

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 08/01/2017

Joe Newlin
Prepared by

Account Code No. #: N/A

Budgeted Amount: _____

07/25/2017
Date Prepared

Agenda Title: Resolution Authorizing City Manager To Enter Into A Contract With Data Management, Inc. For The Acquisition Of Timeclocks and Software

Recommendation: Approve

Discussion:

Staff recommends Data Management, Inc. We had 3 qualified bids for the purchase of new timeclocks and software. After review of the 3 bids, Data Management, Inc. was the preferred choice based on ease of use and cost effective.

Approved By:

Department Head:
City Manager:

Initial Date

[Signature] 7/25/17
[Signature] 7/28/17

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DATA MANAGEMENT INC. FOR THE PURCHASE OF NEW TIMECLOCKS AND SOFTWARE AT A COST NOT TO EXCEED \$34,439.00.

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

SECTION 1: The City Manger and the Finance Director recommend the City enter into a contract with Data Management, Inc. for the purchase of new timeclocks and software at a total cost not to exceed \$34,439.00.

SECTION 2: Council hereby accepts the recommendation of the City Manager and the Finance Director and hereby authorizes the City Manager to enter into a contract with Data Management, Inc. for the purchase of new timeclocks and software at a total cost not to exceed \$34,439.00.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

Police

Originating Department

Council Meeting Of: August 1, 2017

John A. Jones

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 18, 2017

Date Prepared

Agenda Title: Resolution to sell junk/abandoned motor vehicles to the highest bidder.

Recommendation: Adopt the resolution

Discussion: Pursuant to Oxford City Code and in accordance with ORC 4513.62, the Division of Police requests that City Council approves the sale of salvage/junk/abandoned motor vehicles described in the attached Exhibit A to the highest bidder and that the proceeds from such sale be placed in the General Fund.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JAJ \ *7/18/17*

DRE \ *7/28/17*

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE SALE OF SALVAGED, JUNK AND/OR ABANDONED MOTOR VEHICLES.

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

SECTION 1: The Police Chief recommends that unclaimed motor vehicles ordered into storage pursuant to Section 4513.62 of the Ohio Revised Code be sold to a motor vehicle salvage dealer or scrap metal processing facility at the highest obtainable salvage price. The motor vehicles to be sold are listed on Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2: City Council hereby accepts the recommendation of the Police Chief and authorizes the sale of the salvaged, junk and/or abandoned motor vehicles listed on Exhibit "A" to a motor vehicle salvage dealer or scrap metal processing facility at the highest obtainable salvage price. The proceeds thereof shall be placed in the General Fund.

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

MAYOR

ADOPTED:

ATTEST

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

EXHIBIT A

The following vehicles are currently stored at the OPD impound lot and are unclaimed by the owner after due notice. OPD has obtained salvage titles for the below vehicles and we are requesting they be sold to a salvage dealer.



1997 Jeep Cherokee

VIN: 1J4GZ58S2VC763936



1997 Toyota 4Runner

VIN: JT3HN87R4V9004308

EXHIBIT A



1995 Pontiac Grand Prix

VIN: 1G2WJ12M5SF257947



1999 Ford Ranger

VIN: 1FTYR10C7XPA59525

EXHIBIT A



2005 Lincoln LS

VIN: 1LNHM86S45Y618568



2014 Nissan Sentra

VIN: 3N1AB7AP6EL673407

EXHIBIT A



2001 Hyundai Elantra

VIN: KMHDN45D91U218739



1995 Ford Ranger

VIN: 1FTCR14X1SPA35379

EXHIBIT A



1997 BMW 318

VIN: WBACG7321VAS98667



1990 Jeep Comanche

VIN: 1J7FT36L0LL245787

EXHIBIT A



1993 Chevrolet Silverado

VIN: 1GCDC14Z5PE100163

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: July 18, 2017

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

June 28, 2017
Date Prepared:

PC-2017-06, FINAL PLANNED DEVELOPMENT, Red Brick Estate, 23.28 acres, R-1A District, Bryan Price, Red Brick LLC, Applicant

Recommendation: Approval with Conditions

Discussion:

The applicant is seeking a Final Planned Development approval to develop this 23 acre tract of land into 50 single-family homes between Olde Farm Road and Country Club Drive, north and west of Heritage Subdivision. The developer has planned arts and crafts style architecture.

Any planned development project needs to go through a two-step process; a preliminary plan and a final plan, although the process can be concurrent for small, single-phase developments. Both preliminary and final plan approvals require a Planning Commission recommendation and City Council approval. The Preliminary Planned Development was approved in 2016 with conditions. This is the final phase of the Planned Development that went before the Planning Commission and now is before Council for approval based on the recommendations from the Planning Commission.

There are general decision standards that the Planning Commission and City Council shall follow in reviewing preliminary and final planned development applications. For the final planned development, additional standards are added:

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

The Planning Commission reviewed this application and deliberated their considerations at two separate meetings. On June 9, the Commission discussed at length this project and made a recommendation to Council for approval of this Final Planned Development with conditions as follows:

1. That, any revisions to the Homeowners Association or By-Laws information as requested by City Staff is consistent with City codes;
2. That, any revisions to wetland and conservation easement information as requested by City Staff is consistent with City codes;

3. That, sidewalk connections to existing sidewalks be adjusted on construction plans to be consistent with the Final Planned Development Plan;
4. That, Outlot lettering/numbering be consistent on the Final Plan and Construction Plans and a statement will be added to the plat that no homes are to be built on the five Outlots;
5. That, Final Plan approval be valid for five years. Phase One, including all infrastructure and homes, shall be completed within five years. A Final Plan extension may be requested per City code;
6. That, the plans be revised to reflect the street and sidewalk improvements of the stub right-of-way between Lots 9 and 10;
7. That, if all lots are not built at the end of each Phase, the remaining sidewalks will be completed at the time of completion of that Phase or within five years, whichever is sooner;
8. That, Phase One shall be the south end of the property;
9. That, the Typical Lot Plan be revised to reflect compliance with a 35% maximum lot coverage.

Approved By:

Department Head:

City Attorney:

City Manager:

JHC, 7/5/17
DRE, 7/13/17

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR FINAL PLAN APPROVAL OF A PLANNED DEVELOPMENT TO BE LOCATED ON 23.28 ACRES OF VACANT LAND BETWEEN OLDE FARM ROAD AND COUNTRY CLUB DRIVE TO ALLOW A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT WITH CONDITIONS.

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

SECTION 1: Council hereby finds that the Planning Commission held a public hearing on June 13, 2017 in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Red Brick Development LLC, Applicant, Agent, for approval of a Final Planned Development to be located on 23.28 acres of vacant land between Olde Farm Road and Country Club Drive to allow a single-family residential development.

SECTION 2: The Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code, substantially conforms to the approved preliminary plan and meets the nine (9) conditions set forth for Preliminary Plan approval and recommended approval of the Final Planned Development application for 23.28 acres of vacant land between Olde Farm Road and Country Club Drive with conditions.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Final Planned Development application for 23.28 acres of vacant land between Olde Farm Road and Country Club Drive to allow a single-family residential development based on the submittals of the applicant that are incorporated herein and made a part of this approval with the following conditions:

1. Any revisions to the Homeowners Association or By-Laws information as requested by City staff shall be consistent with City codes.
2. Any revisions to wetland and conservation easement information as requested by City staff shall be consistent with City codes.
3. Sidewalk connections to existing sidewalks shall be adjusted on construction plans to be consistent with the Final Planned Development plan.
4. Outlot lettering/numbering shall be consistent on the Final Plan and construction plans and a statement shall be added to the plat that no homes shall be built on the 5 outlots.
5. Final Plan approval shall be valid for 5 years. Phase One, including all infrastructure and homes, shall be completed within 5 years. A Final Plan extension may be requested per City code.
6. The plans shall be revised to reflect the street and sidewalk improvements of the right-of-way between Lots 9 and 10.
7. If all lots are not built at the end of each Phase, the remaining sidewalks shall be completed at the time of completion of that Phase or within 5 years, whichever is sooner.
8. Phase One shall be the south end of the property.

9. The typical lot plan shall be revised to reflect compliance with 35% maximum lot coverage.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

Certification of Action

Oxford Planning Commission

Recommendation to City Council

Report Date July 18, 2017

Case Number PC-2017-06

Applicant Information Bryan Price, Red Brick LLC

Requested Action Final Planned Development

Summary of Request This is a Final Planned Development to develop 23 acres of vacant land into 50 single-family homes.

Public Hearing Information A Public Hearing took place at 118 W. High Street on May 9, 2017 (Tabled) and June 13, 2017. A Preliminary Development was approved by City Council August 2, 2016, Ordinance 3359. A Public Hearing notice was published in the Journal News on May 14, 2017. Courtesy notices were mailed to adjacent property owners on May 23, 2017. Multiple signage was posted at the site on June 6, 2017

Commission Action The Planning Commission voted 4-1-0 recommending approval with numerous conditions.

Commission Findings and Conclusions The Planning Commission reviewed this final development quite extensively. Surrounding property owners spoke at each Planning Commission meeting. Concerns expressed were water runoff, first phase choice, open space, stub street development, sidewalk completion, lot size, lot coverage, stub street ownership. The Planning Commission recommended nine conditions.

Exhibits Submitted to the Commission

1. Staff Reports Dated May 2, 2017 and June 8, 2017
2. Wetland Conservation Drawings and Language
3. City Engineer Memorandum Dated June 1, 2017
4. Interoffice Review Transmittal Sheets
5. Surrounding Property Owner Notifications Map
6. Letter of Agency
7. Preliminary Development Ordinance #3359
8. Planned Development Application
9. Traffic Evaluation

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-2017-06

Date – June 13, 2017
Tabled from May 9, 2017

APPLICATION

Applicant:	Bryan Price, Red Brick Development LLC
Location:	23 vacant acres, Olde Farm Road / Country Club Drive
Owner:	Strait Gate Homes LLC
Action Request:	Recommendation for Final Planned Development – To forward a recommendation to City Council regarding Final Plan
Current Use:	Vacant Agricultural
Surrounding Existing Land Uses:	Single-Family Residential and Agricultural

DESCRIPTION

As follow-up from the tabled case May 9, 2017, Staff is providing herein a brief report including: Timeline, New Information, Brief Analysis and Recommendation. Additional reference to the May 9 Staff report is recommended. The applicant's request is to receive a recommendation of approval for the Final Planned Development for Red Brick Estates. If approved by City Council this constitutes zoning and subdivision approval to develop 23 acres of vacant land into 50 single-family home lots. The land is located between Olde Farm Road and Country Club Drive, north and west of Heritage Subdivision. Heritage Subdivision is accessed by Contreras Road. The subject land was annexed by Oxford in the 1960s. The land is zoned R1A (Single-Family Low Density) and abuts R1B (Single-Family Medium Density) to the west.

TIMELINE

June 14, 2016:	Planning Commission Preliminary Plan Recommendation of Approval
August 2, 2016:	City Council Preliminary Plan Approval
May 9, 2017:	Planning Commission Final Plan Review: Tabled

NEW INFORMATION

1. The City has a signed agreement with the owner to purchase the underlying land of the existing stub street to be named Grace Lane. (not attached)
2. The homeowner association documents have been received and reviewed by Staff. (attached)
3. The conservation easement document has been received and reviewed by Staff. (attached)
4. The City Engineer has provided an additional written statement regarding the storm water management plan. (attached)

ANALYSIS

1. The maximum lot coverage of individual lots is proposed to exceed the limit of 35% by 5%. This constitutes a potential waiver request.
2. The HOA documents have been reviewed by the Staff but no requests for revision have been received at this time.
3. The Wetland and Conservation Easement documents have been reviewed by Staff but no requests for revision have been received at this time.

4. There are three sidewalk connections that need to be revised to improve the user experience by avoiding alignment offsets.
5. There are differences in the numbering/lettering of the Outlots that needs resolved for consistency purposes. There is no statement on the drawings regarding the prohibition of homes on the Outlots.
6. The Final Plan approval is by default only valid for 1 year. This would require all of the infrastructure to be built and homes to be permitted and under construction within one year from City Council approval. The applicant is requesting the Final Plan be valid for 5 years which would still permit future extension requests.
7. The applicant is proposing dedicating street right of way for a street stub to the vacant land to the west without a plan to actually improve (pavement and sidewalks) the stub. The City Manager is planning to recommend to City Council that this approval be conditioned upon the plan being revised to include street improvements of the stub right of way.

Based upon Oxford Zoning Code Section 1145.06(c), the proposed Final Plan substantially conforms to the Preliminary Plan approved by Oxford City Council by Ordinance #3359 approved on August 2, 2016.

RECOMMENDATION

Based upon the staff's findings and analysis above, a recommendation of approval of the proposal as submitted can be forwarded based upon the following potential conditions:

1. Any revisions to home owner association or by-law information as requested by Staff consistent with City codes.
2. Any revisions to wetland and conservation easement information as requested by Staff consistent with City codes.
3. Sidewalk connections to existing sidewalks be adjusted on construction plans to be consistent with Final PD Plan
4. Outlot lettering/numbering be consistent on Final Plan and Construction Plans and a statement be added to the plat that no homes are to be built on the 5 Outlots
5. Final Plan approval be valid for five years.
6. Improvement of the stub right of way between lots 9 and 10.

SUBMITTED

BY:



Sam Perry, AICP, Planner

DATE: June 8, 2017

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-2017-06

Date – May 9, 2017

APPLICATION

Applicant:	Bryan Price, Red Brick Development LLC
Location:	23 vacant acres, Olde Farm Road / Country Club Drive
Owner:	Strait Gate Homes LLC
Action Request:	Recommendation for Final Planned Development – To forward a recommendation to City Council regarding Final Plan
Current Use:	Vacant Agricultural
Surrounding Existing Land Uses:	Single-Family Residential and Agricultural

DESCRIPTION

Following a Preliminary Plan review at Planning Commission on June 14, 2016 and a City Council review and approval on August 2, 2016, the applicant is now requesting approval of the Final Plan. The intent is to receive zoning and subdivision approval to develop 23 acres of vacant land into 50 single-family homes between Olde Farm Road and Country Club Drive, north and west of Heritage Subdivision. Heritage Subdivision is accessed by Contreras Road. The Planned Development purpose statement from Oxford Code Section 1145.01 is:

To incorporate land uses and development patterns that are intended to permit and encourage creative and flexible land development that is not permitted by-right under the administrative regulations of underlying zoning districts. The planned development is particularly well suited to address two distinct goals of the Comprehensive Plan: to provide for environmentally sensitive and cohesive developments that are an attractive alternative to traditional subdivision and infill development that fully utilizes available land and existing utility resources where they already exist.

The process of the Planned Development requires Planning Commission review and recommendation to be forwarded to City Council. Since the Final Plan review is well before the two year expiration of the Preliminary Plan, this review is the correct next step for the applicant to move forward. The applicant and applicant's consultant, Bayer Becker, have reviewed and responded to the City Council approval ordinance #3359 in preparation for this review.

SITE HISTORY BACKGROUND

The land proposed for development is a vacant and undeveloped agricultural tract approximately 500 feet wide and 2,200 feet long, parallel to Country Club Drive. In the 1970s a phase of Heritage Subdivision was proposed, but it never moved forward. As noted above, Oxford City Council approved the Red Brick Estates Preliminary Planned Development on August 2, 2016. Due to the lot configuration the applicant chose the Planned Development process route rather than the conventional Subdivision route. The Planned Development allows more flexibility in dimensional standards but requires more open green space reservation than the minimum yard setback distances of conventional subdivisions. Either route would require wetland preservation due to federal land disturbance permitting requirements.

DECISION STANDARDS

The Planning Commission and City Council must review a request for a planned development approval based upon Section 1145.06 of Oxford Zoning Code. Because it is a subdivision by definition it must also follow the Subdivision Code Section 1101 with the exception of the dimensional regulations of the underlying zoning district.

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW

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

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

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

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

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

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

- (b) General Decision Standards. All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed. **Yes**
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied. **N/A**
- (3) The uses and site plan will satisfy the general intent of this Zoning Code. **Yes**
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan. **Yes**
- (5) The size and shape of the site are sufficient for the proposed planned development. **Yes**
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district. **No**
- (7) The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions. **No**
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses. **Yes**
- (9) The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately. **Yes, based upon departmental review**
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. **Yes, based on departmental review**
- (11) The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district. **Yes**

- (12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets. **Yes**
- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. **No, based upon City Council approval and information available**

PURPOSE STATEMENTS

Below are purpose statements from both applicable sections of the Zoning Code:

R-1A Underlying Zoning: Section 1143.01(a) Purpose: This district is intended to provide areas for low-density single-family residential development, generally located within the outlying areas of the City. Such development would be located and designed to protect and enhance the open space character of selected areas within the City.

Planned Development Common Goals from Section 1145.01(a)

- (1) Planned developments share these common goals:
 - A. Protect the neighbors of a planned development and the City in general to at least the same degree normally inherent in the Zoning Code. -- **Preserving vegetative buffering not required by conventional subdivision.**
 - B. Produce a development equal to or better than that resulting from single-use or traditional subdivision -- **Open space and architectural standards exceed subdivision.**
 - C. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings -- **Lacks the City Council required street connection location. Also lacks a plan for improvement of said connection.**
 - D. Result in a design in which the placement, height, and uses of buildings, vehicle management areas, and open spaces efficiently utilize potentials of the site -- **Reduced side yard setbacks and lot widths / Good utilization.**
 - E. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development -- **Incomplete at this time.**
 - F. Be functional within a time period that helps ensure a viable development -- **To be built in two phases, however Final Plan approval is only valid for one year, which could be less than the overall build-out plan. Extensions of the Final Plan approval or other regulatory adjustment may be necessary**
- (2) Infill (already within corporate limits) development also satisfies the following goals:
 - A. Fully utilize sites that could not be fully utilized because of their shape or because of their location relative to available public access. -- **Likely yes, because of linear tract configuration**
 - B. Increase geographic efficiencies of existing utilities such as public streets, water, sewer, electric, telephone, and cable by using them where they are already available. -- **Yes**
 - C. Help keep development from sprawling to and beyond the municipal boundaries of Oxford. -- **Yes, Land currently in corporate limits.**

DESIGN REQUIREMENTS

Below are the design requirements for Planned Developments:

Section 1145.12

- (a) Arrangement. The physical arrangement of a planned development is not subject to the specific dimensional regulations that apply in the underlying zoning district, except as specifically noted in this Chapter. Land uses may be distributed throughout the site and throughout individual buildings in whatever manner is best suited to a particular planned development. Structures, vehicle management areas, open spaces, landscaping, and other elements may be distributed throughout the site in whatever manner is best suited to a particular planned development and the surrounding area. – **The lot layout has shifted somewhat due to increased wetland area and an additional street stub right of way abutting vacant land to the west. The number of buildable lots remain at 50.**

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

(c) Land Use.

- (1) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing residential zoning district:
 - A. Any land use permitted in any residential zoning district in this Code, except Mobile Homes. -
-- **Single-family arts and crafts architectural style homes are proposed.**
 - B. Institutional, public, and semi-public land uses that serve the planned development or the general public.
 - C. Commercial land uses, if the total land area of the planned development is greater than 10 acres and if the commercial land use is intended to serve the planned development only. Such commercial land uses shall be limited as follows:
 1. No signs that are visible from outside of the development.
 2. No direct vehicular access to a public thoroughfare.
 3. No less than 95 percent of the total land area shall be devoted to residential land uses.
 4. No separate structure intended to be used, in whole or part, for commercial land uses shall be constructed prior to the construction of not less than 50 percent of the dwelling units.
- (2) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing commercial zoning district:
 - A. Any land use permitted in the underlying zoning district.
 - B. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.
- (3) The following land uses are permitted only in the portions of a planned development that overlay an existing industrial zoning district:
 - A. Any land use permitted in the underlying zoning district.
- (4) The land uses permitted in a planned development may be distributed as follows:
 - A. If a single planned development overlays more than one zoning district, then the land uses permitted according to this Section may be distributed throughout the entire planned development site.
 - B. If a planned development includes land uses permitted only in an industrial zoning district, then those land uses may only be located in that portion of the planned development that overlays the industrially zoned land.

(d) Residential Density. Residential density shall not exceed 110 percent of the density permitted in the underlying zoning district. Residential land uses in a planned development that overlays a commercial zoning district shall not exceed the density of the R1B Single-Family Medium-Density Residential Zoning District. Area devoted entirely to non-residential land uses, including buildings, vehicle management areas, and other associated land use elements shall be excluded from the area used to calculate residential density. -- **Although the lots are smaller, the overall residential density of the proposed development is less than R-1A Zoning District requirements because of the substantial open space areas.**

(e) Dimensional Regulations.

- (1) Building Heights shall be limited as in the underlying zoning district, regardless of land use.
- (2) Front setbacks shall be limited as in the underlying zoning district.
- (3) All buildings and vehicle management areas shall be setback from the perimeter of a planned development no less than:
 - A. Residential zoning district – 25 feet. -- **In compliance**
 - B. Commercial zoning district – 25 feet.
 - C. Industrial zoning district – 50 feet.

(f) Open Space.

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

- (2) Lot coverage shall be regulated according to the underlying zoning district, except that lot coverage for the residential portion of any planned development shall not exceed 40 percent. **No detailed lot build-outs presented at this time.**
- (g) Environmental. A 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands. Development of this area is regulated as follows:
- (1) Natural vegetation shall be maintained. -- **The 100 foot buffer around mapped wetlands poses a conflict with building lots 47-50 making them un-buildable. The applicant requests a waiver from the buffer requirement and is planning to present a mitigation plan from Kilbane Environmental to the Planning Commission. Staff recommends review of the mitigation plans as well as a conservation easement to restrict inappropriate usage of the rear yard setback areas of lots 47-50.**
 - (2) No structures shall be built or improvements made, except as follows:
 - A. Walking paths, bicycling paths, and the like, including infrastructure necessary to facilitate their development are permitted anywhere within the buffer.
 - B. Roads and associated infrastructure are permitted in the buffer to facilitate crossing such water elements.
 - C. Any improvements approved in a final plan.
 - D. Any public safety or public utility improvements not associated with the planned development, but deemed necessary by the Service Director or Chief of Police.
- (h) Landscaping and Screening.
- (1) A planned development shall satisfy all landscaping elements required by other sections of this Code. – **Street trees are proposed per subdivision requirements.**
 - (2) The required perimeter setback area shall be retained in natural woods or suitably landscaped with grass, ground cover, shrubs, trees, or earthen mound. **The plan does not give any details on the drawing about what actual vegetation currently exists and how it will be preserved. All that is shown are bubbled areas. The application states that the tree line along the east property line will be maintained but there is no detail on the construction plans. The grading of Basin B (Open Space Outlot C) is within the buffer; therefore some plantings may be required.**
 - (3) A planned development that overlays a commercial or industrial zoning district that is adjacent to a residential zoning district shall be screened from the residential zoning district by a dense evergreen hedge a minimum of 8 feet tall and 10 feet wide at planting and that will maintain at least 90 percent opacity over time.
- (i) Access and Mobility.
- (1) At residential densities greater than would be permitted in the R-1A District, have direct and principal access from a collector or arterial road. N/A
 - (2) Bicycle rack spaces shall be provided at all planned developments that overlay a commercial zoning district at a rate of 3 per acre. N/A
 - (3) Adequate pedestrian connectivity shall be provided to and through a planned development. **Five foot wide sidewalks on both sides of the street are proposed within the development. Three sidewalk connections on the construction plans need to be adjusted because of tree lawn variation between developments. There is no sidewalk along the portion of Country Club Drive between Old Farm Road and Contreras Road (Off-site). The 2007 Oxford Area Trail Study shows a connection to this property through Open Space Outlot E.**
- (j) Utilities and Infrastructure. Electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be located underground. **The street lighting plan has not been completed by the utility company yet.**
- (k) Plan-Specific. Any other design elements deemed necessary by Planning Commission and Council to ensure that a planned development satisfies the decision criteria of this Chapter. – **The Planning Commission and City Council specified that the street stub to the vacant land west be aligned with Grace Lane. The applicant decided to locate it offset to reduce through traffic.**

COMMENT FORMS

All property owners within 200 feet have been notified by letter, multiple signs have been posted on the property and a notice has been placed in the newspaper. Additionally, the developer conducted their own informational outreach.

