sign Code of the City of Oxford should be consulted for specific sign regulations in addition to these guidelines.~~

2. All sign installations must be reversible and cannot damage the underlying structure.

3. ~~For signs located on the outside of a building, internal illumination (such as neon type signage) is prohibited. Rather, external illumination should be utilized with~~
Exterior light fixtures and installation **selections must** complementing the overall architectural character of the building in scale, style, and material.

5. Appropriate **exterior** sign materials include wood, stone, metal, glass **or composites or plastic indistinguishable from their natural counterparts.** **Neon tubing is prohibited.** ~~while plastics or neon tubing should be avoided~~

6. All **exterior** signage ~~should~~ **must** respect the architectural theme, general composition, and scale of the building to which it is attached.

7. **Exterior** signs ~~should~~ **must** be kept simple in design, color, and materials and should be easy to read.

8. **Exterior** sign color should complement the overall color scheme of the structure. ~~It is desirable to have~~ Sign letters **should** contrast with, but complement, their background.

GRAPHICS, SIGNAGE, & BUILDING IDENTIFICATION

1. ~~Using clipart trademarks and corporate logos, such as beer and soda logos, is prohibited unless they are actually a part of the business name.~~
9. **Any art work, trademarks, or corporate logos on any exterior sign must be intimately associated with and specifically designed for the individual business identified; i.e., the art must appear on business cards, stationery, etc. and not be "clip art" or cartoonish. Such logos as beer and soda logos are prohibited. (Examples of acceptable artwork include signs for the Convention and Visitors' Bureau, churches or banks.)**
10. **Exterior** sign types which are traditionally associated with strip or highway development are prohibited (ie. plastic signs, billboards, portable signs, ~~sandwich board signs, etc.)~~

11. Sandwich board signs and banners (see recommended amendments) are allowed per Oxford Zoning Code Chapter 1151.

13. For building identification purposes, address numerals should be attached to all buildings. These should be between 3 and 8 inches high and should be constructed of appropriate and complementary material to the building structure. The address should be easily seen from the adjacent street or public way, yet be as unobtrusive as possible.

** All items will be renumbered appropriately. Many items are the same but have been moved around to be grouped with other similar requirements.*



Insensitive signage (left) contrasts very sensitive signage (right). These signs are directly across the street from each other.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: June 2, 2009

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

May 19, 2009
Date Prepared

Agenda Title:	PC-07-2009 ZONING CODE TEXT AMENDMENT , Chapter 1133 Provisions for Zoning District and Chapter 1143 Districts, to add the Historic District overlay to the establishment of zoning districts and to add cross references to the Codified Ordinance Chapter 1331 Historic and Architectural Preservation, specifically to the site development regulations of the R1MS, R2MS, R3MS, RO, UP and MU Districts for those properties in the Historic District, City of Oxford, Applicant.
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Recommendation:	Approve
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Discussion:

In an effort to make Applicants more aware that HAPC guidelines exist, the HAPC requests that cross-references to the HAPC guidelines be added to the zoning code. The first amendment includes officially listing the Historic District as an Overlay under Chapter 1133.01. This addition is basically a housekeeping issue and is nothing new that isn't currently being applied. The second addition of the proposed cross-referencing would be inserted under the Compliance with Regulations provisions of establishing the zoning districts in Chapter 1133.02 as a new item (h). The third language addition would be added under the "Site Development Regulations" of individual zoning districts that fall within the three HAPC Historic Districts. The intent *is not* that the HAPC guidelines would apply to the entire zoning district, but only reference those properties that are in the Historic District also subject to HAPC review.

The Planning Commission is recommending approval of this draft language with a minor modification to appropriately refer to the "Historic District Overlay" instead of the "Historic Architectural Preservation District". The draft ordinance has been modified to show the Planning Commission's recommendations.

Approved By:

Department Head:

City Attorney:

A. **City Manager:**

Initial Date

JHC 5/21/09

ABT 5/29/09

ORDINANCE NO. _____

ORDINANCE REPEALING ZONING CODE CHAPTER 1133 PROVISIONS FOR ZONING DISTRICTS AND CHAPTER 1143 DISTRICTS ADOPTING NEW CHAPTER 1133, PROVISIONS FOR ZONING DISTRICTS AND CHAPTER 1143 DISTRICTS TO ADD THE HISTORIC DISTRICT OVERLAY TO THE ESTABLISHMENT OF ZONING DISTRICTS AND TO ADD CROSS REFERENCES TO THE CODIFIED ORDINANCE CHAPTER 1331 HISTORIC & ARCHITECTURAL PRESERVATION, SPECIFICALLY TO THE SITE DEVELOPMENT REGULATIONS OF THE R1MS, R2MS, R3MS, RO, UP AND MU DISTRICTS, FOR THOSE PROPERTIES IN THE HISTORIC 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 May 12, 2009 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Chapter 1133 Provisions for Zoning Districts and Chapter 1143 Districts, and adopting new Chapter 1133 Provisions for Zoning Districts to add the Historic District Overlay to the establishment of Zoning Districts and adopting new Chapter 1143 Districts, to add cross reference to the Codified Ordinance Chapter 1331 Historic and Architectural Preservation to the site development regulations of the R1MS, R2MS, R3MS, RO, UP and MU Zoning Districts for those properties in the Historic District.

