



Agenda

Oxford City Council

Court House

TUESDAY, AUGUST 2, 2016

EXECUTIVE SESSION

None.

1. Roll call. Kate Rousmaniere, Mayor; Mike Smith, Vice-Mayor; Glenn Ellerbe; Bob Blackburn; Kevin McKeehan; Steve Dana; Edna Southard

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

- A. Presentation - Auditor of State Award with Distinction - Joe Braden.
- B. Notice to Legislative Authority - New permit for Miami University, Yager Stadium 700 Weeb Ewbank Way Oxford, Ohio 45056.



Notice

- C. Public Comments.

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

4. Consent Agenda.

- A. Minutes of the July 19, 2016 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

- B. Report regarding the July 12, 2016 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)



Reports

- C. Report regarding the July 20, 2016 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)



Report

- D. Report regarding the July 21, 2016 Recreation Board Meeting. (Casey Wooddell, Parks And Recreation Director)



Report

5. Resolutions.

- 1. A Resolution accepting the annexation to the City of Oxford, Ohio of certain territory proposed to be annexed to the City of Oxford, Ohio pursuant to a petition filed with the Board of County Commissioners of Butler County, Ohio by Douglas R. Elliott, Jr., Agent for petitioners, as provided by Section 709.023 of the Ohio Revised Code. (Doug Elliott, City Manager).



Staff Report/Resolution

- 2. A Resolution regarding zoning buffers and adopting a statement indicating the services The City of Oxford, Ohio will provide to the territory proposed to be annexed to the

City of Oxford, Ohio pursuant to a petition filed with the Board of County Commissioners of Butler County, Ohio filed by the petitioners, Shawn Baker, Holly Baker, and the City of Oxford, Ohio, for the annexation of 0.458 acres of land more or less in Oxford Township, Butler County, Ohio to the City of Oxford, Ohio as provided by Section 709.023(C) of the Ohio Revised Code. (Doug Elliott, City Manager).



Staff Report/Resolution

3. A Resolution authorizing the assessment of delinquent charges for the removal or destruction of noxious vegetation to be placed on the Butler County, Ohio property tax duplicate. (Jung-Han, Chen, Community Development Director).



Staff Report/Resolution

4. A Resolution authorizing the City Manager to enter into an agreement to participate in the Butler County Sheriff's Drug Task Force. (John Jones, Police Chief).



Staff Report/Resolution

6. Ordinances.

A. First Reading.

1. An Ordinance Repealing Oxford Codified Ordinance Section 1143.12 Entitled General Business District, And Adopting New Oxford Codified Ordinance Section 1143.12 Entitled General Business District, And Adopting New Oxford Codified Ordinance Section 1143.16 Entitled Neighborhood Business District. (Jung-Han Chen, Community Development Director).



Staff Report/Ordinance

2. An Ordinance Repealing Oxford Codified Ordinance Section 1133.01 Entitled Establishment Of Zoning Districts, And Adopting New Oxford Codified Ordinance Section 1133.01 Entitled Establishment Of Zoning Districts. (Jung-Han Chen, Community Development Director).



Staff Report/Ordinance

3. An Ordinance Repealing Oxford Codified Ordinance Chapter 1147 Entitled Conditional Uses, And Adopting New Oxford Codified Ordinance Chapter 1147 Entitled Conditional Uses. (Jung-Han Chen, Community Development Director).



Staff Report/Ordinance

4. An Ordinance Repealing Oxford Codified Ordinance Chapter 1151 Entitled Signs And Adopting New Oxford Codified Ordinance Chapter 1151 Entitled Signs. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

B. Second Reading.

1. 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. (Jung-Han Chen, Community Development Director).



Staff Report/Ordinance

2. An Ordinance Repealing Oxford Codified Ordinance Chapter 725 Entitled Taxicabs, And Adopting New Oxford Codified Ordinance Chapter 725 Entitled Taxicabs. (Alan Kyger, Economic Development Director).(Tabled)



Staff Report/Ordinance

3. An Ordinance Amending Ordinance No. 3335. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2016. (Joe Newlin, Finance Director)



Staff Report/Ordinance

7. A. Announcements & Communications. The comments expressed by individual members of Council or City staff during this portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.

1. Remarks from City Council and City Staff.

B. Future Meetings.

WED - Aug 3 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

WED - Aug 3 Environmental Commission Meeting 7:00 p.m. Municipal Building

TUES - Aug 9 Planning Commission Work Session 5:30 p.m.

TUES - Aug 9 Planning Commission Meeting 7:30 p.m. Cancelled

WED - Aug 10 Police Community Relations & Review Commission Meeting 6:00 p.m.

MON - Aug 15 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

TUES - Aug 16 City Council Meeting 7:30 p.m.

WED - Aug 17 Board of Zoning Appeals Meeting 7:30 p.m.

THUR- Aug 18 City Council CIP Work Session 6:00 p.m.

WED - Aug 24 Civil Service Commission Meeting 6:00 p.m.

THUR -Aug 25 Recreation Board Meeting 4:00 p.m. Senior Citizens Center

8. Adjourn.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Economic Development Department

For the: August 2, 2016
City Council Meeting

Prepared by: G. Alan Kyger
Date Prepared: July 28, 2016

Agenda Title: Notice of Legislative Authority.
D5i Liquor Permit for Yager Stadium. 700 Weeb Ewbank Way

Recommendation: Informational

Miami University is seeking to sell beer during events at Yager Stadium.

As it has been discussed before, the Ohio Liquor Control is required to issue beer, wine and liquor permits by a 'quota' system based on the population of the community. All the D1 (beer), D2 (wine), D3 (liquor) and D5 (beer, wine, liquor) 'quota' permits for the Oxford area have been issued.

There are several types of alcohol permits which are 'quota' exempt. Meaning these permits are not counted against the quota system and can be issued even when the community's quota permits have been fully issued.

Because there are no D1 (beer) quota permits available, Miami University has applied for a D5i permit. A D5i permit is referred to as a Restaurant Permit and has unique stipulations. Some of these requirements are:

- * Has inside seating for at least 140 people.
- * Has at least 4,000 sq. ft. of floor area.
- * Offers full course meals.
- * Alcohol sales cannot exceed 25% of the total gross receipts.
- * Is located on state owned or leased property, or is located on property with a value over \$750,000.

Reviewed By:

Department Head:

City Attorney:

City Manager:

Initial Date

GA / 7-28-16

/

DRE / 7-29-16

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

58987660075		NEW		MIAMI UNIVERSITY MIAMI UNIVERSITY 700 WEEB EWBANK WAY OXFORD OH 45056 <i>Yager Stadium</i>
PERMIT NUMBER		TYPE		
ISSUE DATE				
07 01 2016				
FILING DATE				
D5I				
PERMIT CLASSES				
09	088	A	B26584	
TAX DISTRICT		RECEIPT NO.		

FROM 07/21/2016

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT		RECEIPT NO.	

RECEIVED
July 25, 2016
City of Oxford



MAILED 07/21/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN. 08/22/2016

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A NEW 5898766-0075

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF OXFORD CITY COUNCIL
101 E HIGH ST
OXFORD OHIO 45056

58987660075 PERMIT NBR
MIAMI UNIVERSITY
YAGER STADIUM
700 WEEB EWBANK WAY
OXFORD OH 45056

DAVID CREAMER

07/19/2016 ACTIVE

PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE

A regular meeting of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, July 19, 2016 at 7:15 p.m. Those members present were Bob Blackburn, Steve Dana, Glenn Ellerbe, Kevin McKeehan, Mike Smith and Edna Southard.

Staff members present: Mr. Doug Elliott, City Manager; Mr. John Jones, Police Chief; Mr. Joe Newlin, Finance Director; Mr. Casey Wooddell, Parks and Recreation Director; Mr. Jung-Han Chen, Community Development Director; Mr. John Detherage, Fire Chief; Mr. Derrick Carlson, Patrol Officer; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

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

AYE: Mr. Dana, Mr. Ellerbe, Mr. McKeehan, Mr. Smith, Ms. Southard, Mr. Blackburn, Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

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

PLEDGE OF ALLEGIANCE

Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PROCLAMATION 'PHI DELTA THETA WEEK'

Mayor Rousmaniere read the Proclamation and presented it to Mr. Cody Hike, an undergraduate summer intern in Oxford.

Mr. Clay Coleman, Director of Education for Phi Delta Theta, thanked the Mayor and Council for the Proclamation on behalf of the Phi Delta Theta International Headquarters in Oxford.

Mr. Coleman noted the fraternity was excited to host the 4 day Kleberg Emerging Leaders Institute for 1,000 young men from all over the country and Canada. Mr. Coleman advised the men would also patronize the Uptown vendors and eateries during their stay.

Mr. Dillon Berg, introduced himself as the Phi Delta Theta Leadership Programming Coordinator.

Mr. Coleman thanked Council again for the Proclamation and wished them the best.

Mayor Rousmaniere noted the community was fortunate to have the fraternity members spending time in Oxford.

APPOINTMENTS TO BOARDS & COMMISSIONS

Mr. Dana moved to nominate Mary Cornett and Tom McQuiston to the McCullough-Hyde Hospital Board of Trustees for terms ending in 2021, Lynne Kronholm to the Historic and Architectural Preservation Commission for a term ending in 2019 and Scott Johnston to the Planning Commission for a term ending in 2020. Mr. Ellerbe seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

Mr. Mark Morris, advised he taught at Miami University and had with him this evening 19 students who were part of the Summer Scholars program. Mr. Morris advised the students were studying state and local government and they would spend the next 9 days with him. Mr. Morris noted the students were from Wyoming, New Jersey, New York and Ohio and thanked Council for showing them what local government could do.

CONSENT AGENDA

MINUTES

Minutes of the June 21, 2016 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the June 14, 2016 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the June 15, 2016 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the June 22, 2016 Civil Service Commission Meeting. (Candi Turpin, Human Resources Director)

Report regarding the July 6, 2016 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Ms. Southard moved to approve the Consent Agenda. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION **REVENUE SHARING** **AGREEMENT**

A Resolution No. 4993 of Council authorizing the City Manager to notify the Oxford Township Trustees of the City of Oxford's intent to terminate the revenue sharing agreement between the City of Oxford and Oxford Township effective on the renewable date February 7, 2017. (Doug Elliott, City Manager)

Mr. Elliott advised the City of Oxford signed a revenue sharing agreement with Oxford Township in 2007 and according to the agreement the intent was to avoid any adverse financial impacts on either political subdivision due to the development of the Southpointe Crossing property. Mr. Elliott noted the City of Oxford has shared property tax revenue with Oxford Township and over the last 7 years the City has paid Oxford Township \$107,483. Mr. Elliott advised either party may terminate this agreement after the completion of the first 10 years with a minimum notice of 6 months. Mr. Elliott recommended that the City send a notice to the Oxford Township Trustees of intent to terminate the agreement in 2017. Mr. Elliott noted Oxford Township did not provide any services to this land which was annexed into the City in 2007 nor did it expend any funds contributing to the development of the property. Mr. Elliott advised Oxford Township would still receive the .24 inside millage which all City of Oxford property owners must pay. Mr. Elliott noted the agreement was written such that if it was not terminated it would continue for another 10 years. Mr. Elliott advised the township received revenue for 7 years so they would still receive revenue for another 3 years.

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

Mayor Rousmaniere stated the agreement would terminate in February of 2017 and Mr. Elliott advised yes and noted property taxes were paid in arrears. Mayor Rousmaniere advised the City of Oxford was located in Oxford Township so the relationship is somewhat confusing.

Mr. McKeehan moved to adopt Resolution No. 4993. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTION **SCHOOL RESOURCE** **OFFICER PROGRAM**

A Resolution No. 4994 authorizing the School Resource Officer Program agreement between the Talawanda City School District and the City of Oxford and authorizing the City Manager to sign the agreement on behalf of the City. (John Jones, Police Chief)

Chief Jones noted in the spring of 2016 the City entered into an agreement with the Talawanda School District to provide a School Resource Officer at the three schools within the City limits.

Chief Jones advised the proposed Resolution was a continuation of the agreement whereby the City provides an officer for at least 24 hours per week and the school district reimburses the City \$24 per hour for 24 hours. Chief Jones noted the program had been successful and the City would like it to continue. Chief Jones advised the school board approved the agreement at their June 6, 2016 meeting.

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

Mr. Dana noted he felt this was a very valuable service and he supported the Resolution.

Mayor Rousmaniere inquired if the Sheriff's Office provided an officer. Chief Jones advised a Butler County Deputy was in the High School part time and in the elementary schools outside of the City's jurisdiction.

Mr. McKeehan moved to adopt Resolution No. 4994. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTION **OVI TASK FORCE**

A Resolution No. 4995 authorizing the City Manager to enter into a \$225,000.00 grant agreement with the Ohio Department of Public Safety, to engage in and coordinate as Lead Agency the Countywide OVI Taskforce. (John Jones, Police Chief)

Chief Jones advised the City had been part of this grant for many years and it was used to fund officers looking for OVI violations. Chief Jones noted for the last 2 years Oxford had been the lead agency and administered the grant and he was asking for authorization to apply for the grant.

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

Mayor Rousmaniere stated this was a countywide program. Chief Jones advised yes, and noted it was comprised of 13 agencies and Oxford distributed the funds to those political sub-divisions.

Mr. McKeehan inquired if Officer Reising oversaw the program and Chief Jones advised yes.

Mr. Ellerbe moved to adopt Resolution No. 4995. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTION **NEW POLICE VEHICLES**

A Resolution No. 4996 authorizing the City Manager to enter into an agreement with Middletown Ford for the purchase of three (3) Ford Fusion vehicles at state contract pricing at a total cost not to exceed \$53,721.00 and to dispose of two (2) surplus vehicles through public or electronic auction. (John Jones, Police Chief)

Chief Jones advised this was a request to purchase 3 mid size vehicles for use by detectives and administrative personnel who don't need extra police equipment installed in their vehicles.

Chief Jones noted this would allow the Police Department to mark some un-marked vehicles and up-fit them with extra police equipment. Chief Jones advised this would help supplement the marked and unmarked units in the fleet.

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

Mr. Ellerbe inquired if the decision to purchase Ford Fusions was a financial one noting the Ford Taurus could be made into police package vehicles. Chief Jones advised the decision was partly financial and partly operational noting the Fusion was a mid-size vehicle that did not look like a police vehicle.

Mr. Dana moved to adopt Resolution No. 4996. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTION **OPWC GRANT FUNDING**

A Resolution No. 4997 of Council supporting the submission of a grant application for the Ohio Public Works Commission Issue 1 funds in the amount of \$189,750.00 to be used for the reconstruction of the Sandra Drive bridge over Collins Run. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised recent inspection of the Sandra Drive bridge showed some deterioration and it was time to plan funding for the reconstruction of the bridge. Mr. Dreisbach noted the Ohio Public Works Commission (OPWC) was the likely candidate to assist the City although it was increasingly competitive to be awarded. Mr. Dreisbach advised OPWC assisted the City with the High Street reconstruction, the Dana Drive bridge reconstruction and the new water line being installed on 27 South. Mr. Dreisbach noted staff was asking for Council's approval to apply for the grant which would cover 69% of the cost to reconstruct the Sandra Drive bridge.

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

Mr. Dana inquired what options were available for funding should the OPWC grant not be awarded. Mr. Dreisbach noted the City had a good record of successful completion of projects and the 31% local match would score additional points towards obtaining the OPWC grant. Mr. Dreisbach advised other grant options included OKI or ODOT.

Ms. Southard inquired how this project compared to the Dana Drive bridge project. Mr. Dreisbach advised they were very comparable projects and the bridges were about the same age.

Mr. Dana moved to adopt Resolution No. 4997. Mr. McKeehan seconded. The motion passed 7-0-0.

ORDINANCES **FIRST READING**

ORDINANCE
PLANNED DEVELOPMENT

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. (Jung-Han Chen, Community Development Director)

Mr. Chen advised this Preliminary Planned Development proposal was to build 50 single-family home lots on approximately 23 acres of land between County Club Drive and Olde Farm Road. Mr. Chen noted all Preliminary Planned Development applications and Final Planned Development applications were reviewed by the Planning Commission and by City Council. Mr. Chen advised the Preliminary Planned Development approval was valid for 2 years and could be extended subject to certain conditions and the Final Planned Development approval was valid for 1 year and could be extended. Mr. Chen noted the Planning Commission reviewed this application based on information in the staff reports and public comments during the public hearing and the Planning Commission had no obligation to approve an application until the applicant addressed any adverse impacts. Mr. Chen advised there were also 13 points of general decision standards as outlined on page 49 of Council's packet.