AGENCY REVIEWS

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

Police:	Returned without comment
Fire:	Returned without comment
Service/Engineering:	Returned with comment re: drainage and traffic
Econ. Dev.	Not returned

ANALYSIS

Necessity and Layout

The proposed planned development meets the requirements for dwelling unit density, setbacks and open space. There are less than 20 traditional subdivision lots that are vacant in the City of Oxford; indicating demand for additional lots for development. The proposed lots do not meet the R1A lot size or setback requirements; therefore a Planned Development is an appropriate process, as long as the purpose and intent goals are met for Planned Development design. The applicant has submitted a letter indicating that the Neighborhood Conservation Overlay District will be in place for this entire development.

Justification for Planned Development

The development balances the smaller lots uncharacteristic of R1A with five acres of proposed open space dispersed throughout the development. Additionally, some existing vegetation and wetland is planned to be conserved. Additional information about the mapped wetland areas is needed in order to justify the lack of buffering. The open space definitions in Subdivision and Planned Development Sections require active or passive recreation. Labels have been added; the developer plans to mow the land. A statement should be added to the layout notes that no homes are to be built on the Outlots. Section 1101.411-412 requires that the maintenance of the improvements in the common areas be properly accounted for, such as in the form of a home owner association. The documents are incomplete at this time.

Utilities

City staff does not find any concerns with utility infrastructure capacity and preliminary design to serve this site as indicated by the City Engineer's review.

Connectivity

An adjustment in the location of the proposed stub right of way is required based upon the preliminary approval ordinance. Additionally, it is recommended that the stub be paved as part of the project.

Streets

The City is in the process of resolving the right of way issue with the connection to Grace Lane.

Financial Security

Performance bonding for the public improvements for during and after the development will be required by the City as part of the final approval, per standard procedure.

RECOMMENDATION

Based upon the staff's findings and analysis above, a recommendation of approval can be forwarded based upon the following conditions:

1. Relocation and paving of the stub right of way
2. Satisfactory wetland buffering mitigation and conservation easement along lots 47-50
3. A statement be added to the plat that no homes to be built on the 5 Outlots

4. The declaration of covenants, home owner association responsibilities, maintenance of common open space and common facilities, easements and restrictions be completed, reviewed and approved by the City Law Director prior to recording of Final Plan, Record Plat or commencement of construction.
5. Sidewalk connections to existing sidewalks be adjusted on construction plans to be consistent with Final PD Plan
6. Outlot lettering/numbering be consistent on Final Plan and Construction Plans
7. 25' vegetative buffer preservation detail or plantings where removal occurs.

SUBMITTED

BY:

A handwritten signature in black ink, appearing to read "Sam Perry", written over a horizontal line.

Sam Perry, AICP, Planner

DATE: May 2, 2017

Suggested language to be placed on the Final Plan and Record Plat:

Conservation Easement Area –

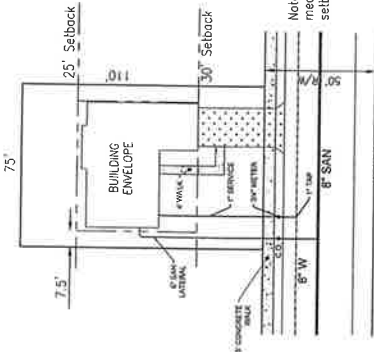
As part of the conditions set forth by Oxford City Council to Red Brick Estates LLC and given the conservation values of the Easement Area, the owners of lots 47-50 hereby imposes and agrees to comply with the following activity and use limitations on the Covenant Area:

- a. **Construction** – The placement or construction of any manmade modifications such as buildings, structures, or fences on the easement area, other than construction activities that are authorized by the mitigation plan approved by the Ohio EPA are prohibited.
- b. **Dumping** – waste, garbage and unsightly or offensive materials are not permitted and may not be accumulated within the easement area.

Wetland/Conservation Easement Area –

As part of the conditions set forth by Oxford City Council to Red Brick Estates LLC and given the conservation values of the Wetland/Conservation Easement Area, the owner of open space lot A hereby imposes and agrees to comply with the following activity and use limitations on the Wetland/Conservation Easement Area:

- a. **Construction** – The placement or construction of any manmade modifications such as buildings, structures, or fences on the easement area, other than construction activities that are authorized by the mitigation plan approved by the Ohio EPA are prohibited.
- b. **Dumping** – waste, garbage and unsightly or offensive materials are not permitted and may not be accumulated within the easement area.
- c. **Cutting and other Control of Vegetation** – Any cutting of trees, ground cover, or vegetation or destroying by means of herbicides or pesticides on the Wetland/Conservation Easement Area is prohibited, other than the removal or control of invasive and noxious species and control activities that are authorized by the mitigation plan approved by Ohio EPA.
- d. **Water Courses** – Natural water courses and streams and adjacent riparian buffers may not be dredged, straightened, filled, channelized, impeded, diverted or otherwise altered on the easement area other than as part of activities that are authorized by the mitigation plan approved by the Ohio EPA.



Note: Lot width shall be measured at the building setback line

75' LOTS
8250 SF. MIN.

TYPICAL PLOT PLAN
NOT TO SCALE

OWNER/DEVELOPER:
RED BRICK DEVELOPMENT LLC
4975 SOKERVILLE RD.
COLUMBUS, OH 43268
614-514-1138

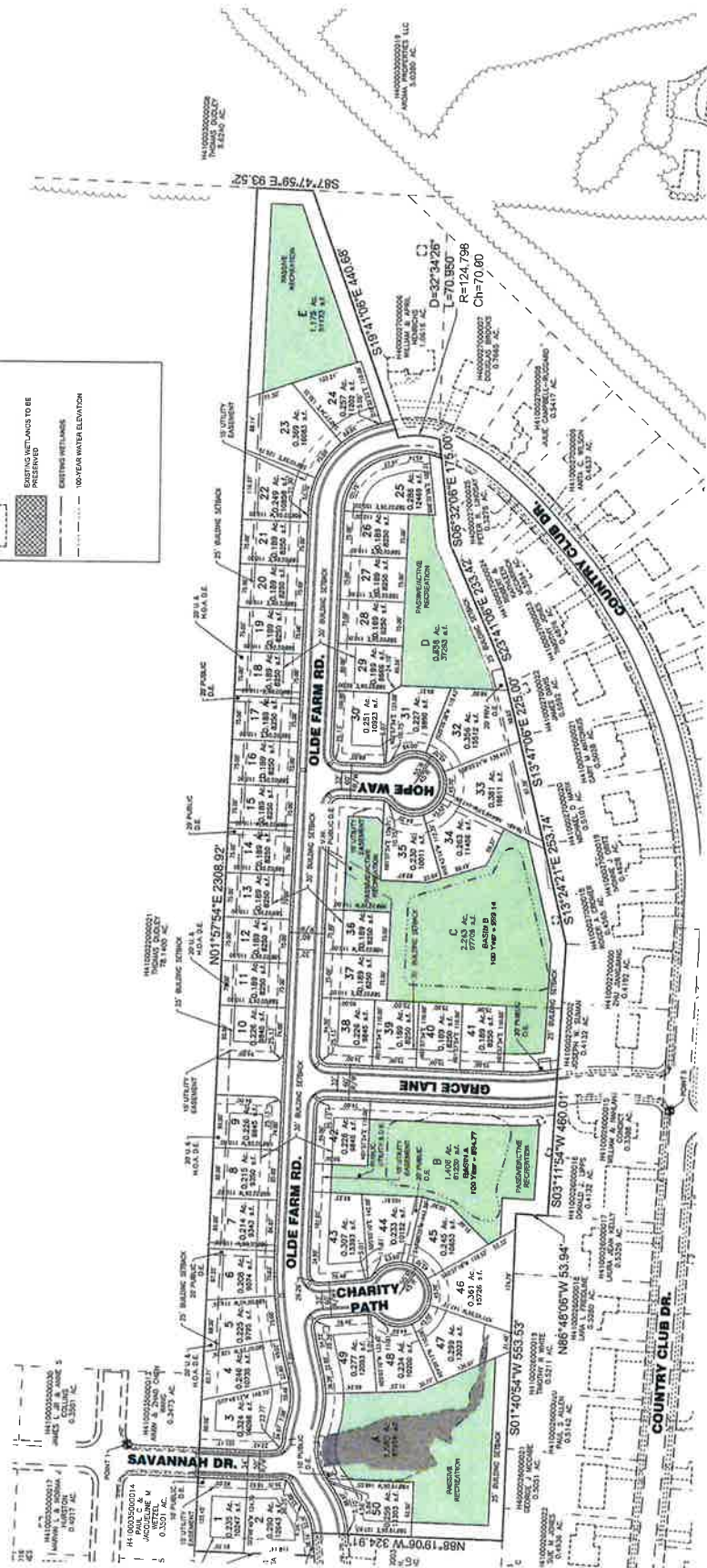
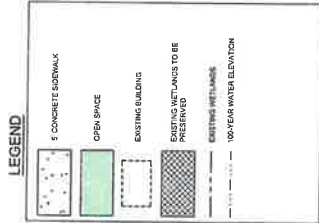
DEVELOPMENT SUMMARY:
SINGLE-FAMILY RESIDENTIAL
PLANNED UNIT DEVELOPMENT DISTRICT

TOTAL ACREAGE: 23.279 ACRES
PROPOSED NUMBER OF SINGLE FAMILY LOTS: 34 LOTS
PROPOSED DENSITY: 14.5 UDS/AC
OPEN SPACE NOT INCLUDING SETBACKS: 5.372 ACRES 23.1% (20% MIN. REQUIRED)
SETBACKS: 25' FRONT SETBACKS
25' REAR SETBACKS

BENCHMARK 0
TRAVERSE POINT 1
N 123°43'18"E
E 132°43'18"E
ELEVATION = 114.02'
ELEVATION = 898.37'

SITE LAYOUT NOTES

- SAVANNAH DRIVE, OLDE FARM ROAD, GRACE LANE, HOPE WAY AND COUNTRY CLUB DRIVE PUBLIC STREETS TO BE DEDICATED TO THE CITY OF OXFORD WITH THE RECORD PLAT.
- ALL UTILITIES SHALL BE SHOWN TO THE BACK OF CURB UNLESS OTHERWISE NOTED.
- THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) CONSTRUCTION AND MAINTENANCE WORKS SHALL BE COMPLETED PRIOR TO THE START OF CONSTRUCTION OF THE PROJECT.
- WHERE CONNECTING TO EXISTING ASPHALT PAVEMENT, THE CONTRACTOR SHALL SAW CUT AND SEAL THE JOINT TO THE ENTIRE CUT FACE OF THE EXISTING PAVEMENT. THE CONTRACTOR SHALL APPLY A 1/2" THICK LAYER OF ASPHALT EMULSION TO THE EXISTING PAVEMENT.
- WHERE CONNECTING TO EXISTING ASPHALT PAVEMENT, THE CONTRACTOR SHALL SAW CUT AND SEAL THE JOINT TO THE ENTIRE CUT FACE OF THE EXISTING PAVEMENT. THE CONTRACTOR SHALL APPLY A 1/2" THICK LAYER OF ASPHALT EMULSION TO THE EXISTING PAVEMENT.
- ALL PAVEMENT MARKINGS SHALL CONFORM TO ITEM 603 PAVEMENT MARKINGS AND THE OHIO MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. PAVEMENT MARKINGS SHALL BE PAINTED OR THERMOPLASTIC.
- ALL TRAFFIC SIGNS AND POSTS SHALL CONFORM TO ITEM 603 TRAFFIC SIGNS AND POSTS AND THE OHIO MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
- FRONT AND REAR DRIVEWAYS SHALL BE CONSTRUCTED TO THE PROPERTY LINES AND MAINTAINED FREE OF UNDERGROWTH.
- ALL DRIVEWAYS SHALL BE CONSTRUCTED TO THE PROPERTY LINES AND MAINTAINED FREE OF UNDERGROWTH.
- NO LOTS SHALL BE CONSTRUCTED IN THE OPEN SPACE PARCELS A-E.



RED BRICK ESTATES **FINAL DEVELOPMENT PLAN** PART OF LOT 1728 SECTION 21, TOWN 5, RANGE 1 OF OXFORD, BUTLER COUNTY, OHIO

boyer
INCORPORATED
10000 KENNEDY BLVD
COLUMBUS, OH 43240
614-885-9133

BE INSERTED)



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: PC-2017-06
Final Planned Development – Red Brick Estates

DATE: June 1, 2017

At request of Sam Perry, Planner, the Engineering Division is addressing the storm water issues related to the proposed development.

Form the initial stages of the proposed development, property owners on Country Club Drive and Old Farm Road have expressed concerns that the storm water draining from the proposed development would adversely affect their respective property and its value. Their concerns were heard, and taken into consideration when the stormwater management plan for the Red Brick Estates Development was designed by the Consultant, and reviewed by the Engineering Division.

Most of the expressed concerns were related to existing conditions.

- First, it must be stated that Country Club Drive and Old Farm Road was developed prior to City of Oxford's Stormwater Regulations.
- Second, the existing stormwater sewers that serve the area are limited in their presence, and not in their capacity to serve the existing area.
- Third, one can observe the topography of the developed area as being rather flat. The individual lots are flat, and in some cases, the lots are below the roadway elevation. As I stated in previous presentations to this body, the home builders were careless by not setting the home foundations at a higher elevation, and grading the lots, so as to provide a way for the storwater to reach the gutters along the streets.
- Forth, City Staff has cleaned the subject storwater sewer system, and the Oxford Country Club has replaced a deteriorated culvert on their property that

was obstructing the stormwater discharge downstream. The stated actions did improve the stormwater discharge issue.

The Stormwater Management Plan for the Red Brick Estates Development was designed to the latest standards. The Development will have two (2) detention ponds, which are designed to take in the stormwater from the Development and timely release it into the existing stormwater sewer system.

As stated by the Consultant, at the last Planning Commission meeting, the ditches are to direct and empty the accumulated stormwater into the detention ponds, which will discharge into the existing storm system.

The detention ponds were design in excess of the needed capacity, due to size restrictions presented by the existing storm system. Thus, the detention ponds discharge will be slowed, so as not to overburden the existing storm sewer, and possibly create flood issues within the Red Brick Development, and the existing Developments.

In extreme, and I must emphasize the word extreme, any overflow will be by surface down Grace Lane, toward the Oxford County Club.

In closing, I must state that this writer met with the Consultant and discussed the stormwater management plan in detail.

This writer finds the plan meets the present stormwater management specifications and BMP's for the subject development.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: April 4, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

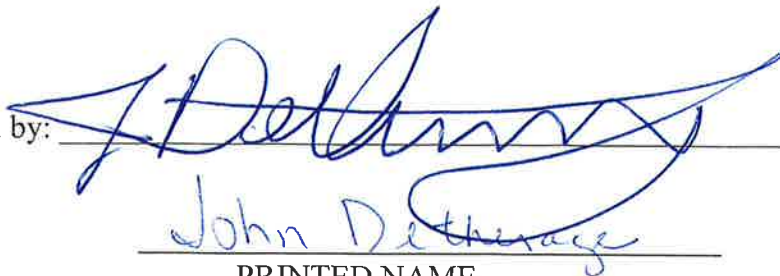
PC-2017-06, FINAL PLANNED DEVELOPMENT, Red Brick Estates, 23.28 acres, R-1A District, Red Brick LLC Applicant

☒ Review ☐ Revisions ☐ Other

Please return no later than: April 21, 2017 Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:


John Detherage
PRINTED NAME

Date:

4-6-17

City of Oxford
Inter-Office Review Transmittal Sheet

Date: April 4, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-06, FINAL PLANNED DEVELOPMENT, Red Brick Estates, 23.28 acres, R-1A District, **Red Brick LLC Applicant**

 X Review Revisions Other

Please return no later than: **April 21, 2017** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

SEE MEMO DATED 4-14-17.

Drawings reviewed by:

V. Popescu

Date:

4-14-17

VICTOR POPESCU

PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: PC-2017-06
Final Planned Development – Red Brick Estates

DATE: April 14, 2017

The following comments are in addition to the comments stated in the May 16, 2016 memo. (attached)

Plan Sheet 1/10

- Refer to General Notes
 - Note 3.
Re-write the note. The note, as written, is not clear.
 - Note 6.
Correct the concrete class, to agree with the ODOT class.
- Refer to Utility Notes
 - Note 8.
“Labels” should read “Lengths”.
 - Note 23.
Correct note to read “... Class 53, 350 PSI”.
 - Note 24.
Add “... 350 PSI.”
- Refer to Typical Cross Section
 - Change tree lawn width to read 7' – 6”.
- Curb ramp details
 - Use ODOT Standard BP-7.1 (dated 7-18-14).

- Delete "Roadway Restoration Standard". Use City Standards.

Plan Sheets 3/10 & 4/10

- Refer to Note 3.
 - Change water service to read 1" (City Standard).

Plan Sheets 8/10

- Use current City Standards 10, 67, 68, and 78.
- Delete City Standard 65.

Plan Sheets 9/10

- Use current City Standards 11, 16, 22, and 73.

If there are questions, please contact the Engineering Division.



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, PE
City Engineer

RE: PC - 2016-11
Preliminary Planned Development
Red Brick Development

DATE: May 16, 2016

The following are comments from the Engineering Division.

- The final design must include a "sump line", located in back of the curb. The down spouts and foundation sump drains shall be connected to the "sump line", which will discharge the storm water into catch basins.
- The Traffic Evaluation, submitted with this proposed development has been reviewed and found to be acceptable, as is. The additional traffic created by the subject proposed development will not significantly increase the existing traffic volume within the existing neighborhood. It should be noted that the traffic volume on Contreras Road in the vicinity of Olde Farm Road has decrease from 2013 to 2015 (2,328 AADT vs 2,100 AADT).

If there are questions, please contact the Engineering Division.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: April 4, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-06, FINAL PLANNED DEVELOPMENT, Red Brick Estates, 23.28 acres, R-1A District, **Red Brick LLC Applicant**

 X Review Revisions Other

Please return no later than: **April 21, 2017** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____



Date: _____

4/14/17

JOHN A. JONES

PRINTED NAME



PC-2017-06

Surrounding Property Owners Notifications Map

Legend

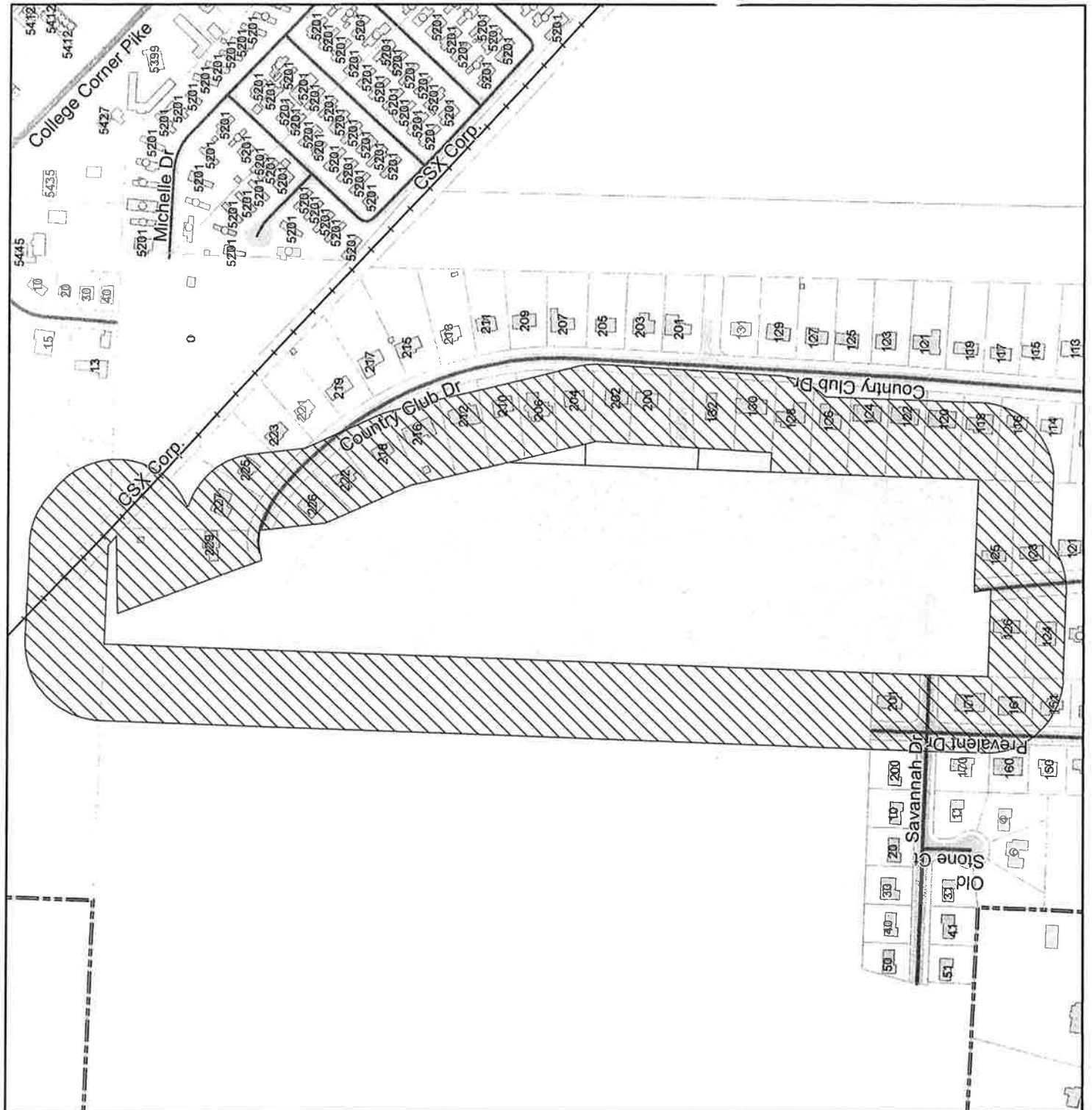
-  Subject Parcels
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  Parcel
-  16.5' Vacated ROW
-  Building Footprint
-  Paved Roadway



1 inch = 350 feet

Prepared on Tuesday, April 18, 2017

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



ORDINANCE NO. 3359

AN ORDINANCE APPROVING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY PLAN APPROVAL OF A PLANNED DEVELOPMENT TO BE LOCATED ON 23.189 ACRES OF VACANT LAND BETWEEN OLDE FARM ROAD AND COUNTRY CLUB DRIVE TO ALLOW A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT WITH CONDITIONS.

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

SECTION 1: Council hereby finds that the Planning Commission held a public hearing on June 14, 2016 in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Red Brick Development LLC, Applicant, Agent, for approval of a Preliminary Planned Development to be located on 23.189 acres of vacant land between Olde Farm Road and Country Club Drive to allow a single-family residential development.

SECTION 2: The Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code and recommended approval of the Preliminary Planned Development application with conditions.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Preliminary Planned Development application for 23.189 acres of vacant land between Olde Farm Road and Country Club Drive to allow a single-family residential development based on the submittals of the applicant that are attached hereto and incorporated herein by reference as Exhibit "A" and made a part of this approval with the following conditions:

1. Storm water management shall meet or exceed City of Oxford regulations and standard specifications.
2. A stub street right-of-way shall be dedicated at the western terminus of "Grace Lane". Staff and applicant shall work together to identify a replacement lot within the project and shall make a recommendation to modify the open space requirements, if necessary to account for the street right-of-way and lot.
3. Active and passive recreation areas shall be identified and planned.
4. Outlots' name and letter labels shall be given to each lot not intended for development. A statement shall be added to the plat indicating that the front yard setback areas of all outlots shall be mowed as lawn and maintained free of undergrowth.
5. The 100' wetland buffering requirement shall be waived such that the applicant and staff shall work out other acceptable environmental practices to mitigate the reduced wetland buffering.
6. The declaration of covenants, home owner association responsibilities, maintenance of common open space and common facilities, easements and restrictions shall be reviewed and approved by the City Law Director with the Final Plan.
7. Details for street lights shall be included with the Final Plan.
8. A typical lot plot plan shall be submitted with the Final Plan.