SECTION II: Council hereby repeals Chapter 1133 and Chapter 1143 of the Oxford Code of Ordinances and adopts new Chapter 1133 and Chapter 1143 as follows:

CHAPTER 1133
Provisions for Zoning Districts

1133.01	Establishment of Zoning Districts.	1133.03	Essential services Exempted.
1133.02	Compliance with regulations.	1133.04	Zoning districts for newly annexed territory.

1133.01 ESTABLISHMENT OF ZONING DISTRICTS.

(a) For the purpose of promoting the public health, safety and general welfare of the City of Oxford, Ohio the following districts are hereby established:

<u>Abbreviated</u>	<u>Term District Name</u>	<u>District Type</u>
R-1A	Single-Family Low Density Residential	Residential
R-1B	Single-Family Medium Density Residential	Residential
R-2A	Single- and Two-Family Residential	Residential
R-3	Multi-Family Residential	Residential
R-1MS	Single-Family Mile-Square Residential	Residential
R-2MS	Single- and Two-Family Mile-Square Residential	Residential
R-3MS	Single-, Two-Family, & Three-Family Mile-Square Residential	Residential
RMH	Planned Mobile & Manufactured Home	Residential
RO	Office Residential	Residential
MU	University	Residential
UP	Uptown	Commercial
GB	General Business	Commercial

OI	Office & Light Industrial	Industrial
LI	Light Industrial	Industrial
FP	Flood Plain	Overlay
MSO	Mile Square Overlay	Overlay
HDO	Historic District Overlay	Overlay

(b) In this Code and in all matters relating to this Code, the abbreviated terms shall be construed to have the same meaning as their corresponding district titles.
(Ord. 2782. Passed 5-20-03; Ord. 2838. Passed 2-15-05.)

1133.02 COMPLIANCE WITH REGULATIONS.

The regulations for each district set forth by this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- (a) A use not listed within the use provisions of a zoning district shall be prohibited.
- (b) A use not provided for in a zoning district shall be prohibited unless the activity is deemed to be like in kind and similar to the uses allowed in the district and consistent with the intent of the district as interpreted by the Zoning Administrator.
- (c) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, moved, converted, enlarged, reconstructed, structurally altered except in conformity with all of the regulations for the district in which it is located.
- (d) No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, except for a purpose permitted in the district in which the building or land is located to provide for greater lot coverage, height or bulk.
- (e) No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements set forth herein.
- (f) No land, building or structure in any district shall be used or occupied in any manner as to create or maintain a nuisance. Any structure or use that is in violation of this Code and that is established after the adoption of this Ordinance shall be considered a public nuisance.
- (g) In any district, no more than one primary structure and its customary accessory use shall be located on a single recorded lot except as specifically provided elsewhere in this Ordinance. (Ord. 2782. Passed 5-20-03.)

(h) Regardless of the zoning district, proposals for any area that falls within the Historic District Overlay must consult the current design guidelines of the Historical Architectural Preservation Commission and Chapter 1331 of the Oxford Codified Ordinance and must follow the procedures for approval contained therein.

1133.03 ESSENTIAL SERVICES EXEMPTED.

- (a) Agencies providing essential services shall make reasonable efforts to comply with the standards of this Zoning Code. If compliance with this code prevents the efficient and effective provision of the service, the standards of this Code may be waived by the City Manager.
- (b) The location of such facilities shall be approved by the City Engineer. In residential subdivision and Planned Developments, such facilities shall be shown on the plans.
(Ord.2782. Passed 5-20-03.)

1133.04 ZONING DISTRICTS FOR NEWLY ANNEXED TERRITORY.

The zoning district for the property annexed to the City shall be subject to the annexation agreement between the City and the applicant. (Ord. 2929. Passed 10-17-06.)

CHAPTER 1143
Districts

1143.01	R-1A Single-Family Low-Density Residential District.	1143.08	R-MH Planned Mobile and Manufactured
Home			
1143.02	R-1B Single-Family Medium-Density Residential District.		Residential District.
1143.03	R-1MS Single-Family Residential Mile-Square District.	1143.09	RO Office Residential District.
1143.04	R-2A Single- and Two-Family Residential District.	1143.10	UP Uptown District.
1143.05	R-2MS Single- and Two-Family Mile-Square Residential District.	1143.11	MU University District.
1143.06	R-3 Multi-Family Residential District.	1143.12	GB General Business District.
1143.07	R-3MS Single- , Two- and Three-Family Mile-Square Residential District.	1143.13	OI Office & Light Industrial District
		1143.14	LI Light Industrial District.

- 1143.03 R1MS SINGLE-FAMILY RESIDENTIAL MILE-SQURE DISTRICT
- 1143.05 R2MS SINGLE- AND TWO-FAMILY MILE-SQUARE RESIDENTIAL DISTRICT.
- 1143.07 R3MS SINGLE- , TWO-FAMILY and THREE-FAMILY MILE-SQUARE RESIDENTIAL DISTRICT.
- 1143.09 RO OFFICE RESIDENTIAL DISTRICT.
- 1143.10 UPTOWN DISTRICT.