Mr. Chen discussed the history of the Heritage Subdivision noting there were 5 development phases with phase 1 being started in 1965, phase 2 was recorded in 1968, phase 3 was recorded in 1972, phase 4 was recorded in 1978 and phase 5 was approved in 1982 but it was never built.

Mr. Chen noted the applicant wanted to create 50 single-family home lots on 23.189 acres and the minimum home site was 8,250 square feet and the average lot size was 9,956 square feet. Mr. Chen advised the proposal was for 2 phases of development with 25 lots being built in each phase with 4.98 acres set aside for open space. Mr. Chen noted sidewalks would be provided on both sides of the street throughout the project. Mr. Chen advised the connection to Savannah Dr. would impact existing wetland which required a waiver of the 100 foot buffer requirement. Mr. Chen pointed out 6 open areas (on a PowerPoint Slide) which included 2 detention basins to address storm water run-off for the project. Mr. Chen noted Arts and Crafts style cottage homes with garages were proposed and the overall density would be slightly less than a typical subdivision.

Mr. Chen summarized concerns from residents who attended the Planning Commission hearing as storm water ponding issues in their yards, wet basements and sump pumps running continually, traffic patterns being altered and the change from dead end streets to a loop road.

Mr. Chen advised after a very lengthy meeting the Planning Commission recommended approval of the Preliminary Planned Development application with 9 conditions (page 45&46 of Council's packet) for Council's consideration.

Mayor Rousmaniere inquired if the applicant was obligated to provide responses to the conditions recommended to City Council by the Planning Commission and Mr. Chen advised yes, condition number 2 regarding a stub street right-of-way.

Ms. Etta Reed, Bayer Becker, advised she was the Engineer and Project Manager for the proposed development by Red Brick Development LLC. Ms. Reed noted Mr. Bryan Price of Red Brick Development LLC was unable to be here this evening but would be present for the second reading. Ms. Reed provided a PowerPoint of the proposed development and outlined changes made since the concept plan was presented to the Planning Commission in March based on the Planning Commission's concerns at that time. Ms. Reed noted a connection was made to Savannah Drive and an additional detention basin was added. Ms. Reed advised the Planning Commission also requested connectivity to the west and a walking trail was added in the northwest corner of the development. Ms. Reed noted after the application for a Preliminary Planned Development was submitted a meeting was held with adjoining property owners to present the project to them and answer questions. Ms. Reed advised the meeting was very informative and the concerns were street connectivity, lot size, density and the biggest concern was drainage. Ms. Reed noted there were a lot of springs in the area and a lot of water coming off farm fields onto the neighboring properties. Ms. Reed advised the detention basins would be designed to EPA and City of Oxford standards. Ms. Reed noted the Oxford Country Club replaced a collapsed pipe on their property and the City cleaned storm sewers and pipes which should help alleviate the issues the residents were having. Ms. Reed advised the development had over 20% open space excluding set-backs, street trees would be planted and sidewalks would be installed on both sides of the streets. Ms. Reed noted the architecture was craftsman style with ranch homes being a minimum of 1,500 square feet and two story homes being a minimum of 2,000 square feet and all homes would have garages. Ms. Reed advised she and the developer were comfortable with the conditions placed on the approval by the Planning Commission and asked for one modification for the extension to the west to be opposite Hope Way instead of opposite Grace Lane.

Ms. Southard referred to the map of the development and inquired what the striped area was and Ms. Reed advised there were two wetlands on the property that were identified by an environmental consultant for Mr. Price and it had not been presented to the Ohio EPA at this time. Ms. Reed noted once the infrastructure and roads were built the wetlands would be eliminated and they needed permits from the Army Corps of Engineers and the Ohio EPA to do that work.

Mr. Doug Brooks, 227 Country Club Drive, complimented the engineers and the developer for their responsiveness regarding the proposal. Mr. Brooks noted he wasn't sure the developers needed to feel compelled to connect all of the streets. Mr. Brooks advised there were small children on Country Club Drive and there was a neighborhood on Country Club Lane half of which had no sidewalks. Mr. Brooks noted a dead end street would be turned in to the Indy 500. Mr. Brooks advised creating a circle of connected streets might be consistent with a vision from a long time ago. Mr. Brooks noted the residents warned the developer about water issues in the area.

Ms. Karen Lipps, 130 Country Club Drive, advised the worst time for water issues in the Country Club area was the spring and noted her hope the detention basins would solve all the problems. Ms. Lipps suggested the developer wait until the spring to start construction to see what the water issues were as she didn't think he was aware of them. Ms. Lipps noted if the project was approved there was supposed to be a Home Owner's Association and inquired what would happen if the project went belly up and who would maintain the retention basins.

Ms. Lipps advised if the streets were connected sidewalks needed to be installed on Olde Farm and Country Club where there were none. Ms. Lipps noted a new home was built last summer in the Country Club, Olde Farm area and the owner had to deal with 3 underground springs which was very costly. Ms. Lipps advised the current residents didn't want the water issues to get worse than they already were.

Mr. William Conduct, 132 Country Club Lane, advised he moved to Oxford with his family two years ago after retiring from the military. Mr. Conduct noted he lived in Virginia previously and something like this happened where he bought property and the development was added on to. Mr. Conduct advised his property value decreased and he became upside down on the home. Mr. Conduct noted his children were ages 6, 4 and 3 and he was concerned about what the traffic patterns would turn in to. Mr. Conduct advised he was also concerned about the water issues, lot size and density. Mr. Conduct inquired what the timeline for the project was.

Ms. Reed advised as soon as City Council approved the project she and the developer would start the surveying and design aspect and the permitting process on the wetlands.

Ms. Ivonne Ortiz, 206 Country Club Drive, noted she wanted to emphasize there were a lot of young people with small children living on Country Club Drive. Ms. Ortiz thanked Chief Jones for sending patrol officers to the area due to drivers who don't know how to drive through a residential area with small children. Ms. Ortiz inquired when the issue of missing sidewalks in this neighborhood would be addressed.

Mr. Elliott advised the subdivision was built before the City had sidewalk regulations. Mr. Elliott suggested the neighbors could circulate a petition for them to be installed and staff could look at a property tax assessment for the cost. Mr. Elliott noted once sidewalks were installed it was the property owners responsibility to maintain them.

Mr. Jim Chagdes, 209 Country Club Drive, raised concerns with density and noted it looked to him like 50% of the open space was unusable or not visually appealing except for the wetland. Mr. Chagdes advised the detention basins were not open fields where kids could play and wouldn't have trees on them that someone might want to look at in their backyard. Mr. Chagdes inquired if the proposal was better than a subdivision or if a Planned Development was an improvement over a subdivision. Mr. Chagdes noted his was a young family living on Country Club Drive and he would like Council to take that into account as well as property values and density. Mr. Chagdes noted his family moved to County Club Drive because it was something they wouldn't find in West Chester or Liberty Township.

Mayor Rousmaniere noted the main concerns were density, traffic and drainage.

Mr. Dana referred to page 43 of Council's packet 'The 100' wetland buffering requirement is waived such that the applicant and staff shall work out other acceptable environmental practices to mitigate the reduced wetland buffering' and asked Mr. Chen or Ms. Reed to address the issue.

Ms. Reed advised right now corn was planted in the buffer. Ms. Reed noted when the permitting process occurred through the Ohio EPA and the Army Corps of Engineers they would require an easement to be placed around the wetlands to protect them and the record plat would contain language indicating what can and can not be done within the easement

Ms. Reed advised the Ohio EPA and the Army Corps of Engineers would work with the developer to determine the buffer to ensure the wetland remained viable.

Ms. Reed discussed the active/passive recreation areas and showed a slide and explained what a detention basin looked like noting it should only have water in it during a rain event.

Ms. Southard noted she was still concerned about the wetlands issue and inquired at what point the Ohio EPA and the Army Corps of Engineers would be involved.

Ms. Reed advised Tom Kilbane of Kilbane Environmental walked the site to assess the wetlands and he would go before the Ohio EPA and the Army Corps of Engineers to ensure they concurred with his findings. Ms. Reed noted that would occur during the permitting process.

Mr. McKeehan reminded everyone this was a Preliminary Planned Development application and a lot of details needed to be worked out before the final plan was submitted.

Mayor Rousmaniere noted according to citizens there were a lot of water problems in the proposed area and inquired if the developer or the City could provide information about the existing storm water infrastructure. Mayor Rousmaniere inquired if there was baseline information about water retention and drainage right now in the proposed area so it could be compared after development occurred.

Mr. Elliott advised existing neighborhoods were not evaluated. Mr. Elliott noted staff would focus on run-off from new development. Mr. Elliott explained the run-off criteria noting the peak rate of run-off from an area after development shall not exceed the peak rate of run-off from the same area before development for a 1, 2, 5, 10, 25, 50 and 100 year frequency within a 24 hour storm. Mr. Elliott advised the developer had to meet a very high criteria.

Mayor Rousmaniere inquired if the developer understood the extent of the problems the citizens living in the Heritage subdivision were experiencing. Ms. Reed advised Bayer Becker had not yet determined the capacity of the existing storm system. Ms. Reed noted they would need to understand all of the pipes they would be tying into and what their capacities were once the design process began. Mayor Rousmaniere inquired if all 9 of the conditions listed in the proposed Ordinance had to be met before the Final Plan was approved and Mr. Chen advised yes.

Mr. Ellerbe advised he agreed with Mr. Chagdes with regard to the density issues and noted he experienced the declining property value issue that Mr. Condict discussed. Mr. Ellerbe advised what usually came with higher density was lower property/house values which spreads to surrounding areas and lowers their values which incentivizes people to leave. Mr. Ellerbe suggested a small reduction in density be made to be more in line with parcels on Olde Farm Road and Country Club Drive. Mr. Ellerbe referred to the traffic concerns and noted he experienced most of the traffic issues on Olde Farm Road noting a person had to want to go to Country Club Drive to even turn onto it.

Mr. Blackburn advised he felt not connecting Country Club Drive would be an issue for emergency vehicles.

Mr. Blackburn referred to the speeding concern on Country Club Drive and noted signage could be installed and extra police patrols could be requested. Mr. Blackburn suggested neighbors police themselves as this was a dead end street.

Mr. Blackburn referred to the sidewalk issue and advised the City had a list of contractors who could install them. Mr. Blackburn suggested the neighbors form an association and get assistance from the City Engineer as far as planning and have each property owner pay their share. Mr. Blackburn noted the City could not pay for the sidewalks or ask the developer to pay for them.

Mr. Smith inquired if 50 houses would be built at one time or if the proposed development would be built in phases. Mr. Smith noted Olde Farm Road and Country Club Drive might not join for 10 years. Ms. Reed advised the project would be market driven and built in 2 phases of 25 lots each. Ms. Reed noted there was a demand for new lots in Oxford.

Mr. McKeehan advised Oxford was about out of new lots and noted this was the first single-family development in a decade.

Mayor Rousmaniere advised the second reading of the proposed Ordinance would take place on August 2nd and thanked community members for attending this meeting as well as the Planning Commission meeting.

ORDINANCE **SUPPLEMENTAL BUDGET**

An Ordinance Amending Ordinance No. 3335. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2016. (Joe Newlin, Finance Director)

Mr. Newlin referred to page 96 of Council's packet and noted the first item on the Supplemental Budget dealt with the City's Health Insurance Fund and the second dealt with the Fire and EMS Fund. Mr. Newlin noted this was money coming in and going out with no effect on the actual budget.

ORDINANCE **SECOND READING** **NEW CHAPTER 725**

An Ordinance Repealing Oxford Codified Ordinance Chapter 725 Entitled Taxicabs, And Adopting New Oxford Codified Ordinance Chapter 725 Entitled Taxicabs. (Alan Kyger, Economic Development Director)

Mr. Elliott referred to page 102 of Council's packet Section 725.05(a) 10. and 11. and advised two corrections needed to be made. Mr. Elliott asked Council to amend the Ordinance by replacing the reference to "Oxford" with "Ohio" in both lines.

Mr. Elliott referred to page 103 and 105 of Council's packet and advised at the last meeting Council requested additional study and information regarding operator qualifications and insurance requirements. Mr. Elliott noted he met with Mr. Kyger, Chief Jones and Officer Carlson to discuss these items after Mr. Kyger reviewed standards in 12 other communities.

Mr. Elliott outlined the proposed changes noting the requirements for operator approval were expanded and the driver disqualifications were expanded based on similar standards in another community. Mr. Elliott advised the felony offenses were prioritized by type of offense and some restrictions for felony offenses were reduced and some were extended. Mr. Elliott outlined proposed changes made to the minimum insurance requirements. Mr. Elliott noted he felt the proposed changes were a good compromise based on comments made during the first reading of the Ordinance. Mr. Elliott thanked Mr. Kyger, Chief Jones and Officer Carlson for their efforts in updating the taxicab regulations noting it was long overdue and it would address many safety concerns.

Mr. McKeehan moved to amend Section 725.05 (a) 10. and 11. by replacing the word "Oxford" with the word "Ohio". Mr. Dana seconded. The motion passed 7-0-0.

Mr. Ellerbe referred to Section 725.07(e) and noted he felt there should be some "catch all" felony language added. Mr. Ellerbe referred to number 7. and stated 'lengthy or diverse' implied multiple convictions but did not address one particular conviction.

After discussion Mr. Elliott suggested Council table the Ordinance and staff would discuss the issue and offer another recommendation at the next meeting.

Ms. Southard moved to table the amended Ordinance. Mr. Blackburn seconded. The motion passed 7-0-0.

ANNOUNCEMENTS

Mr. Elliott updated Council and the public with regard to the City's municipal income tax collection activity through the Regional Income Tax Agency, the 911 Planning Committee meeting he attended last Friday, the annexation process for the Century 21 parcel on US 27 S. and a possible Tax Increment Financing program for a new road in the Southpointe development.

Mr. McKeehan congratulated Mr. Wooddell on the Freedom Fest noting it was a wonderful event despite the weather.

Mr. Dana advised Mayor Rousmaniere organized a walking audit of a portion of the Locust Street corridor which could be a difficult corridor at times. Mr. Dana noted the event would take place Wednesday, July 27th from 5-7 p.m. Mr. Dana advised Council members, staff, business owners and interested citizens would walk the area from McDonalds to the Goodwill store and take note of intersectional issues.

Mayor Rousmaniere noted tomorrow Council, staff members and representatives from Miami University would drive to Pickerington, Ohio to attend the first Ohio Town Gown Association conference. Mayor Rousmaniere advised people from college towns in Ohio were meeting for a one day conference. Mayor Rousmaniere noted she would report on this conference at the next meeting.

ADJOURN

Mr. Dana moved to adjourn at 9:38 p.m. Mr. Smith seconded. The motion passed 7-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 9, 2016

Account Code No. #:

Jung-Han Chen
Prepared By

Budgeted Amount:

July 26, 2016
Date Prepared

Agenda Title: Planning Commission Meeting Report –July 12, 2016
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Zoning Items

PC-2016-13-ADM, MINOR AMENDMENT TO AN APPROVED CONDITIONAL USE, PC-1986-12, 2 Lynn Avenue, Arby's Restaurant, Craig Abercrombie, Architect, Applicant/Agent

This applicant was seeking confirming from the Planning Commission that the proposed project could be considered as a minor amendment to an approved Conditional Use. The Commission agreed that this was a minor amendment, but certain details needed addressed concerning noise from outdoor speakers and landscaping along Contreras to shield the parking lot lighting, as well as a well-marked pedestrian walkway from the public sidewalk to the front entrance of the restaurant.

PC-2016-08, ZONING TEXT AMENDMENT Chapter 1133, Provisions of Zoning District specifically 1133.01, Establishment of Zoning Districts, by adding a Neighborhood Business District, City of Oxford, Applicant

This application was to establish a neighborhood business district in this chapter to classify the use as a commercial district. This is a house cleaning effort to the Oxford Zoning Code to follow up to a recommendation from the Planning Commission to City Council to create a Neighborhood Business District.

After the public hearing, the Commission voted 5-0-0 to recommend City Council for legislative action.

PC-2016-09, ZONING TEXT AMENDMENT, Chapter 1147 District, Conditional Uses by adding certain use regulations and potential concerns, City of Oxford, Applicant

This application was to add certain use regulations and potential concerns as a result of the Commission's recommendation to create a Neighborhood Business District and the uses that would be allowed in this district. Additionally, this set of regulations would be applicable to other districts which would allow uses in those districts under the Conditional Use Chapter.

The Commission made some minor changes to the proposed language and moved to recommend the proposed text amendment to Council in a vote of 5-0-0.

PC-2016-10, ZONING TEXT AMENDMENT, Chapter 1151, Sign, specifically 1151.05 Permanent Signs, and adding Neighborhood Business District, City of Oxford

This application was part of the zoning text amendment addressing the creation of a new Neighborhood Business District, specifically dealing with sign regulations. The proposed language is similar to the sign regulations for the RO (Office Residential) District.