9. Architectural elevation plans submitted with the Final Plan shall conform to the types and styles presented. Garages shall be added to the drawings and shall be consistent with the development restrictions presented.

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


MAYOR

ADOPTED: August 2, 2016

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)



Internal Use Only:	
Case No.	PC-2017-06
Date Filed	3/31/17

Planned Development Application

Application Type

Choose One

☐

Preliminary

☒

Final

☐

Preliminary & Final

Applicant Information

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

Name * Red Brick Development, LLC

Mailing Address * 4676 Somerville Road

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 513-615-4138 Email Address bryan@straitgatehomes.com

Owner Information

Name * Strait Gate Homes, LLC

Mailing Address * 4676 Somerville Road

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 513-615-4138 Email Address bryan@straitgatehomes.com

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address * 110 South College Avenue, Suite 101

City, State & Zip Code * Oxford, Ohio 45056

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

Location and Lot Information

Name of Subdivision * Redbrick Estates

Location of Property * Parcel No.: H4000022000-007,-008,-009,-010

Legal Description * Lot 1728

Zoning District * R-1A Total Area * 23.28 Acres

Submission Requirements and Documentation

The application requirements (Section 1145.05¹) for a preliminary and final planned development are different. The final planned development application requires a greater degree of accuracy and completeness than does the preliminary planned development application. This section describes the application content requirements for each step of the process.

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

O. Other information as required by the Planning Commission or Council.

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

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

(b) Final Plan.

- (1) The same items and information as required for the preliminary plan, except that the approximations shall be refined to specific locations, dimensions, and descriptions.
- (2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer
- (3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.
- (4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

Surrounding Property Owners

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

Decision Process

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval. The review is based on the General Decision Standards found in Section 1145.06¹.

Fees & Receipt

The fees for a Preliminary, Final, or combined Preliminary and Final Planned Development application are \$400.00 plus \$100.00 per acre, plus \$10.00 postage charge.

Sign and Date

Applicant Signature *

Date *



03-06-17

Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required plans containing all required information as attachments and a check for fees and postage charge made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

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

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

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

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



Red Brick Development LLC



4676 Somerville Rd

Oxford, Ohio 45056

(513) 523-1212

April 29, 2016

Mr. Sam Perry
Planner
City of Oxford
101 East High Street
Oxford, Ohio 45056

Re: Red Brick Estates
Neighborhood Conservation Overlay District

Dear Mr. Perry,

Upon approval of the Preliminary Development Plan and acquisition of the property known as parcels H4000-022-000-007, 008, 009, and 010, Red Brick Development LLC intends to request approval of a Neighborhood Conservation Overlay District to be placed on the Red Brick Estates Development.

Should you have any questions or wish to discuss further, please feel free to contact me.

Sincerely,

Bryan Price
Red Brick Development, LLC



*Where Creativity
Meets Functionality*

Civil Engineers | Transportation Engineers | Landscape Architects | Planners | Land Surveyors

March 30, 2017

Mr. Sam Perry
Planner
City of Oxford
101 East High Street
Oxford, Ohio 45056

Re: Red Brick Estates
Final PUD Submittal

Dear Mr. Perry:

Enclosed please find the following items in support of Red Brick Development LLC's Application for Final Planned Development approval for Red Brick Estates to be located at the end of Country Club Drive, Savannah Drive and Olde Farm Road:

- 1) Executed Planned Development Application.
- 2) A check in the amount of \$2,738.17 made payable to the City of Oxford for the application fee.
- 3) Thirteen individual packets containing one (1) copy of each of the following:
 - a. Executed Planned Development Application.
 - b. List of property owners within 200 feet of the site.
 - c. Legal description of the property.
 - d. Construction Plans
 - e. Typical Building Elevations.
 - f. Landscape Plan.
 - g. Photos of the subject site and surrounding area.
 - h. Draft of proposed covenants and restrictions.
 - i. Letter from Red Brick Development LLC regarding intention to request a Neighborhood Conservation District Overlay.
- 4) A CD containing a pdf of the aforementioned items.
- 5) Applicant:

*Red Brick Development LLC
4676 Somerville Road
Oxford, Ohio 45056
513-615-4138*
- 6) Design Professionals:

Engineer, Surveyor & Landscape Architect:
*Bayer Becker
110 S. College Ave., Suite 101
Oxford, OH 45056*

6900 Tylersville Road, Suite A
Mason, OH 45040
513-336-6600

110 S. College Ave., Ste 101
Oxford, OH 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

209 Grandview Drive
Fort Mitchell, KY 41017
859-261-1113

<http://www.bayerbecker.com>

513-336-6600

7) Description of use and site:

- a. A legal description of the boundary of the proposed development is enclosed.
- b. The property is currently vacant.
- c. The property is zoned R-PUD, Residential Planned Unit Development.
- d. A description of the proposed planned development:

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

Red Brick Estates will contain a total of 50 single family residential lots to be constructed in 2 phases. The first phase will consist of approximately 19 lots. Lots shall have a minimum lot frontage of 75 feet and contain a minimum 8,250 SF. Front yard setbacks shall be 30 feet, rear yard 25 feet and 7.5 feet for each side yard.

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

Not applicable.

- iii. The hours of operation of any nonresidential use.

Not applicable.

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

Phase 1, approximately 19 lots, will consist of the northern portion of the property and will include the extension of County Club Drive. Phase 2, consisting of the remaining lots, will be located at the southern portion of the property and will include the extension of Olde Farm Road, Grace Lane, and Savannah Drive.

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

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

The proposed use, single family residential lots, will be compatible with the existing single family lots located to the south and east. Additionally, the property to the west is currently vacant and zoned R-1B for single family medium density residential.

Savannah Drive, Olde Farm Road, Country Club Drive and the existing street stub (Grace Lane) will be extended into Red Brick Estates in order to provide connectivity with the existing Heritage and Plantation West Subdivisions. Red Brick Estates will be constructing 5' wide sidewalks along both sides of all streets within Red Brick Estates development, as required by the Subdivision Regulations. Said sidewalks will connect to the existing sidewalk on Olde Farm Road, Savannah Drive, Country Club Drive and the Grace Lane.

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

The proposed homes to be constructed within Red Brick Estates will be comparable in size and contain similar building materials as the existing homes in the Heritage and Plantation Subdivisions.

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

The proposed use, residential, will not involve any operations that create potential nuisances.

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

Red Brick Estates will not have a negative effect on adjacent land. The properties to the south and east contain single family residences. While the property to the west, is a vacant field. Railroad tracks currently run to the north of the property. Red Brick Development LLC intends to maintain the existing tree buffer along the east property line of the development.

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

The subject property is an ideal location for Red Brick Estates for several reasons:

- 1) *Per the Comprehensive Plan, Red Brick Estates is located in an area designated for future neighborhood growth, Character Area – Neighborhood General 3.*
- 2) *The property was zoned appropriately for residential development, R-1A single family low density residential.*
- 3) *Proposed density of the development is 2.15 units/acre. Existing density of the adjacent Heritage and Plantation Subdivisions is 1.66 and 2.46 units/acre, respectively.*
- 4) *The property contains several natural features that will be preserved within common open space.*
- 5) *Red Brick Estates will contain a Neighborhood Conservation Overlay District, similarly to the existing Heritage Subdivision to the east.*
- 6) *The infrastructure is currently in place to support a residential development of this nature.*

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

There is a shortage of available single family residential lots within the City of Oxford for individuals to construct a new home. Red Brick Estates will fulfill this need. Furthermore, the development will contain over 20% open space and maintain the existing tree line along the east property line.

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

Public water and sanitary sewer are available to the property. Stormwater detention will be provided in 2 locations within the development. Overall impact from this development on the community is limited as the City has long planned for this area to be incorporated into the City's infrastructure.

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

A letter discussing the expected traffic impact of Red Brick Estates, as well as how pedestrian safety will be accommodated was provided with the Preliminary PUD Submission

- j. The substance of proposed covenants, easements and other restrictions on the land and structures.
 - k. *Enclosed please find a summary of proposed covenants and restrictions for Red Brick Estates.*
- 8) A statement of conformance with the conditions required in the Preliminary PUD Plan.
- 1) *Onsite storm water management, including both the detention design and storm system has been designed to either meet or exceed the City of Oxford design regulations. Calculations for the detention basins and storm system demonstrating compliance have been attached*
 - 2) *The right-of-way for a future stub street will be dedicated to the City of Oxford to provide access to the western property. In order to discourage future traffic from passing through the adjacent Heritage Subdivision, the dedication for the future stub street has been offset from Grace Lane to align with Hope Way.*
 - 3) *Active and Passive recreation areas have been labeled on the Final PUD plan.*
 - 4) *Outlots' name and letter labels have been provided for the open space lots. A note has been added to the Final PUD plan indicating the front yard setback areas of all outlots will be mowed as lawn and maintained free of undergrowth.*
 - 5) *A buffer for the wetland has been provided as shown on the Final PUD plan.*
 - 6) *A copy of the declaration of covenants, home owner association responsibilities, maintenance of common open space and common facilities, easements, and restrictions are included for review.*
 - 7) *Street lighting is currently under design by Duke Energy and will be provided to the City of Oxford upon completion. Duke Energy does not release the final street light design this early in the construction plan review process.*
 - 8) *A typical lot plot plan has been added to the Final PUD plan.*
 - 9) *Architectural Elevation plans are included for your review. Attached garages will be provided with all homes.*

Please place this item on the June 13th Planning Commission Meeting agenda.

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

Sincerely,



Etta M. Reed, PE

Date: March 27, 2017
Description: 23.279 Acres
Part of Lot #1728
Location: City of Oxford
Butler County, Ohio



Situated in the State of Ohio, Congress Lands West of the Miami River, Section 21, Town 5, Range 1, Oxford Township and being part of Lot #1728 of the City of Oxford, Butler County and being all of the lands of Strait Gate Homes, LLC, as recorded in Official Record 8909, Page 1092 of the Butler County, Ohio, Recorder's Office and being further described as follows:

Beginning at the northwest corner of Heritage Subdivision #3 as recorded in Plat Envelope 640, Page "C" and on the easterly line of Plantation West Subdivision, Section Two as recorded in Plat Envelope 2619, Page "A" of the Butler County, Ohio, Recorder's Office and being the **True Point of Beginning**;

thence, leaving the northerly line of said Heritage Subdivision #3 and with the easterly line of said Plantation West and with the easterly line of Lot #2794, North 01° 57' 54" East, 2308.92 feet to the south line of Lot #2798;

thence, leaving the easterly line of said Lot #2794 and with the southerly line of said Lot #2798, South 87° 47' 59" East, 93.52 feet to the westerly boundary of Heritage Subdivision #4 as recorded in Plat Envelope 806, Page "D" of the Butler County, Ohio, Recorder's Office;

thence, leaving the southerly line of said Lot #2798 and with the westerly boundary of said Heritage Subdivision #4 for the following six courses:

- 1) South 19° 41' 06" East, 440.68 feet;
- 2) with a curve to the right, having a central angle of 32° 34' 26", a radius of 124.80 feet, an arc length of 70.95 feet, and a chord bearing South 88° 19' 04" East, 70.00 feet;
- 3) South 06° 32' 06" East, 175.00 feet;
- 4) South 23° 41' 06" East, 233.42 feet;
- 5) South 13° 47' 06" East, 225.00 feet;
- 6) South 13° 24' 21" East, 253.74 feet to the northwest corner of Heritage Subdivision #2 as recorded in Plat Envelope 563, Page "B" of the Butler County, Ohio, Recorder's Office;

thence, leaving the westerly boundary of said Heritage Subdivision #4 and with the westerly boundary of said Heritage Subdivision #2 for the following three courses:

- 1) South 03° 11' 54" West, 460.01 feet;
- 2) North 86° 48' 06" West, 53.94 feet;
- 3) South 01° 40' 54" West, 553.53 feet to the northerly boundary of said Heritage Subdivision #3;

6900 Tylersville Road, Suite A
Mason, OH 45040
513-336-6600

110 South College Ave, Suite 101
Oxford, OH 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

209 Grandview Drive
Fort Mitchell, KY 41017
859-261-1113

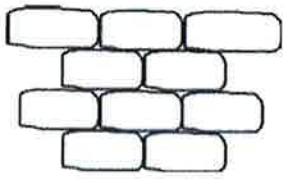
<http://www.bayerbecker.com>

thence, leaving the westerly boundary of said Heritage Subdivision #2 and with the northerly boundary of said Heritage Subdivision #3 for the following three courses:

- 1) North 88° 19' 06" West, 324.91 feet;
- 2) South 04° 56' 06" East, 40.00 feet;
- 3) North 88° 19' 06" West, 200.15 feet to the **True Point of Beginning** containing 1,104,031 square feet or 23.279 acres of land, more or less and being subject to all legal highways, easements, restrictions and agreements of record.

MARCH, 2017

Plot name: Maj. So. 2017 - 1.43m
Drawing name: J:\2015\15-0108\CHC\15-0108 CD.dwg - Layout 1 of 11



Red Brick Development LLC



4676 Somerville Rd

Oxford, Ohio 45056

(513) 523-1212

PRELIMINARY RESTRICTIONS FOR RED BRICK ESTATES

OXFORD, OHIO

SECTION 1: LAND USE

No lot in this subdivision shall be used except for residential purposes. No structure shall be erected on any lot except one single-family dwelling house, with a private garage, which must be attached, hereto, for not less than two automobiles but no more than three automobiles.

SECTION 2: SQUARE FOOTAGE OF STRUCTURE

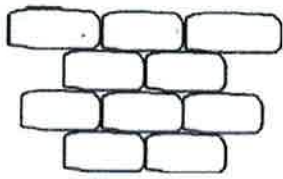
The living space, floor area, exclusive of porches, basements, and garages, of each structure shall not be less than 1,500 square feet for a ranch type home and 2,000 square feet for a two story home.

SECTION 3: ARCHITECTURAL CONTROL

Construction is prohibited on any structure, fence, wall, or building until the plans and specifications have been first approved by Bryan D. Price designee. Bryan D. Price or his designee shall have the sole discretion of approving or rejecting all plans as to design, grades, exterior materials, and the location of the building or buildings on the lot. Prior to building permit application, excavation or construction, the lot owner shall deliver to the developer two complete sets of plans and specifications for approval. Within fifteen 15-calendar days, the developer shall notify the owner of approval or disapproval of the plans.

SECTION 4: START OF CONSTRUCTION

Within one (1) year from the start of construction of a dwelling house upon any lot, said house shall have completed exterior appearance including but not limited to finished walkway, driveway of asphalt or concrete, landscaping, laying of sod or grass seeding, installed gutters and downspouts, installation of all windows and completed exterior painting.



Red Brick Development LLC



4676 Somerville Rd

Oxford, Ohio 45056

(513) 523-1212

SECTION 5: MATERIALS

All homes in the subdivision shall be constructed of not less than a Premium Maintenance Free Vinyl Product approved by Bryan D. Price or designee. Any combination of brick, stone, siding or shakes may be used. Bryan D. Price or his designee reserves the right to waive this restriction on individual request. Waiver must be in writing.

SECTION 6: VEHICLES

No truck over three-fourths ton capacity shall regularly be parked upon any lot or in any driveway in said subdivision, and only one truck of three-fourth ton or less capacity may be so parked. The parking and/or storage of machinery, equipment, school buses, commercial vehicles other than one pick-up truck is prohibited. No lot shall be used or maintained as a dumping ground for refuse or garbage or for the storage of disabled or junk cars.

SECTION 7: BOATS AND TRAILERS

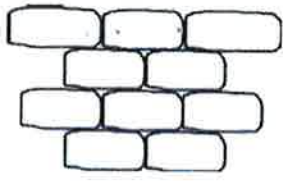
The parking and/or storage of boats, campers, trailers, and other vehicles of similar nature shall not be permitted.

SECTION 8: ANIMALS

No poultry or other livestock shall be kept on any lot in this subdivision. Each residence shall be permitted ordinary household pets of not more than two (2) dogs and two (2) cats, kept in an enclosure or on a leash. No commercial use or breeding of any animals shall be permitted on any lot in this subdivision.

SECTION 9: STORAGE BARN

Small storage barns may be used but must not have floor storage space to exceed 120 square feet (10x12). Barns must be built in a professional manner and placed on a temporary foundation. Construction materials may include wood, Brick, or hardboard siding (no metal buildings allowed). Any storage barn built on the lot must be built to the rear of the house.



Red Brick Development LLC



4676 Somerville Rd

Oxford, Ohio 45056

(513) 523-1212

SECTION 10: MAILBOXES

No brick mailboxes may be used.

SECTION 11: FENCES

No materials other than open wood, open metal, or hedge shall be used as a fence and a maximum height of four feet allowed on any lot. Fences shall be permissible only to the rear of the building line of said lots.

SECTION 12: BUSINESS OR TRADE

No business or trade shall be conducted on any lot, nor shall any lot be used in any way or for any purpose which may endanger the health or unreasonably disturb the quiet of any persons residing in said subdivision.

SECTION 13: SERVERABILITY

In validation of any one of these covenants by judgement or court order shall in no way affect any of the provisions which shall remain in full force or effect.

SECTION 14: ENFORCEMENT

Enforcement shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violations or to recover damages.



View from the center of Olde Farm Road looking North.



View from the South property line at Olde Farm Road looking West.



View from the South property line at Olde Farm Road looking East.



View from the South property line at Olde Farm Road looking South.



View from the center of the unnamed stub street looking West.



View of the East property line at the unnamed stub street looking South.



View of the East property line at the unnamed stub street looking North.



View from the East property line at the unnamed stub street looking East.



View from the center of Country Club Drive looking West.



View from the center of Country Club Drive looking North.



View from the center of Country Club Drive looking Southeast.



View from the center of Savannah Drive at the West property line looking North.



View from the center of Savannah Drive at the West property line looking South.



View from the center of Savannah Drive at the West property line looking West.









Where Creativity
Meets Functionality

Civil Engineers | Transportation Engineers | Landscape Architects | Planners | Land Surveyors

April 29, 2016

Mr. Victor Popescu, P.E.
City of Oxford
101 East High Street
Oxford, Ohio 45056

Re: Red Brick Estates Traffic Evaluation – Vehicular and Pedestrian Impacts

Dear Mr. Popescu,

Bayer Becker has completed the following Traffic Evaluation relative to vehicular and pedestrian impacts for Red Brick Estates, a proposed residential development consisting of approximately 26 acres of property located at the end of Savannah Drive, Olde Farm Road, and Country Club Drive in the City of Oxford, Butler County, Ohio.

Trip generation calculations for the proposed development, which includes 50 single-family residential lots, were determined for the weekday average daily traffic (ADT) and for the AM and PM peak hours of adjacent street traffic using the procedures outlined in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition* and the ITE *Trip Generation Manual, 9th Edition, User's Guide and Handbook*. Site trips are presented in the following table and ITE trip generation rate information excerpts are provided by attachment.

Land Use	ITE Code	Size	Units	ADT			AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Single-Family Detached Housing	210	50	D.U.	278	277	555	11	34	45	35	21	56

Olde Farm Road, Country Club Drive, and Savannah Drive are classified as local roadways per the City of Oxford Roadway Alternatives and Classifications map, while Contreras Road is classified as an urban major collector. Based on the Ohio Department of Transportation (ODOT) traffic counts, the 2015 ADT for Contreras Road west of Patrick Drive is 2,100 vehicles per day. Because of the existing low traffic volumes on Contreras Road, the impact of the additional traffic generated by Red Brick Estates will be minimal. The ODOT traffic count data is attached.

In addition to vehicular traffic, the proposed development will accommodate pedestrian circulation via the construction of 5' wide sidewalks on both sides of all proposed roadways in accordance with the City of Oxford Subdivision Regulations. The proposed sidewalks will connect to the existing sidewalks on Savannah Drive, Olde Farm Road, and Country Club Drive, which will enable residents wishing to walk safely to the Oxford Community Park to do so via sidewalks on Savannah Drive to Prevalent Drive to Contreras Road and through the Knolls of Oxford development to the entrance of the park.

Based upon engineering judgment and the minimal amount of vehicular traffic to be generated, the proposed development will have a negligible impact on the operations of Contreras Road. Furthermore, the construction of the proposed sidewalk within Red Brick Estates will provide pedestrians a safe place to walk while also providing a connection to the adjacent subdivisions.

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

Sincerely,

Kathryn M. Dillenburger, P.E.

cc: Bryan Price, Red Brick Development LLC

6900 Tylersville Road, Suite A
Mason, OH 45040
513-336-6600

110 South College Ave, Suite 101
Oxford, OH 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

209 Grandview Drive
Fort Mitchell, KY 41017
859-261-1113

<http://www.bayerbecker.com>

Land Use: 210

Single-Family Detached Housing

Description

Single-family detached housing includes all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision.

Additional Data

The number of vehicles and residents had a high correlation with average weekday vehicle trip ends. The use of these variables was limited, however, because the number of vehicles and residents was often difficult to obtain or predict. The number of dwelling units was generally used as the independent variable of choice because it was usually readily available, easy to project and had a high correlation with average weekday vehicle trip ends.

This land use included data from a wide variety of units with different sizes, price ranges, locations and ages. Consequently, there was a wide variation in trips generated within this category. Other factors, such as geographic location and type of adjacent and nearby development, may also have had an effect on the site trip generation.

Single-family detached units had the highest trip generation rate per dwelling unit of all residential uses because they were the largest units in size and had more residents and more vehicles per unit than other residential land uses; they were generally located farther away from shopping centers, employment areas and other trip attractors than other residential land uses; and they generally had fewer alternative modes of transportation available because they were typically not as concentrated as other residential land uses.

The peak hour of the generator typically coincided with the peak hour of the adjacent street traffic.

The sites were surveyed between the late 1960s and the 2000s throughout the United States and Canada.