(a) Purpose.

(b) Uses.

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

Properties that fall within the Historic District Overlay must also consult the current design guidelines of the Historical Architectural Preservation Commission and Chapter 1331 of the Oxford Codified Ordinance and must follow the procedures for approval contained therein.

- 1.) Lot Requirements.
 - A.
 - B.
- 2.) Yard Requirements.

1143.11 MU UNIVERSITY DISTRICT.

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

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	May 19, 2009
<u>Case Number</u>	PC-07-2009
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Text Amendment
<u>Summary of Request</u>	Modifying Chapter 1133 Provisions for Zoning District and Chapter 1143 Districts, to add the Historic District Overlay to the Establishment of Zoning Districts and to add cross-references to the Codified Ordinance Chapter 1331 Historic and Architectural Preservation, specifically to the Site Development Regulations of the R1MS, R2MS, R3MS, RO, UP and MU Districts for those properties in the Historic District.
<u>Public Hearing Information</u>	At the May 12, 2009 Planning Commission meeting a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on April 17, 2009.
<u>Commission Action</u>	The Planning Commission voted 4-0-0 to recommend approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission voted to recommend approval of the draft language with a minor modification.
<u>Exhibits Submitted to the Commission</u>	1. Community Development Staff Report. 2. Chapter 1133 Provisions for Zoning District and Chapter 1143 Districts language. 3. Zoning Code Text Amendment Application dated March 27, 2009.

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-07-2009

Date – May 12, 2009

APPLICATION

Applicant: City of Oxford
Action Request: **ZONING CODE TEXT AMENDMENT**, Chapter 1133 Provisions for Zoning District and Chapter 1143 Districts, to Add the Historic District Overlay to the Establishment of Zoning Districts and to Add Cross References to the Codified Ordinance Chapter 1331 Historic and Architectural Preservation, Specifically to the Site Development Regulations of the R1MS, R2MS, R3MS, RO UP and MU Districts for Those Properties in the Historic District.

GENERAL DESCRIPTION

Regularly the Community Development Department Staff and the HAPC are told that owners and tenants of properties are not aware that they have to follow the HAPC Architectural and Preservation Design Guidelines. In an effort to make Applicants more aware that such guidelines exist, the HAPC is recommending and requesting that cross reference to the HAPC guidelines be added to the zoning code.

STAFF ANALYSIS

Essentially, the same reference is added in two chapters of the zoning code, stating that:

“Properties that fall within a Historic Architectural Preservation District must also consult the current design guidelines of the Historical Architectural Preservation Commission and Chapter 1331 of the Oxford Codified Ordinance and must follow the procedures for approval contained therein.”

The first addition of the proposed language will be inserted under the general compliance provisions of establishing the zoning districts in Chapter 1133.02 as a new item (h). The second location this language is added is under the “Site Development Regulations” of individual zoning districts that fall within the three HAPC Historic Districts. Those zoning districts that have properties within the HAPC Historic Districts include the R1MS, R2MS, R3MS, RO UP and MU Districts. The cross reference is located in the MU District’s “Purpose” statement because there are no “Site Development Regulations” for this district. For clarification, the intent *is not* that the HAPC guidelines will apply to the entire zoning district, but only reference that those properties that are in the Historic District are also subject to HAPC review. For example, the proposed language is not added to the GB or R1A “Site Development Regulations” because the Historic Districts and HAPC guidelines do not affect properties in those zoning districts.

Another amendment includes officially listing the Historic District as an Overlay under Chapter 1133.01. The three Historic Districts have been mapped on the zoning map for several years, as well as being mapped and adopted with the HAPC design guidelines. This addition is basically a housekeeping issue and is nothing new that isn’t currently being applied.

DECISION CRITERIA

Any proposed amendment shall be considered and 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 to the Comprehensive Plan.
- b. Improve the public health, safety, and general welfare of Oxford.

Zoning Code Text Amendment Application
City of Oxford, Ohio

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 Oxford OH 45056

Telephone Number(s)

524-5204

SUBMISSION REQUIREMENTS

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

All applications must include:

1. A general description of the proposed amendment.
2. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
3. A statement that identifies potential negative consequences of the proposed amendment.
4. Any existing section number and text that is proposed to be deleted or amended.
5. Any new or amended text as it is proposed to be codified including its proposed location in the Code.
(section numbers)
6. A narrative statement that describes the expected effects of the proposed text.
7. 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 payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Community Development Department at (513) 524-5204.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.

SIGNATURE OF APPLICANT:

Jung-Han Chen

Date: 3/27/09

PRINTED NAME:

Jung-Han Chen

FEE / RECEIPT

\$150 Fee Paid / Receipt Number:

NA

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: June 2, 2009

Jung-Han Chen
Prepared By

Account Code No. #:

May 19, 2009
Date Prepared

Budgeted Amount:

Agenda Title:	PC-08-2009 ZONING CODE TEXT AMENDMENT , Chapter 1151 Signs, amendments to Temporary Signs and to provide cross reference to Chapter 1331 of the Codified Ordinance, Historic & Architectural Preservation, in the review process, those properties in the Historic District must also follow Historic Guidelines regarding signage, City of Oxford, Applicant
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Recommendation:	Approve
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Discussion:

HAPC requests that the Planning Commission and City Council consider amending the Temporary Sign requirements for Special Events, which would apply to all commercial businesses. This request is a result of HAPC "Administrative Findings" letters sent to business and property owners regarding banners in 2007, and subsequent public hearings in July & August of 2008 before City Council whom were not in favor of initial amendment requests to prohibit banners Uptown.