After the public hearing, the Commission felt the proposed language would be adequate and appropriate for the new district and voted 5-0-0 to recommend approval to City Council for legislative consideration.

PC-2016-12, ZONING TEXT AMENDMENT, Chapter 1143, Districts, by amending 1143.12 GB (General Business) District to GB-1 (General Business) District and adding GB-2 General (General Business) District, City of Oxford, Applicant

This application is to break up the existing GB into two general business Districts: GB-1 and GB-2 to reflect the difference in development patterns and the vision of the community. GB-1 is delineated around Locust Street, the core of the community, while GB-2 is along US 27 as an auto-oriented commercial corridor.

After the Planning Commission's discussion, it decided to table this until the next regular meeting, in order for staff to work out a more defined language and to avoid any potential conflicts.

The August 9, 2016 meeting has been cancelled since there are no pending applications for the Commission to review. A work session is scheduled instead.

Approved by:

	Initial	Date
Department Head:	<u>JHC</u>	<u>7/26/16</u>
City Attorney:	<u></u>	<u></u>
City Manager:	<u>DRE</u>	<u>7/27/16</u>

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 2, 2016

Sam Perry

Account Code No. #:

Prepared By

Budgeted Amount:

July 25, 2016
Date Prepared

Agenda Title: Board of Zoning Appeals Meeting Report – July 20, 2016
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Adjudication Hearings

BZA-2016-06 116 W. Collins, Variance to Section 1141.03(b) Supplemental Regulations, principal entrance upon a street; 1149.02(a) parking, **Scott Webb, Applicant, Agent**

These two variance requests are associated with the proposed development of a lot without street frontage. The lot is located behind the existing structure at 116 West Collins Street. The lot meets the 3,000 square foot area requirement; but because it does not have street frontage, a variance is required. Additionally the corner alley lot front yard is only permitted to have one parking space, rather than the two proposed in the front yard. The BZA deliberated and also discussed a prior court case regarding public access to a lot. The BZA voted 3-0 to approve the two variance requests based on findings related to essential character, governmental services and that the predicament could not be obviated without the variances. One member recused.

BZA-2016-08 203 S. Locust Street (Goodwill), Variance to Section 1149.05(e)(4)R(2) Pedestrian Safety, walkway surface material requirements within parking areas, **Scott Webb, Applicant, Agent**

This variance request came about due to a construction mistake made in the recent redevelopment of this site. The approved plans showed the required pedestrian crossing differentiating from the parking lot. The designer chose a concrete walkway to stand out from the asphalt parking. The parking lot was built with a crossing without the required differentiation; having only painted striping on the asphalt. The owner decided to apply for a variance from the code requirement so that the striping could remain. The BZA heard staff, applicant and owner testimony. The BZA deliberated using the decision criteria and voted 4-0 to deny the variance request.

The next regular BZA meeting is Wednesday, August 17, 2016 at 7:30 p.m.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial	Date
<i>JHC</i>	<i>7/25/16</i>
<i>DRK</i>	<i>7/29/16</i>

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation

Originating Department

Council Meeting Of: August 2, 2016

Casey D. Wooddell

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 25, 2016

Date Prepared

Agenda Title: Recreation Advisory Board Meeting, 7/21/16

Recommendation: Approve

Discussion:

In attendance: Ken Bogard, Edna Southard, Kevin Ackley, Craig Bennett.
Staff: Casey Wooddell, Deanna Barbour

Mr. Wooddell welcomed Kevin Ackley to the board, provided him with appropriate documents and binder, and introduced current board members. Also provided all board members with updated member list with current terms.

Mr. Wooddell provided board members with status reports on the following: Land swap with Miami has been indefinitely placed on hold, surface of Oxford Skate Park being repaired and sealed, and terms of new Mutual Usage Agreement with Talawanda School District being negotiated.

Board members discussed potential candidates for a steering committee to aid in the development, design and fundraising for the Family Aquatic Center. Board members agreed that collaboration with local organizations (i.e. Oxford Community Foundation, Oxford Visitors Bureau, Kiwanis, Rotary, Chamber of Commerce) will be vital to the development of the most efficient and effective aquatic facility.

Objectives of the Family Aquatic Center were briefly discussed, such as the region being served and amenities to include. Recreation Board members believe community meetings or tables will be necessary to educate the public and obtain feedback. Location options at Oxford Community Park were also discussed, including pros and cons of each potential site. Much more discussion to come on all of these topics.

Site visits to similar aquatic centers in this region were briefly contemplated. Mr. Wooddell will contact site managers to converse. Potential sites discussed include Troy, Tipp City and Eaton, OH as well as Connersville, IN.

Next meeting scheduled for Thursday, August 25th at the Oxford Senior Center at 4:00pm. This board agreed to meet more regularly than the quarterly schedule to progress towards the development of the Family Aquatic Center.

Approved By:

Department Head:

Initial Date

CDW \ 7/25/16

City Manager:

DRE 7/29/16

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: August 2, 2016

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 26, 2016

Date Prepared

Agenda Title: A Resolution accepting the annexation to the City of Oxford, Ohio of certain territory proposed to be annexed to the City of Oxford, Ohio pursuant to a petition filed with the Board of County Commissioners of Butler County, Ohio by Douglas R. Elliott, Jr., Agent for petitioners, as provided by Section 709.023 of the Ohio Revised Code.

Recommendation: Adopt the Resolution

Discussion:

This legislation is necessary as part of the settlement agreement with Century 21 located at 3996 Millville Oxford Road for the US 27 S. improvement project. The property owners agreed to the annexation of their property to the City of Oxford. The annexation petition was filed with the Butler County Commissioners on Tuesday, July 19, 2016. An expedited Type II process will be utilized for this annexation. The City Manager will serve as the statutory agent for the petitioners. When the property is annexed to the City, the current Township zoning will continue (A-1 Agricultural) until it is rezoned by the City.

Approved By:

Department Head: _____

Initial Date

City Manager: _____

DRE \ 7/29/16

RESOLUTION NO.

A RESOLUTION ACCEPTING THE ANNEXATION TO THE CITY OF OXFORD, OHIO OF CERTAIN TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF OXFORD, OHIO PURSUANT TO A PETITION FILED WITH THE BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY, OHIO BY DOUGLAS R. ELLIOTT, JR., AGENT FOR PETITIONERS, AS PROVIDED BY SECTION 709.023 OF THE OHIO REVISED CODE.

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

SECTION 1: Council, having received the notification of a petition for annexation from Shawn Baker, Holly Baker, and the City of Oxford, Ohio for 0.458 acres of land in Oxford Township, Butler County, Ohio hereby accepts said petition.

SECTION 2: Council hereby consents to the annexation petition from Shawn Baker, Holly Baker, and the City of Oxford, Ohio for 0.458 acres of land in Oxford Township, Butler County, Ohio in accordance with Section 709.023(D) of the Ohio Revised Code.

SECTION 3: The Clerk is hereby directed to forward a certified copy of this resolution to the Board of County Commissioners of Butler County, Ohio.

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

City Manager

Originating Department

Council Meeting Of: August 2, 2016

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 26, 2016

Date Prepared

Agenda Title: A Resolution regarding zoning buffers and adopting a statement indicating the services the City of Oxford, Ohio will provide to the territory proposed to be annexed to the City of Oxford, Ohio pursuant to a petition filed with the Board of County Commissioners of Butler County, Ohio filed by the petitioners, Shawn Baker, Holly Baker, and the City of Oxford, Ohio, for the annexation of 0.458 acres of land more or less in Oxford Township, Butler County, Ohio to the City of Oxford, Ohio as provided by Section 709.023 of the Ohio Revised Code.

Recommendation: Adopt the Resolution

Discussion:

This legislation is necessary as part of the settlement agreement with Century 21 located at 3996 Millville Oxford Road for the US 27 S. improvement project. The property owners agreed to the annexation of their property to the City of Oxford. The annexation petition was filed with the Butler County Commissioners on Tuesday, July 19, 2016. An expedited Type II process will be utilized for this annexation. The City Manager will serve as the statutory agent for the petitioners. When the property is annexed to the City, the current Township zoning will continue (A-1 Agricultural) until it is rezoned by the City.

Approved By:

Department Head:

Initial Date

City Manager:

DRE 7/29/16

RESOLUTION NO.

A RESOLUTION REGARDING ZONING BUFFERS AND ADOPTING A STATEMENT INDICATING THE SERVICES THE CITY OF OXFORD, OHIO WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF OXFORD, OHIO PURSUANT TO A PETITION FILED WITH THE BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY, OHIO FILED BY THE PETITIONERS, SHAWN BAKER, HOLLY BAKER, AND THE CITY OF OXFORD, OHIO, FOR THE ANNEXATION OF 0.458 ACRES OF LAND MORE OR LESS IN OXFORD TOWNSHIP, BUTLER COUNTY, OHIO TO THE CITY OF OXFORD, OHIO AS PROVIDED BY SECTION 709.023(C) OF THE OHIO REVISED CODE.

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

SECTION 1: Council, having received the notification of a petition for annexation from Shawn Baker, Holly Baker, and the City of Oxford, Ohio for 0.458 acres of land in Oxford Township, Butler County, Ohio (“the Territory”), hereby accepts said petition.

SECTION 2: The City hereby states that it will provide immediately, upon final approval and acceptance of the annexation, the following services to the Territory: law enforcement, recreation programming, maintenance of any and all public streets and alleyways, keeping same open, in repair and free from nuisance, and professional planning staff all shall be available immediately upon annexation; in addition, a sanitary sewer connection shall be made available to the Territory within five (5) years. Extension of all public utility services shall be subject to such regulations and conditions as the City deems appropriate.

SECTION 3: If the Territory becomes subject to zoning by the City and the City permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within the township from which the Territory was annexed, City Council will require, in the zoning ordinance permitting the incompatible uses, the Petitioners to provide a buffer separating the use of the Territory and the adjacent land remaining within the township.

SECTION 3: The Clerk is hereby directed to forward a certified copy of this resolution to the Board of County Commissioners of Butler County, Ohio.

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 Department
Originating Department

Council Meeting Of: August 16, 2016

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

July 18, 2016
Date Prepared

Agenda Title:	A Resolution Authorizing the Assessment of Delinquent Charges for the Cutting and Removal of Weeds, Vegetation and/or Grass to be Placed on the Butler County, Ohio Property Tax Duplicate
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Recommendation:	Approval
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Discussion:

Certain properties in the City have failed to abate tall grass violations, causing the City to hire a private contractor to mow these properties with City funds. A list of properties is attached with this resolution for your information. The purpose of this resolution is to assess these properties for the cost of abating the violations. The City will eventually be reimbursed either when the property tax is due or when the property is transferred.

The Butler County Auditor's Office only places delinquent charges on property taxes once per year. The deadline is September 12, 2016.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JHC | 7/18/16

DRE | 7/29/16

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE ASSESSMENT OF DELINQUENT CHARGES FOR THE REMOVAL OR DESTRUCTION OF NOXIOUS VEGETATION TO BE PLACED ON THE BUTLER COUNTY, OHIO PROPERTY TAX DUPLICATE.

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

SECTION 1: The City of Oxford follows the procedure set forth in the Oxford Codified Ordinance Sections 935.19 to 935.22 for the removal of noxious vegetation.

SECTION 2: The owner of property located within the City of Oxford which is indexed on the list attached and incorporated herein as Exhibit "A", had noxious vegetation on their property and they have been provided with written notice to cut and remove weeds, vegetation, and/or grass.

SECTION 3: The owner of property on Exhibit "A" has continued to fail to cut and remove weeds, vegetation, and/or grass and they are not in compliance with the notices.

SECTION 4: As a result of the owner referenced on Exhibit "A" continuing to fail to cut and remove weeds, vegetation, and/or grass on their property, the City hired private contractors to cut and remove weeds, vegetation, and/or grass.

SECTION 5: All expenses and labor costs incurred by the City of Oxford, Ohio during the cutting and removal of weeds, vegetation, and/or grass were paid out of Municipal funds.

SECTION 6: The owner of the property indexed on Exhibit "A" was provided with written notice to refund the labor costs incurred by the City of Oxford, Ohio within fifteen (15) days after the expenses were incurred. The owner was also notified that failure to remit the labor costs incurred by the City of Oxford, Ohio would result in an assessment to the property tax duplicate.

SECTION 7: The owner of the property on Exhibit "A" failed to refund the labor costs incurred by the City of Oxford, Ohio and this delinquent charge can be recovered by certification to the Butler County Auditor's Office for placement on the next property tax duplicate of the owner of said property pursuant to Oxford Code Section 935.22(B) and Ohio Revised Code Section 731.54.

SECTION 8: The City Manager is hereby authorized to certify delinquent charges to the Butler County Auditor for placement on the property tax duplicate of the owner of the property located within the City of Oxford referenced on Exhibit "A".

SECTION 9: Should the owner of property listed on Exhibit "A" pay to the City of Oxford all of the costs incurred by the City in connection with the property after the adoption of this Resolution, and prior to the filing of this resolution with the Butler County Auditor's office, the City Manager is hereby authorized to remove the owners name and parcel from Exhibit "A".

SECTION 10: The Clerk of Council shall immediately on adoption of this Resolution certify a copy of this Resolution and shall cause a copy to be filed at the Butler County Auditor's office.

SECTION 11: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION 12: 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"

<u>Violations</u> <u>Through July, 2016</u>			
<u>Parcel ID#</u>	<u>Property Address:</u>	<u>Owner/Address:</u>	<u>Amount(s):</u>
H4100015000066 (Lot 2032 ENT)	819 Clover Circle Oxford, OH 45056	Wilmington Trust Co. 1 Mortgage Way Mt. Laurel, NJ 08054	\$160.00

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr. *Police*
Originating Department
Council Meeting Of: August 2, 2016
John A. Jones
Account Code No. #: N/A Prepared By
Budgeted Amount: N/A July 26, 2016
Date Prepared

Agenda Title: A resolution authorizing the City Manager to enter into an agreement to participate in the Butler County Sheriff's Drug Task Force

Recommendation: Approve

Discussion: Thus far in 2016 we have experienced four deaths from heroin overdoses, one drug related homicide, and numerous other non-fatal overdoses and related crimes. While once part of the Butler County Sheriff's Drug Task Force, known as Butler Undercover Regional Narcotics (BURN) Task Force, the Division pulled its detective out of BURN in 2012 due to staffing limitations. Since then the drug problem has increased with no true proactive enforcement efforts by OPD to combat substance abuse. By participating on the Task Force, OPD can proactively work to reduce drug related crime.

The Oxford Division of Police has long been a participant in joint efforts to curb the possession, use and sales of illegal drugs. This agreement, similar to a mutual aid agreement, spells out the details of cooperation, liability, and when applicable, revenue sharing resulting from any forfeiture of property and/or money. The Law Director and City Manager have both reviewed and approved the agreement. There are no additional monies required of the City of Oxford or its police department as a result of our participation.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

JAG 7-27-16

DRE 7/29/16

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO PARTICIPATE IN THE BUTLER COUNTY SHERIFF'S DRUG TASK FORCE.

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

SECTION 1: The Sheriff's Department of Butler County, Ohio wishes to contract with the City of Oxford, Ohio, for the provision of mutual assistance and interchange, and use of their police personnel and equipment to provide enhanced law enforcement capabilities to investigate and prosecute drug crimes occurring within jurisdictions in Butler County, Ohio.

SECTION 2: Section 737.04 of the Ohio Revised Code authorizes the City of Oxford, in order to obtain police protection or to obtain additional police protection, or to allow its police officers to work in multijurisdictional drug, gang, or career criminal task forces, to enter into contracts with one or more municipal corporations, townships, township police districts, or county sheriffs in this state, for services of police departments or the use of police equipment or for the interchange of services of police departments or police equipment within the several territories of the contracting subdivisions.

SECTION 3: The City Manager and the Police Chief recommend the City enter into an agreement in substantially the same form as Exhibit 'A' attached hereto and incorporated herein to participate in the Butler County Sheriff's Drug Task Force to provide enhanced law enforcement capabilities to investigate and prosecute drug crimes occurring within Butler County, Ohio.

SECTION 4: Council accepts the recommendation of the City Manager and Police Chief and hereby authorizes the City Manager to enter into an agreement in substantially the same form as Exhibit 'A' attached hereto and incorporated herein to participate in the Butler County Sheriff's Drug Task Force to provide enhanced law enforcement capabilities to investigate and prosecute drug crimes occurring within Butler County, Ohio.