Source Numbers

1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 16, 19, 20, 21, 26, 34, 35, 36, 38, 40, 71, 72, 84, 91, 98, 100, 105, 108, 110, 114, 117, 119, 157, 167, 177, 187, 192, 207, 211, 246, 275, 283, 293, 300, 319, 320, 357, 384, 435, 550, 552, 579, 598, 601, 603, 611, 614, 637, 711, 735

Single-Family Detached Housing (210)

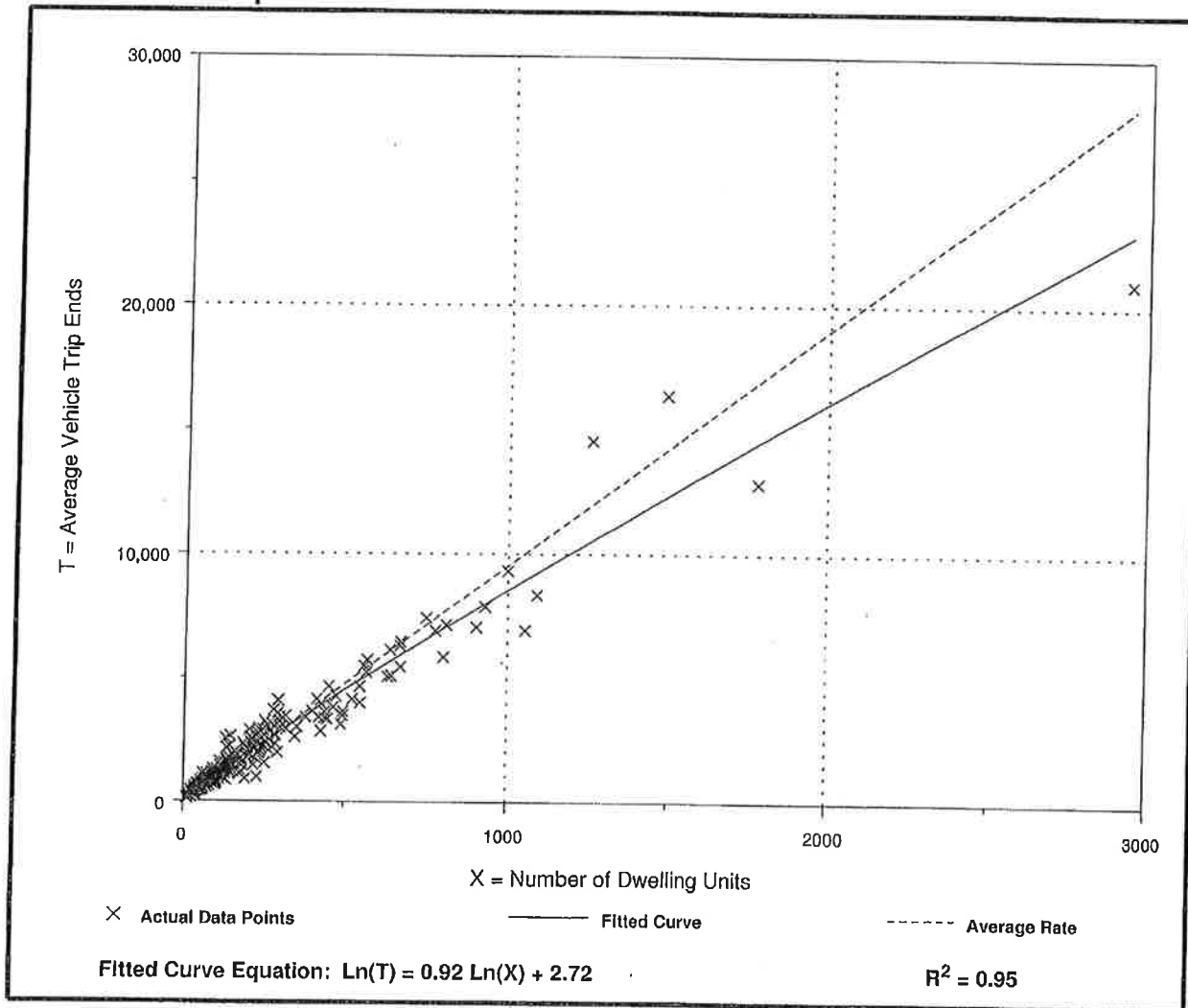
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Number of Studies: 355
Avg. Number of Dwelling Units: 198
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.52	4.31 - 21.85	3.70

Data Plot and Equation



Single-Family Detached Housing (210)

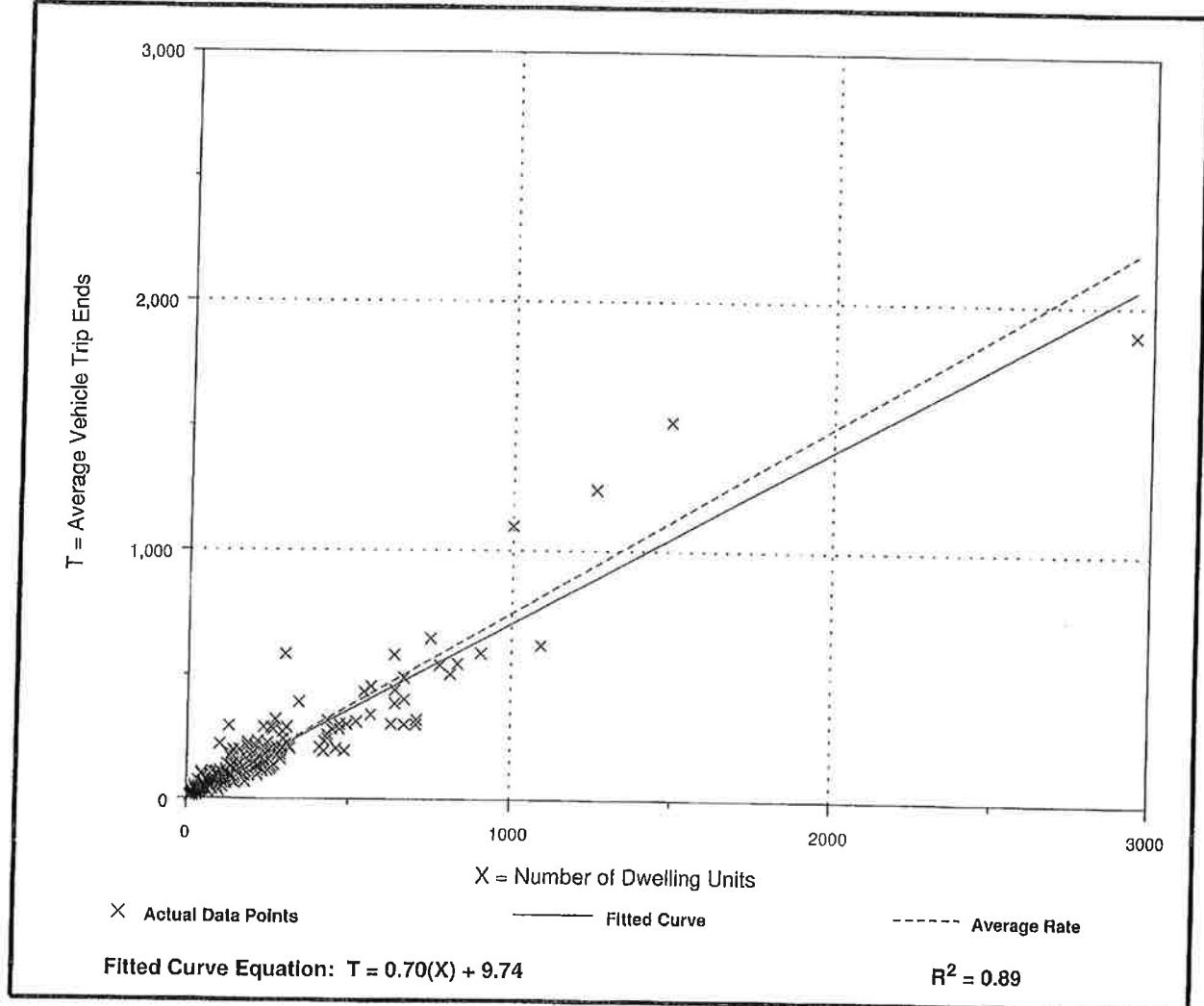
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 292
Avg. Number of Dwelling Units: 194
Directional Distribution: 25% entering, 75% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.75	0.33 - 2.27	0.90

Data Plot and Equation



Single-Family Detached Housing (210)

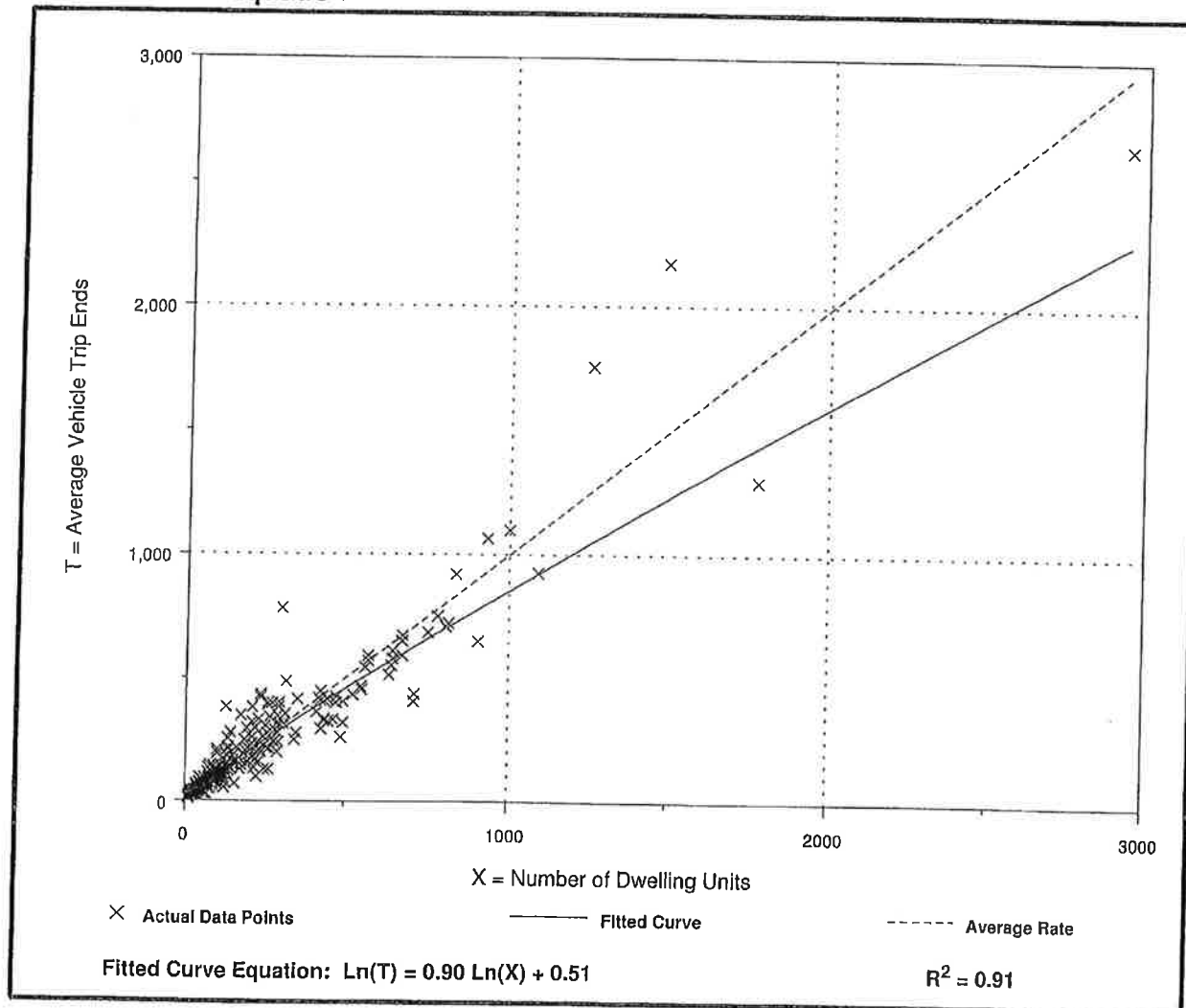
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 321
Avg. Number of Dwelling Units: 207
Directional Distribution: 63% entering, 37% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
1.00	0.42 - 2.98	1.05

Data Plot and Equation



CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: August 1, 2017

Doug Elliott
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

July 24, 2017
Date Prepared

Agenda Title: A Resolution accepting the proposal and authorizing the City Manager to enter into an agreement with Management Partners to evaluate the options for the City of Oxford regarding the hearing of minor criminal cases in the City at a total cost not to exceed \$23,990.00.

Recommendation: Approve

Discussion:

Please see the attached report.

Approved By:

Department Head:

City Manager:

Initial Date

DRE \ 7-28-17

Mary Ann Eaton

From: Douglas Elliott
Sent: Monday, July 24, 2017 3:59 PM
To: Mary Ann Eaton
Subject: Report

Background

In 2015, Mike Gmoser, the Butler County Prosecutor, provided a proposal to the City of Oxford for the abolishment of the three Butler County Area Court (part-time) judges and the establishment of an Oxford Municipal Court and two Butler County Municipal Courts with three full-time judges.

My analysis of this proposal indicated additional costs to the City of Oxford of \$200,000 to \$300,000 per year. The County Prosecutor's analysis indicated a savings to Butler County of \$260,000 not including court security (provided by the Butler County Sheriff's Office), prosecution (provided by the Butler County Prosecutor), or construction of a new municipal court facility which would meet the Ohio Supreme Court recommended standards for building construction, safety, security, and access control. His proposal would eliminate 3 part-time judges and create 3 full-time judges (including an Oxford Municipal Court) with the present caseload. Under his proposal the County would continue to pay the cost for the two new Butler County Municipal Courts serving Liberty, Milford, Wayne, Reily, Hanover, Morgan, and West Chester townships plus the City of Monroe. The residents of the City of Oxford and Oxford Township, with a proposed municipal court would no longer be supported by Butler County, but would continue to pay the same amount of Butler County taxes.

I recommended to Council on March 4, 2016 that the City of Oxford select the most cost effective option of utilizing one of the proposed Butler County Municipal Courts (in Hamilton) rather than establish an Oxford Municipal Court serving the City of Oxford and Oxford Township.

In order to move forward with the County Prosecutor's proposal, it would require adoption of a resolution by the County Commissioners in support of this proposal, as well as, introduction and adoption of state legislation. If the resolution and legislation were adopted (none has been proposed at this time), then county elections for the new judges could be held. According to the Butler County Prosecutor's proposal of 2015, the election schedule showed the election taking place in November of 2017 with the term of the judges starting in January of 2018. This schedule is no longer feasible.

On April 27, 2017, the City received a letter from Mike Gmoser Butler County Prosecuting Attorney stating that he has "overlooked for years ORC 1901.34 (D) that does not give me authority to prosecute municipal ordinance cases in the Area One County Court." He goes on to state "accordingly, I do plan to inform the City of Oxford Police Chief that it is impermissible for me to prosecute municipal ordinance cases, but will only put that into effect after your legal counsel has an opportunity to review my conclusion over the next month. I see early in July as the time when I will no longer prosecute your ordinances with a specific announcement to be made in June unless I am persuaded otherwise by your attorney. If this does go into effect, violations will have to be charged under the state code where I do have jurisdiction and the requirement to prosecute and the consequential financial loss to the city."

I received an opinion from City Attorney Steve McHugh. His opinion stated that he has been unable to find any law that would require the Butler County Prosecutor to continue to prosecute the City of Oxford's ordinance cases. If the City decides to cite all violations under state law, this would eliminate most of the City's revenue from Area I court which amounted to \$44,983 and \$45,528 in 2015 and 2016 respectively (50% of all local fines received through the Area I Court go to the Butler County Law Library).

Earlier this year, the Police Chief and I had a discussion with officials from Miami University regarding changing our criminal noise, litter, and nuisance party violations to civil citations. Many of our Miami University student violations fall

into this category. Miami University officials favor this change. If we make such violations civil citations, the City will be able to keep 100% of the fines collected minus a hearing officer fee. This is presently done with City Fire Code violations. The requested changes are on the Council agenda for a second reading and adoption at the August 1, 2017 meeting. The remaining violations will be cited under state statute which will require the Butler County Prosecutor to continue to prosecute those cases. This will probably occur on September 1, 2017.

In 2006, the City Council adopted a resolution authorizing City staff to continue working with a Municipal Court Study Committee and report its findings and recommendations to the Council when the study is completed. A seventeen page report was received in April of 2008. It provided municipal and county court caseload data for the years 2002-2006. Current data is available on the Ohio Supreme Court web site. The report stated that "More work is necessary to review the income and expenses, territorial jurisdiction, election requirements, and funding of a Municipal Court." My remarks to City Council at that time was that this change to an Oxford Municipal Court would require additional funding to the existing City Budget. No further action was taken by City Council.

Recommendation

Given the background and recent history of a proposed Oxford Municipal Court, I am recommending that City Council authorize the City Manager to sign a contract with Management Partners for \$23,990 to complete an objective, outside evaluation of the options for the City regarding hearing minor criminal cases in the City. The proposal includes interviewing stakeholders, reviewing background materials, and conducting additional research regarding options for the City to consider. After the research and interviews are complete, a comprehensive report will be provided to the City which will analyze and compare options. This report will allow City Council to make an informed decision as to which option is best for the City.

Douglas R. Elliott, Jr.
City Manager
City of Oxford
513-524-5201

www.cityofoxford.org

RESOLUTION NO.

A RESOLUTION ACCEPTING THE PROPOSAL AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MANAGEMENT PARTNERS TO EVALUATE THE OPTIONS FOR THE CITY OF OXFORD REGARDING THE HEARING OF MINOR CRIMINAL CASES IN THE CITY AT A TOTAL COST NOT TO EXCEED \$23,990.00.

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

SECTION 1: The City Manager recommends Council accept the proposal of Management Partners to evaluate the options for the City of Oxford regarding the hearing of minor criminal cases in the City, given the potential reorganization of the Butler County Area One Court at a total cost not to exceed \$23,990.00.

SECTION 2: Council accepts the recommendation of the City Manager and accepts the proposal of Management Partners to evaluate the options for the City of Oxford regarding the hearing of minor criminal cases in the City, given the potential reorganization of the Butler County Area One Court at a total cost not to exceed \$23,990.00.

SECTION 3: Council further authorizes the City Manager to enter into an agreement with Management Partners to evaluate the options for the City of Oxford regarding the hearing of minor criminal cases in the City, given the potential reorganization of the Butler County Area One Court at a total cost not to exceed \$23,990.00.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 1, 2017

Jung-Han Chen
Prepared By

Account Code No. #:

July 26, 2017
Date Prepared

Budgeted Amount:

Agenda Title: Board of Zoning Appeals Meeting Report – July 19, 2017

Adjudication Hearings

BZA-2017-08, 19 E. High Street, Starbucks, variance to Section 1151.05a(2)(B) indirect lighting, Tommy Reed, Atlantic Sign Company, Appellant/Agent

Starbuck's is planning to install a reverse-lit wall sign that is not permitted in the Uptown District. A variance was heard before the Board of Zoning Appeals and the Board found that there was evidence to grant the variance. Based upon the decision standards, in a vote of 5-0-0, the requested variance was granted and the applicant was advised that this application would still require approval from the HAPC.

BZA-2017-09, 5299 College Corner Pike, variance to Section 1149.05(a)3 minimum off-street parking, Sheldon Jennings, Appellant, Agent

The request is to waive off-street parking limitations in front of a principal building. The applicant shared that he felt the variance request was incorrect and should not have been based upon the number of off-street parking as indicated on the petition application. The Board voted to table this case until next month or a different variance is agreed upon by the Appellant and the City.

Director Chen also reported that he met with the City Manager about zoning enforcement issues and the City Manager recommended preparing a memo requesting funding for a part-time zoning inspector position for consideration for next year's budget.

The next regular BZA meeting is Wednesday, August 16, 2017 at 7:30 p.m. at 118 West High St.

Approved By:

Department Head:
City Attorney
City Manager:

Initial	Date
JHC	7/26/17
DRS	7/28/17

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: August 1, 2017

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 21, 2017

Date Prepared

Agenda Title: Resolution approving the contract between the City of Oxford, Ohio and the Oxford Police Officers, Fraternal Order of Police, Lodge 38 and authorizing the City Manager and the City Law Director to sign the contract on behalf of the City.

Recommendation: Approval.

Discussion:

City Council voted at the July 18, 2017 meeting to accept the Fact Finding Report between the City and the Police Patrol Unit (16 Officers). The one outstanding issue which was resolved by fact-finding was wages. As a result, the agreed wage increases will be 4% in 2017 (retroactive to January 1, 2017), 3% in 2018, and 3% in 2019. There were five other issues which were tentatively agreed to by both parties before fact-finding. The additional items are as follows: maintaining the employee contribution towards health insurance at its current level, changing personal absence from 6 days to 60 hours, increasing the amount the City places in the tuition account from \$1,000 to \$3,000 per year, authorizing Field Training Officer pay at \$1.50 per hour, and establishing Detective On Call Pay at \$1,372 per year. These five items plus the wage increases are included in a new three-year labor agreement (2017-2019) which I am recommending to City Council for approval.

Approved By

Initial Date

Department Head: _____

City Manager: _____

DRE *7-28-17*

RESOLUTION NO.

A RESOLUTION APPROVING THE CONTRACT BETWEEN THE CITY OF OXFORD, OHIO AND THE OXFORD POLICE OFFICERS, FRATERNAL ORDER OF POLICE, LODGE 38 AND AUTHORIZING THE CITY MANAGER AND THE CITY LAW DIRECTOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY.

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

SECTION 1: The City Manager and the Police Chief recommend Council authorize the City Manager and the City Law Director to sign on behalf of the City the Contract referred to in substantially the same form as Exhibit "A" ("Contract") with the Oxford Police Officers, Fraternal Order of Police, Lodge 38. The purpose of this Contract is to achieve a mutual agreement and understanding between the aforementioned parties and to establish written protocol for harmonious relations between the parties. The term of this Contract is for three (3) years from January 1, 2017 through December 31, 2019.

SECTION 2: Council hereby accepts the recommendation and approves the contract finding that the contract will benefit the community and it is in the best interest of the City to authorize the City Manager and the City Law Director to sign the contract on behalf of the City.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: July 18 and August 1, 2017

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service

Originating Department

Michael Dreisbach

Prepared By

July 6, 2017

Date Prepared

Agenda Title: An Ordinance Authorizing Modifications to the *City of Oxford Stormwater Management Design Manual*.

Recommendation: Approve

Discussion: Oxford Codified Ordinance Section 400 requires design controls to ensure stormwater from developed areas does not have an adverse effect on natural resources and the environment. Section 135.01 created an Environmental Commission whose purpose, in part, is water resource management including a stormwater control program. The City has had a stormwater management design manual in place since the 1990's.

Service Department staff and the Environmental Commission have completed a review of the *Stormwater Management Design Manual* and have made modifications to clarify various requirements of the manual and also to simplify the language of the manual where possible. A new chapter, Chapter 4, has been added representing Best Management Practices (BMP's) in stormwater management. This chapter describes methods that will prevent or minimize stormwater impact through comprehensive planning and development techniques.

The most substantial changes in the *Stormwater Management Design Manual* include rules to reflect modern standards associated with the USEPA's National Pollutant Discharge Elimination System (NPDES) and incorporating our desire to not only manage stormwater flow, but also to encourage the appropriate reuse of stormwater for beneficial purposes including groundwater recharge.

This manual, through the use of structural BMP's (such as infiltration trenches, organic filters, and rain gardens), non-structural BMP's (such as conservation development and setback limits for sensitive areas), offers engineers and designers flexibility in their plans to achieve City goals while recognizing a variety of different environmental factors.

Approved By:

Department Head:

City Manager:

Initial

Date

WBD 7/7/17

DRE 7/14/17

ORDINANCE NO.

AN ORDINANCE ADOPTING A NEW CITY OF OXFORD STORMWATER MANAGEMENT DESIGN MANUAL.

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

SECTION 1: The City Manager and the Service Director recommend a new City of Oxford Stormwater Management Design Manual be adopted to provide necessary updates and clarifications within the manual.

SECTION 2: Council accepts the recommendation of the City Manager and the Service Director and hereby adopts a new City of Oxford Stormwater Management Design Manual as set forth on Exhibit "A" attached hereto and incorporated herein by reference to provide necessary updates and clarifications within the manual.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: August 1, 2107

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 21, 2017

Date Prepared

Agenda Title: A Resolution authorizing the City Manager or his designee to provide local zoning information and facilitate potential application(s) for a cultivator, processor, testing laboratory and/or dispensary of medical marijuana pursuant to Ohio's Medical Marijuana Control Program.

Recommendation: N/A

Discussion:

As requested by Councilor Southard.

Approved By:

Department Head:
City Manager:

Initial Date

DRE 7-28-17

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO PROVIDE LOCAL ZONING INFORMATION AND FACILITATE POTENTIAL APPLICATION(S) FOR A CULTIVATOR, PROCESSOR, TESTING LABORATORY AND/OR DISPENSARY OF MEDICAL MARIJUANA PURSUANT TO OHIO'S MEDICAL MARIJUANA CONTROL PROGRAM.

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

SECTION 1: House Bill 523 effective September 8, 2016, legalized medical marijuana in Ohio. The Ohio Medical Marijuana Control Program allows people with certain medical conditions, upon the recommendation of an Ohio-licensed physician certified by the State Medical Board, to purchase and use medical marijuana.

SECTION 2: The City Manager recommends the City of Oxford provide local zoning information and facilitate potential application(s) for a cultivator, processor, testing laboratory and/or dispensary of medical marijuana pursuant to Ohio's Medical Marijuana Control Program.