HAPC specifically requested the Planning Commission and City Council consider:

1. Reducing the square footage size of permitted signage for commercial and residential uses.
2. A maximum length for such signage was proposed by the HAPC; however, the Planning Commission is not forwarding this amendment since the square footage of such signs is regulated.
3. That Special Event signs be required to be posted or hung on that portion of the building in which the sign is affiliated.
4. To reduce the amount of time a sign can be hung from 21 days to 7 days; however, Planning Commission is recommending that City Council allow 10 days.
5. To reduce the amount of window coverage allowed from 50% to 20%.
6. To include a cross reference to the HAPC Design Guidelines, specifically to the "General Sign Provisions" and to the permanent sign requirements of the RO and UP zoning districts.

The Planning Commission is also recommending a minor modification to appropriately refer to the "Historic District Overlay" instead of the "Historic Architectural Preservation District". The draft ordinance has been modified to show the Planning Commission's recommendations.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<i>JHC</i>	<i>5/21/09</i>
	<i>A.</i> City Manager:	<i>[Signature]</i>	<i>5/22/09</i>

ORDINANCE NO. _____

AN ORDINANCE REPEALING ZONING CODE CHAPTER 1151 SIGNS, AND ADOPTING NEW CHAPTER 1151 SIGNS, TO MODIFY TEMPORARY SIGN REGULATIONS AND TO ADD CROSS REFERENCES TO THE CODIFIED ORDINANCE CHAPTER 1331, HISTORIC & ARCHITECTURAL PRESERVATION.

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 May 12, 2009 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Chapter 1151 Signs, and adopting new Chapter 1151, Signs to modify the Temporary Sign Regulations and to add cross references to the Codified Ordinance Chapter 1331 Historic and Architectural Preservation, that those properties in the Historic District must also follow the Historic and Architectural Preservation Guidelines regarding signage.

SECTION II: Council hereby repeals Chapter 1151 of the Oxford Code of Ordinances and adopts new Chapter 1151 as follows:

**CHAPTER 1151
Signs**

1151.01	Purpose.	1151.05	Permanent Signs.
1151.02	Administration.	1151.06	Temporary Signs.
1151.03	General Regulations.	1151.07	Definitions.
1151.04	Public Property.	1151.08	Penalty.

1151.01 PURPOSE.

(a) The purpose of this Chapter is to regulate the display of signs that pertain to residential and nonresidential land uses and activities that take place on the same site as where the sign is located. These regulations are intended to:

- (1) Provide property owners and occupants an opportunity for effective identification.
 - (2) Maintain and enhance the quality of the City's appearance by limiting the number, sign face area, total area, location, and design of signs permitted on all sites.
 - (3) Protect residential zoning districts from the adverse impacts of excessive signs both from within residential districts and from surrounding districts.
 - (4) Reduce sign clutter.
 - (5) Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment.
 - (6) Provide reasonable and appropriate methods to identify goods sold or produced and services rendered in all zoning districts.
 - (7) Control the size, location, and design of temporary and permanent signs so that the appearance of such signs will be aesthetically harmonious with their surroundings and will enhance the overall appearance of the built environment.
 - (8) Eliminate any conflict that could be hazardous between private signs and traffic control devices and signs.
 - (9) Preserve and perpetuate uncluttered and natural views, significant architecture, and cultural resources for the enjoyment and environmental enrichment of the Oxford residents and visitors.
- (Ord. 2855. Passed 7-5-05.)

1151.02 ADMINISTRATION.

(a) Interpretation and Enforcement. The Zoning Administrator shall interpret and enforce this chapter. Appeal from the decision of the Zoning Administrator may be made to the Board of Zoning Appeals.

(b) Nonconforming Signs. Legal nonconforming signs are regulated at Chapter 1137, Nonconformities, Section 1137.10, Nonconforming Signs.

(c) Zoning Inspections. The Zoning Administrator is authorized to inspect any sign for compliance with this Code at any time.

(d) Installation and Maintenance. All signs shall be installed in a workmanlike manner and shall not be allowed to exist in a state of disrepair, which includes dysfunctional lighting, broken glass and plastic, rotted wood, peeling paint or vinyl, missing parts, rust, illegibility, and the like. The Zoning Administrator shall order the removal or repair of any sign that does not meet this standard after giving proper notice.

(e) Construction.

- (1) No sign shall be constructed of highly flammable materials.
- (2) Any glass other than that contained in incandescent bulbs, fluorescent bulbs or neon tubing which form part of any sign shall be comprised of glass approved by the building official for use in the particular application.

(f) Penalties for Violation. Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor pursuant to Oxford Code Section 501.99. Each day's continuance of a violation shall be considered a separate offense.