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

ADOPTED:

MAYOR

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

EXHIBIT "A"

MEMORANDUM OF UNDERSTANDING FOR REGIONAL DRUG TASK FORCE Between the Sheriff of Butler County, Ohio and Butler County, Ohio Townships and Municipalities

WHEREAS, Sections 311.07(B), 505.43, 505.431 and 737.04 of the Ohio Revised Code specifically authorize Ohio townships and municipal corporations to enter into a contract with a county sheriff upon any terms that are agreed to by them, for services of police departments or use of police equipment, or the interchange of the service of police departments or use of police equipment of the contracting subdivisions, if the contract is first authorized by respective boards of township trustees and municipal legislative bodies; and

WHEREAS, the Sheriff of Butler County, Ohio, and the City of Oxford ("the Parties") wish to contract with each other to provide for mutual assistance and interchange, and use of their police personnel and equipment to provide enhanced law enforcement capabilities to investigate and prosecute drug crimes occurring within and /or related to their individual and several jurisdictions.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties hereto mutually agree as follows:

1. **Definitions:** The following terms shall have the following meaning for purposes of this Agreement:
 - a. **Member** shall mean a law enforcement officer or other employee of one of the parties who is assigned to and working for the Task Force to perform law enforcement duties or training under the control of the Task Force command structure. A *Full-Time Member* shall be a member who is assigned to the Task Force for an average of forty (40) hours per week on an annual basis. A *Part-Time Member* shall be a member who is assigned to the Task Force for an average of twenty (20) hours per week on an annual basis.
 - b. **Officer** shall mean a sworn law enforcement officer having jurisdiction within the geographic territory of any of the parties to this Agreement;
 - c. **Sheriff** shall mean the duly elected or appointed Sheriff of Butler County, Ohio, or his designee.
 - d. **Task Force Commander** shall mean the law enforcement officer, designated by the Butler County Sheriff, who has over-all command responsibility for the planning, training and day-to-day operations of the Task Force.
2. **Assignment of Personnel:** Each participating agency shall assign one or more full-time or part-time members to the Task Force throughout the time that the agency participates as a party to this MOU. All members of the Task Force shall at all times remain employees of their respective law enforcement agencies, whether they are working under the direction of the Task Force Commander or their own employer agencies. Each law enforcement agency may alter the dedicated Task Force assignment schedule of its employees as the needs of the agency and jurisdiction may require. The law enforcement agency may withdraw or reassign any employees according to agency needs; provided, however, the agency shall coordinate any such changes in personnel with the Sheriff so as not to disrupt or interfere with Task Force activities.

3. **Use of Vehicles:** The Task Force members' general transportation expenses to and from work and training duties shall be provided by the members' employing law enforcement agencies or by the members themselves if the terms of their employment so dictate. Task Force members may be required to operate vehicles owned by Butler County while assigned to and performing duties for the Task Force. The employing law enforcement agencies shall provide insurance coverage for their employees who operate vehicles owned by Butler County.
4. **Facilities and Equipment:** Each party to this Agreement will supply its Task Force members with such police equipment and supplies as is customary for the law enforcement agency, ***provided, however,*** that such equipment and supplies may be utilized or replaced for Task Force duties at the discretion and order of the Task Force Commander. Equipment used in the Task Force remains the property of the agency providing the equipment. Any additional equipment and supplies used by the Task Force and its members in carrying out their training and duty assignments shall be Butler County property that is purchased by and shall remain under the exclusive control of the Butler County Sheriff and his designee(s). Butler County shall provide suitable space for housing the operations and equipment of the Task Force.
5. **Drug Purchase Funds:** Butler County shall provide all monies used by the Task Force for the purpose of buying drugs or other contraband in the course of enforcing the criminal laws of the State of Ohio and the United States of America.
6. **Command Structure:** The Task Force Commander may, whenever he/she deems it practical and beneficial to the operations of the Task Force, appoint qualified senior members from the participating law enforcement agencies to supervisory assignments in the over-all Task Force structure and for individual case assignments.
7. **Rules and Regulations:** As soon as is practicable after execution of this Agreement by the original participating agencies, the Sheriff shall promulgate and distribute to all agencies a set of rules and regulations governing the training and operations of the Task Force and its personnel.
8. **Powers of Officers:** No Oath of Office need be administered to assigned Task Force member officers by the authorities of the law enforcement agencies who are parties to this Agreement when the performance of the officers' duties within any of the parties' jurisdictions is pursuant to this Agreement. Such officers shall have the same powers of enforcement and arrest as if acting within their own jurisdictions.
9. **Consideration:** No charges shall be made to any party hereto for services rendered pursuant to the terms of this Agreement, it being understood that the mutual promises contained herein serve as adequate consideration.
10. **Sale and Distribution of Seized Assets:** All assets which are seized and forfeited by law or court order as a result of the efforts of the Task Force shall be maintained for use by the Task Force or sold at the discretion of the Butler County Sheriff. After reimbursement for costs incurred in the seizure, storage, maintenance, security, forfeiture proceeding, sale of the property, and satisfaction of any restitution ordered to the victim of the offense or to satisfy and recovery ordered for the person harmed, the remaining net proceeds shall be distributed as follows: Twenty-five (25) percent to the law enforcement trust fund of the Prosecutor of the jurisdiction that prosecuted the case and the remaining seventy-five

(75) percent distributed among the law enforcement trust funds supporting the law enforcement agencies with assigned personnel actively participating in the Task Force by virtue of this Agreement or other Agreements with the Sheriff at the time of seizure. Distribution of proceeds among the participating law enforcement agencies shall be apportioned according to the ratio that the average number of full-time equivalent personnel each agency has assigned to the Task Force bears to the total number of full-time equivalent personnel each agency has assigned to the Task Force by all participating agencies. For purposes of determining the distribution of proceeds, the purchase of Task Force supplies and equipment by the Sheriff shall be considered as constituting one full-time personnel equivalent. Each agency receiving distributions shall be solely responsible for the ultimate use of such funds after receipt.

11. **Disclaimer of Liability:** In no case shall any of the parties herein be liable for damages to any other party hereto as a result of lack of speed in supplying assigned personnel, for any inadequacy of equipment or negligent operation of equipment, or for any cause whatsoever growing out of the use of such law enforcement equipment, apparatus or consumable materials and supplies that it may incur while its employees are assigned to Task Force duties or training pursuant to the terms of this Agreement.
12. **Privileges and Immunity:** The parties intend for all assigned law enforcement agencies and their officers to enjoy the fullest privileges and immunities available to officers of the requesting law enforcement agency pursuant to Chapter 2744 of the Ohio Revised Code.
13. **Duty to Defend:** Each party hereto agrees to be responsible for and shall defend against any liability, suits, losses, judgments, damages or other claims or demands of any nature whatsoever brought as a result of the alleged actions or omissions of its own law enforcement officers, employees or officials in the performance of this agreement.
14. **Compensation of Employees:** Each law enforcement agency shall continue to provide the same salaries, overtime pay, vacation, sick leave, insurance, workers compensation, retirement and other fringe benefits to its employees while they are assigned to the Task Force under this Agreement as those employees would receive while directly under the command of their employing law enforcement agency and shall remain subject to existing and future collective bargaining agreements. The parties hereto intend that their employees, even while acting outside of the political subdivision or governmental unit in which they are employed may participate, if the rules of the Board of Trustees of the policemen's pension or indemnity fund provide therefor, in any pension or indemnity fund established by their employer to the same extent as while acting within the employing political subdivision or governmental unit.
15. **Reporting and Review Requirements:** The Sheriff shall prepare and distribute quarterly financial and statistical reports to all participating agencies. The agencies shall annually review the performance of the Task Force and the terms of this Agreement on or about the anniversary of the execution of this Agreement by the initial signatory agencies.
16. **Duration of Agreement:** This Agreement shall remain in effect indefinitely with respect to each party hereto. Any party may terminate its participation as a party to the Agreement upon the giving of thirty (30) days written notice to the other parties.

17. **Non-exclusive Participation:** Participation in this Agreement shall not preclude or limit the continued or subsequent participation of any of the law enforcement agencies in other drug enforcement activities, agreements or task forces at the local, state and /or federal level.
18. **Effective Date:** This Agreement shall become operative as to the undersigned parties when executed by the last one of them. A copy of this Agreement shall be deposited with the Butler County Emergency Management Agency.
19. **Execution:** This Agreement may be executed in multiple counterparts and at different times.

IN WITNESS WHEREOF, each of the parties hereto has caused the signature of its appropriate official(s) to be set hereto pursuant to the authority of its appropriate legislative authority.

BUTLER COUNTY SHERIFF

Sheriff Richard K. Jones

Date

Approved as to form only:

Assistant Prosecuting Attorney Date

CITY OF OXFORD, OHIO. By:

Douglas R. Elliott, Jr.

Date

City Manager

Pursuant to Resolution # _____

Authorized and Approved by:

John Jones

Date

Chief of Police

Approved as to form only:

City of Oxford Law Director Date

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 2, 2016

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

July 20, 2016
Date Prepared:

PC-2016-03, ZONING TEXT AMENDMENT, To Amend Chapter 1143, Specifically Section 1143.12 (General Business) District Concerning Concept Review and Adding Section 1143.16 NB (Neighborhood Business) District, City of Oxford, Applicant

Recommendation by the Planning Commission: Approval

Discussion:

This amendment deals with two issues: one is to remove the concept plan process in the General Business District and, two, to create a Conditional Use Application for large development projects to ensure secondary impacts would be mitigated appropriately through the review by the Planning Commission and the City Council.

The second component of the amendment deals with the creation of a Neighborhood Business District. Adding a Neighborhood Business District designation has been the goal of the Planning Commission since 2012. Addressing the "one size fits all" for fear of any potential zoning changes to the commercial district could spur gas stations or other perceived big box retail. The lack of various types of commercial districts also limits the development possibility for legitimate projects to serve adjoining neighborhoods. Furthermore, it would be beneficial to reduce automobile trips to a distant place if there are convenience stores nearby that provide daily household needs.

This has been the rationale for the Planning Commission to convene a subcommittee to review and develop site development regulations for a neighborhood commercial district. The idea of a neighborhood commercial district, as stated before, is to serve adjoining neighborhoods and the uses allowed under this district tends to be small scale, pedestrian-oriented. The Neighborhood Business District can be described as a limited version of the General Business District as well as the Uptown District, but an expanded version of the Office Residential District. It allows mixed-use development for up to two-dwelling units on the upper floor with commercial/professional offices on the first floor, while limiting the size of a commercial/professional office. Additionally, it requires the development in this newly created district to respect the surrounding neighborhood by following the building placement, building material and general character of the neighborhood. Last, but not least is the proposed building heights dictating the setback of the new building, so the new building will not overpower the neighboring properties.

Approved by:

Department Head:
City Attorney:
City Manager:

JHC 7/21/16
DRE 7/29/16

ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 1143.12 ENTITLED GENERAL BUSINESS DISTRICT, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 1143.12 ENTITLED GENERAL BUSINESS DISTRICT, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 1143.16 ENTITLED NEIGHBORHOOD BUSINESS DISTRICT.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on July 12, 2016 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1143.12 entitled General Business District, and adopting new Oxford Codified Ordinance Section 1143.12 entitled General Business District, and adopting new Oxford Codified Ordinance Section 1143.16 entitled Neighborhood Business District.

SECTION II: Council hereby repeals Oxford Codified Ordinance Section 1143.12 entitled General Business District, and adopts new Oxford Codified Ordinance Section 1143.12 entitled General Business District and adopts new Oxford Codified Ordinance Section 1143.16 entitled Neighborhood Business District as follows (additions are bolded and deletions are struck through):

1143.12 GB GENERAL BUSINESS DISTRICT.

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

(b) Uses.

(1) Permitted uses.

A. Retail services. **(Not to exceed 15,000 square feet of total gross floor area)**

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

B. Personal and professional services. **(Not to exceed 15,000 square feet of total gross floor area)**

1. Accounting, advertising, architectural, auditing, bookkeeping, legal, and medical offices, and offices for other similar professional service providers.
 2. Banks, credit agencies, investment firms, real estate, insurance offices, and other similar establishments engaged primarily in financial services.
 3. Barber and beauty shops.
 4. Cleaners, including dry cleaning and Laundromats.
 5. Home improvement services, including carpentry, electrical, heating, plumbing, and decorating.
 6. Offices for nonprofit, charitable, labor, and other service organizations.
 7. Repair establishments for bicycles, household appliances, locksmiths, shoes, and motor vehicles (if no gasoline is sold and repair work is done inside).
 8. Theaters, not including drive-ins.
 9. Other similar personal and professional services, such as employment agencies, travel bureaus, and ticket offices.
- C. Accessory buildings incidental to the principal use.
- (2) Conditional uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.
- A. Retail services.
1. Automobile service stations selling gasoline.
 2. Bars and establishments serving alcohol.
 3. Banks with drive-through facilities.
 4. Building supplies, garden supplies.
 5. Drive-in and fast-food restaurants.
 6. Sales of motorcycles and used motor vehicles, rental and service of motor vehicles, sales and rental of boats and marine equipment, and sales and rental of trailers.
 7. Temporary or outdoor sales of plants and garden supplies.
- B. Personal and public services.
1. Animal hospitals or kennels.
 2. Bowling alleys.
 3. Cultural institutions, including libraries, art galleries and museums.
 4. Hotels and motels.
 5. Places of worship.
 6. Funeral homes.
 7. Indoor skating rinks, arcades, and similar recreational uses.
 8. Instructional studios.
 9. Night clubs, discotheques, and other entertainment facilities.
- C. Other uses.
1. Community-Oriented Residential Social Service Facilities (CORSSF's).
 2. Shared Housing and Congregate Housing for the elderly.
 3. Government owned and/or operated parks and recreation facilities.
 4. Bed and breakfast homes.
 5. Publicly owned and operated neighborhood recreation centers.
 6. Day care facilities, including Day Care for child, Day Care Center for child, Day Care Home Type A family, and Day Care Home Type B family.
 7. Schools: primary, intermediate, and secondary, both public and private.
 8. Mini-Warehouse (Self-Storage Units)
 9. Business Incubator
 10. Any permitted or combination of any retail, personal or public services that exceed 15,000 square feet of gross floor area

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

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

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

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

B. Maximum front yard setback. A maximum front yard setback of 150 feet; and at least 75% of the façade of the principal building must be setback no more than 150 feet from the front lot line.
- (3) Structural requirements.

Maximum building height	45 feet
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(d) Supplementary Regulations.

- (1) All merchandise, new and used, with the exception of boat, automobile, truck or farm implements and plants and garden supplies, shall be stored within a completely enclosed building. Displays of boats, automobiles, tractors, recreational trailers and/or mobile homes shall conform to the requirements as defined in Section 1141.03 (e)
- (2) Landscaping: The required front yard, with the exception of the area used for vehicle access shall be landscaped with trees, shrubs and ground cover. A minimum of 1 tree for every 25 linear feet of frontage shall be planted in this area provided that the placement of the trees does not interfere with sight distance entering or leaving the site. Each tree shall be a minimum of 6 feet tall and have a minimum 2-inch diameter at breast height (DBH).
 - A. A minimum of 50% of the trees shall be hardwood type, as listed on the City's Tree List maintained by the Environmental Commission.
 - B. All landscaping material must be maintained in good condition. Any missing or dead materials must be replaced in a timely manner.
- (3) The building should be oriented so that the principal building entrance faces the principal street or the street providing main access to the site. The entrance must be connected to the street and adjacent parking with clearly marked sidewalks/walkways. The building façades facing the street must adhere to the façade treatment as outlined in the following sections. In no instance, shall the rear of the building face the public right-of-way.
- (4) Building facades that are oriented toward a right-of-way shall be provided for visual relief as follows:
 - A. Windows and transparent doors must occupy a minimum of 60% of the entire building wall area measured between 2.5 and 7 feet in height above grade along the entire front façade. Glass block, opaque or darkly tinted glass is not considered to be transparent.
 - B. Building façades must have different articulation in height and setback. Different horizontal articulations with material, color and opening shall also be utilized when building elevation is higher than 14 feet. Preferred materials include brick, stone, glass or wood.

- (5) Each development is required; where appropriate, to provide adequate space (including easements) for alternative modes of transportation such as bike paths, multi-use paths, bus stops and turnarounds. Each development is also required to provide bicycle rack space at a rate of 3 per 10,000 square feet of gross floor area.
- (6) The front façade of the principal structure shall be finished, utilizing at least 50% natural materials including brick, stone, masonry, glass, or wood. No aluminum or vinyl siding shall be used in finishing or utilized on the front façade of the building.
- (7)
 - A. All utility boxes must be screened with appropriate landscaping material such that they are not visible from a right-of-way or other publicly accessible area.
 - B. All refuse collection and recycling containers must be enclosed or screened so as not to be visible from a right-of-way or other publicly accessible area. The structure surrounding the container(s) must be enclosed on all sides, one of which includes a gate or door that can be secured. The enclosure may consist of wood or masonry walls. Containers shall not be located in any front yard. The exterior perimeter of the enclosure(s) must be landscaped, excluding the access point.