SECTION 3: Council finds it is in the best interest of the City of Oxford to provide local zoning information and facilitate potential application(s) for a cultivator, processor, testing laboratory and/or dispensary of medical marijuana pursuant to Ohio's Medical Marijuana Control Program.

SECTION 4: Council accepts the recommendation of the City Manager and authorizes the City Manager or his designee to provide local zoning information and facilitate potential application(s) for a cultivator, processor, testing laboratory and/or dispensary of medical marijuana pursuant to Ohio's Medical Marijuana Control Program.

SECTION 5: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: EDNA SOUTHARD

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: August 1, 2017

Candi Fyffe

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 27, 2017

Date Prepared

Agenda Title:

Report regarding the July 26, 2017 Civil Service Commission Regular Meeting.

Recommendation:

Discussion: The Civil Service Commission held a regular meeting on Wednesday, July 26, 2017. Those members present were: James Burchyett, Vice-Chair, Brian Martin, and Greg Smith. Excused: Bill Brewer

Candi Fyffe, Human Resources Director, and John Jones, Police Chief, were in attendance for the City of Oxford.

Ms. Fyffe reported to the Commission that Talawanda School District Classified Staff had negotiated and passed a new contract which included removing the classified positions from the City of Oxford Civil Service. She reported that the Talawanda School Board had also approved the contract.

The Commission elected Bill Brewer as Chair and James Burchyett as Vice-Chair.

The Commission reviewed and approved the retirement of the current Police Officer eligibility list. The Commission reviewed and approved a new Police Officer eligibility list.

The next Civil Service Commission meeting is scheduled for Thursday, August 17, 2017 at 5:30 p.m.

Approved By:

Initial Date

Department Head:

City Manager:

CJ 7.26.17
DRG 7.28.17

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 1, 2017

Account Code No. #:

Jung-Han Chen
Prepared By

Budgeted Amount:

July 24, 2017
Date Prepared

Agenda Title: Planning Commission Meeting Report –July 11, 2017
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Election of Officers:

Robert Bell was elected as the new Chair, Richard Daniels was elected as new Vice Chair, Bill Snively was elected as PC representative to the Environmental Commission. Richard Daniels would continue to serve on the CIC.

Concept Review- Madison Student Housing LLC, Stadium Apartments

The project designer presented the proposed project to the Commission for comments.

Zoning Items

PC-2017-10 Zoning Code Map Amendment, to amend the zoning designation of certain properties from R-1MS to R-2MS District and R-2MS to R-3MS District, City of Oxford, Applicant

This is a map amendment that reflects the Planning Commission's discussion and desire to change the zoning designation on certain areas to better represent the actuality, and to plan to encourage for increased density since these areas are either located adjacent to campus or near a major corridor to campus.

The boundary for the area changed from R-1MS to R-2MS is bordered by Campus Avenue to the east, west side of Poplar Street to the west, Chestnut Street to the south and the north properties on Central Avenue to the north.

There are two areas being considered for zoning changes from R-2MS to R-3MS. The first area is generally described to be bordered by Tallawanda Road to the east, Sycamore Street to the north, Main Street to the west and Vine Street on the south and Bishop Street to the west. The second area is considered central Mile Square and the general description is bordered by Campus Avenue to the east, Church Street to the north, Beech Street to the west and Heather Lane to the south.

The Planning Commission, after the public hearing, in a vote of 7-0-0 recommended this amendment to City Council for consideration. The Commission also discussed the area between Poplar Street and Campus Avenue, between the areas being considered to be rezoned and directed staff to initiate the map amendment for this area as well for the Planning Commission to review in September, 2017.

PC-2017-11, Zoning Code Text Amendment, to amend Chapter 1143, District by amending Chapter 1143, Section 1143.03, 1143.05 1143.07 R-1MS, R-2MS, and R-3MS, City of Oxford, Applicant

This application is part of amendments that accompany the 1143.07 R-3MS District (PC-2017-12) changes to allow accessory buildings to be used as a dwelling unit, as well as amending 1143.03 to allow two principal buildings on a same lot and clarify the language of residential building additions.

After the public hearing, the Planning Commission, in a vote of 7-0-0, recommended the proposal to City Council for consideration. Also, the Planning Commission discussed that there might be more amendments to the Mile Square Design Standards for R-1MS and R-2MS, since the Design Standards for R-3MS have been modified and directed staff to initiate the Zoning Code Text amendment to update these two sections specifically.

PC-2017-12, Zoning Code Text Amendment- Chapter 1141, Accessory, Temporary, Supplementary and Environment Regulations by Amending Section 1141.01 Accessory regulation and 1141.03 Supplementary Regulations, City of Oxford, Applicant

This application is part of amendments that accompany the 1143.07 R-3MS District (PC-2017-11) changes to allow accessory buildings to be used as a dwelling unit, as well as amending 1143.03 allowing two principal buildings on a same lot and clarifying the language of residential building additions.

The Commission, after the public hearing, recommended Council consider this amendment, in a vote of 7-0-0.

PC-2017-18, ZONING CODE TEXT AMENDMENT, to amend the Oxford Zoning Code Chapter 1147.03, Conditional Uses, by adding (39) accessory dwelling unit with use potential concerns and regulations, City of Oxford, Applicant

This application is part of amendments that specifically deal with the use regulations and potential concerns by allowing an accessory building to be used as a dwelling unit. The proposed change to Chapter 1143.07 R3MS (Single, Two- and Three-Family Mile Square Residential) Districts would allow accessory buildings to be used for dwelling units, with stipulations.

The Planning Commission, after the public hearing, recommended City Council to take legislative action for this proposed amendment, in a vote of 7-0-0.

PC-2017-19, ZONING CODE TEXT AMENDMENT, to amend the Oxford Zoning Code Chapter 1101.4 Subdivision Regulations, specifically 402, Sensitive Development Areas, City of Oxford, Applicant

This application is a directive from City Council to address the intent of the Zoning Code dealing with sensitive development areas where it is part of a development project, as well as delineate the submittal expectations, provide guidance to the developer on how to address the sensitive areas and how to compile information in order for the Planning Commission to better understand the site and make an informed recommendation to City Council. There have not been any subdivision applications since the 2011 revision was adopted, but this might be a good time before any development project is being submitted for consideration.

The major changes were to direct the project engineers to public agencies to look for readily available information that could provide a base line information to the Planning Commission when reviewing any development proposals.

The Planning Commission, after the public hearing, recommended City Council to take legislative action for this proposed amendment, in a vote of 7-0-0.

PC-2017-20, ZONING CODE TEXT AMENDMENT, to amend the Oxford Zoning Code Chapter 1145 Planned Development, specifically 1145.12 Design (g) Environmental, City of Oxford, Applicant

This application is a directive from City Council to address the intent of the Zoning Code dealing with environmental sensitive development areas that potentially exists within a development project, as well as outline the expectations of delineating the area(s), and how to address those environmental sensitive areas in

terms of development. This has been part of the effort made by the Environmental Commission (EC) to provide expertise to the Planning Commission in those sections of the Zoning Code could be strengthened, clarified and updated. This is a parallel work the EC had done with the Subdivision regulations. After the public hearing, the Planning Commission thanked the Environment Commission for taking on the task to update the Oxford Zoning Code to provide guidance to the project engineer in reviewing those environmental issues.

The Planning Commission, after the public hearing, recommended City Council to take legislative action for this proposed amendment, in a vote of 7-0-0.

The next regular meeting is scheduled for August 8, 2017.

Approved by:

	Initial	Date
Department Head:	<u>gnc</u>	<u>7-26-17</u>
City Attorney:	<u></u>	<u></u>
City Manager:	<u>DRE</u>	<u>7/28/17</u>

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Finance
Originating Department

Council Meeting Of : 7/18/2017

Account Code No. : see below

Joe Newlin

Prepared By

Budgeted Amount :

7/11/2017

Date Prepared

Agenda Title: 2017 Supplemental Budget #6
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Recommendation: Approve

Issue 1

To make adjustment to amended budget for flashing light signalization by Kramer and reimbursement from School District

Action Needed:

Revenue Side

General (110)	7,750.00	Reimbursement from School District
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Expense Side

General (110)	10,875.00	Additional appropriation for signalization
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Net Effect on Fund Balance/(s) Increase/(Decrease)	(3,125.00)
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Issue 2

To make adjustment to amended budget for 2017-2018 Priority One Grant from Ohio Department of Public Safety

Action Needed:

Revenue Side

Life Squad (210)	4,225.00	Priority One Grant
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Expense Side

Life Squad (210)	4,225.00	Additional appropriation for equipment or training
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Net Effect on Fund Balance/(s) Increase/(Decrease)	-
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Issue 3

To make adjustment to amended budget for contract with Management Partners for an evaluation of options for the City of Oxford to hear minor criminal cases for the City

Action Needed:

Revenue Side

General (110)	-	N/A
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Expense Side

General (110)	23,880.00	Additional appropriation for court evaluating options
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Net Effect on Fund Balance/(s) Increase/(Decrease)	(23,880.00)
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Issue 4

To make adjustment to amended budget for contract with Data Management Inc. for TimeClock Plus timeclock for hardware

& software and wireless connections at Oxford Community Park and Pool original budget \$26,000
Data management Inc - \$34,439, wireless connection & contingencies - \$5,716 Total \$40,155

Action Needed:

Revenue Side

General (110) - N/A

Expense Side

Capital Equipment (140)	7,863.00	Additional appropriation for timeclock solution
Water Capital Equipment (320)	3,146.00	Additional appropriation for timeclock solution
Wastewater Capital Equipment (330)	3,146.00	Additional appropriation for timeclock solution

Net Effect on Fund Balance/(s) Increase/(Decrease)	(14,155.00)
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Total Net Effect on Fund Balance/(s) Increase/(Decrease)	(41,160.00)
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Breakdown by Fund

General (110)	(27,005.00)
Capital Equipment (140)	(7,863.00)
Life Squad (210)	-
Water Capital Equipment (320)	(3,146.00)
Wastewater Capital Equipment (330)	(3,146.00)

Net Effect on Fund Balance/(s) Increase/(Decrease)	(41,160.00)
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Approved By:

Department Head:

City Manager:

Initials	Date
<u>DRF</u>	<u>7/14/17</u>

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3381. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 6 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2017.

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

SECTION 1: Additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues;

SECTION 2: The following increase/(decrease)in revenues be made:

General Fund 110	7,750.00
Life Squad Fund 210	4,225.00

SECTION 3: The following increase/(decrease)in appropriations from unencumbered balances be made:

General Fund 110	10,875.00
Life Squad Fund 210	4,225.00
General Fund 110	23,880.00
Capital Equipment Fund 140	7,863.00
Water Capital Equipment Fund 320	3,146.00
Wastewater Capital Equipment Fund 330	3,146.00

SECTION 4: In all other respects, Ordinance No. 3381 shall remain in full force and effect.

SECTION 5: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: July 18, 2017

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

June 26, 2017
Date Prepared:

PC-2017-13 ZONING MAP AMENDMENT to expand an existing establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District for Chestnut Drive and East Chestnut Street, for a total of 19 parcels, **City of Oxford, Applicant**

Recommendation: Approval

Discussion:

The proposed map amendment is to expand an existing Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District in the neighborhood of Cedar Drive and E. Chestnut Street.

The original creation of the Overlay District was approved by the Oxford City Council in 2014, containing 15 parcels, located on Cedar Drive. This amendment is to include 6 more additional parcels into the existing Overlay District. A petition to expand the existing Overlay District was presented to the City Council on April 4, 2017 and forwarded to the Planning Commission for consideration.

The expansion request has followed the same process as establishing the original district by canvassing the neighborhood and obtaining signatures of all owners who owns properties in this propose district. This process is stipulated under 1146.05 (a) Adding parcels to an Existing Overlay District. The petition shall also meet the boundary requirements as stipulated in the Chapter 1146.03(h). The petition also shall meet the minimum two-thirds requirements of owner signatures within the proposed boundary. Additionally, the dates of those signatures shall also be within six months prior to the time the petition was filed with the City Clerk.

Approved by:

Department Head:

City Attorney:

City Manager:

JHC / 6/26/17
DRE / 7/14/17

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT TO EXPAND AN EXISTING NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT IN A R-1A SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT, FOR A TOTAL OF 21 PARCELS LOCATED IN THE VICINITY OF CEDAR DRIVE AND CHESTNUT STREET, IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: Council finds in accordance with Section 1146.05 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on June 13, 2017 on the City of Oxford's application for a Zoning Map Amendment to expand an existing Neighborhood Conservation Overlay District in a R-1A Single Family Low Density Residential District, for a total of 21 parcels located in the vicinity of Cedar Drive and Chestnut Street in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: The Oxford Planning Commission, after public hearing and deliberation, recommended granting the Zoning Map Amendment to expand an existing Neighborhood Conservation Overlay District, and found that the proposed request was in keeping with the intended characteristics of the neighborhood and was an appropriate classification for the properties in question.

SECTION 3: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, to expand an existing Neighborhood Conservation Overlay District in a R-1A Single Family Low Density Residential District, for a total of 21 parcels located in the vicinity of Cedar Drive and Chestnut Street in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A". Council hereby finds that the overlay petition conforms to the decision standards for approval set forth in Chapter 1146 of the Oxford Codified Ordinances.

SECTION 4: Council hereby grants the Zoning Map Amendment incorporating the application and documents submitted with the application as a term and condition of the granting of this Zoning Map Amendment and orders that the official zoning map be amended.

SECTION 5: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	July 18, 2017
<u>Case Number</u>	PC-2017-13
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Code Map Amendment
<u>Summary of Request</u>	Expanding an existing residential Overlay District for Cedar Drive and East Chestnut Street,
<u>Public Hearing Information</u>	A Public Hearing took place at 118 W. High Street on June 13, 2017. A Public Hearing notice was published in the Journal News on May 14, 2017. Courtesy notices were mailed to adjacent property owners on May 23, 2017. Signage was posted at the site on June 6, 2017
<u>Commission Action</u>	The Planning Commission voted 4-1-0 recommending approval.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated May 27, 2017 2. Zoning Map Amendment Application 3. Interoffice Review Transmittal Sheets 4. Surrounding Property Owner Notifications Map 5. Resolution 5053 6. Ordinance 3280 7. Initial Application Dated January, 2017 8. Initial Petition

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2017-13

Date – June 13, 2017

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING MAP AMENDMENT to expand an existing Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District in the neighborhood of Cedar Drive and East Chestnut Street. City of Oxford, Applicant

DESCRIPTION

The proposed map amendment is to expand an existing Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District in the neighborhood of Cedar Drive and E. Chestnut Street.

The original creation of the Overlay District was approved by the Oxford City Council in 2014, containing 15 parcels, located on Cedar Drive. This amendment is to include 6 more additional parcels into the existing Overlay District. A petition to expand the existing Overlay District was presented to the City Council on April 4, 2017 and forwarded to the Planning Commission for consideration.

ZONING CODE

The Oxford Zoning Ordinance Chapter 1146 governs the establishment, expansion and removing of the Neighborhood Conservation Overlay District.

COMPREHENSIVE PLAN

In the Overview Section of Chapter 7, Housing, in the Comprehensive Plan residents echoed the same sentiments that Oxford has a unique housing market involving a large rental population that limits opportunities for family housing options and changes the community character, specifically within the Mile Square. The public input sessions also pointed out the lack of housing opportunities for families and the hope to encourage owner-occupied housing and promote the return of full-time residents to the area. Even the Comprehensive Plan does not implicitly point to the establishment of an overlay district to encourage owner-occupied neighborhoods, but several objectives and strategies are relevant to this idea of maintaining traditional neighborhoods and owner-occupied residential dwellings.

Objective Expand Housing options

- H2.1 Update development regulations to allow for a variety of housing types in new developments.*
- H2.4 Provide financial assistance to increase homeownership opportunities for low and moderate income residents.*

Objective: Expand homeownership opportunities

- H5.1 Encourage local employers to provide homeownership incentives.*
- H5.2 Encourage rehabilitation of owner-occupied structures within the Mile Square.*
- H5.3 Create an urban homeownership incentive program such as homeownership grants to help offset the cost of housing.*
- H5.4 Develop a revolving loan fund.*
- H5.5 Establish an Oxford Homeownership Office in partnership with Miami University.*
- H5.6 Support the University loan program to increase homeownership opportunities within the Mile Square.*

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering and Economic Development

Departments. The following comments have been received:

Police:	Received with no comments
Fire:	Received with no comments
Engineering:	Received with no comments
Econ. Dev.	Received with no comments

DECISION CRITERIA

A copy of the Decision Criteria for Overlay District is attached.

ANALYSIS

The idea of the neighborhood conservation overlay district was to preserve neighborhoods from being turned into rental properties and to maintain the traditional neighborhood owner-occupied character. The Planning Commission went through extensive discussion about this overlay district in 2012. It was designed to provide mechanisms to the neighborhoods to initiate a grass roots movement to get all the neighbors together and to petition City Council for the consideration of placing more restrictions on the underlying district.

The overlay district is not uncommon in the land use arena to put in place a specific set of regulations that are more stringent than the underlying district in order to accomplish specific objectives. The most commonly used overlay district is for the historic area. Others are used for specific design standards to promote some uniformity in certain specific subset areas.

The original Overlay District was created in 2014 by Council with modification that the Overlay District only containing 15 parcels. Here is a request to add more parcels to the existing district to expand the boundary.

The expansion request shall follow the same process as establishing the original district by canvassing the neighborhood and obtaining signatures of all owners who owns properties in this propose district. This process is stipulated under 1146.05 (a) Adding parcels to an Existing Overlay District. The petition shall also meet the boundary requirements as stipulated in the Chapter 1146.03(h). The petition also shall meet the minimum two-thirds requirements of owner signatures within the proposed boundary. Additionally, the dates of those signatures shall also be within six months prior to the time the petition was filed with the City Clerk.

This map amendment is to add 6 more parcels to the existing and 19 parcels represented to exceed the two-third signatures required for 21 parcels. The boundary is compact and reasonable.

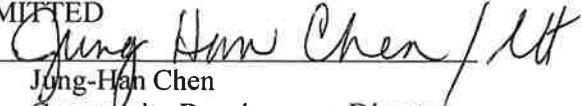
Please note that this process is a neighborhood driven process beginning with a petition to the City Council and followed with a public hearing before the Planning Commission for a Map Amendment recommendation. This process is far lengthier than normal map amendment process and has additional decision standard thresholds to meet. It is a process that the neighborhood had taken seriously and the neighbors have demonstrated their commitment to preserve their neighborhood and to maintain their neighborhood characters by going through an extra step to initiate.

RECOMMENDATION

Staff recommends that the Planning Commission approve this amendment and forward this request to City Council for legislative action.

SUBMITTED

BY:


Jong-Han Chen

Community Development Director

DATE: May 27, 2017

ATTACHMENT

Chapter 1135 Zoning Map Amendment procedures and decision standards

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

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

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

Map Amendments

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

Planning Commission must utilize the Chapter 1146 Specific Decision Standards to consider the Neighborhood Conservation Overlay District and they are as follows:

1146.03(2) b Decision Standards for Considering Overlay District:

1. The proposed Overlay District meets the boundary criteria.
2. The proposed Overlay District will preserve and enhance the neighborhood character.
3. The proposed Overlay District will promote the public health, safety and general welfare of the people of the neighborhood.
4. The proposed Overlay District will promote and implement the intent of the Comprehensive Plan.
5. The proposed Overlay District will satisfy a legitimate need.



Internal Use Only:	PC-2017-13
Case No.	
Date Filed	4/28/17

Zoning Map Amendment Application

Applicant Information

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

Name *	Jung-Han Chen
Mailing Address *	101 E. High Street
City, State & Zip Code *	Oxford, OH 45056
Telephone Number(s) *	513-5245237
Email Address	jhchen@cityofoxford.org

Location and Lot Information

Location *	Cedar Drive and East Chestnut Street
General Description of Proposed Amendment *	Expanding an Existing Neighborhood Conservation Overlay District
Current Zoning *	R1A
Proposed Zone(s) *	R1A

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) **Initiation.** A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.
- (b) **Application.** If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

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

 - (1) **Contents of application.** The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.
 - A. Application Fee.
 - B. The name, mailing address, and telephone number of the applicant.
 - C. A general description of the proposed amendment.
 - D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
 - E. A statement that identifies potential negative consequences of the proposed amendment.
 - F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
 - G. A legal description of the area to be rezoned.
 - H. The proposed zoning of the area.
 - I. The current zoning of the area.
 - J. A description of existing uses in the area.

- K. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.
- L. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned (see later section).

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

From Section 1135.02(c)(1) Decision Standards¹.

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.

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

Fees & Receipt

The required fee is \$150.00, plus \$10.00 postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Date *



The image shows a handwritten signature in black ink over a horizontal line. Below the signature, the date "4/15/17" is handwritten.

Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required documentation as attachments and a check for fee and postage charge made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

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

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

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

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-13, ZONING CODE MAP AMENDMENT - to Expand an Existing Residential Conservation Overlay District for Cedar Drive and East Chestnut Street, City of Oxford, Applicant

 X Review Revisions Other

Please return no later than: **June 5, 2017** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:



Date:

5-16-17

John Dethridge
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-13, ZONING CODE MAP AMENDMENT - to Expand an Existing Residential Conservation Overlay District for Cedar Drive and East Chestnut Street, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **June 5, 2017** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

A. Popescu

Date: _____

5-11-17

VICTOR POPESCU

PRINTED NAME

JOHN A. Jones
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-13, ZONING CODE MAP AMENDMENT - to Expand an Existing Residential Conservation Overlay District for Cedar Drive and East Chestnut Street, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **June 5, 2017** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:  Date: 5-11-17

G-ALAN KYCE
PRINTED NAME



PC-2017-13 **Surrounding** **Property Owners** **Notifications Map**

Legend

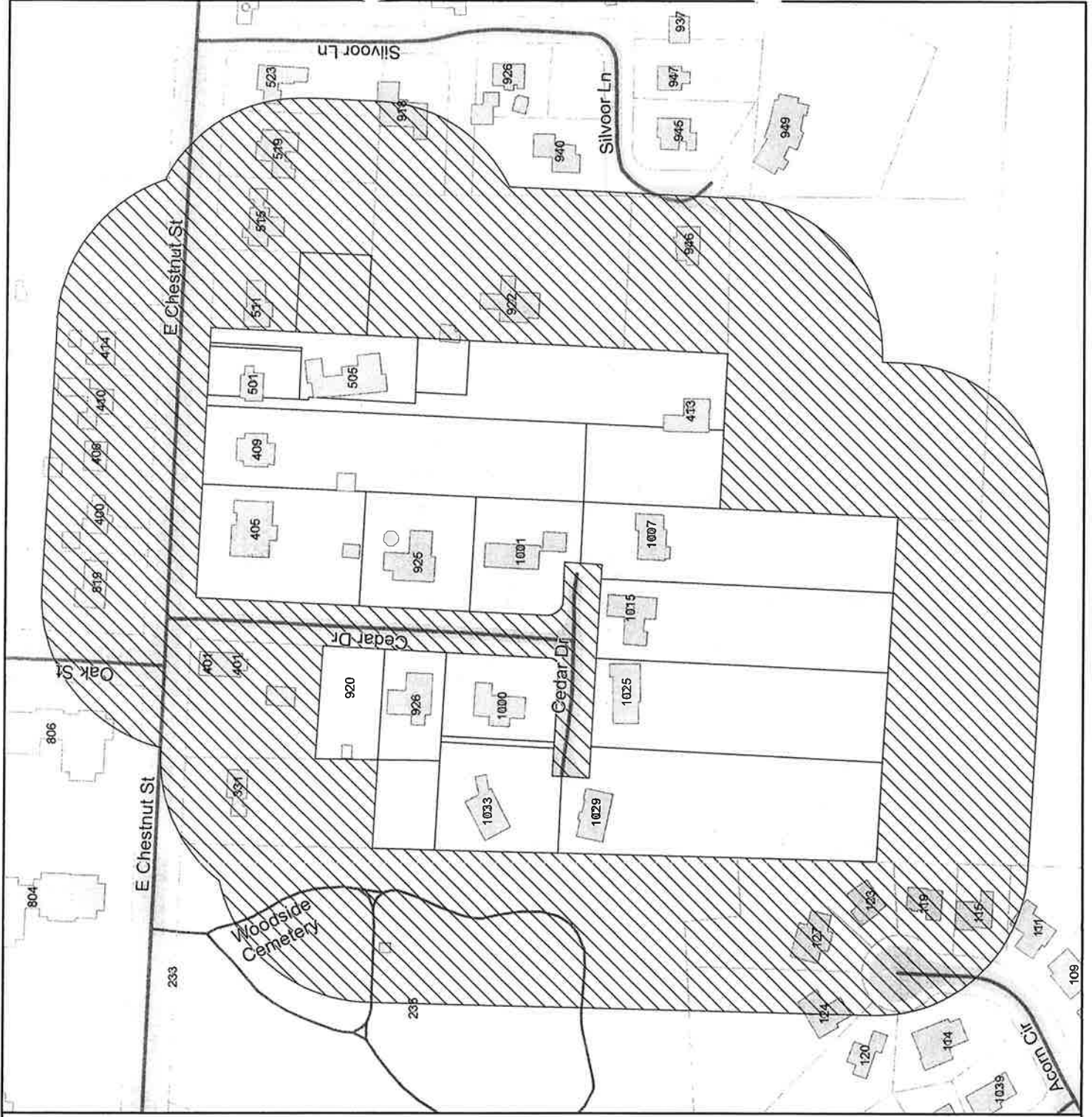
-  Subject Parcels
-  200 Ft. Buffer
-  Address Point
-  Parcel
-  Building Footprint
-  Paved Roadway



1 inch = 175 feet

Prepared on Tuesday, May 23, 2017

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



ORDINANCE NO. 3280

AN ORDINANCE ACCEPTING AND MODIFYING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT IN A R-1A SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT, FOR 15 PARCELS LOCATED IN THE VICINITY OF CEDAR DRIVE, IN THE CITY OF OXFORD, OHIO.