(g) Identification of Permanent Signs. Every permanent sign for which a permit is issued according to these regulations shall be plainly marked with the name of the responsible party and the permit number for the sign. Except for legal nonconforming signs, failure to display such information as required is prima facie evidence that the sign is a violation of this Code.

(h) Invalid Signs. A sign, whether conforming or nonconforming, that displays a commercial message that applies to an entity no longer in operation or to goods or services no longer provided shall be completely removed or the sign face replaced with a blank face within 45 days of such discontinuation of operation, sales, or service. The sign, sign structure, and mounting hardware must be removed in its entirety if a legal operation, sales, or service is not reinstated or established within 2 years of the original date of such discontinuation.

(i) Applications and Permits.

- (1) The application requirements, permitting procedure, and issuance of a permit shall be as determined by the Zoning Administrator in accordance with this code.
- (2) Temporary signs require obtaining a building and zoning permit unless specifically exempted below and shall be issued no sooner than 7 days from the date of application.
- (3) A permit is required for all signs permitted in this Chapter except as specifically exempted below.
- (4) The following signs do not require obtaining a permit but must comply with all applicable regulations in this chapter:
 - A. Street addresses as required by Oxford Code
 - B. Public signs
 - C. Nonresidential land use name plate signs
 - D. Nonresidential land use direction signs
 - E. Self-service facilities signs

- F. Structure identification signs
- G. Associations signs
- H. Real estate signs
- I. Construction signs
- J. Flags
- K. Noncommercial and political signs
- L. Window signs
- M. Special Event Signs
- N. Building identification signs

(j) Fees. Permit fees for signs shall be as set forth by City Council.

(k) Measurement.

- (1) All sign face area shall be counted towards any total sign area regulation provided in this Code. Signs that are exempted from the permit requirement of this Code are not counted towards the total sign area permitted for a site or nonresidential occupant.
- (2) Where this Code regulates the total sign area or the sign face area of a sign based upon the site or structure relative to an adjacent public right-of-way, the following provisions apply:
 - A. If a site abuts only one public right-of-way, the area regulations are based upon only that right-of-way.
 - B. If a site abuts more than one public right-of-way, the number and area regulations are based upon all rights-of-way, however, the sign number and area permitted based upon each right-of-way shall only be oriented towards the right-of-way upon which the permitted sign area is based.(Ord. 2855. Passed 7-5-05.)

1151.03 GENERAL REGULATIONS.

(a) Proposals for signs on properties within the Historic District Overlay, regardless of zoning district, shall consult the guidelines provided by the Historical Architecture Preservation Commission and must follow the procedures for approval contained therein.

(b) No signs are permitted other than those specifically permitted in this Code.

(c) The time, place, and manner of signs shall be regulated to protect the public health, safety, and general welfare as follows, unless specifically provided elsewhere in this chapter.

(d) Design.

- (1) Signs shall only describe or direct attention to a nonresidential occupant, business, commodity, service, person, product, service, or entertainment produced, provided, conducted, sold, offered, or performed on the same premises on which the sign is displayed.
- (2) No sign shall approximate the design or effect of public traffic control sign.
- (3) No sign shall be painted directly upon a residential structure.
- (4) No wall sign shall project more than 1 inch from the side of a building or structure that is adjacent to a public alley.
- (5) The following signs are specifically prohibited: moving signs, flashing or animated signs, balloons, gas or other inflated signs, portable signs, searchlights, streamers, spinners, pennants, flags (except as specifically permitted in this Chapter), and the like.

(e) Location.

- (1) No freestanding sign shall be closer to a lot line or the public right-of-way than the height of the sign, except as specifically exempted in this Chapter.
- (2) No sign shall be attached to a standpipe, fire escape, utility pole, utility

- cabinet, or other utility or safety device.
- (3) No sign shall be attached to a tree or other natural vegetation
- (4) No sign shall be upon or project above a roof line
- (5) Any wall sign that extends more than 3 inches from the surface to which it is attached shall be a minimum of 8 feet above the adjacent ground.
- (6) No sign or sign structure shall be attached in a place that is likely to restrict the view of any street intersection, railroad crossing, or pedestrian crosswalk
- (7) No sign shall be attached in a place or manner that is likely to restrict free ingress or egress from any door, window, or fire escape.

(f) Illumination.

- (1) Sign shall be only naturally illuminated unless specifically permitted to be direct or indirect illumination elsewhere in this Chapter.
- (2) No sign illumination shall be permitted that casts light towards a right-of-way or that casts light into an adjoining residential zoning district or where a light source is directly visible from off of the site.
(Ord. 2855. Passed 7-5-05.)

1151.04 PUBLIC PROPERTY.

For the purposes of this section, public property includes the property of any public governmental entity located in the City of Oxford including the City, Butler County, the State of Ohio, Miami University, the Lane Public Library, and the Talawanda City School District.

(a) Public Signs. Public signs and signs serving a public interest are permitted at any time, in any place, and in any manner deemed appropriate by the City Manager for the benefit of the public interest.

(b) Private Signs Over Public Property.