1143.16 NB NEIGHBORHOOD BUSINESS DISTRICT

(a) Purpose. This district is intended to provide small-scale retail and services on sites in or near residential areas, while having little impact on them. Uses are limited in scope to promote local orientation. Development is intended to be compatible with the scale of surrounding residential areas development through pedestrian-orientation (or limited auto-orientation when the site is adjacent to collector streets)

(b) Uses.

(1) Permitted Uses.

- A. Two dwelling units of any combination of dwelling types as defined in Section 1159.05(8), A, C and D, on the upper floor.
- B. Professional services limited to 2,500 square feet of gross floor area.
- C. Retail services limited to 2,500 square feet of gross floor area.
- D. Personal services limited to 2,500 square feet of gross floor area.
- E. Child daycare center limited to 2,500 square feet of gross floor area.
- F. Cultural facilities, including museums, art gallery, library limited to 2,500 square feet of gross floor area.

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

- A. Residential dwelling types as defined in Section 1159.05(8), A, or C or D, on the first floor or basement.
- B. Restaurant
- C. Professional, retail, personal services, daycare center, cultural facilities that have more than 2,500 square feet of gross floor area.
- D. Community-Oriented Residential Social Service Facilities (CORSSF's).
- E. Shared Housing and Congregate Housing for the Elderly.
- F. Government owned and/or operated parks and recreation facilities.
- G. Bed and Breakfast homes.
- H. Open space recreation areas that are privately or publicly owned, such as golf courses, tennis courts, parks, forests, or wildlife preserves.

- I. Schools; primary, intermediate, and secondary, both public and private.
- J. Places of Worship.
- K. Hotel,
- L. Animal hospital
- M. Extended business hours beyond the hours of operation as permitted.

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

(1) **Lot requirements.** No minimum lot size or lot width is specified, however, lot size and width shall be adequate to provide for parking, access drive spacing, yard space and screening requirements.

(2) **Yard Requirements.**

A. Minimum front yard depth 20 feet in the Mile Square or the average front yard setback of the block face, whichever is higher.

30 feet outside of the Mile Square.

B. Minimum rear yard depth See table below.

C. Minimum side yard width See table below.

(3) **Structural requirements.**

A. Maximum building height 35 feet.

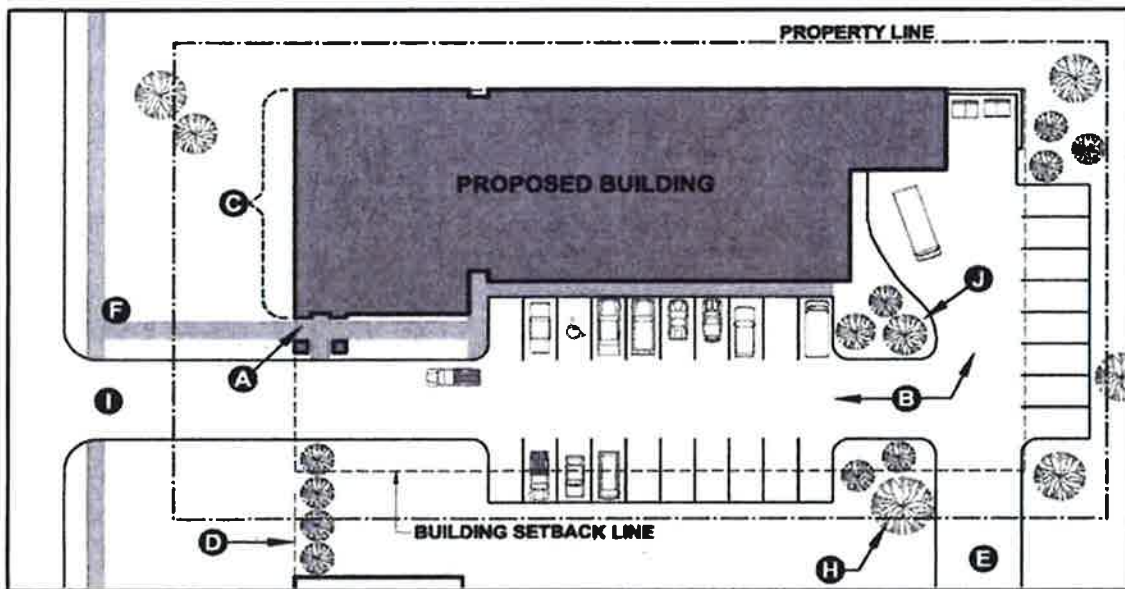
	Minimum building setback from residential zoned properties	
Height of the Building	Lots abutting a side lot line of a residential zoned lot	Lots abutting a rear lot line of a residential zoned lot
20 feet or less in height	7.5 feet	35 feet
More than 20 feet, but less than 35 feet in height	10 feet	40 feet

(4) **Maximum Lot coverage** 50 percent

(d) **Supplementary Regulations:**

1. The required front yard shall be landscaped with trees, shrubs and ground cover. A minimum of 1 tree for every 25 feet of linear feet of frontage, with the exception of the area used for vehicle access. Trees shall be hardwood type, as listed on the City's Tree List maintained by the Environmental Commission. Each tree shall be a minimum 2" caliper in diameter at breast height (DBH). All landscaping material shall be maintained in good condition. Any missing or dead material shall be replaced in a timely manner.
2. The placement of any proposed building shall be consistent with the average setback of the blockface.
3. Development should preserve the historic character of Oxford while embracing high quality design that complements existing building.
4. New building shall be designed in style, mass, scale and materials compatible with the surrounding properties.

5. Addition to an existing building shall be sympathetic to the architectural scale and style of the existing building. The material for the addition shall also be similar and consistent with the existing building.
6. The maximum pedestrian walking distance from the street to the entrance of the building shall not be more than 150% of the required front yard setback, or the average front yard setback distance, whichever is larger.
7. Buffering shall be provided along the property lines adjacent to residential zoned properties. Such buffering shall consist of a solid green or dense green hedge a minimum of 6 feet tall. Green hedges shall be 6 feet tall at planting and maintain at least 90 percent opacity over time.
8. Hours of operation shall be limited to 8 am to 9 pm, or subject to the approval from the Planning Commission.
9. All parking shall be located to the side or to the rear of the building. No more than 50% of the frontage upon the street could be used for parking area.



Location of Off-Street Parking
Illustration Only

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: 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 2, 2016

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

July 20, 2016

Date Prepared:

PC-2016-08, ZONING TEXT AMENDMENT, Chapter 1133, Provisions of Zoning District
specifically 1133.01 Establishment of Zoning Districts, by adding a Neighborhood Business District, **City of Oxford, Applicant**

Recommendation by the Planning Commission: Approval

Discussion:

This application is a necessary step to add an additional zoning district to the existing zoning district that is currently listed on the official zoning map. It only adds the district in the Chapter 1133 Provision of Zoning District.

This is part of the efforts from the Planning Commission by diversifying commercial districts. Currently there is only one commercial district and any potential zoning application would be limited to this commercial district.

It is a step that has to happen as a result of the creation of a new Neighborhood Business District by simply adding a line "Neighborhood Commercial District" to the existing list of zoning districts.

The Planning Commission recommended the approval of the proposed zoning text amendment.

Approved by:

Department Head:

City Attorney:

City Manager:

JHC / 7/21/16
DRE / 7/29/16

ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 1133.01 ENTITLED ESTABLISHMENT OF ZONING DISTRICTS, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 1133.01 ENTITLED ESTABLISHMENT OF ZONING DISTRICTS.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on July 12, 2016 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1133.01 entitled Establishment of Zoning Districts and adopting new Oxford Codified Ordinance Section 1133.01 entitled Establishment of Zoning Districts.

SECTION II: Council hereby repeals Oxford Codified Ordinance Section 1133.01 entitled Establishment of Zoning Districts and adopts new Oxford Codified Ordinance Section 1133.01 entitled Establishment of Zoning Districts as follows (additions are bolded):

1133.01 ESTABLISHMENT OF ZONING DISTRICTS.

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

<u>Abbreviated</u>	<u>Term District Name</u>	<u>District Type</u>
AOS	Agricultural Open Space	Residential
R-1A	Single-Family Low Density Residential	Residential
R-1B	Single-Family Medium Density Residential	Residential
R-2A	Single- and Two-Family Residential	Residential
R-3	Multi-Family Residential	Residential
R-4	Multi-Family Residential	Residential
R-1MS	Single-Family Mile-Square Residential	Residential
R-2MS	Single- and Two-Family Mile-Square Residential	Residential
R-3MS	Single-, Two-Family, & Three-Family Mile-Square Residential	Residential
RMH	Planned Mobile & Manufactured Home	Residential
RO	Office Residential	Residential
MU	University	Residential
NB	Neighborhood Business	Commercial
UP	Uptown	Commercial
GB	General Business	Commercial
OI	Office & Light Industrial	Industrial
LI	Light Industrial	Industrial
FP	Flood Plain	Overlay
MSO	Mile Square Overlay	Overlay
HDO	Historic District Overlay	Overlay

(b) In this Code and in all matters relating to this Code, the abbreviated terms shall be construed to have the same meaning as their corresponding district titles.

SECTION III: 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>	August 2, 2016
<u>Case Number</u>	PC-2016-08
<u>Applicant Information</u>	City of Oxford Jung-Han Chen, Sam Perry
<u>Requested Action</u>	Zoning Code Text Amendment
<u>Summary of Request</u>	To Amend Chapter 1133, Provisions of Zoning District, Specifically 1133.01 Establishment of Zoning Districts, by Adding a Neighborhood Business District
<u>Public Hearing Information</u>	On July 12, 2016 a Public Hearing took place at 118 W. High Street. Public Hearing notices were published in the Hamilton Journal News on May 15, 2016.
<u>Commission Action</u>	The Planning Commission voted 5-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended approval of this Zoning Code Text Amendment after much discussion. This amendment is part of the overall effort to create a neighborhood business district. A neighborhood business district is intended for businesses to provide day-to-day small scale retail opportunities to adjoining residential areas.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated May 28, 2016 2. Interoffice Reviews 3. Chapter 1133 Provisions for Zoning Districts Language 4. Zoning Code Text Amendment Application

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2016-08

Date – June 14, 2016

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING CODE TEXT AMENDMENT to Amend Chapter 1133, specifically Section 1133.01 Establishment of Zoning Districts, by adding a NB (Neighborhood Business District) District, City of Oxford, Applicant

DESCRIPTION

This application is part of a series of efforts to create a Neighborhood Business District and to amend various chapters of the Oxford Zoning Code to reflect this direction. This application is to establish this particular district under Chapter 1133 as an introductory of specific requirements and regulations.

ZONING CODE

The attached text amendment illustrates a simple addition to the list of Zoning Districts of Chapter 1133.

COMPREHENSIVE PLAN

2008 Comprehensive Plan outlines certain land use principles and one particular principal applicable to this ongoing effort of the Planning Commission is as follows:

2. **Uptown and New commercial developments will have a mix of uses that are distinctive and contribute to enhancing the community's overall identity.**
7. **New commercial and light industrial developments will be developed with pedestrian amenities and green spaces.**
 - Small retail uses serving the local or neighborhood market will reflect the character of Oxford and be compatible with surrounding uses with respect to form, scale, and character.

AGENCY REVIEWS

Police:	Received with no comment
Engineering:	Received with no comment
Econ. Dev.	Received with no comment
Fire Dept:	Received with no comment

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

This is a simple addition to the list of zoning districts under Chapter 1133 as an introduction of various districts that are approved and maybe shown on the Official Zoning Map. By creating a district, further regulations and requirements may be developed when needed. The establishment of a zoning district can be applied for by any applicant or designated by the City Council for development and enforcement purposes.

ATTACHMENT

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

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

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

Text Amendments

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



Internal Use Only:

Case No.

PC-2016-08

Date Filed

4/29/16
June

Zoning Code Text 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) * 513-524-5204

Email Address jhchen@cityofoxford.org

Amendment Description * Chapter 1133, Provisions of Zoning District

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) Initiation. A text amendment may be initiated by the Chair of the Planning Commission, by adoption of a motion by Council or the Planning Commission, or by application to Planning Commission by a landowner or a resident of the City of Oxford.
- (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. Any existing section number and text that is proposed to be deleted or amended.
- H. Any new or amended text as it is proposed to be codified including its proposed location in the Code. section numbers)
- I. A narrative statement that describes the expected effects of the proposed text.
- J. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

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

Planning Commission and Council Review

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

Fees & Receipt

The required fee is \$150.00. 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 *


4/14/16

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 the fee made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

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

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the Planning Commission meeting on which the action is requested.

For Staff Use Only

Fee Paid Date *

NA

Receipt Number *

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2016-08 Chapter 1133, Provisions of Zoning District ZONING TEXT AMENDMENT,
specifically 1133.01 Establishment of Zoning Districts, by adding a Neighborhood Business
District, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **June 7, 2016** 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 Dethenage
PRINTED NAME

Date:

5-24-16

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2016-08 Chapter 1133, Provisions of Zoning District ZONING TEXT AMENDMENT,
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project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: *A. Popescu* Date: 5-24-16

VICTOR POPESCU
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2016-08 Chapter 1133, Provisions of Zoning District ZONING TEXT AMENDMENT,
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 X Review Revisions Other

Please return no later than: **June 7, 2016** Note: If no comments are received, we will assume the
project meets your department's standards.

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

Drawings reviewed by: _____

[Signature]

Date: _____

5/26/16

John A Jones

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

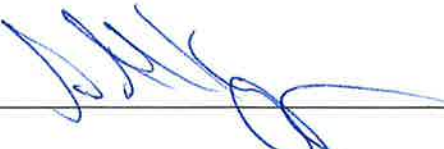
PC-2016-08 Chapter 1133, Provisions of Zoning District ZONING TEXT AMENDMENT,
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District, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **June 7, 2016** 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: 6-7-16

G. Ann Kiser
PRINTED NAME

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 2, 2016

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

July 20, 2016
Date Prepared:

PC-2016-09, ZONING TEXT AMENDMENT, Chapter 1147 District, Conditional Uses by adding certain use regulations and potential concerns, **City of Oxford, Applicant,**

Recommendation by the Planning Commission: Approval

Discussion:

This application is specifically adding certain use regulations and potential concerns for those uses listed in the Conditional Use section of the new Neighborhood Business District as well as those uses that are listed in other zoning districts as well.

The purpose of outlining the regulations and potential concerns is to guide the thinking process of deliberation and frame the discussion. However, this does not preclude any other potential concerns that may be area specific, but to provide a general guidance for the Planning Commission when reviewing the conditional use application.

The Commission felt that the use regulations and potential concerns were adequately provided and was comfortable with the proposed, subject to some minor changes to the draft language.

The Planning Commission recommended the approval of the proposed zoning text amendment.

Approved by:

Department Head:

City Attorney:

City Manager:

JHC / 7/21/16
DRE / 7/29/16

ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 1147 ENTITLED CONDITIONAL USES, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 1147 ENTITLED CONDITIONAL USES.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on July 12, 2016 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Chapter 1147 entitled Conditional Uses, and adopting new Oxford Codified Ordinance Chapter 1147 entitled Conditional Uses.

SECTION II: Council hereby repeals Oxford Codified Ordinance Chapter 1147 entitled Conditional Uses, and adopts new Oxford Codified Ordinance Chapter 1147 entitled Conditional Uses as follows (additions are bolded and deletions are struck through):

CHAPTER 1147 Conditional Uses

- 1147.01 General.**
- 1147.02 Procedure.**
- 1147.03 Use specific regulations and potential concerns.**
- 1147.04 Transition parking lots.
(Serving Commercial Uses
within Residentially Zoned
Area.)**

1147.01 GENERAL

(a) Purpose. Conditional Uses are land uses that are potentially appropriate in many zoning districts but that are likely to have characteristics that could be detrimental to the public health, safety, or general welfare if not located appropriately, operated appropriately, or mitigated with good design.

(b) Permit Requirement. Each Conditional Use shall be approved according to the provisions of this chapter.

(c) Effect of Conditional Use Permit. A Conditional Use permit shall be valid only for the specific use and location approved. (Ord. 2782. Passed 5-20-03.)

1147.02 PROCEDURE.

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

- (1) Contents of application for conditional use permit. Thirteen complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. Please contact the Zoning Administrator prior to submitting an application to discuss the submission requirement.

If any information is submitted in color or on non-standard paper, more copies may be required.