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

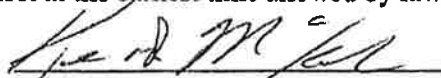
SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on August 12, 2014 on the City of Oxford's application for a Zoning Map Amendment to establish a Neighborhood Conservation Overlay District in a R-1A Single Family Low Density Residential District, for 17 parcels located in the vicinity of Cedar Drive in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: The Oxford Planning Commission, after public hearing and deliberation, recommended granting the Zoning Map Amendment to establish a Neighborhood Conservation Overlay District, and found that the proposed request was in keeping with the intended characteristics of the neighborhood and was an appropriate classification for the properties in question.

SECTION 3: Council hereby accepts and modifies the recommendation of the Oxford Planning Commission by removing 2 parcels shown on Exhibit "A" as "not signed" with Chestnut Street addresses, and after deliberation, finds for the granting of the Zoning Map Amendment, to establish a Neighborhood Conservation Overlay District in a R-1A Single Family Low Density Residential District, for the remaining 15 parcels located on Cedar Drive in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A" with the exception of the 2 parcels labeled as "not signed" with Chestnut Street addresses. Council hereby finds that the Cedar Drive overlay petition conforms to the decision standards for approval set forth in Section 1146.03 of the Oxford Codified Ordinances.

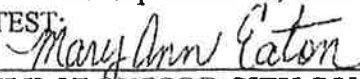
SECTION 4: Council hereby grants the Zoning Map Amendment as amended, incorporating the application and documents submitted with the application as a term and condition of the granting of this Zoning Map Amendment and orders that the official zoning map be amended.

SECTION 5: This Ordinance shall take effect at the earliest time allowed by law.


MAYOR

ADOPTED: September 16, 2014

ATTEST:


CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: KEVIN MCKEEHAN
PREPARED BY: LAW (STAFF)

RESOLUTION NO. 5053

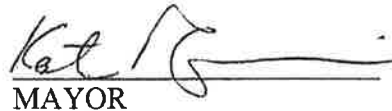
A RESOLUTION OF COUNCIL ACCEPTING THE PETITION TO EXPAND A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR CEDAR DRIVE AND EAST CHESTNUT STREET AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

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

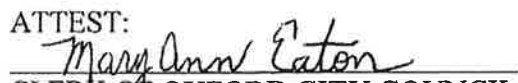
SECTION 1: The Clerk of Council and the Community Development Director have determined that the Petition to expand a Neighbor Conservation Overlay District for Cedar Drive and East Chestnut Street conforms with the petition requirements and recommends that the petition be referred to the Oxford Planning Commission to make recommendations to City Council.

SECTION 2: City Council accepts the recommendation of the Clerk of Council and the Community Development Director and further refers the petition to expand a Neighborhood Conservation Overlay District for Cedar Drive and East Chestnut Street to the Oxford Planning Commission to make recommendations to City Council.

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

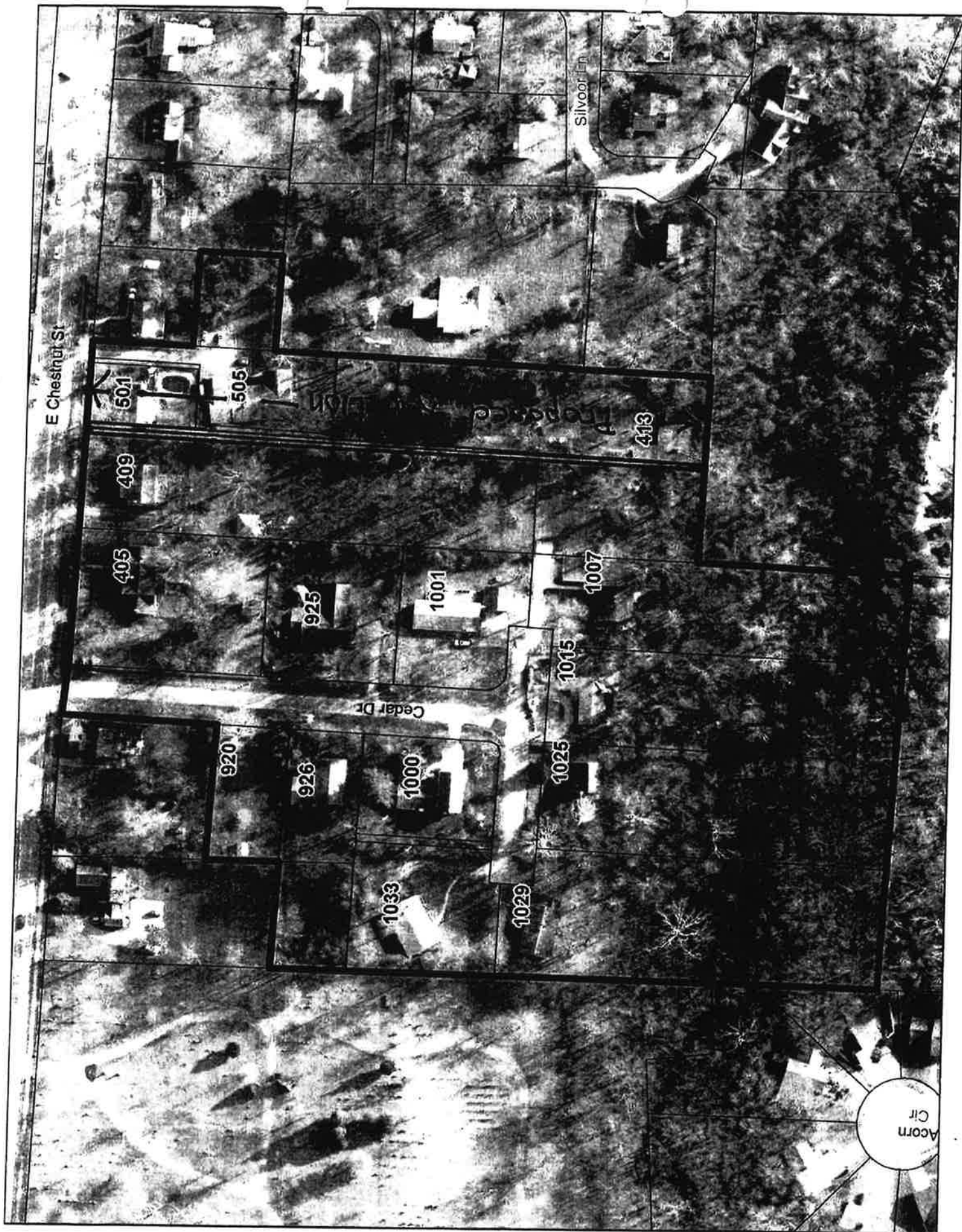

MAYOR

ADOPTED: April 4, 2017

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



E Chestnut St

Silverfoot Ln

501

505

409

405

925

1001

1007

1015

Cedar Dr

920

926

1000

1025

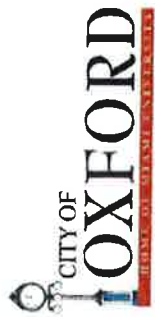
1033

1029

413

Acorn Cir

EXHIBIT "A"



Cedar Chestnut Expanded Neighborhood Conservation Overlay District Petition Boundaries

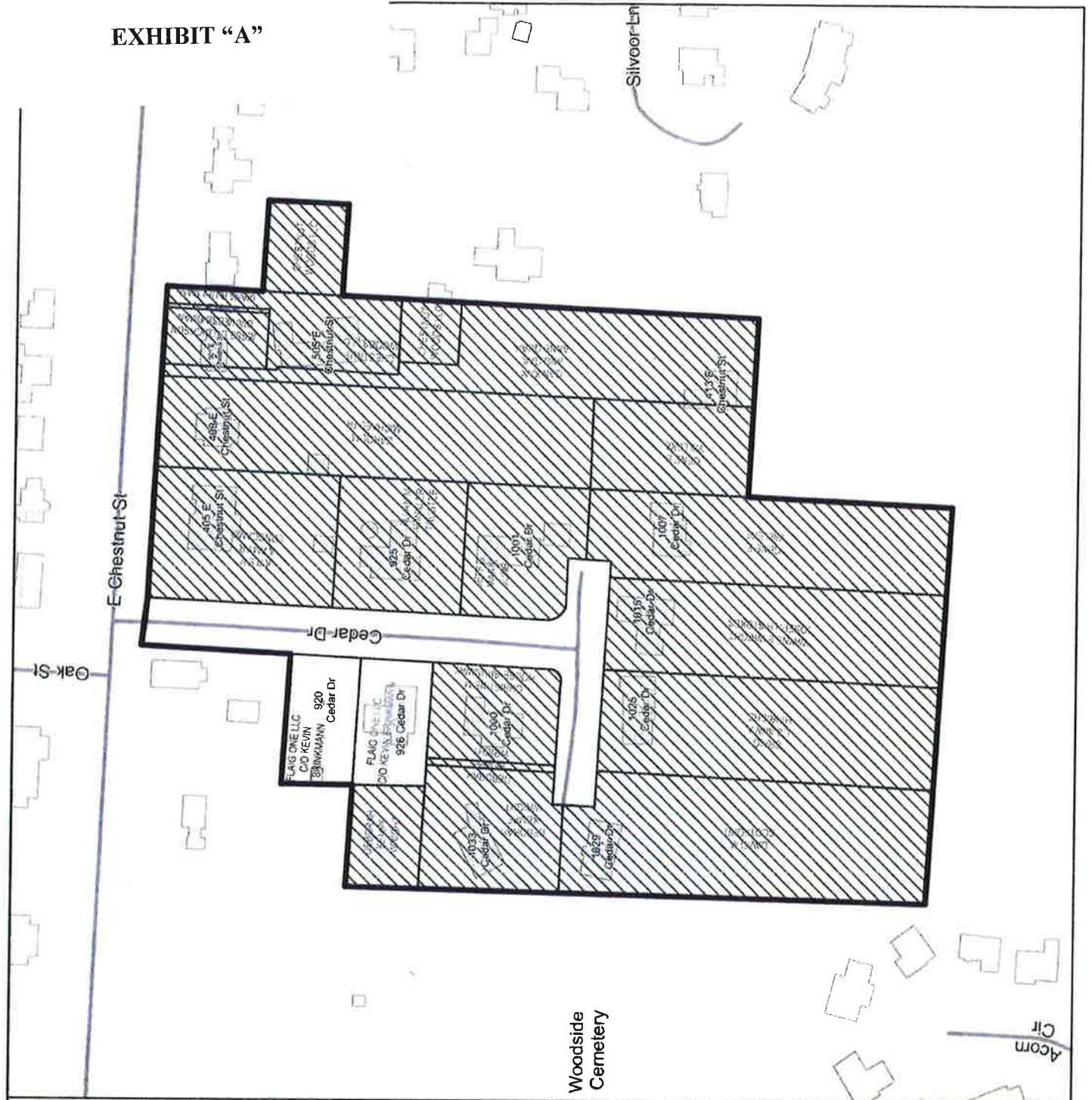
Legend

-  Petition Area
-  Petition Parcel: Signed
-  Petition Parcel: Not Signed
-  Oxford Corporation Limit
-  Address Point
-  Parcel
-  Building Footprint
-  Paved Roadway



1 inch = 150 feet

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



TO: CEDAR DRIVE/EAST CHESTNUT ST. PROPERTY OWNERS
RE: PETITION FOR RESIDENTIAL CONSERVATION OVERLAY EXPANSION
DATE: Late JANUARY, 2017

PROPOSED: That Cedar Drive/East Chestnut St. homeowners apply for a change of zoning for the expansion of the present "neighborhood conservation overlay district." **This proposed zoning limits the number of persons in a rental residence to no more than two unrelated individuals.** If the zoning is approved, homeowners may rent property but are **limited to two unrelated persons who may live in the house.** This would still allow ownership or rental of the property to a large family, a couple, one person or two unrelated persons.

The purpose of the Conservation Neighborhood Overlay Zoning:
The purposes outlined in the ordinance are:

1. to protect the privacy of residents and to minimize noise congestion and nuisance impacts by regulating the types of rental properties occupied by unrelated persons
2. To maintain an attractive community appearance and provide a desirable living environment for residents by preserving the owner occupied character of the neighborhood
3. To prevent excessive traffic and parking in the neighborhoods

Current zoning in Cedar Drive and the Longcamp and Michael Property:
Conservation Neighborhood Overlay

Current zoning in the proposed three added properties: The current zoning is as a "Single family residence" defined as no more than FOUR unrelated people may live in the dwelling. One of these properties is currently permitted as a rental property which allows four unrelated people to live in the dwelling. This property will not be impacted by this petition unless the rental permit expires.

Process for a neighborhood to achieve expansion of the overlay zoning

1. In order for the expansion of the current overlay district, we must have **2/3 of the property owners sign a petition within 60 days** (14 of 21 lots).
2. The petition is sent to Oxford City Council that refers it to the Planning Commission for its recommendation.
3. If the recommendation is approved it is returned to City Council for second reading and approval. The process takes about three months.

Carol Michael, an East Chestnut resident whose property is already in the Cedar Drive overlay, will be contacting you soon with the opportunity for you to sign the petition. The signer of the petition must be the homeowner (if jointly owned, only one needs to sign.) You may contact Carol Michael for further information:

Carol Michael
409 E. Chestnut St.
523-3376

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

THE PETITION IS SUBMITTED PURSUANT TO OXFORD ZONING CODE CHAPTER 1146 TO REQUEST CITY COUNCIL TO INTRODUCE AN ORDINANCE ACCEPTING A PETITION WHICH WOULD ALLOW THE INITIATION OF A ZONING MAP AMENDMENT TO CREATE A DISTRICT WITHIN THE DESCRIBED BOUNDARIES WHICH WOULD RESTRICT THE ABILITY OF PROPERTY OWNERS TO RENT THEIR PROPERTY TO MORE THAN TWO UNRELATED INDIVIDUALS.

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONER TO INITIATE A ZONING MAP AMENDMENT TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT WHICH DOES NOT CURRENTLY HAVE A RENTAL PERMIT TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

Please see the attached map for exact boundaries.

East Boundary:	<u>505 E. Chestnut Street</u>
North Boundary:	<u>E. Chestnut Street</u>
West Boundary:	<u>Existing Cedar Drive/East Chestnut St. Overlay</u>
South Boundary:	<u>Existing Cedar Drive/East Chestnut St. Overlay</u>

Circulator's Full Name:	<u>Carol M. Michael</u>	email: <u>michaelcm@miamioh.edu</u>
Circulator's Address:	<u>409 E. Chestnut Street</u>	
Circulator's Signature:	<u>Carol M. Michael</u>	

Petition for Expansion of Cedar Drive/East Chestnut Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Carol Michael, 409 East Chestnut Street

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
	920 CEDAR DR/ H4100114000023	FLAIG ONE LLC C/O KEVIN BRINKMANN		
1/28/2017	925 CEDAR DR/ H4100114000033	ALLAN M WINKLER TRUSTEE	Allan M. Winkler	
	926 CEDAR DR/ H4100114000024	FLAIG ONE LLC C/O KEVIN BRINKMANN		
2/4/17	1000 CEDAR DR/ H4100114000061	CHRISTINE M HOUSE-SHUMWAY	Christine House Shumway	
1/28/2017	1001 CEDAR DR/ H4100114000032	JEFF & MARIE JUNE	Marie June	
	1007 CEDAR DR/ H4100114000031	GENE E WILLEKE / Patricia	Patricia Willeke	
	E CHESTNUT ST/ H4100113000033	GENE E WILLEKE / Patricia	Patricia Willeke	
2/4/2017	1015 CEDAR DR/ H4100114000030	WAYNE E WRIGHT JOSEPH H STOKES	Wayne E. Wright	
1/28/2017	1025 CEDAR DR/ H4000114000029	CRAIG L & ANN A HINRICHS	Craig L. Hinrichs	
	1029 CEDAR DR/ H4100114000028	DAVID M SCOTTFORD	David Scottford	
1/28/2017	1033 CEDAR DR/ H4100114000026	DEBORAH KEMPF WRIGHT	Deborah K. Wright	

Petition for Expansion of Cedar Drive/East Chestnut Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Carol Michael, 409 East Chestnut Street

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
1/25/2017	1033 CEDAR DR/ H4100114000025	DEBORAH KEMPF WRIGHT	Deborah K. Wright	
1/28/2017	CEDAR DR/ H4100114000027	DEBORAH KEMPF WRIGHT	Deborah K. Wright	
1/29/2017	405 E CHESTNUT ST/ H4000114000034	KYLE V & AMY R LONGCAMP	Kyle Longcamp	
1/30/2017	409 E CHESTNUT ST/ H4000113000043	CAROL M MICHAEL TR	Carol M. Michael	
2/2/2017	413 E CHESTNUT ST/ H4100113000034	GAN KAN AND GAIL ANNE QUAN	Gail A. Quan	
1/31/2017	501 E CHESTNUT ST/ H4100113000037	JESSE D J DICKSON DIANA R UHLMAN	J. Dickson	
1/31/2017	E CHESTNUT ST/ H4100113000038	JESSE D J DICKSON DIANA R UHLMAN	D. Uhlman	
	505 E CHESTNUT ST/ H4100113000036	CHESTNUT WOODS LLC		
	E CHESTNUT ST/ H4100113000040	CHESTNUT WOODS LLC		
	E CHESTNUT ST/ H4100113000035	CHESTNUT WOODS LLC		

Petition for Expansion of Cedar Drive/East Chestnut Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Carol Michael, 409 East Chestnut Street

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	CEDAR DR/ H4100114000027	DEBORAH KEMPF WRIGHT		
	405 E CHESTNUT ST/ H4000114000034	KYLE V & AMY R LONGCAMP		
	409 E CHESTNUT ST/ H4000113000043	CAROL M MICHAEL TR		
	413 E CHESTNUT ST/ H4100113000034	GAN KAN AND GAIL ANNE QUAN		
	501 E CHESTNUT ST/ H4100113000037	JESSE D J DICKSON DIANA R UHLMAN		
	E CHESTNUT ST/ H4100113000038	JESSE D J DICKSON DIANA R UHLMAN		
2-4-17	505 E CHESTNUT ST/ H4100113000036	CHESTNUT WOODS LLC	Carl Kemmelt	2-4-17
2-4-17	E CHESTNUT ST/ H4100113000040	CHESTNUT WOODS LLC	Carl Kemmelt	2-4-17
2-4-17	E CHESTNUT ST/ H4100113000035	CHESTNUT WOODS LLC	Carl Kemmelt	2-4-17

Petition for Expansion of Cedar Drive / East Chestnut Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Carol Michael, 409 East Chestnut Street

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This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for boundaries.

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	1000 CEDAR DR/ H4100114000061	CHRISTINE M HOUSE-SHUMWAY		
	1001 CEDAR DR/ H4100114000032	JEFF & MARIE JUNE		
3/7/17	1007 CEDAR DR/ H4100114000031	Andrew Willeke GENE E WILLEKE / Patricia	<i>Carol Michael</i>	
3/7/17	E CHESTNUT ST/ H4100113000033	Andrew Willeke GENE E WILLEKE / Patricia	<i>Carol Michael</i>	
	1015 CEDAR DR/ H4100114000030	WAYNE E WRIGHT JOSEPH H STOKES		
	1025 CEDAR DR/ H4000114000029	CRAIG L & ANN A HINRICHS		
	1029 CEDAR DR/ H4100114000028	DAVID M SCOTTFORD		
	1033 CEDAR DR/ H4100114000026	DEBORAH KEMPF WRIGHT		

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: June 20, 2017

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

June 15, 2016

Date Prepared

Agenda Title: An Ordinance Repealing Ordinance No. 3388 Adopted December 20, 2016 And Adopting A New Ordinance Providing For The Submission To The Electorate Of Amendments To The Charter Of The City Of Oxford, Ohio, And To Place The Same On The Ballot At The General Election, November 7, 2017 And Declaring An Emergency.

Recommendation: Adopt the Ordinance.

The City Attorney received a call from the Butler County Board of Elections attorney stating the City's proposed Charter Amendments for the upcoming general election was submitted too early. The County's attorney referenced Sections 8 and 9 of Article 18 of the Ohio Constitution which states, "...the legislative authority of the municipality must pass an ordinance directing the board of elections to submit the amendment to the electors at the next regular municipal election, if one occurs during the 60 to 120 days after the ordinance's passage...". Because Council passed the proposed Charter Amendments Ordinance on December 20, 2016, well before the 120 day deadline, the proposed amendments will need to be refiled with the Board of Elections, which requires repealing the original Ordinance and passing new legislation. The new Ordinance will receive two readings, one on June 20th and one on July 18th. The Ordinance will need to be adopted as an Emergency on July 18th to be filed with the Board of Elections on or before August 9, 2017.

The Oxford City Charter was adopted by the voters in 1960. It adopted the Council-Manager form of government. One of the provisions of the Charter (Section 10.05) is for the City Council to appoint a Charter Review Commission every 10 years. City Council appointed five members in 2016. The members are Steve Dana, Edna Southard, Richard Keebler, Steve Snyder and Corey Watt. The Commission members were assisted by Doug Elliott, Steve McHugh, Mary Ann Eaton and Kim Newton. The Charter Review Commission met 5 times to discuss, propose, and review recommended changes to the Oxford City Charter. The recommended changes are shown on Exhibit "A" attached to this report. The recommended changes will require adoption of a City Ordinance by City Council.

Those changes will be placed on the ballot and voted on by the electors of Oxford. The proposed changes approved by City Council will appear on the general election ballot in November 2017.

Approved By:

	Initial	Date
Department Head:		
City Manager:	DRE	6/16/17

ORDINANCE NO.

AN ORDINANCE REPEALING ORDINANCE NO. 3388 ADOPTED DECEMBER 20, 2016 AND ADOPTING A NEW ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF OXFORD, OHIO, AND TO PLACE THE SAME ON THE BALLOT AT THE GENERAL ELECTION, NOVEMBER 7, 2017 AND DECLARING AN EMERGENCY.