- (1) No privately owned signs may be affixed to or placed within the public right-of-way or on other public property, except as provided for in this Code. Wall signs attached to nonpublic structures that project into the public right-of-way are subject to the same provisions regulating signs that are on private property.
- (2) The owners of all signs installed in the airspace of or directly on or in a public right-of-way or other public property in accordance with this Code shall be required to maintain insurance protecting The City of Oxford, Ohio from any claims of liability relative to personal injury or property damage in the right-of-way or other public property resulting from such sign. Failure to maintain such insurance shall be cause to revoke a sign permit and shall be a violation of this Code.

(c) Sandwich Board Signs. On the public right-of-way, in the GB, UP, and RO zoning districts each nonresidential occupant shall be permitted 1 free-standing sandwich board sign as follows:

- (1) The sign shall have a maximum total area of 16 square feet. The sign may have a maximum of two sign faces. The maximum area per sign face shall be no more than 12 square feet.
- (2) The sign shall not extend more than five feet into the right-of-way.
- (3) The sign shall not result in less than five feet of unimpeded sidewalk area adjacent to the sign.
- (4) The City is authorized to require removal of such signs at any time deemed appropriate for the convenience and protection of the public health, safety, and general welfare.(Ord. 2855. Passed 7-5-05.)

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 must 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 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 must 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.
 - c. 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.
- (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.
(Ord. 2855. Passed 7-5-05.

1151.06 TEMPORARY SIGNS.

Temporary signs are not subject to the sign area provisions described elsewhere in this Chapter.

- (a) Special Events. No more than 1 sign per nonresidential occupant, to advertise special events:
 - (1) No more than ~~30~~ **24** square feet in area in a nonresidential zoning district
 - (2) No more than ~~46~~ **12** square feet in area in a residential zoning district
 - (3) Single sign face.
 - (4) Installed flat against a wall or stretched between pillars or other supporting members of a principal structure
 - (5) **Attached between 4 and 18 feet from grade and only on that portion of the building occupied by the nonresidential tenant affiliated with the sign.**
 - (6) Installed for no more than ~~21~~ **10** days
 - (7) Installed no more than 6 times per calendar year (January through December)
- (b) Real Estate. No more than 1 sign per lot per adjacent public right-of-way as follows, to advertise real estate:
 - (1) No more than 24 square feet in area per side in a nonresidential zoning district
 - (2) No more than 6 square feet in area per side in a residential zoning district
 - (3) Must be freestanding
 - (4) Must not be permanently anchored to the ground or attached to concrete, asphalt, or other natural ground surface

- (c) Construction.
 - (1) No more than 2 construction signs that together have a total sign area of no more than 32 square feet.
 - (2) The maximum number of sign faces per sign shall be limited to 1
- (d) Flags. No more than 4 flags per principle structure are permitted for any land use in any zoning district.
- (e) Noncommercial and Political Signs. Any principle structure in any zoning district may display no more than 5 noncommercial or political signs. Each sign may have a maximum of 2 sign faces (a double faced sign), each face with a maximum of 12 square feet in sign area. Signs may be wall, window, or freestanding. Signs shall be naturally illuminated only.
- (f) Window Signs. Any land use in any zoning district may have window signs that obstruct no more than ~~50~~ 20 percent of the glass within a structural frame of the wall in which it is located.
(Ord. 2855. Passed 7-5-05.)

1151.07 DEFINITIONS.

- (a) Area, Sign Face - the area of the smallest rectangle that encloses all of the letters, figures or symbols that comprise the sign message, including any background forming an integral part of the display, but not including any structure supporting the sign, unless the support structure forms a part of the message being displayed.
- (b) Area, Total - the area permitted for a residential or nonresidential occupant, structure, site or other entity that is comprised of all separate sign face areas
- (c) Banner - a non-rigid cloth, plastic, paper, or canvas sign typically related to a public demonstration or for the promotion of civic, welfare or charitable enterprises.
- (d) Building Identification Sign - a sign intended to identify a building from beyond the site on which the sign is located.
- (e) Changeable Copy Sign - a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by mechanical, electronic, or manual means.
- (f) Commercial Sign - a sign proposing or promoting a commercial transaction or directing attention to a business, commodity, or service.
- (g) Construction Sign - a temporary sign identifying the persons, firms, or businesses directly connected with an ongoing construction project and other information or diagrams about the project.
- (h) Development Site - Any area of land that is characterized by a single, unified, integrated development or land use regardless of ownership or underlying legal land divisions.
- (i) Direction Sign - a sign intended to control the flow of pedestrian and vehicular traffic that does not contain any other commercial message.
- (j) Flag - any fabric or bunting that display only the symbol of an official public entity or political jurisdiction.
- (k) Flashing Sign - a sign that changes in intensity, color, or pattern of illumination at less than two-hour intervals when the sign is activated.