A. Application Fee.

B. Description of Use and Site.

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

1. The name, mailing address, and telephone number of the applicant and the property owner.
2. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.
3. A legal description of the site, including all separate lots.
4. A description of the existing uses of the site.
5. The zoning district in which the site is located.
6. A description of the proposed use.
 - a. A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.
 - b. The hours of operation.
7. A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties.
 - a. How the use is similar to or different from existing area uses and if there will be any interaction between the proposed use and existing uses.
 - b. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.
 - c. If the use will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
 - d. How any potential negative effects on adjacent land will be mitigated.
8. A statement about why the location proposed is more appropriate for the use than other locations.
9. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
10. Separate, detailed statements that individually address each of the items listed as potential concerns for the proposed use.
11. A list of the names and mailing addresses of all land owners within 200 feet of the site.
12. Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by Planning Commission.

C. Site Plan. A scaled site plan shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.

1. North arrow.
2. Scale.
3. Vicinity map.
4. All existing and proposed lot lines within the site.
5. Dimensions of all lots and of the entire site and any adjacent rights-of-way.
6. Location, height, and use of all proposed and existing structures.
7. Location and design of all proposed vehicle management areas.
8. Location, size, and type of all proposed signs.

9. Location, height, and type of all proposed screening and landscaping.
 10. Distances to residential zoning districts if within 1,000 feet.
 11. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
 12. Other information as required by the Planning Commission.
- D. Elevations of proposed structures, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.
- E. Other. Photographs of the existing use and its surroundings.

(b) Reapplication.

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

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

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

(1) Burden of Proof.

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

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

- A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.

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

(d) Action by Planning Commission.

- (1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) The Planning Commission shall base its recommendation to Council upon how well the application satisfies the General Decision Standards and the Decision Standards for the proposed use. In its recommendation, Planning Commission may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.

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

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

Conditional Use is subject to the provisions of Chapter 1137-Nonconformities.

- (2) Period of Validity.
 - A. An approved Conditional Use must be substantially operational within 2 years of its approval. Applications for any construction permits necessary for the operation of the Conditional Use must be filed within 1 year of approval.
 - B. If an approved Conditional Use fails to meet these deadlines, the applicant may request a time extension from the Planning Commission. No application materials are required, however, the Zoning Administrator may request information he or she deems necessary for the Planning Commission to make a decision. Planning Commission will consider the request at its next regularly scheduled meeting. Such request does not require a public hearing.
 - C. If the scope of the approved Conditional Use has not changed and the proposed use still satisfies the decision standards, the Planning Commission shall grant a 6-month extension of time for compliance. No more than four such extensions may be granted.
- (3) Revocation of Conditional Use Permit. A Conditional Use Permit may be revoked by City Council upon an affirmative recommendation from the Planning Commission if the existing Conditional Use Permit fails to meet one of the following requirements:
 - A. The conditions of approval are not met or maintained.
 - B. The property ceases to be operated as an approved conditional use.
 - C. The continuance of the conditional use would pose a substantial risk to the public health, safety and welfare.

(f) Changes to a Conditional Use.

- (1) Minor Changes to an approved Conditional Use. An operator of an approved Conditional Use may submit a written request for approval of changes to the site or operating conditions of the use. The Zoning Administrator may administratively approve changes to a Conditional Use if such changes:
 - A. Do not change the use.
 - B. Are of a magnitude that will not substantially alter the appearance of the use from off of the site.
 - C. Will not substantially or detrimentally affect the provision of public services to the site or general vicinity.
 - D. Will not substantially or detrimentally increase potential demand on public or private utilities.
 - E. Are not of a scope, scale, or character, that would cause a negative impact on adjoining properties and neighborhood.
 - F. Are not contrary to and in no way diminish the intent of the originally approved permit.Administrative approvals shall be clearly documented and made part of the original Conditional Use permit on file.
- (2) Major Changes to an Approved Conditional Use. Any changes to an approved conditional use that do not meet the criteria of a minor change are considered a major change. A major change requires an entirely new Conditional Use application (including the fee), according to the provisions of this chapter.

- (3) Changes to a Conditional Use not procedurally approved. An existing use that is listed in this code as a Conditional Use, that is in a zoning district where such use is permitted as a Conditional Use, that was never approved by a legislative, quasi-judicial, or administrative review, and that was legal at the time of its establishment is considered an approved Conditional Use and is subject to the provisions of this chapter. An existing use that is listed in this code as a Conditional Use and is in a zoning district where such use is not permitted is considered a legal nonconformity. Any proposed changes to such uses are subject to the provisions of Chapter 1137.

1147.03 USE SPECIFIC REGULATIONS & POTENTIAL CONCERNS.

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

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

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

- (a) General. Wherever no specific area, lot width, or setback requirements are specified in the provisions for specific Conditional Uses, then the dimensional regulations for the most restrictive permitted use in the applicable zoning district shall apply.
- (b) Uses.
- (1) Agricultural Services.
- A. Potential Concerns.
1. Produce and meat storage areas.
 2. Noise, dust, and odor from operations.
 3. Truck routes from municipal boundary.
 4. Temporary sales.
- B. Regulations.
1. Farm product storage buildings shall be setback a minimum of 100 feet from a residential zoning district.
 2. No outdoor farm machinery repair unless entirely enclosed within a screening fence.
 3. Animal enclosures shall be setback a minimum of 200 feet from all lot lines.
- (2) Airports and Landing Strips.
- A. Potential Concerns.
1. Aircraft noise.
 2. Dust from operations.
 3. Lighting.
 4. Proximity of powered aircraft on the ground to lot lines and adjacent uses.
- B. Regulations.
1. Compliance with FAA regulations.
 2. Runway locations will not require height restrictions on other properties less than would normally be required by dimensional regulations of the zoning district.
 3. Runways and taxiing areas shall be setback a minimum of 100 feet from a residential zoning district.
 4. Aircraft storage and service buildings shall be setback a minimum of 100 feet from a residential zoning district.
- (3) Animal Hospitals, Veterinary Clinics, and Kennels.
- A. Potential Concerns.
1. Traffic generation from associated retail sales.
 2. Location of diagnosis and outdoor activity areas relative public streets and residential zoning district.

3. Design of facilities that will help ensure humane conditions and treatment of animals.
 4. Animal noise and odor.
 - B. Regulations.
 1. Outdoor pens are not permitted.
 2. Outdoor activity shall be limited to diagnosis and temporary outdoor activity for boarded animals.
- (4) Bed & Breakfast.
- A. Potential Concerns.
 1. Appropriate number of rooms for the neighborhood in which it is proposed.
 2. Location of separate entrances.
 - B. Regulations.
 1. No more than 8 rooms for rent in any structure.
 2. Owner or manager must live in the structure.
 3. At least one meal must be provided to guests on site.
- (5) Gas Station with Convenience Store.
- A. Potential Concerns.
 1. Adequate design of vehicle management area.
 2. Location of fuel pumps and pump canopy.
 3. Outdoor sales and storage.
 - B. Regulations.
 1. All merchandise shall be located within a completely enclosed structure.
 2. Fuel pumps shall be setback a minimum of 30 feet from lot lines or 40 feet from a residential zoning district.
 3. Fuel pump canopies shall be set back a minimum of 20 feet from lot lines or 40 feet from a residential zoning district.
- (6) Vehicle Service and Repair.
- A. Potential Concerns.
 1. Proper design of vehicle management area.
 2. Proximity of service areas to lot lines and adjacent uses.
 3. Outdoor sales and storage.
 4. Tow truck storage.
 - B. Regulations.
 1. All disassembly, service, and assembly of vehicles shall be within a completely enclosed structure.
 2. All service equipment and supplies shall be within a completely enclosed structure.
 3. Vehicles being serviced or awaiting service shall not be stored in an unenclosed area for more than 7 days.
 4. Vehicle service bays shall be setback a minimum of 100 feet from a residential zoning district.
- (7) Vehicle Washing Facility.
- A. Potential Concerns.
 1. Design of vehicle management area.
 2. Enclosure of potential nuisances.
 3. Screening from adjacent uses residential.
 4. Lighting.
 5. Hours of operation.
 - B. Regulations.
 1. Wash bays shall be setback a minimum of 100 feet from a residential zoning district.
 2. Outdoor equipment (such as vacuum stations) shall not be located in a yard adjacent to a residential zoning district.
 3. Queuing spaces shall not be located in a yard adjacent to a residential zoning district.
- (8) Drive-Through Banking and Pharmacy Facilities.
- A. Potential Concerns.
 1. Design of vehicle management area.
 2. Noise from operations (vehicle and loudspeaker).
 3. Screening from adjacent uses.
 - B. Regulations.

1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district.
 2. Queue spaces shall not be located in a yard adjacent to a residential zoning district.
- (9) Drive-Through Convenience and Beverage Facilities.
- A. Potential Concerns.
 1. Design of vehicle management area.
 2. Noise from operations (vehicle and loudspeaker).
 3. Proximity to churches, schools, other similar institutions.
 4. Location and adequacy of dumpsters.
 - B. Regulations.
 1. Structure shall be setback a minimum of 50 feet from a residential zoning district.
 2. Drive-through stations shall be completely enclosed.
 3. Cue Queue spaces shall not be located in a yard adjacent to a residential zoning district.
 4. Site shall be a minimum of 500 feet from a church, school, or similar institution, except in a commercial zoning district.
- (10) Drive-Through Restaurant Facilities.
- A. Potential Concerns.
 1. Design of vehicle management area.
 2. Noise from operations (vehicle and loudspeaker).
 3. Signs and menu boards.
 4. Location and adequacy of dumpsters.
 - B. Regulations.
 1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district.
 2. Cue Queue spaces shall not be located in a yard adjacent to a residential zoning district.
 3. Drive-up stations shall be setback a minimum of 50 feet from a residential zoning district.
- (11) Bars and Taverns.
- A. Potential Concerns.
 1. Evening traffic.
 2. Noise from operations (music).
 3. Location and adequacy of dumpsters.

- B. Regulations.
 - 1. Site shall be a minimum of 500 feet from a church, school, or similar institution, except in a commercial zoning district
 - 2. Structure shall be setback a minimum of 50 feet from a residential zoning district
- (12) Indoor Sports and Recreation Facilities such as Bowling Alleys, Skating Rinks, Tennis and Racquetball Courts, Soccer Fields, and Swimming Pools.
- A. Potential Concerns
 - 1. Traffic volume during group or league events.
 - B. Regulations.
 - 1. Entrance to structure shall not be located in a yard adjacent to a residential zoning district.
 - 2. Parking spaces shall not be located in a yard adjacent to a residential zoning district.
 - 3. Structure shall be setback a minimum of 30 feet from a residential zoning district./
- (13) Building Materials Sales Yards.
- A. Potential Concerns
 - 1. Noise, dust, vibration from operations.
 - 2. Height and visibility of merchandise storage structures.
 - 3. Commercial vehicle storage.
 - 4. Location of loading spaces and on-site management of delivery vehicles.
 - 5. Unenclosed storage and display.
 - B. Regulations.
 - 1. Traffic management areas shall not be located in a yard adjacent to a residential district.
 - 2. Commercial woodworking equipment and other similar machinery shall not be permanently affixed or operated within 50 feet of a residential zoning district, except within a completely enclosed structure.
- (14) Cemeteries.
- A. Potential Concerns
 - 1. Location and size of structures including mausoleums, chapels, gatehouses, crematoriums, offices, and service and storage buildings.
 - 2. Appropriate screening, ornamental fencing, and landscaping to minimize potential nuisance.
 - B. Regulations.
 - 1. Driveways shall be setback a minimum of 10 feet from all lot lines.
 - 2. Grave markers, mausoleums, and other monuments shall be setback a minimum of 10 feet from all lot lines.
- (15) Churches, Libraries, Community and Recreation Centers.
- A. Potential Concerns
 - 1. Adequate lot size to permit future expansion.
 - 2. Location and screening of outdoor recreation areas.
 - 3. Bus or van storage.
 - 4. Lighting.
 - 5. Parking and traffic impact.
 - B. Regulations.
 - 1. None.

- (16) Clinics.
- A. Potential Concerns
 - 1. Extent of accessory services.
 - 2. Hours of operation.
 - B. Regulations.
 - 1. Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may not be accessible directly from the exterior of the building and may operate only during the hours of operation for the clinic.
- (17) Golf and Country Clubs.
- A. Potential Concerns.
 - 1. Proximity of fairways and greens to lot lines and adjacent structures.
 - 2. Trajectory of golf balls.
 - 3. Location of cart paths.
 - 4. Location of accessory uses such as ball fields, swimming pools, and tennis courts.
 - 5. Appropriate screening of high activity areas from adjacent properties.
 - B. Requirements.
 - 1. Cart paths shall be a minimum of 10 feet from all lot lines.
 - 2. Accessory uses such as clubhouses, restaurants, bars, swimming pools and similar activities are subject to any regulations that would apply to their operation as a principal use.
- (18) Service Organization Lodges.
- A. Potential Concerns
 - 1. Location of accessory uses such as ball fields, swimming pools, and tennis courts.
 - 2. Appropriate screening of high activity areas from adjacent properties.
 - B. Requirements.
 - 1. Accessory uses such as clubhouses, restaurants, bars, swimming pools and similar activities are subject to any regulations that would apply to their operation as a principal use.
- (19) Fraternity and Sorority Houses.
- A. Potential Concerns.
 - 1. Aesthetic Concerns:
 - a. Historical characteristics of existing structures.
 - b. Residential scale and character.
 - c. Yards and landscaping.
 - d. Walls and fences.
 - 2. Activities Areas:
 - a. Porches and patios.
 - b. Locations of recreational areas and courts.
 - c. Locations of accessory structures.
 - 3. Vehicle Management:
 - a. Site access .
 - b. Required parking.
 - c. Emergency access.
 - d. Deliveries.
 - e. Occasional and excess parking management.
 - 4. Adequate Public Utilities:
 - a. Water.
 - b. Sewer.
 - c. Storm water management.
 - d. Other services.
 - 5. Nuisance:
 - a. Waste/trash management.

- b. Noise and off-site impact.
- c. Lighting and off-site impact.

B. Requirements:

- 1. New Structures: Building shall be of a size and scale that approximates neighboring structures.
- 2. Existing Structures: Exterior renovation and improvements shall be maintained to protect existing architectural details, materials and ornamentation.
- 3. Addition: Building expansions shall be sympathetic to the architectural scale and style of the existing building.
- 4. Outdoor Areas: Activity areas shall be designed and located to contain noise and light within the property. Activity areas shall be appropriately screened from adjacent properties.
- 5. Waste facilities: Trash and recycling containers and material shall be stored in a fully enclosed area and properly screened. The waste enclosure shall be adequate for the occupancy and accessible to service vehicles.
- 6. Parking and Transportation Demand Management: Parking shall meet requirements of Zoning Code Chapter 1149 and shall be properly designed, screened and maintained.

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

A. Potential Concerns.

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

B. Regulations.

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

(21) Day Care Centers and Nursery Schools.

A. Potential Concerns

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

B. Regulations.

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

(22) Drive-In Theater.

A. Potential Concerns

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

B. Regulations.

- 1. No outdoor loudspeaker is permitted.

(23) Elderly Housing, Congregate Housing.

A. Potential Concerns.

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

B. Regulations.

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

(24) Funeral Homes and Mortuaries.

A. Potential Concerns.

- 1. Design of vehicle management areas to ensure quick and efficient access to public streets during processions.

2. Adequate cue space at drop-off areas to ensure that access to parking spaces is not impeded.
- B. Regulations.
1. All hearses, limousines, and other related business vehicles shall be stored within an enclosed building when not in use
 2. Parking areas are exempt from provisions of the Vehicle Management regulations that would prevent a vehicle management area that is designed to facilitate funeral processions.
- (25) Gaming Arcades.
- A. Potential Concerns.
1. Proximity to schools, churches, and establishments serving alcohol.
 2. Proximity to residential zoning district.
 3. Adequate screening of parking and outdoor gathering areas.
- (26) Hospitals.
- A. Potential Concerns.
1. Location of parking for employees.
 2. Parking for visitors.
 3. Design of drop-off area.
 4. Emergency vehicle access to the site and to the building.
 5. Adequate lot size and shape to handle current proposal and possible additions.
 6. Screening.
 7. Access to appropriate street.
 8. Helicopter landing facilities.
- (27) Motels.
- A. Potential Concerns.
1. Proximity to residential.
 2. Screening from residential.
 3. Appropriate street access.
- (28) Nursing Homes, Convalescent Homes.
- A. Potential Concerns.
1. Adequate lot size to provide for visitors and for outdoor activities.
 2. Access to an appropriate street.
 3. Adequate screening from residential.
- B. Regulations.
1. Minimum 500 square feet per bed of on-site open space.