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

SECTION I: Council hereby repeals Ordinance No. 3388 and Council, having reviewed the report and recommendation submitted by the Charter Review Commission, determines that amendments to the Charter should be submitted to the electors of the City.

SECTION II: Article XVIII, Section 9 of the Ohio Constitution and Section 10.04 of the Charter provide that amendments to the Charter may be submitted to the electors of the municipality by a vote of at least five (5) of the members of Council.

SECTION III: The question of the amendments of the Charter of the City shall be submitted to a vote of the electors of the municipality at the general election to be held on Tuesday, the 7th day of November, 2017, at the regular places of voting in the City between the hours of 6:30 a.m. and 7:30 p.m. to determine whether the Charter shall be amended with the additions and deletions from the Charter as indicated in the draft Charter revisions document attached to this Ordinance as Exhibit "A".

SECTION IV: The ballot language shall read as follows:

"Shall the Charter of the City of Oxford, Ohio be amended by:

1. removing Section 2.13 regarding police and fire personnel not being required to deliver agendas and other mail;
2. removing Section 2.14 regarding Westgate Drive being maintained as a cul-de-sac;
3. revising Section 3.02 to provide that ordinances should be introduced in the form required for final adoption and to update the language of the enacting clause of an ordinance;
4. revising Section 3.04 to provide that ordinances passed by Council should be published by placing the ordinance on the City's website and in not less than three of the most public places in the City for a period of not less than ten days and further providing that failing to publish as stated does not invalidate any ordinance;
5. revising Section 3.06 to remove the requirement that six copies of all model or standard codes adopted by Council be available in the office of the Clerk of Council,

to remove the requirement that additional copies be available for sale, and to provide that one copy of all model or standard codes adopted by Council be available for viewing at the City offices;

6. adding Section 5.03 to provide that Council has the authority to adopt personnel ordinances or rules and regulations which, if in conflict with the laws of the State of Ohio, prevail; to provide that all appointments and promotions of City employees shall be made based on merit; to provide the exempt and classified positions of the City; to provide that the City Manager shall provide the rules for merit and fitness as the basis for appointment and promotion; to provide that the City Manager shall make appointments for all positions in the classified service based on a competitive examination and on other qualifications and that appointments should be made from a list of the five candidates who ranked highest on the eligibility list; to provide that the City Manager shall make promotions for all positions in the classified service based on competitive examination and other qualifications and that promotional examinations may be restricted to current employees or may be opened to other qualified candidates; to provide that promotions shall be made from a list of the three candidates who ranked highest on the eligibility list; to provide that no officer or employee in the classified service can be demoted or removed except for cause and after a hearing and that Council will provide for enforcement by ordinance and appeals will be to the Personnel Appeals Board; and to provide that the appointment of a new employee shall not be deemed complete until a probationary period of twelve months has elapsed and not to exceed eighteen months for sworn officers and that a probationary employee can be discharged at any time during the probationary period upon the recommendation of the department head with the approval of the City Manager;
7. revising section 5.06 to provide that Council appoints a Director of Finance for an indefinite term, that the Director of Finance is the fiscal officer of the City and is responsible for the accounting, collecting, and disbursing of public funds, that the Director of Finance countersigns all bonds and notes issued by the City, and that the Director of Finance will perform other functions as assigned by ordinance and the City Manager;
8. revising Article VIII to remove the reference to Civil Service Commission and insert reference to Personnel Appeals Board;
9. revising Section 8.01 to provide that there shall be a Personnel Appeals Board consisting of three qualified electors of the City who are appointed by Council for a three year term, that Council will fill vacancies by appointment for the unexpired term, that each member cannot be a candidate for any other public office or be an employee of the City, and that the City and the Personnel Appeals Board do not have jurisdiction over and are not obligated to perform any duties with regard to the employees of the Talwanda City School District;

10. revising Section 8.02 to provide that the Personnel Appeals Board serves without compensation, hears appeals from any nonexempt employee or applicant who has successfully completed a probationary period, has the power to subpoena witnesses and require the production of documents, that all decisions of the Board are final, and that the Board has the power to hear and determine appeals of disciplinary actions, suspensions, demotions, or removals of employees if not resolved upon a hearing and determination by the City Manager;
11. revising Section 8.09 to remove reference to Civil Service Commission and insert reference to Personnel Appeals Board;
12. removing Section 9.07 regarding watchers and challengers for regularly nominated candidates;
13. removing Section 9.08 regarding election of candidates;
14. removing Section 10.01 regarding the oath of office for officers and employees;
15. revising Section 11.01 to provide that the City is the legal successor of the Village of Oxford and therefore has title to all property owned by its predecessor and that adoption and amendments to the Charter do not impair rights vested in the City nor discharge liability previously incurred by the City;
16. removing Section 11.02 regarding continuation of ordinances;
17. removing Section 11.03 regarding continuation of officers after adoption of the Charter;
18. removing Section 11.04 regarding continuation of employees after adoption of the Charter;
19. removing Section 11.05 regarding the transferring of public records and property upon termination of tenure of office or employment for officers and employees;
20. removing Section 11.06 regarding continuation of contracts and public improvements after the adoption of the Charter;
21. removing Section 11.07 regarding pending actions and proceedings that were in place at the time of the adoption of the Charter
22. removing Section 11.08 regarding when the Charter took effect when it was adopted.

SECTION V. A majority vote shall be necessary for adoption of this question. If adopted, this amendment will be effective on certification of the election results.

SECTION VI. Notice of the time and place of holding such election shall be given as required by law. The full text of the proposed amendment shall be published one (1) time per week for not less than two (2) consecutive weeks in a newspaper of general circulation in the City of Oxford, with the first publication being not less than fifteen (15) days prior to the election at which the amendment is to be submitted to the electors.

SECTION VII. The Clerk of Council shall certify this Ordinance to the Butler County Board of Elections by 4:00 p.m. on August 9, 2017.

SECTION VIII. 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 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 IX. This Ordinance constitutes an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the City of Oxford for the reason that it is necessary to timely submit the proposed Charter Amendments to the Board of Elections for placement on the ballot for the general election to be held on November 7, 2017, in compliance with the Ohio Constitution and the City Charter, and provided it receives the affirmative vote of at least five (5) members of Council, it shall take effect and be in force immediately upon its adoption.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

EXHIBIT "A"

CHARTER OF THE CITY OF OXFORD, OHIO

PREAMBLE

We, the people of the City of Oxford, Butler County, Ohio in order to secure for ourselves the benefits of local self-government under the constitution of the State of Ohio, do ordain and establish this Charter for the government of the Municipality of Oxford.

ARTICLE I INCORPORATION, FORM OF GOVERNMENT, POWERS

SECTION 1.01 INCORPORATION.

The present municipality, as its limits are now or may hereafter be established, shall be and continue to be a municipal corporation of the State of Ohio in perpetuity, under the name of the City of Oxford. Each provision of this Charter shall apply with equal force to this municipality.

SECTION 1.02 POWERS.

Except as prohibited by the constitution of this state or restricted by this Charter, the City of Oxford shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers in this Charter shall not be deemed to be exclusive. No act of the municipality shall be invalid or limited by reason of failure to enumerate a particular power in this Charter. The municipality shall have and may exercise any and all powers, either expressed or implied, which it would be competent for this Charter to enumerate, as fully and completely as though such powers specifically were included herein.

SECTION 1.03 MANNER OF EXERCISING POWERS.

All powers of the corporation shall be vested in an elected Council which shall enact local ordinances and resolutions, adopt budgets, determine general policies and appoint a City Manager, who shall see that the policies and legislation adopted by the Council are enforced. All powers of the corporation shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance or by general law.

SECTION 1.04 FORM OF GOVERNMENT.

The form of government provided under this charter shall be known as the Council-Manager Plan.

ARTICLE II

THE COUNCIL

SECTION 2.01 NUMBER, SELECTION AND TERM.

The City Council shall consist of seven members, elected at large, for four year overlapping terms. Except as provided in Section 2.03, all members of Council shall be elected to a full term of office. All elections of Council members shall be on a non-partisan ballot.

SECTION 2.02 QUALIFICATIONS.

Any qualified elector who has lived in the municipality for one year prior to filing a petition of candidacy shall be eligible to serve as a member of Council, when elected as hereinafter provided.

The Council shall be the judge of the election and qualifications of its own members. The seat of any member may be declared vacant by resolution of Council, five (5) members concurring.

Council shall declare vacant a seat of any member for the following reasons:

1. One who persistently fails to abide by the rules of Council.
2. One who is absent without justifiable excuses for three (3) consecutive regular meetings.
3. One who shall cease to be a qualified elector and resident of the municipality as required by the Charter unless special circumstances have been approved by five (5) members of Council concurring.
4. One who enters upon the performance of the duties of an incompatible public office.
5. One who shall hold any appointed office or employment with the municipality for which compensation is authorized.
6. One who shall violate any expressed provisions of this Charter.
7. One who shall be convicted of a crime involving moral turpitude or any felony.
8. One who shall be convicted of any other provision of the State laws as applicable to public officials for which the penalty includes forfeiture of office.

SECTION 2.03 VACANCIES, FILLING OF.

Vacancies in the office of Council members shall be filled within thirty (30) days by vote of a majority of the remaining members of Council, by the selection of a qualified elector who has resided in the municipality for at least one year immediately preceding such appointment. If Council fails to make this selection within thirty (30) days, the Mayor shall make the appointment. Such person so chosen shall serve until the next regular City Council election, occurring not less than 100 days after selection. At such election, a successor shall be elected to serve for the unexpired term, if any; if not, for a full term.

SECTION 2.04 TERM OF OFFICE.

The term of office of Council members shall begin on the third Monday following the regular City Council election. City Council election shall be held on the first Tuesday after the first Monday in November in the odd numbered years. No member of Council shall serve more than two consecutive terms.

SECTION 2.05 SALARY.

The salary of Council members, other than the Mayor, shall be at a rate established by Council, until changed by ordinance adopted by Council. No increase in salary shall ever take effect during the term of a Council member in office at the time the ordinance is adopted.

SECTION 2.06 ORGANIZATION AND MEETINGS.

Following each municipal election Council shall meet within five days after the beginning of the term of office of the newly-elected members of Council for the purpose of organizing. At such meeting, the newly-elected members of Council shall take the oath of office and the Council shall proceed to elect a Mayor and a Vice-Mayor and may transact such other business as may come before it. Thereafter, regular or special meetings shall be held as prescribed in the Council rules, and regular meetings shall occur not less frequently than once each month. All meetings of Council and its Boards and Commissions shall be open to the public except Executive Sessions as provided for by Ohio statute. A majority of the members elected shall constitute a quorum at all meetings.

SECTION 2.07 MAYOR AND VICE-MAYOR.

The Council shall select biennially from among its own members one to serve as Mayor and one as Vice-Mayor for a term of two years and until their successors are chosen and qualified. The Mayor shall preside at Council meetings, when present, and shall have a vote on all matters which come before Council, but shall exercise no administrative authority. The Mayor shall be the ceremonial head of the municipality, but shall exercise no administrative authority. The Vice-Mayor shall

preside over the meetings of the Council when the Mayor is absent and shall perform such other duties as may be assigned by Ordinance.

SECTION 2.08 SALARY OF MAYOR.

The Mayor shall be paid a salary at a rate established by Council, until changed by ordinance adopted by Council. No increase in salary shall ever take place during the term of the Mayor in office at the time the ordinance is adopted.

SECTION 2.09 CLERK OF COUNCIL.

There shall be a Clerk of Council, elected by vote of majority of the members of Council from outside its membership, to serve until a successor is chosen and enters upon the duties of the Clerk's office. The Clerk may be appointed to serve full time or part time and the Council may assign the duties of the Clerk of Council to any employee of the Municipality as an additional duty. The Clerk shall give notice of Council meetings, keep the journal, advertise public hearings, record in separate books all ordinances and resolutions enacted by Council and have the same published in the manner provided by this Charter. The Clerk shall perform such other duties as may be assigned by this Charter or by ordinance.

SECTION 2.10 RULES AND JOURNAL.

The Council shall determine its own rules of procedure in conformity with the provisions of this Charter, and shall keep a journal of its proceedings which shall be a public record.

SECTION 2.11 POWERS OF THE COUNCIL.

Among other powers the Council shall have authority to:

(1) Adopt ordinances and resolutions on any subject within the scope of its powers and to provide penalties for the violation thereof;

(2) Establish the internal organization, staffing and compensation of the departments, boards and commissions created by this Charter; set up such additional departments, boards or commissions as it may deem necessary and determine their powers and duties;

(3) Adopt and modify the master plan and official map of the municipality;

(4) Regulate the use of private real estate in the municipality by establishing zones, limiting the uses in each zone and limiting the height of buildings and the intensity of land use. Structures containing more than three dwelling units, as defined within the most current edition of the Ohio Building Code, are prohibited within the incorporated area as described:

Situated in the City of Oxford, Butler County, State of Ohio, bounded and described as follows: Beginning at the intersection of Chestnut Street and Patterson Avenue; thence northwardly with the centerline of Patterson Avenue to a point, which was the 1976 North Corporate line; thence with the 1976 North Corporate line to a point in the centerline of Brown Road; thence southwardly with the centerline of Brown Road to a point in the centerline of Sycamore Street; thence westwardly with the centerline of Sycamore Street to a point in the centerline of Locust Street; thence with the centerline of Locust Street southwardly to a point in the intersection of the centerline of Chestnut Street and Locust Street; thence with the centerline of Chestnut Street eastwardly to the place of beginning; excepting the following area described as beginning at the intersection of Church Street and College Avenue; thence southwardly with the centerline of College Avenue to a point in the intersection of the centerline of Walnut Street and College Avenue; thence eastwardly with the centerline of Walnut Street; thence northwardly with the centerline of Campus Avenue to a point in the intersection of the centerline of Church Street; thence westwardly with the centerline of Church Street to the point of beginning.

This prohibition shall not apply to existing structures containing more than three dwelling units which shall be permitted to continue as nonconforming as long as said use is continued, but the same shall prohibit the future construction or establishment of structures containing more than three dwelling units;

(5) Adopt a subdivision platting ordinance and approve subdivision plats which conform thereto;

(6) Enact a comprehensive building code;

(7) Authorize the levy of taxes and the issuance of bonds as provided in this Charter;

(8) Adopt an annual appropriation ordinance based upon the annual budget;

(9) Appoint and remove the City Manager, establish the Manager's salary and appoint an acting City Manager when necessary;

(10) Appoint and remove the Director of Finance and establish such Director's salary;

(11) Appoint and remove the Director of Law and establish such Director's salary;

(12) Inquire into the conduct of any municipal officer or employee in the performance of public functions of such officer or employee;

(13) Make investigations of any office, department or agency of the municipality;

(14) Grant public utility franchises by vote of 2/3 of the members of Council;

(15) Employ a public accountant to make an audit of the financial affairs of the City whenever such an audit is deemed necessary;

(16) Provide for the employment of engineering and other professional services on a consulting basis when deemed necessary;

(17) Issue subpoenas for witnesses and to require the production of books and papers which may be necessary in the conduct of any hearings or investigation.

(18) Council shall have the power to appeal the decisions of its boards and commissions on an affirmative vote of five (5) members of Council.

SECTION 2.12 UTILITY USERS LIABLE FOR OWN USES AND NOT FOR OTHERS.

Tenants and property owners shall be liable only for their own utility use unless they have made an agreement between themselves to the contrary. New tenants and new property owners shall not be liable for the utility services provided to other prior tenants or owners or provided to other existing tenants unless they have made an agreement between themselves to the contrary.

~~SECTION 2.13 — POLICE AND FIRE PROTECTION.~~

~~Police and fire personnel shall not be required to deliver agendas of Council meetings, or other ordinary mail, of the City except in situations of a true emergency need and when regular methods of communication are inadequate. Both shall perform such duties as are provided by the laws of the State of Ohio and the Ordinances of this City.~~

~~SECTION 2.14 — PUBLIC SAFETY AND PROPERTY RIGHTS.~~

~~To preserve and protect the public safety, and the rights of property owners, and to preserve the neighborhood and quality of life, Westgate Drive shall continue to be maintained as a cul-de-sac as it has been for over 100 years and Westgate Drive shall not be extended beyond the presently paved portion thereof which paved portion does not extend beyond the northern boundary of lots 1294 / 1257-006.~~

ARTICLE III ORDINANCES AND RESOLUTIONS

SECTION 3.01 ACTION OF COUNCIL.

The action of Council shall be by ordinance or resolution. On all matters of a general or permanent nature, or granting a franchise, or levying a tax, or appropriating money, or contracting an indebtedness, or issuing bonds or notes, or for the purchase, lease or transfer of property, action shall be taken formally by ordinance in the manner hereinafter provided. Action on all other matters of a temporary or informal nature may be taken by resolution.

SECTION 3.02 ENACTMENT OF ORDINANCES.

~~Each proposed ordinance shall be introduced in writing by a member of the Council, and, in addition to the title, shall contain an opening clause reading as follows: 'Be it ordained by the Council of the City of Oxford, Ohio.'~~ **Each proposed ordinance shall be introduced in writing by a member of the Council and in the form required for final adoption. The enacting clause shall be "The Council of the City of Oxford, Ohio, hereby ordains that..."** Prior to introduction, a written copy of each proposed ordinance shall be provided to all members of Council and any member of the public requesting a copy. The action proposed to be taken shall be fully and clearly set forth in the body of the ordinance. Each ordinance shall contain one subject only which shall be stated clearly in the title. No ordinance shall be passed without the concurrences of a majority of all members elected to Council, except that emergency ordinances, as hereinafter provided, shall require concurrence of 3/4 of all members elected to Council for passage. Ordinance shall be read by title only on two different days before they may be enacted. Council on motion adopted may require the second reading of a proposed ordinance in full. However, if an emergency is declared as hereinafter provided, or if by 3/4 vote of all members elected to Council, the reading by title on two different days is dispensed with, in which cases such ordinances may be read one time by title only and passed on the day of such reading. Final passage of all ordinances and resolutions shall be certified by the Mayor or Vice-Mayor and the Clerk of Council.

SECTION 3.03 EFFECTIVE DATE.

Ordinances providing for appropriations for current expenses of the municipality, or for public improvements petitioned for the owners of a majority of the foot frontage of property benefited and to be specially assessed for the cost thereof, or for raising revenue, or ordinances wherein an emergency is declared to exist, shall become effective immediately upon passage or at such later date as may be provided therein, and such ordinances shall not be subject to referendum. All other ordinances shall take effect 30 days after passage. An emergency ordinance as referred to herein is one which must be passed and made effective at once or in less than 30 days to meet an emergency in the operation of the City government, or which is necessary for the immediate preservation of the public peace, health, safety, morals or welfare. Each emergency ordinance must contain therein a separate section setting forth the reason for the emergency. No ordinance

granting a franchise or fixing a rate to be charged by a public utility shall be passed as an emergency measure.

SECTION 3.04 PUBLICATION OF ORDINANCES.

~~A summary of each ordinance must be published on adoption, in a newspaper of general circulation in the City of Oxford. The summary shall be prepared by the Clerk of Council, approved by the Law Director, and shall describe the ordinance in brief and general terms. Resolutions shall not be published, unless the Clerk of Council is directed to do so by Council. The complete text of all ordinances and resolutions shall be made available at the office of the Clerk of Council.~~

All ordinances passed by the Council shall be published except as otherwise required by law, as used in this Section "published" shall mean to post copies thereof, or a summary of such adopted legislation, on the City's website and in not less than three of the most public places in the City, as determined by the Council for a period of not less than ten days and to take such other actions as provided by Council. ~~It also includes posting on the City's website.~~ Failure to publish as required by this Section shall not invalidate any ordinance.

SECTION 3.05 INITIATIVE AND REFERENDUM.

The initiative and referendum powers, reserved to the people under the Ohio Constitution, shall be exercised in the manner provided by the Ohio Constitution, the laws of the State of Ohio and this Charter, except: that any initiative or referendum petition filed with the Auditor of the City of Oxford shall contain the signatures of not less than ten percent of the voters who voted at the preceding election for the office of Governor; that when a petition having the required number of signatures is filed with the City Auditor, it shall be held in the Auditor's office for a period of 15 days before certification of the text of the proposed ordinance is made to the Board of Elections; that the committee designated by the petitioners to file said petition shall consist of five members. In all other respects, the procedure with reference to initiative and referendum petitions shall be the same as that provided by the Constitution, laws of the State of Ohio and this Charter. Whenever the Council is required to pass more than one ordinance to complete the legislation necessary to complete and pay for any public improvement, the referendum shall apply only to the first ordinance to be passed and not to any subsequent ordinance in the series relating thereto. Resolutions are not subject to referendum.

SECTION 3.06 ADOPTION OF STANDARD CODES BY REFERENCE.

The Council may adopt model or standard codes prepared and published by public or private agencies on such matters as building construction, plumbing, heating, ventilating, air conditioning, electric wiring, smoke regulation, fire prevention and other similar regulatory subjects by

reference to the date and source of the code without reproducing the same in full in the ordinance. In all cases in which such a code shall be adopted by reference, publication of the code, at length, by the City, shall not be required. ~~One copy of all such adopted codes shall be available for viewing at City offices. However, at least six copies of all such codes shall be kept in the office of the Clerk of Council for reference and consultation by interested persons during regular office hours, and additional copies shall always be available for sale, at cost, by the Clerk of Council.~~

ARTICLE IV CITY MANAGER

SECTION 4.01 APPOINTMENT OF CITY MANAGER.

The Council shall appoint, by majority vote of all members elected thereto, an officer to the City who shall have the title of City Manager. The City Manager shall be chosen solely on the basis of executive and administrative qualifications, as judged by the adequacy of training and experience. At the time of appointment the City Manager need not be a resident of the city or state, but during tenure of office the City Manager shall reside in the municipality. No council member shall be eligible for appointment as City Manager during the term for which elected, or for two years thereafter.

SECTION 4.02 CITY MANAGER'S DUTIES.

The City Manager shall be the chief executive and administrative officer of the municipality. The City Manager shall be responsible to the Council for proper administration of all affairs of the municipality, and to that end, subject to the provisions of this Charter, shall have authority and shall be required to:

(1) See that this Charter and the ordinances and resolutions of the City are faithfully observed and enforced;

(2) Appoint and remove all officers and employees of the City except those selected or appointed by Council, or as otherwise provided in this Charter;

(3) Insure the preparation of the tax budget and annual budget, submit them to Council for approval and administer the appropriations made by the Council;

(4) Prepare and submit monthly reports to the Council. Insure the preparation and submission to Council and the public annually, not later than March 31, a complete report on the finances and administrative activities of the municipality for the preceding year; which report shall be deemed to satisfy the requirements of Section 117.19, Revised Code of Ohio. Such annual report shall be published and distributed in the manner provided by ordinance;

(5) Formulate and arrange contract, franchises and agreements subject to the approval of Council. Sign as the official signatory of the City all legal documents on behalf of the City including, but not limited to all contracts, bonds and notes on behalf of the City;

(6) Attend all meetings of Council unless otherwise directed by Council, and shall have the right to take part in the discussion of all matters coming before Council in such meetings, but shall have no vote;

(7) Serve as an ex-officio member (without vote) of all boards and commissions authorized under this Charter, except the Civil Service Commission;

(8) Delegate to subordinate officers and employees of the municipality any duties conferred upon the Manager by this Charter or by action of Council and hold them responsible for the faithful discharge of such duties;

(9) Perform such other duties, not inconsistent with this Charter, as may be required by the Council.

SECTION 4.03 ABSENCE OR DISABILITY OF CITY MANAGER.

The City Manager may designate, by letter filed with the Clerk of Council, any qualified administrative officer of the City to perform the duties of the City Manager during the temporary absence or disability of the City Manager. If such designation has not been made, and the City Manager is unable to perform such duties or to make such designation, the Mayor on an emergency basis may appoint an acting City Manager until the next Council meeting. Council may thereafter appoint any qualified administrative officer of the municipality to perform the duties of the City Manager until the City Manager shall return or the disability ceases.