- (l) Freestanding Sign - a sign that is affixed to the ground and that is not affixed to any other structure.
- (m) Ground Sign - a freestanding sign structure that is affixed to the ground and that is not affixed to any other structure and that has a base that contacts the ground over at least 80 percent of the maximum width of the structure.
- (n) Height, Sign - the distance between any part of the sign face area and the natural finished grade directly below it.
- (o) Identification Sign - a sign that serves to identify only the names, addresses, and occupations conducted on or in the site, structure, building, or portion thereof on which it is located.
- (p) Illegal Sign -- either of the following:
- (1) A sign erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use.
 - (2) A sign that was legally erected, but whose use has ceased, or the structure on which the display is placed has been abandoned by its owner, not maintained, or not used to identify or advertise an ongoing business after a period of more than 45 days. See 1151.02(h)
- (q) Illumination, Direct - a source of illumination enclosed entirely within a sign and not directly visible from outside of the sign.
- (r) Illumination, Indirect -- a source of illumination directed toward a sign so that a beam of light falls on the exterior surface of the sign.
- (s) Illumination, Natural - illumination provided only by the sun, moon, and other broad environmental sources such as street lights, parking lot lights, and building lights and not provided with direct or indirect illumination as defined in this Chapter.
- (t) Instruction Sign - an on-site sign designed to be visible on-site or immediately adjacent to the site by pedestrians and motorists and that conveys instructions with respect to the premises on which it is maintained. Examples of such signs include a sign designating the entrance to or exit from a parking area, trespassing sign, a danger sign, entry or exit signs, directional signs, service entrance signs, and on-site information signs.
- (u) Menu Box - a pedestrian-scale, nonresidential occupant sign that provides an opportunity to change the message on a regular basis to provide information about a restaurant menu, scheduled entertainment, special events, and the like.
- (v) Mural - a picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product, service, place, person or the identification of any business.
- (w) Noncommercial and Political Sign - a sign other than a commercial, instructional, entry feature, construction, identification, outdoor advertising, professional or real estate sign.
- (x) Nonconforming Sign, Legal - a sign that was lawfully erected or displayed under laws or ordinances in effect at the time of its installation, but that is not allowed under this Code.
- (y) Nonresidential Occupant - Any single entity that is involved in the operation of a nonresidential land use.
- (z) Off-Site Sign - a sign that is not an on-site sign as defined in this Chapter.

(aa) On-Site Sign - a sign directing attention to a business, commodity, service, person, or entertainment conducted, sold or offered on the same site on which the sign is located.

(bb) Portable Sign - a sign that is designed to be or capable of being moved or transported, and not permanently affixed or attached to any building, structure, or grounds.

(cc) Professional Sign - a sign indicating the name and occupation of a professional person or group of associated professional persons.

(dd) Projecting Sign - a sign that is wholly or partly dependent on a building for support or suspended from a pole attached to a structure and that *projects more* than 16 inches from the building at a perpendicular angle or approximately perpendicular angle.

(ee) Real Estate Sign - a sign advertising the sale, rental, open house, or lease or other disposition of the structure, property, or land on which it is installed.

(ff) Roof Line - the uppermost line or point of the facade or parapet of a flat roof structure, or the lower edge of an eve, gable, or rake of a sloped roof structure including a mansard roof.

(gg) Roof Sign - a sign erected on or projected above the roofline of a building or structure.

(hh) Sandwich Board Sign - a sign with two hinged, connected or double-faced boards or other material that can be temporarily placed on the ground and is customarily placed on a sidewalk to advertise changing sales, specials, or products sold in the adjacent establishment.

(ii) Sign - any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or site by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

(jj) Self-service Facilities - machines, containers, and other external appurtenances that are publicly available and that are generally used by the public without assistance, such as canned and bottled drink dispensers, ice storage chests, propane tank corrals, automated teller machines (ATMs), gasoline pumps, air compressors, newspaper boxes, pay telephones, vehicle washing and vacuuming facilities, and the like, whether freestanding or attached to a structure.

(kk) Site, Development - See Development Site

(11) Special Event Sign - a sign displaying a message about a grand opening, change in management, promotion, annual activity, sale, seasonal sale, temporary price change, new merchandise, new service, special service, and the like relative to the nonresidential occupant that displays the sign.

(mm) Temporary Sign - a sign designed, intended, or installed for a relatively short period of time and that consist only of materials that are not subject to degradation from exposure to inclement weather, the sun, or other natural hazards. Prohibited materials include uncoated paper, cardboard, untreated cotton, and other untreated natural fibers.

(nn) Wall Sign - a sign painted on or affixed flat against the wall of a building or structure, or a marquee, awning, or canopy in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 16 inches from such building or structure.

(oo) Window Sign - a sign painted on or affixed to a windowpane or glass door or displayed on the inside of the building or structure that is within two feet of a windowpane or glass door and is visible from a public right-of-way or adjacent property. (Ord. 2855. Passed 7-5-05.)

1151.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor pursuant to Oxford Code Section 501.99(a). Each day's continuance of a violation shall be considered a separate offense.
(Ord. 2855. Passed 7-5-05.)

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	May 19, 2009
<u>Case Number</u>	PC-08-2009
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Text Amendment
<u>Summary of Request</u>	Modifying Chapter 1151 Signs, amendments to Temporary Signs and to provide cross-reference to Chapter 1331 of the Codified Ordinance, Historic & Architectural Preservation, in the review process, those properties in the Historic District must also follow Historic Guidelines regarding signage.
<u>Public Hearing Information</u>	At the May 12, 2009 Planning Commission meeting, a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on April 17, 2009.
<u>Commission Action</u>	The Planning Commission voted 4-0-0 to recommend approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission voted to recommend approval of the draft language with modifications.
<u>Exhibits Submitted to the Commission</u>	1. Community Development Staff Report. 2. Chapter 1151 Signs language. 3. Zoning Code Text Amendment Application dated March 27, 2009.