- (29) Riding Academies, Stables.
- A. Potential Concerns.
 - 1. Adequate lot size.
 - 2. Noise and dust from operations.
 - 3. Security fencing.
 - 4. Location of corrals and other animal areas.
 - 5. Adequate vehicle management area for transportation of animals.
 - 6. Hours of operation.
 - B. Regulations.
 - 1. Any area designed to accommodate animals used in the operations shall be setback a minimum of 50 feet from any lot line.
- (30) Schools.
- A. Potential Concerns.
 - 1. Adequate lot size to permit future expansion.
 - 2. Bus and van storage.
 - 3. Access to streets that can handle traffic generated by the use.
 - 4. Design of vehicle management area.
 - 5. Location of outdoor facilities such as ball fields and band practice areas.
 - 6. Proximity to incompatible uses (establishments serving alcohol).
 - B. Regulations.
 - 1. Parking spaces shall not be located in a yard adjacent to a residential zoning district.
 - 2. Structure shall be setback a minimum of 30 feet from a residential zoning district.
- (31) Temporary and/or Outdoor Sales of Plants and Garden Supplies
- A. Potential Concerns.
 - 1. Signs.
 - 2. Sight distance at corner lots.
 - B. Regulations.
 - 1. Storage of goods shall not reduce the usable number of parking spaces by more than 10 percent of the required total.
 - 2. Goods shall not be stored in a driveway required to access required parking spaces.
- (32) Mini-Warehouse (Self-Storage Units):
- A. Potential Concerns
 - 1. Adequate lot size
 - 2. Design of vehicle management area
 - 3. Outdoor storage-inoperable vehicles and junk
 - 4. Hours of operation
 - 5. Proximity to residential zoning districts
 - 6. Flammable, combustible material stored on site
 - 7. Compatibility of the scale and character of the project with surrounding properties and existing uses
 - B. Regulations
 - 1. Site shall be at a minimum of two acres, and maximum of five acres in area

2. Parking area shall not be located in yard adjacent to a residential zoning district
 3. Outdoor security lighting shall be designed to prevent spillover to adjoining properties
 4. Landscaping along the public street
 5. Any chain-link fence shall have limited visibility from the public street, unless approved by the Planning Commission.
 6. Sufficient isle way width and on-site water supply (including fire hydrants locations) will be determined by the Oxford Fire Chief, between buildings for firefighting purposes.
 7. Design of the building and site shall be consistent with the following criteria:
 - a. The rear of the principal building shall not face the public right-of-way
 - b. The front façade of the principal building shall be finished utilizing masonry material that has textured relief. No vinyl or aluminum shall be used in finishing on the front façade of the building.
 - c. The building façade shall have different articulation in height and setbacks.
 - d. The roof of the principal building shall not be a long continuous flat roof and a break in length and elevation shall be provided in regular interval.
 - e. The entrance to the site shall be designed to allow sufficient queuing that on-street traffic will not be impacted.
 - f. Outdoor storage shall have limited visibility from the public right-of-way.
 - g. There shall be no employee residing on site, unless specifically approved by the Planning Commission and the City Council.
- C. Other
1. Encourage the mini-warehouse as the second principal use in conjunction with or behind other principal uses.
- (33) Business Incubator:
- A. Potential Concerns
 1. Hours of operation
 2. Type of businesses generating noise, vibration, fumes and other obnoxious environmental concerns
 3. Outdoor operations
 - B. Regulations
 1. All activities/merchandise shall be located within a completely enclosed space.
 2. Sized adequately to provide all necessary business support
- (34) Off-site Parking and Shared-Use Parking
- A. Potential Concerns
 1. Adequate supply of spaces for all modes of transportation

2. Distance from use
3. Hours of operation/schedule conflict
4. Valet service
 5. Proximity to mass transit
 6. Accommodation for special needs/accessibility
 7. Maintenance responsibility
 8. Future land use changes/parking demand
- B. Regulations
 1. Recorded easement agreement
 2. Specific distance limit for off-site
 3. Performance review timeframe
 4. Requires evidence justifying sufficient parking

(35) Parking Lot Alternate Design Plan

- A. Potential Concerns
 1. Safety of all modes of transportation
 2. Green space
 3. Storm water quality/environmental
 4. Storm water quantity/run off rate
- B. Regulations
 1. Any additional factors that affect the practical application of this section, such as notable topographic changes, watercourses, and bodies of water
 2. Conditions of approval to protect the public health, Safety, and general welfare
 3. Modifications of this chapter to protect the public health, safety and general welfare

(NEW)

(36) Floor Area Exceeding Maximum Allowable Square Footage

- A. Potential Concerns
 1. Adequate lot size
 2. Adequate design of vehicle management area
 3. Setback from residential zoning setback and public streets
 4. Buffering and screening
 5. The hours of operation
- B. Regulations
 1. The building exterior shall be compatible with the characters of neighboring structures.
 2. Parking shall not be in the front yard
 3. Other vehicular related concerns, i.e. ingress and egress, etc....

(37) Hours of Operation Beyond Normal

- A. Potential Concerns
 1. Noise generation impacting surrounding properties
 2. Potential exterior lighting, including signage, affecting adjoining properties
 3. Potential traffic during those additional hours

B. Regulations

1. Noise level be kept below allowable level, unless approved by the City Council
2. Solid screening to buffer noise and outdoor lighting

(38) Residential Units on the First Floor or Basement

A. Potential Concerns

1. Reduce available non-residential site available for development
2. Potential impact to other non-residential development

B. Regulations

1. The exterior appearance shall be consistent with adjoining properties

1147.04 TRANSITION PARKING LOTS. (Serving Commercial Uses Within Residentially Zoned Area)

(a) Substantiation must be demonstrated that such a parking facility is necessary to the public convenience and will not have an adverse effect on adjacent properties.

(b) Access drives shall be located so as not to contribute to increased traffic flow upon adjacent residential streets.

SECTION III: 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>	August 2, 2016
<u>Case Number</u>	PC-2016-09
<u>Applicant Information</u>	City of Oxford Jung-Han Chen, Sam Perry
<u>Requested Action</u>	Zoning Code Text Amendment
<u>Summary of Request</u>	To Amend Chapter 1147, Conditional Uses, Adding Certain Use Regulations and Potential Concerns
<u>Public Hearing Information</u>	On July 12, 2016 a Public Hearing took place at 118 W. High Street. Public Hearing notices were published in the Hamilton Journal News on May 15, 2016.
<u>Commission Action</u>	The Planning Commission voted 5-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended approval of this Zoning Code Text Amendment after much discussion. This amendment is part of the overall effort to create a neighborhood business district. A neighborhood business district is intended for businesses to provide day-to-day small scale retail opportunities to adjoining residential areas. The goal is to amend relevant sections of the Zoning Code to have consistent verbiage and eliminate any conflicting regulations or no regulations at all.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated May 28, 2016 2. Interoffice Reviews 3. Chapter 1147 Conditional Uses Language 4. Zoning Code Text Amendment Application

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2016-09

Date – June 14, 2016

APPLICATION

Applicant: City of Oxford
Action Request: **ZONING CODE TEXT AMENDMENT** to Amend Chapter 1147,
by adding certain use regulation and concerns, **City of Oxford,**
Applicant

DESCRIPTION

This application is to place certain conditional uses and their potential concerns and regulatory requirements under Chapter 1147 Conditional Uses, particularly those that were considered by the Planning Commission being related to the newly created Neighborhood Business (NB) District. These additional Conditional Uses may also have been in other districts, but were never explicitly described in the Conditional Uses Chapter concerning their potential concerns and regulations requirements.

ZONING CODE

The attached text amendment illustrates changes to Chapter 1147, Conditional Uses that stemmed from the newly neighborhood business district.

COMPREHENSIVE PLAN

N/A

AGENCY REVIEWS

Police:	Received without comment
Engineering:	Received without comment
Econ. Dev.	Received without comment
Fire:	Received without comment

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

This is part of the overall effort to create a neighborhood business district and amend relevant sections of the Oxford Zoning Code to have consistent verbiage and eliminate any conflicting regulations or no regulations at all.

Based on the Planning Commission's recommendation to create a Neighborhood Business District, list uses and site development regulations, it is necessary to expand the Conditional Uses chapter to include those that are considered as Conditional Uses in the Neighborhood Business District. Particularly, those uses that exceed the maximum gross floor area and extended business hours.

The review by the Planning Commission on these uses, instead of the Board of Zoning Appeals, would be more conducive since the Commission's decision process tends to be more of a give-and-take negotiation style that additional requirements may be placed by recommending the approval to the City Council. The BZA is operated under a very restrict set of rules and seldom engages in a give-and-take process. With this in mind, the Planning Commission may have wider latitude, subject to Council's approval, in reviewing the requests.

Generally, it is the secondary impact stemming from a proposed use that would necessitate a dialogue between the applicant and the Commission. Therefore, the potential concerns are stipulated in that fashion. And based on those concerns, a set of regulations was developed to attempt to address those concerns. The list of concerns is, by no means, to be exhaustive. The Commission may also have other concerns related to specific location and/or neighborhood.

Again, this is one of the amendments that deal with the Neighborhood Business District.

RECOMMENDATION

Staff recommends that the Planning Commission concur with the changes and forward to City Council for legislation.

SUBMITTED

BY:

A handwritten signature in cursive script that reads "Jung Han Chen". The signature is written in dark ink and is positioned above a horizontal line.

Jung-Han Chen
Community Development Director

DATE: May28, 2016

ATTACHMENT

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

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

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

Text Amendments

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



Internal Use Only:	
Case No.	PC-2016-09
Date Filed	4/29/16

Zoning Code Text Amendment Application

June

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) * 524-5237

Email Address jhchen@cityofoxford.org

Amendment Description * Chapter 1147 Conditional Uses

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) **Initiation.** A text amendment may be initiated by the Chair of the Planning Commission, by adoption of a motion by Council or the Planning Commission, or by application to Planning Commission by a landowner or a resident of the City of Oxford.
- (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. Any existing section number and text that is proposed to be deleted or amended.
- H. Any new or amended text as it is proposed to be codified including its proposed location in the Code. section numbers)
- I. A narrative statement that describes the expected effects of the proposed text.
- J. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

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

Planning Commission and Council Review

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

Fees & Receipt

The required fee is \$150.00. 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 *


4/25/16

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 the fee made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

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

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the Planning Commission meeting on which the action is requested.

For Staff Use Only

Fee Paid Date *

NA

Receipt Number *

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2016-09 Chapter 1147 Conditional Uses by adding certain use regulations and potential concerns, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **June 7, 2016** 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 Dethenage
PRINTED NAME

Date: 5-29-16

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2016-09 Chapter 1147 Conditional Uses by adding certain use regulations and potential concerns, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **June 7, 2016** 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: 5-24-16

 VICTOR POPESCU

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2016-09 Chapter 1147 Conditional Uses by adding certain use regulations and potential concerns, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **June 7, 2016** 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: _____

5-25-16

John A Jones

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department

Econ Dev Department

From: Community Development Department

PC-2016-09 Chapter 1147 Conditional Uses by adding certain use regulations and potential concerns, **City of Oxford, Applicant**

 X Review

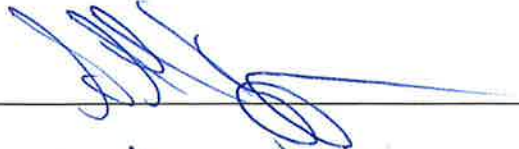
 Revisions

 Other

Please return no later than: **June 7, 2016** 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: 6-7-16


PRINTED NAME

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 2, 2016

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

July 20, 2016

Date Prepared:

**PC-2016-10, ZONING TEXT AMENDMENT, Chapter 1151, Sign specifically 1151.05
Permanent Signs, and adding Neighborhood Business District, City of Oxford, Applicant,**

Recommendation by the Planning Commission: Approval

Discussion:

This application is to create sign regulations for the new Neighborhood Business District. The proposed signage regulation is similar to the regulations of the RO (Office Residential) District.

The regulations allow for either a free standing or a wall sign for a non-residential occupant. Depending on the type of the proposed sign, there are various regulations governing the size of the signage as well as the location.

The Commission felt that the proposed regulations would provide the business with enough signage, but also place restrictions on the type, size and illumination of the sign.

The Planning Commission recommended the approval of the proposed zoning text amendment.

Approved by:

Department Head:

City Attorney:

City Manager:

JHC / 7/21/16
DRE / 7/29/16

ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 1151 ENTITLED SIGNS, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 1151 ENTITLED SIGNS.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on July 12, 2016 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Chapter 1151 entitled signs and adopting new Oxford Codified Ordinance Chapter 1151 entitled Signs.

SECTION II: Council hereby repeals Oxford Codified Ordinance Chapter 1151 entitled Signs and adopts new Oxford Codified Ordinance Chapter 1151 entitled Signs as follows (additions are bolded and deletions are struck through):

CHAPTER 1151 Signs

1151.01	Purpose.
1151.02	Administration.
1151.03	General regulations.
1151.04	Public property.
1151.05	Permanent signs.
1151.06	Temporary signs.
1151.07	Definitions.
1151.99	Penalty.

1151.01 PURPOSE.

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

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

- (9) Preserve and perpetuate uncluttered and natural views, significant architecture, and cultural resources for the enjoyment and environmental enrichment of the Oxford residents and visitors.

1151.02 ADMINISTRATION.

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

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

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

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

(e) Construction.

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

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

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

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

(i) Applications and Permits.

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

- I. Construction signs.
 - J. Flags.
 - K. Noncommercial and political signs.
 - L. Window signs.
 - M. Special Event Signs.
 - N. Building identification signs.
- (j) Fees. Permit fees for signs shall be as set forth by City Council.
- (k) Measurement.
- (1) All sign face area shall be counted towards any total sign area regulation provided in this Code. Signs that are exempted from the permit requirement of this Code are not counted towards the total sign area permitted for a site or nonresidential occupant.
 - (2) Where this Code regulates the total sign area or the sign face area of a sign based upon the site or structure relative to an adjacent public right-of-way, the following provisions apply:
 - A. If a site abuts only one public right-of-way, the area regulations are based upon only that right-of-way.
 - B. If a site abuts more than one public right-of-way, the number and area regulations are based upon all rights-of-way, however, the sign number and area permitted based upon each right-of-way shall only be oriented towards the right-of-way upon which the permitted sign area is based.

1151.03 GENERAL REGULATIONS.

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

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

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

- (d) Design.
- (1) Signs shall only describe or direct attention to a nonresidential occupant, business, commodity, service, person, product, service, or entertainment produced, provided, conducted, sold, offered, or performed on the same premises on which the sign is displayed.
 - (2) No sign shall approximate the design or effect of public traffic control sign.
 - (3) No sign shall be painted directly upon a residential structure.
 - (4) No wall sign shall project more than 1 inch from the side of a building or structure that is adjacent to a public alley.
 - (5) The following signs are specifically prohibited: moving signs, flashing or animated signs, balloons, gas or other inflated signs, portable signs, searchlights, streamers, spinners, pennants, flags (except as specifically permitted in this Chapter), and the like.
- (e) Location.
- (1) No freestanding sign shall be closer to a lot line or the public right-of-way than the height of the sign, except as specifically exempted in this Chapter.
 - (2) No sign shall be attached to a standpipe, fire escape, utility pole, utility cabinet, or other utility or safety device.
 - (3) No sign shall be attached to a tree or other natural vegetation.
 - (4) No sign shall be upon or project above a roof line.
 - (5) Any wall sign that extends more than 3 inches from the surface to which it is attached shall be a minimum of 8 feet above the adjacent ground.

- (6) No sign or sign structure shall be attached in a place that is likely to restrict the view of any street intersection, railroad crossing, or pedestrian crosswalk.
 - (7) No sign shall be attached in a place or manner that is likely to restrict free ingress or egress from any door, window, or fire escape.
- (f) Illumination.
- (1) Sign shall be only naturally illuminated unless specifically permitted to be direct or indirect illumination elsewhere in this Chapter.
 - (2) No sign illumination shall be permitted that casts light towards a right-of-way or that casts light into an adjoining residential zoning district or where a light source is directly visible from off of the site.