SECTION 4.04 REMOVAL OF THE CITY MANAGER.

The City Manager shall serve for an indefinite term, subject to removal by the Council at any time by a majority vote of all members elected thereto. At least 30 days before such removal shall become effective, the Council shall adopt a preliminary resolution stating the reasons for the removal. The Manager may reply in writing and may request a public hearing, which shall be held not earlier than 20 days nor later than 30 days after the filing of the request, before the full Council. After such public hearing, if one is requested, and after full consideration, the Council may adopt a final resolution of removal. The Council may, at the time the preliminary resolution is passed, suspend the Manager from duty and designate an acting Manager but shall cause forthwith the payment of any salary due the Manager to the date of suspension of the Manager. Unless such suspension and removal is for misconduct of the Manager involving moral turpitude, the Manager shall be paid a salary for the period of suspension and 30 days following the removal from

office. In the case of voluntary resignation of the Manager, the Council and the Manager shall agree upon the effective date of the resignation.

SECTION 4.05 CONTRACT WITH THE CITY MANAGER.

Council shall have the right to negotiate and authorize the Mayor to sign on behalf of Council a contract of employment with the City Manager setting forth the terms of employment and separation from employment for the City Manager as deemed to be appropriate by Council. No term established herein shall establish an expectation of continued employment except as provided in the contract.

SECTION 4.06 RELATIONS BETWEEN COUNCIL AND MANAGER.

Except for the purpose of inquiry or investigation, the members of Council shall deal with the administrative employees of the municipality solely through the City Manager. No member of the Council shall interfere in the appointment or removal of officers or employees subordinate to the City Manager. In the event any member of Council is found by the Council to have violated this section, Council shall declare that seat vacant.

ARTICLE V ADMINISTRATIVE DEPARTMENTS

SECTION 5.01 CREATION OF DEPARTMENTS.

The administrative functions of the City shall be carried on by a Department of Finance, and Department of Law and such other departments as may be created by ordinance, after consultation with the City Manager.

SECTION 5.02 DEPARTMENT HEADS.

Each City department shall be headed by a full-time or part-time director. With the exception of the Departments of Finance and Law, the City Manager shall appoint all department heads. The heads of the Departments of Finance and Law shall be appointed by the Council, in accordance with the provisions of this Charter. Each department head shall be an administrative officer of the City. Two or more departments may be headed by the same person and the City Manager may serve as the director of one or more departments in addition to the duties as Manager, when approved by Council.

SECTION 5.03 PERSONNEL

The Council shall have the authority to adopt personnel ordinances or personnel rules and regulations which modify, supplement, or supersede

the laws of the State of Ohio and which, in the case of conflict, shall prevail over the laws of the State of Ohio.

All appointments and promotions of City employees shall be made on the basis of merit and fitness demonstrated through a competitive selection process to the extent practicable and except as otherwise provided by Council.

Exempt Positions:

- (1) All elected officers.
- (2) The Clerk of Council.
- (3) The City Manager.
- (4) ~~The Secretaries and~~ Assistants to the City Manager
- (5) The Directors of the departments.
- (6) ~~The Secretaries and~~ Assistants to the Directors.
- (7) Chief of Police.
- (8) Fire Chief.
- (9) Members of boards and commissions appointed by Council.
- (10) Unskilled labor, as defined by ~~Civil Service Commission~~ Council.
- (11) Temporary employees of exceptional professional or scientific qualifications engaged as consultants for special work by the City.
- (12) Seasonal and part-time employees.

Classified Service: The classified service shall comprise all positions not specifically included in this Charter in the unclassified service as exempt positions.

The City Manager shall provide rules for the determination of merit and fitness as the basis for appointment and promotion of classified personnel

Appointments for all positions in the classified service shall be made by the City Manager based on a competitive examination and on the basis of experience, character, and conduct. Appointments shall be made from a list of the five candidates ranked highest on the eligibility list for that position, provided five candidates qualify to be placed on the list.

Promotions for all positions in the classified service shall be made by the City Manager based on competitive examination and on records of merit, efficiency, character, conduct and seniority. Promotional examinations may be restricted to current employees or the City Manager may open the exam to qualified candidates from outside the City service.

Promotion appointments shall be made from a list of the three candidates ranked highest on the eligibility list for that position, provided three candidates qualify to be placed on the list.

No officer or employee in the classified service shall be demoted or removed except for cause and after a hearing, and the Council shall provide by ordinance for the enforcement of this provision and also for appeals to the ~~Civil Service Commission~~ Personnel Appeals Board for suspensions, demotions and removals by the City Manager.

An original appointment of a new employee shall not be deemed complete until a period of probation not to exceed twelve months has elapsed; except that in the police department ~~division~~ said probationary period for sworn officers, shall not exceed eighteen months. Such probationary employee may be discharged at any time within the said probationary period, upon recommendation of the head of the department in which said probationer is employed, with the approval of the City Manager.

SECTION 5.04 EMPLOYEE HANDBOOK.

An employee Handbook shall be distributed among all divisions of the City. Pending adoption of revisions to the Employee Handbook by Council, the City Manager may establish temporary provisions of the Employee Handbook.

Subject to the provisions of this Charter, and after consultations with the City Manager, the Council shall approve and adopt an Employee Handbook, which shall provide in detail the organization of the municipal government, define the powers and duties of each organizational unit and determine the employee procedures to be followed. Amendments to, and revisions of, the Employee Handbook shall be made by Council only after consultation with the City Manager. Where the Employee Handbook is silent, the officers and employees of the City shall have and may exercise all powers and duties provided for similar officers and employees by the state law. However, provisions of the Employee Handbook shall supersede those of state law in cases of conflict.

SECTION 5.05 DEPARTMENT OF LAW.

The Director of the Department of Law shall be known as the City Attorney. The City Attorney shall be an attorney-at-law, admitted to practice law in the State of Ohio, and in good provisional standing. The City Attorney shall perform such duties as may be assigned to the office of the City Solicitor by law, as well as those imposed by the Charter and City Ordinance. The City Attorney shall be appointed by Council for an indefinite term of office.

SECTION 5.06 DEPARTMENT OF FINANCE.

~~The Department of Finance shall perform those functions customarily performed by the Auditor and the Treasurer under the general laws of Ohio. The Director of the Department of Finance shall be assigned the~~

~~title of City Auditor. The City Auditor shall be appointed by Council for an indefinite term of office. The City Auditor shall be the fiscal officer of the City and shall be responsible for the accounting, collection and custody of public funds and control over disbursements. The City Auditor shall countersign all bonds and notes issued by the City and shall perform such other functions as may be assigned by ordinance or by order of the City Manager.~~

The Council shall appoint a Director of Finance for an indefinite term of office. The Director of Finance shall be the fiscal officer of the City and shall be responsible for the accounting, collection and custody of public funds, and control over disbursements. The Director of Finance shall countersign all bonds and notes issued by the City and shall perform such other functions as may be assigned by ordinance or by order of the City Manager.

ARTICLE VI TAXATION AND BORROWING

SECTION 6.01 LEVYING TAXES.

The Council shall have the power to levy taxes, without a vote of the electors, for the current operating expenses and other lawful municipal purposes, in the manner provided by the constitution and general laws of Ohio, subject to the limitations provided therein.

The authority of the Council to submit additional levies to a vote of the people under authority of the constitution or laws of the State of Ohio shall not be deemed impaired or abridged by reason of any provision contained in this Charter.

SECTION 6.02 SUBMISSION OF EXTRA LEVY TO VOTE.

The Council may at any time prior to the 15th day of September in any year declare by resolution, adopted by a vote of 2/3 of all the members thereof, that the amount of taxes which may be raised within the limitations of this Charter will be insufficient to provide an adequate amount for the necessary requirement of the City for current operating expenses, and other expenses payable from the general fund of the City, and such permanent improvements and equipment as shall have an estimated useful life of five years or more, and that it is necessary to levy taxes in excess of such limitation, in addition to the levies authorized and limited by this Charter, for the municipal purpose or purposes specified in such resolution. Such resolution shall specify the additional rate which it is necessary to levy, the purpose or purposes thereof, the number of years during which such rate shall be in effect and the date of the proposed election thereon. Such resolution shall be effective upon its adoption and shall be certified within five days thereafter to the election authorities, who shall place such question

upon the ballot at the next succeeding November election. If a majority of those voting thereon vote for the approval of such additional levy, the Council shall, for a period not in excess of that prescribed in such resolution, make such levy, or such part thereof as it finds necessary, pursuant to such approval and certify the same to the County Auditor, to be placed on the tax list and collected as other taxes.

SECTION 6.03 POWER TO INCUR DEBT.

The Council may, by ordinance, issue general obligation bonds to an amount not exceeding that authorized by the general laws of Ohio, now in effect or hereafter enacted, for any purpose for which bond issues are authorized by state law. Issuance of general obligation bonds beyond the limitations imposed on Council by state law and the state constitution, shall be dependent upon the approval of such issuance by the voters, as provided by law. Mortgage revenue bonds, special assessment bonds and all other notes or bonds exempted by statute shall not be included in calculating the net debt.

SECTION 6.04 MORTGAGE REVENUE BONDS.

The Council may, by ordinance, issue mortgage revenue bonds for any purpose and in any total amount authorized by the state constitution or laws of Ohio.

SECTION 6.05 SPECIAL ASSESSMENTS.

Special assessments may be levied by Council to pay any part of the cost of any public work or improvement authorized by ordinance. Such assessments shall be made and levied in accordance with the provisions and subject to the limitations prescribed in the Revised Code of the State of Ohio.

SECTION 6.06 TAX ANTICIPATION NOTES.

The Council may, by ordinance, issue notes in anticipation of the collection of taxes on whatever conditions may seem reasonable. Such notes shall be paid from the tax receipts of the year in which they are issued.

SECTION 6.07 EMERGENCY BORROWING.

The Council may, by ordinance, borrow money and issue notes in case of public emergency as authorized by the Ohio Revised Code.

SECTION 6.08 PROCEDURE IN BOND ISSUES.

The procedure followed in authorizing and issuing bonds and notes and applying the proceeds shall be in accordance with the provisions of the Uniform Bond Law of the State of Ohio in effect at the time.

ARTICLE VII FINANCE

SECTION 7.01 ANNUAL TAX BUDGET.

In the form and at the time required by law, the City Manager shall submit to the Council a tax budget for the ensuing fiscal year. For that purpose, at such time as the City Manager shall determine, the City Manager shall obtain from the head of each department or agency of the City plans for the work to be undertaken by such department during the next fiscal year, together with estimates of the cost of performing such work. The Department of Finance shall gather data from all departments and supply the City Manager with estimates of available revenue. From these data, the City Manager shall prepare the consolidated estimates for the annual tax budget. The Council shall consider these estimates and adopt them, with or without amendments, as the tax budget of the City for the ensuing year, and transmit them to the County Budget Commission in the form required by law.

SECTION 7.02 PREPARATION OF ANNUAL CITY BUDGET.

The City Manager shall prepare and submit to the Council each year a budget estimating the total contemplated work program and expenditures from each fund during the ensuing fiscal year. Expenditures shall not exceed the total recommended appropriations from each fund and the total estimated resources certified by the County Budget Commission and the County Auditor. Council may request the City Manager prepare a five (5) year planning budget. Such budget shall serve as the basis for the annual appropriation ordinance.

SECTION 7.03 OTHER PROCEDURES.

In all other respects the procedure for the preparation, advertising, hearing and adoption of the budget and the appropriation of municipal funds shall be governed by the general laws of the State of Ohio pertaining to such matters. Amendment to the annual appropriation ordinance shall be governed by the general laws of the State of Ohio pertaining to such matters.

SECTION 7.04 FISCAL YEAR.

The fiscal year of the City shall be the calendar year, beginning January 1 and ending December 31 each year.

SECTION 7.05 CAPITAL IMPROVEMENT RESERVE FUND.

Council may create and maintain a Capital Improvement Reserve Fund, and may from time to time transfer or appropriate thereto all moneys accruing to any other fund of the municipality not needed for the purposes of such fund and available for transfer under general law.

The unencumbered balance remains in the general fund of the municipality at the end of any fiscal year may also be transferred. Moneys in the Capital Improvement Reserve Fund shall not be expended for any purpose except to purchase equipment, apparatus or other property, or to construct buildings, structures, roads and other property or public improvements, needed for the use of the municipality, or to pay bonded obligations of the municipality by means of transfer to its bond and interest retirement fund.

ARTICLE VIII
BOARDS AND COMMISSIONS
~~**CIVIL SERVICE COMMISSION**~~

PERSONNEL APPEALS BOARD

SECTION 8.01 PERSONNEL APPEALS BOARD

There shall be a Personnel Appeals Board consisting of three qualified electors of the City who shall be appointed by the Council for three year terms. Council shall fill vacancies by appointment for the unexpired term. Each member shall neither hold nor be a candidate for any other public office nor be employed by the City.

The City and the Personnel Appeals Board shall have no jurisdiction over, nor be obligated to perform any duties with regard to employees of the Talawanda City School District.

SECTION 8.02 POWERS AND DUTIES

The Board shall have the power to hear and determine appeals of disciplinary actions, suspensions, demotions or removal of City nonexempt employees if such matters are not resolved upon a hearing and determination by the City Manager.

The Board shall serve without compensation and shall hear appeals from any nonexempt employee who has successfully completed a probationary period, or applicant for non-exempt position who has successfully completed a probationary period, upon such issues as may be subject to appeal as defined by rules established pursuant to this section. The board shall have the power to subpoena witnesses and require the production of records. The decision of the Board shall be final.

PLANNING COMMISSION

SECTION 8.03 PLANNING COMMISSION.

There shall be a City Planning Commission consisting of seven members, two of whom shall be members of Council, elected by Council for a term

of one year; and five citizen members, appointed by Council from among the qualified electors of the city. The five citizen members shall serve five year overlapping terms of office. Citizen members of the Planning Commission shall hold no other incompatible public office.

SECTION 8.04 POWERS AND DUTIES.

The Planning Commission may act as the Platting Commission of the municipality. As such, it shall provide for planning, zoning and regulations covering platting of all lands which are subject to control by the municipality, and shall cause an official map of such territories to be made. The Commission shall carry out the comprehensive plan and make such investigations, reports and recommendations relating to planning and the physical development of the City as it finds necessary and desirable.

BOARD OF ZONING APPEALS

SECTION 8.05 BOARD OF ZONING APPEALS.

There shall be a Board of Zoning Appeals consisting of five electors of the city, appointed by Council to serve for a term of three years. The Board shall establish its own rules of procedure and keep a record of its proceedings in all matters coming before the Board. No resolution overruling an action under or interpretation of the zoning ordinance by any administrative officer of the City shall be adopted except by the affirmative vote of three members of this board.

SECTION 8.06 POWERS AND DUTIES.

The board shall have the power to hear and determine appeals from refusal of building permits and to permit exceptions to and variations from the zoning regulations in individual cases as may be required to afford justice and avoid unreasonable hardship to property owners. The standards in all instances to be applied by the board shall be established by ordinance of Council.

RECREATION BOARD

SECTION 8.07 RECREATION BOARD.

There shall be a Recreation Board appointed by Council consisting of five members. Appointments shall be made for a three-year term of office. The Recreation Board shall recommend to Council future plans and development of playgrounds, parks and recreational facilities and programs for the City. The Recreation Director shall be appointed by the City Manager.

OTHER BOARDS

SECTION 8.08 OTHER BOARDS AND COMMISSIONS.

In addition to the foregoing boards and commissions, Council may create and abolish such other advisory boards, commissions and committees as may be deemed necessary.

SECTION 8.09 CITY MANAGER EX-OFFICIO MEMBER.

The City Manager or designee shall be an ex-officio member without vote of all boards and commissions created by or under authority of this Charter, except the Personnel Appeals Board.

SECTION 8.10 REMOVAL FROM OFFICE.

Council shall declare vacant an appointed official's office by a majority vote of all members of Council for any of the following reasons.

1. One who is absent without justifiable excuses for three (3) consecutive regular meetings.
2. One who shall be convicted of a crime involving moral turpitude or any felony.
3. One who shall be convicted of any other provision of the state laws as applicable to public officials for which the penalty includes forfeiture of office.

ARTICLE IX NOMINATIONS AND ELECTIONS

SECTION 9.01 MUNICIPAL ELECTIONS.

The regular municipal election for the choice of members of the Council shall be held on the first Tuesday after the first Monday in November in the odd numbered years. The Council may, by resolution, order a special election at any time, the purpose of which shall be set forth in the resolution.

SECTION 9.02 CONDUCT OF ELECTIONS.

Both regular and special municipal elections shall be conducted by the Board of Elections of Butler County, Ohio, under the provisions of this Charter. Where the Charter is silent, the provisions of the state election law shall be followed.

SECTION 9.03 NOMINATIONS.

No primary election shall be held for the nomination of candidates for the Council. Nominations for the office of Council member shall be made by petition signed by not less than 50 nor more than 100 electors of the

City. Petitions shall be the standard forms for the nomination of individual nonpartisan candidates for such office. Group petitions shall not be used. Petitions shall be filed with the Board of Elections in accordance with the current laws of the State of Ohio. An elector may sign only as many petitions as there are Council members to be elected at the municipal election for which the nominations are made.

SECTION 9.04 ACCEPTANCE AND VERIFICATION.

The signature of the candidate indicating acceptance of the nomination and willingness to serve if elected shall appear on each copy of the petition. The petition may be in a number of parts, but each part shall be verified under oath by the circulator, as required by law.

SECTION 9.05 BALLOTS.

The full names of all candidates nominated shall be printed on the official ballot without party designation. If two candidates with the same surname, or with names so similar as to be likely to cause confusion are nominated, the addresses of their places of residence shall be placed below their names on the ballot. The names of all candidates shall be rotated on the ballot as provided by law.

SECTION 9.06 WRITE-INS.

Only in the event that fewer candidates are nominated by petition than there are Council members to be elected at the ensuing election shall space be provided on the ballot for the writing in at the election of the names of additional persons.

~~SECTION 9.07 WATCHERS AND CHALLENGERS.~~

~~At each municipal election, each regularly nominated candidate shall be entitled, on written application to the Board of Elections at least ten days before the election, to appoint one person and one alternate to represent such candidate as a watcher and challenger at each polling place during the casting and counting of ballots, and one person and an alternate to represent such candidate as watcher and challenger during the canvas of votes at the Board of Elections.~~

~~SECTION 9.08 ELECTION.~~

~~The candidates for member of Council at the regular municipal election, equal in number to the places to be filled on Council, who received the highest number of votes shall be declared elected.~~

~~SECTION 9.09-07 RECALL.~~

Members of Council may be removed from office before the expiration of their term by the qualified voters of the city. The procedure for such recall shall be that provided in the Ohio Revised Code.

**ARTICLE X
GENERAL PROVISIONS**

~~**SECTION 10.01 OATH OF OFFICE.**~~

~~Every officer and employee of the City shall, before entering upon public duties, take and subscribe to the following oath or affirmation which shall be filed and kept in the office of the Clerk of Council:~~

~~I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Ohio and will obey the laws thereof and that I will, in all respects, uphold and enforce the provisions of the Charter and ordinances of this city, and will faithfully discharge the duties of _____ upon which I am about to enter.~~

SECTION 10.01 OFFICIAL BONDS.

All officers and employees of the City whose duties require them to handle municipal and other public money or property shall furnish a corporate surety bond issued by a company authorized to do business in Ohio, to protect the City against loss due to their acts. The amount of the bond in each case shall be determined by Council and the premium on such bonds shall be paid from the funds of the City. All such bonds shall be filed with the Clerk of Council.

SECTION 10.02 PERSONAL INTEREST.

No member of the Council or any officer or employee of the City shall have any financial interest, direct or indirect, in any contract with or sale to the City of any materials, supplies or services, or any land or interest in land. A person who knowingly and willfully violates this section shall be guilty of malfeasance in office and upon conviction thereof shall be removed from office.

Any contract or agreement made in violation of this section shall be voidable at the election of the Council.

SECTION 10.03 REMOVAL FROM OFFICE; DISQUALIFICATION.

Whenever, in this Charter certain acts on the part of City officials are described as constituting malfeasance in office, the procedure for complaint, trial and judgment thereon shall be that prescribed in the Ohio Revised Code.

SECTION 10.04 AMENDMENTS TO THE CHARTER.

This Charter may be amended as provided in Article XVIII, Section 9, of the Ohio Constitution, by submission of a proposed amendment to the electors of the municipality and approved by a majority of those voting on the question of its adoption.

Such amendment may be initiated by either a vote of at least five (5) members of Council, or by petition to the Council signed by ten (10) percent of the voters who voted at the preceding election for the office of Governor.

At the first meeting of the Council in January 1996 and every ten (10) years thereafter, Council shall appoint a commission of not less than five (5), nor more than nine (9) electors of the municipality, to include one (1) but no more than two (2) current City Council members. It shall be the duty of the commission to review the existing Charter and make such recommendations for revision as it may see fit. The City Solicitor shall provide advice and counsel as needed by the Commission.

The Commission shall submit its written report to Council at an open meeting not later than December 31 of the same year. Thereupon, the Council may take such action as it deems warranted with respect to such recommendations.

In the event two (2) conflicting amendments to the Charter are approved at the same election by a majority of the total number of votes cast, the one receiving the highest number of affirmative votes shall be the amendment to the Charter.

SECTION 10.05 SEVERABILITY CLAUSE.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter, which would have been adopted without the invalid portion of such invalidity could have been known at the time of its original adoption.

ARTICLE XI TRANSITIONAL PROVISIONS

SECTION 11.01 ~~FISCAL~~ SUCCESSION AND VESTED RIGHT.

The City of Oxford, under this Charter, is hereby declared to be the legal successor of the Village of Oxford, under the general laws of the State of Ohio; and as such it has title to all property, real, personal, and mixed, owned by its predecessor, including all moneys on deposit and all taxes in process of collection together with all accounts receivable and rights of action. Adoption of the Charter or any amendments of it shall not impair rights vested in the City nor discharge any liability previously incurred by the City.

~~The City of Oxford under this Charter is hereby declared to be the only legal successor of the City of Oxford under the general law and as such the City has title to all property, real and personal, owned by its predecessor including all moneys on deposit and all taxes in the process of collection, together with all accounts receivable and rights of~~

~~action. The City also is liable for all outstanding orders, contracts and debts of its predecessor, and for any other obligations for which it may be held liable, as such successor, by any court of competent jurisdiction.~~

~~SECTION 11.02 CONTINUATION OF ORDINANCES.~~

~~All ordinances of the City in effect at the time of adoption of this Charter shall remain in effect, except as superseded by the provisions of this Charter, until they are amended or repealed.~~

~~SECTION 11.03 CONTINUATION OF OFFICERS.~~

~~All persons holding office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made, in conformity with the Charter, for the performance of such duties by a successor, or the office is abolished.~~

~~SECTION 11.04 CONTINUANCE OF EMPLOYEES.~~

~~Every employee of the City government when this Charter takes effect shall be retained in such employment and shall thereafter be subject in all respects to the provisions of this Charter.~~

~~SECTION 11.05 TRANSFER OF RECORDS AND PROPERTY.~~

~~All public records and property in the custody of officers and employees of the City shall be transferred and delivered promptly to their successors, upon termination of tenure of office or employment.~~

~~SECTION 11.06 CONTINUANCE OF CONTRACTS AND PUBLIC IMPROVEMENTS.~~

~~All contracts entered into by the City or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect shall be completed, as nearly as practicable, under the provisions of such laws.~~

~~SECTION 11.07 PENDING ACTIONS AND PROCEEDINGS.~~

~~No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the City or any office, agency or officer thereof, shall be abated or affected by anything herein contained, but all such actions shall be prosecuted or defended under the laws in effect when they were filed.~~

~~SECTION 11.08 WHEN CHARTER TAKES EFFECT.~~

~~This Charter shall be voted upon at the general election held November~~

~~5, 2013, and will take effect on adoption if approved by the voters.~~