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-08-2009

Date – May 12, 2009

APPLICATION

Applicant: City of Oxford
Action Request: **ZONING CODE TEXT AMENDMENT**, Chapter 1151 Signs, amendments to Temporary Signs and to provide cross reference to Chapter 1331 of the Codified Ordinance, Historic & Architectural Preservation (HAPC), in the review process, those properties in the Historic District must also follow Historic Guidelines regarding signage.

GENERAL DESCRIPTION

In July & August of 2008 City Council heard proposed text changes to the HAPC Design Guidelines regarding banners and sandwich board signs. HAPC regulations specifically prohibited the use of sandwich board signs and banners which is in conflict with the zoning code sign provisions. In 2007, there were many HAPC “Administrative Findings” letters sent to business and property owners regarding banners. The HAPC, after discussion, determined they would like to see sandwich boards continue in place of banners. However, City Council was not in favor of that recommendation because commercial properties Uptown would be treated differently than commercial properties in other zoning districts. City Council advised that their preference was to permit banners and sandwich board signs in the Historic District if they followed the zoning code.

While preparing this proposed language to the HAPC Design Guidelines to accommodate City Councils’ preferences, HAPC indicated that they would like to request the Planning Commission consider amending the temporary sign requirements for Special Events, which is typically done with banners, and would apply to all commercial businesses.

The second proposed amendment to the sign regulations is similar to the previous case presented (PC Case #07-2009). Regularly, the Community Development Department Staff and the HAPC are told that owners and tenants of properties are not aware that they have to follow the HAPC Architectural and Preservation Design Guidelines regarding signage. In an effort to make applicants more aware that such guidelines exist, the HAPC is recommending and requesting that cross references to the HAPC guidelines are added to the zoning code.

STAFF ANALYSIS

Recommended amendments to the Temporary Sign Regulations, specifically Section 1151.06(a) Special Events, the HAPC is requesting that the Planning Commission consider reducing the size of permitted signage for commercial uses from 30 sq. ft. to 24 sq.ft and residential uses from 16 sq. ft. to 12 sq.ft. The rationale to reduce the maximum allowable residential temporary signage is so that temporary signage coincides with the maximum amount of permanent signage permitted under section 1151.05(b). A maximum length of 8 feet is also recommended to ensure that any temporary signage does not exceed the width of a commercial building façade, and it will typically accommodate a banner being hung over the front display window of a building or entryway. The additional proposed regulation would require that special event signs be required to be posted or hung on that portion of the building in which the sign is affiliated. The rationale of this recommendation would be to prohibit business owners from hanging a banner or other signs from a roofline or other building floor that is not occupied by the tenant advertising.

Another recommendation is proposed regarding the length of time signs are allowed to be posted. Currently special event signs could be posted for almost 6 months, or half a year. The HAPC is asking the Planning Commission to consider reducing the amount of time a sign can be hung to 7 days and no more than 4 times a year.

Regarding the cross referencing of the HAPC Design Guidelines, the reference is added to the "General Sign Provisions" and to the permanent sign requirements of the RO and UP zoning districts, which states:

"Proposals for signs on properties within a Historic Architectural District, regardless of zoning district, shall consult the guidelines provided by the Historical Architecture Preservation Commission and must follow the procedures for approval contained therein."

As presented in the previous case, for clarification, the intent *is not* that the HAPC guidelines would apply to the entire zoning district if the property were not in a Historic District. For example, the proposed language is not added to the GB or OI "Site Development Regulations" because the Historic Districts and HAPC guidelines do not affect properties in those zoning districts.

DECISION CRITERIA

Any proposed amendment shall be considered and 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:

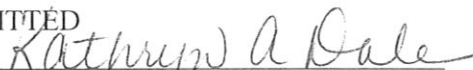
- a. Make the Code conform more closely to the Comprehensive Plan.
- b. Improve the public health, safety, and general welfare of Oxford.
- c. Clarify the intent of the Code.
- d. Better implement the intent of the Code.
- e. Improve enforcement of the Code.

RECOMMENDATION

Not Applicable.

SUBMITTED

BY:


Kathryn A. Dale, AICP
City Planner

DATE: April 23, 2009

Zoning Code Text Amendment Application
City of Oxford, Ohio

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
Telephone Number(s): 524-5204

SUBMISSION REQUIREMENTS

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

All applications must include:

1. A general description of the proposed amendment.
2. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
3. A statement that identifies potential negative consequences of the proposed amendment.
4. Any existing section number and text that is proposed to be deleted or amended.
5. Any new or amended text as it is proposed to be codified including its proposed location in the Code.
(section numbers)
6. A narrative statement that describes the expected effects of the proposed text.
7. 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 payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Community Development Department at (513) 524-5204.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.

SIGNATURE OF APPLICANT: [Signature]

Date: 3/27/09

PRINTED NAME: Jung-Han Chen

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: NA