1151.04 PUBLIC PROPERTY.

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

- (a) Public Signs. Public signs and signs serving a public interest are permitted at any time, in any place, and in any manner deemed appropriate by the City Manager for the benefit of the public interest.
- (b) Private Signs Over Public Property.
 - (1) No privately owned signs may be affixed to or placed within the public right-of-way or on other public property, except as provided for in this Code. Wall signs attached to nonpublic structures that project into the public right-of-way are subject to the same provisions regulating signs that are on private property.
 - (2) The owners of all signs installed in the airspace of or directly on or in a public right-of-way or other public property in accordance with this Code shall be required to maintain insurance protecting The City of Oxford, Ohio from any claims of liability relative to personal injury or property damage in the right-of-way or other public property resulting from such sign. Failure to maintain such insurance shall be cause to revoke a sign permit and shall be a violation of this Code.
- (c) Sandwich Board Signs. On the public right-of-way, in the GB, UP, **NB**, and RO zoning districts each nonresidential occupant shall be permitted 1 free-standing sandwich board sign as follows:
 - (1) The sign shall have a maximum total area of 16 square feet. The sign may have a maximum of two sign faces. The maximum area per sign face shall be no more than 12 square feet.
 - (2) The sign shall not extend more than five feet into the right-of-way.
 - (3) The sign shall not result in less than five feet of unimpeded sidewalk area adjacent to the sign.
 - (4) The City is authorized to require removal of such signs at any time deemed appropriate for the convenience and protection of the public health, safety, and general welfare.

1151.05 PERMANENT SIGNS.

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

- (1) **NB – Neighborhood Business District. No more than a total of 1 wall or freestanding sign is permitted per nonresidential occupant in accordance with the following:**

A. Wall Signs:

- 1. **No more than 1 sign as follows, for identification and advertising:**
 - a. **No more than 20 square feet**
 - b. **Attached between 9 and 18 feet above the adjacent ground**

B. Freestanding Signs:

1. No more than 1 sign as follows, for identification and advertising:

- a. No more than 12 square feet per sign face
- b. No closer than 10 feet to a side lot line
- c. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.

C. Illumination:

1. Signs shall have only indirect illumination.

D. Proposals for signs on properties that fall within the Historic District Overlay in an NB zoning district shall consult the HAPC sign guidelines and follow the procedures therein.

(1)(2) RO - Residential Office District. No more than a total of 1 wall or freestanding sign is permitted per nonresidential occupant in accordance with the following:

A. Wall Signs:

1. No more than 1 sign as follows, for identification and advertising:
- a. No more than 20 square feet
 - b. Attached between 9 and 18 feet above the adjacent ground

B. Freestanding Signs:

1. No more than 1 sign as follows, for identification and advertising:
- a. No more than 12 square feet per sign face
 - b. No closer than 10 feet to a side lot line
 - c. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.

C. Illumination:

1. Signs shall have only indirect illumination.

D. Proposals for signs on properties that fall within the Historic District Overlay in an RO zoning district shall consult the HAPC sign guidelines and follow the procedures therein.

(2)(3) UP - Uptown District. No more than a total of 2 wall signs are permitted per nonresidential occupant in accordance with the following:

A. Wall signs:

1. No more than 1 sign per nonresidential occupant as follows, for identification and advertising:
- a. No more than 3 feet in height that extends horizontally across the entire facade of the structure.
 - b. Attached between 9 and 18 feet above the adjacent ground.
 - c. If a building has more than one business occupant, the owner of the building shall apportion the space allotted for signs among the various business occupants in accordance with the regulations above.
 - d. If a building is on a corner lot or the corner of an alley, it is permissible to have one additional wall sign on the side of the building facing the secondary roadway in accordance with the regulations above.
2. No more than 1 sign per nonresidential occupant as follows, for menu box:
- a. No more than 2 square feet in area
 - b. Attached between 4 and 6 feet above the adjacent ground.
 - c. Incorporates no text greater than 2 inches in height.

B. Illumination:

1. Signs shall have only indirect illumination.

- C. Proposals for signs on UP properties that fall within the Historic District Overlay shall consult the HAPC sign guidelines and follow the procedures therein.

(3)(4) GB - General Business District.

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

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

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

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

- ii. No wall sign may exceed the total front width of the building façade facing the public right-of-way.

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

- b. Freestanding Signs: No more than 1 sign as follows:

- i. No more than 48 square feet per side.

- ii. No combination of a freestanding sign support structure and sign shall be higher than 6 feet or wider than 12 feet.

2. Multi-Tenant Site:

- a. Wall Signs: No more than 1 wall sign per tenant and the size is limited to the following:

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

- ii. No wall sign may exceed the building width of a tenant space.

- iii. If a building is on a corner lot it is permissible to have one additional wall sign facing the secondary roadway in accordance with the regulations above.

- b. Free-Standing Signs: No more than 1 sign as follows:

- i. No more than 48 square feet per side.

- ii. No combination of a freestanding sign support structure and sign shall be higher than 6 feet or wider than 12 feet.

- B. Illumination:

1. Signs may be indirectly or directly illuminated.

(4)(5) OI & LI - Office and Light Industrial District & Light Industrial District.

- No more than a total of 1 wall or freestanding sign is permitted per development site in accordance with the following:

- A. Maximum total sign area for all signs on a development site shall be no more than 1 square foot of sign area per front foot of the development site.

- B. Wall Signs:

1. No more than 1 sign as follows:

- a. If the average front setback of the structure is less than 100 feet, then the sign may be no more than 3 feet tall. If the average front setback of the structure is 100 feet or greater then a sign may be no taller than the average front setback of the structure multiplied by 0.04, but in no case taller than 12 feet.
 - b. If a building is on a corner lot or the corner of an alley, it is permissible to have one additional wall sign on the side of the building facing the secondary roadway in accordance with the regulations above.
- C. Freestanding Signs:
 - 1. No more than 1 sign as follows:
 - a. No more than 48 square feet per side
 - b. No closer than 30 feet to a side lot line
 - c. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.
- D. Illumination:
 - 1. Signs may be indirectly or directly illuminated.

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

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

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

- (1) No more than 1 wall sign per principle structure as follows, to describe the names, address, and locations within the structure:
 - A. No more than 2 square feet in area
 - B. Attached between 4 and 8 feet above the adjacent ground
 - C. Attached either on or within 2 feet of a door.
 - D. Indirect illumination only
- (2) No more than 1 wall sign per secondary entrance to a principle structure, excluding that described in part 1 of this section, as follows, to describe the purpose of secondary entrances:
 - A. No more than 2 square feet in area
 - B. Attached on or within 2 feet of a door
- (3) No more than 1 wall or freestanding sign per development site as follows, to describe parking regulations:
 - A. No more than 4 square feet in area
 - B. Single sign face only
 - C. Display no commercial message except identification and address
 - D. Indirect illumination only
- (4) Any number of wall or freestanding signs as follows, to describe intended direction of vehicular travel on-site:
 - A. No more than 2 square feet in area
 - B. No higher than 4 feet
 - C. No closer than 5 feet to any lot line
 - D. Display no commercial message except identification and address

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

- (1) No more than 1 freestanding sign per development site as follows, for identification of residential structures with more than three dwelling units in the R3A R3 and R4 zoning district:
 - A. A maximum of 2 sign faces
 - B. No more than 24 square feet in area per sign face
 - C. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.
 - D. Indirect illumination only
- (2) No more than 1 freestanding sign per street intersection at the boundaries of a subdivision as follows, for identification of the subdivision:
 - A. A maximum of 2 sign faces
 - B. No more than 48 square feet per sign face
 - C. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.
 - D. Indirect illumination only

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

- (1) Street Number Signs. Signs for the display of street numbers as regulated in Oxford Code Section PM-304.3, Street Numbers.
- (2) Building Identification Signs. No more than 1 wall sign per principal structure as follows:
 - A. No more than 6 square feet in area
 - B. Attached between 4 and 18 feet above the adjacent ground
 - C. The sign shall be naturally illuminated only.
- (3) Fuel Sales. In addition to other provisions of this Chapter, a publicly available fuel dispensing station may use a 12 square foot area of no more than one permitted wall or freestanding sign for changeable copy to display the price of fuel. This may be applied on both sides of a two-sided sign.
- (4) Self-service facilities. No such facility shall have more than 4 square feet of total sign area. Such signs shall be permanently attached to or be a part of the facility and shall not extend above it.
- (5) Planned Developments. Signs for planned developments shall be regulated according to the approved final plan.
- (6) Commemorative Structure Identification. Structure names, erection dates, commemorative plaques and the like are permitted on any structure if carved into stone or concrete or set in brick or in some other way permanently made a part of the structure or if made of metal and permanently adhered to the structure. This is intended to permit signs that will remain on the structure until it is razed and that is independent of the occupants. These signs shall be naturally illuminated only.
- (7) Associations. Credit card, trading stamp, trade association window signs are permitted for any nonresidential land use in any zoning district. No symbol shall exceed 1/2 square foot in area. No more than 10 such signs are permitted per nonresidential occupant. These signs shall be naturally illuminated only.

1151.06 TEMPORARY SIGNS.

Temporary signs are not subject to the sign area provisions described elsewhere in this Chapter.

- (a) Special Events. No more than 1 sign per nonresidential occupant, to advertise special events:
 - (1) No more than 30 square feet in area in a nonresidential zoning district.
 - (2) No more than 16 square feet in area in a residential zoning district.
 - (3) Single sign face.
 - (4) Installed flat against a wall or stretched between pillars or other supporting members of a principal structure.
 - (5) Placed or positioned at or below the lowest residential window sill.
 - (6) Installed for no more than 14 days.

- (7) Installed no more than 6 times per calendar year (January through December).
- (b) Real Estate. No more than 1 sign per lot per adjacent public right-of-way as follows, to advertise real estate:
 - (1) No more than 24 square feet in area per side in a nonresidential zoning district.
 - (2) No more than 6 square feet in area per side in a residential zoning district.
 - (3) Must be freestanding.
 - (4) Must not be permanently anchored to the ground or attached to concrete, asphalt, or other natural ground surface.
- (c) Construction.
 - (1) No more than 2 construction signs that together have a total sign area of no more than 32 square feet.
 - (2) The maximum number of sign faces per sign shall be limited to 1.
- (d) Flags. No more than 4 flags per principle structure are permitted for any land use in any zoning district.
- (e) Noncommercial and Political Signs. Any principle structure in any zoning district may display no more than 5 noncommercial or political signs. Each sign may have a maximum of 2 sign faces (a double faced sign), each face with a maximum of 12 square feet in sign area. Signs may be wall, window, or freestanding. Signs shall be naturally illuminated only.
- (f) Window Signs. Any land use in any zoning district may have window signs that obstruct no more than 50 percent of the glass within a structural frame of the wall in which it is located.

1151.07 DEFINITIONS.

- (a) Area, Sign Face - the area of the smallest rectangle that encloses all of the letters, figures or symbols that comprise the sign message, including any background forming an integral part of the display, but not including any structure supporting the sign, unless the support structure forms a part of the message being displayed.
- (b) Area, Total - the area permitted for a residential or nonresidential occupant, structure, site or other entity that is comprised of all separate sign face areas
- (c) Banner - a non-rigid cloth, plastic, paper, or canvas sign typically related to a public demonstration or for the promotion of civic, welfare or charitable enterprises.
- (d) Building Identification Sign - a sign intended to identify a building from beyond the site on which the sign is located.
- (e) Changeable Copy Sign - a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by mechanical, electronic, or manual means.
- (f) Commercial Sign - a sign proposing or promoting a commercial transaction or directing attention to a business, commodity, or service.
- (g) Construction Sign - a temporary sign identifying the persons, firms, or businesses directly connected with an ongoing construction project and other information or diagrams about the project.
- (h) Development Site - Any area of land that is characterized by a single, unified, integrated development or land use regardless of ownership or underlying legal land divisions.
- (i) Direction Sign - a sign intended to control the flow of pedestrian and vehicular traffic that does not contain any other commercial message.
- (j) Flag - any fabric or bunting that display only the symbol of an official public entity or political jurisdiction.
- (k) Flashing Sign - a sign that changes in intensity, color, or pattern of illumination at less than two-hour intervals when the sign is activated.

(l) Freestanding Sign - a sign that is affixed to the ground and that is not affixed to any other structure.

(m) Ground Sign - a freestanding sign structure that is affixed to the ground and that is not affixed to any other structure and that has a base that contacts the ground over at least 80 percent of the maximum width of the structure.

(n) Height, Sign - the distance between any part of the sign face area and the natural finished grade directly below it.

(o) Identification Sign - a sign that serves to identify only the names, addresses, and occupations conducted on or in the site, structure, building, or portion thereof on which it is located.

(p) Illegal Sign -- either of the following:

(1) A sign erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use.

(2) A sign that was legally erected, but whose use has ceased, or the structure on which the display is placed has been abandoned by its owner, not maintained, or not used to identify or advertise an ongoing business after a period of more than 45 days. See 1151.02(h).

(q) Illumination, Direct - a source of illumination enclosed entirely within a sign and not directly visible from outside of the sign.

(r) Illumination, Indirect -- a source of illumination directed toward a sign so that a beam of light falls on the exterior surface of the sign.

(s) Illumination, Natural - illumination provided only by the sun, moon, and other broad environmental sources such as street lights, parking lot lights, and building lights and not provided with direct or indirect illumination as defined in this Chapter.

(t) Instruction Sign - an on-site sign designed to be visible on-site or immediately adjacent to the site by pedestrians and motorists and that conveys instructions with respect to the premises on which it is maintained. Examples of such signs include a sign designating the entrance to or exit from a parking area, trespassing sign, a danger sign, entry or exit signs, directional signs, service entrance signs, and on-site information signs.

(u) Menu Box - a pedestrian-scale, nonresidential occupant sign that provides an opportunity to change the message on a regular basis to provide information about a restaurant menu, scheduled entertainment, special events, and the like.

(v) Mural - a picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product, service, place, person or the identification of any business.

(w) Noncommercial and Political Sign - a sign other than a commercial, instructional, entry feature, construction, identification, outdoor advertising, professional or real estate sign.

(x) Nonconforming Sign, Legal - a sign that was lawfully erected or displayed under laws or ordinances in effect at the time of its installation, but that is not allowed under this Code.

(y) Nonresidential Occupant - Any single entity that is involved in the operation of a nonresidential land use.

(z) Off-Site Sign - a sign that is not an on-site sign as defined in this Chapter.

(aa) On-Site Sign - a sign directing attention to a business, commodity, service, person, or entertainment conducted, sold or offered on the same site on which the sign is located.

(bb) Portable Sign - a sign that is designed to be or capable of being moved or transported, and not permanently affixed or attached to any building, structure, or grounds.

(cc) Professional Sign - a sign indicating the name and occupation of a professional person or group of associated professional persons.

(dd) Projecting Sign - a sign that is wholly or partly dependent on a building for support or suspended from a pole attached to a structure and that projects more than 16 inches from the building at a perpendicular angle or approximately perpendicular angle.

(ee) Real Estate Sign - a sign advertising the sale, rental, open house, or lease or other disposition of the structure, property, or land on which it is installed.

(ff) Roof Line - the uppermost line or point of the facade or parapet of a flat roof structure, or the lower edge of an eve, gable, or rake of a sloped roof structure including a mansard roof.

(gg) Roof Sign - a sign erected on or projected above the roofline of a building or structure.

(hh) Sandwich Board Sign - a sign with two hinged, connected or double-faced boards or other material that can be temporarily placed on the ground and is customarily placed on a sidewalk to advertise changing sales, specials, or products sold in the adjacent establishment.

(ii) Sign - any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or site by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

(jj) Self-service Facilities - machines, containers, and other external appurtenances that are publicly available and that are generally used by the public without assistance, such as canned and bottled drink dispensers, ice storage chests, propane tank corrals, automated teller machines (ATMs), gasoline pumps, air compressors, newspaper boxes, pay telephones, vehicle washing and vacuuming facilities, and the like, whether freestanding or attached to a structure.

(kk) Site, Development - See Development Site

(ll) Special Event Sign - a sign displaying a message about a grand opening, change in management, promotion, annual activity, sale, seasonal sale, temporary price change, new merchandise, new service, special service, and the like relative to the nonresidential occupant that displays the sign.

(mm) Temporary Sign - a sign designed, intended, or installed for a relatively short period of time and that consist only of materials that are not subject to degradation from exposure to inclement weather, the sun, or other natural hazards. Prohibited materials include uncoated paper, cardboard, untreated cotton, and other untreated natural fibers.

(nn) Wall Sign - a sign painted on or affixed flat against the wall of a building or structure, or a marquee, awning, or canopy in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 16 inches from such building or structure.

(oo) Window Sign - a sign painted on or affixed to a windowpane or glass door or displayed on the inside of the building or structure that is within two feet of a windowpane or glass door and is visible from a public right-of-way or adjacent property. (Ord. 3063. Passed 7-7-09.)

1151.99 PENALTY.

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

SECTION III: 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>	August 2, 2016
<u>Case Number</u>	PC-2016-10
<u>Applicant Information</u>	City of Oxford Jung-Han Chen, Sam Perry
<u>Requested Action</u>	Zoning Code Text Amendment
<u>Summary of Request</u>	To Amend Chapter 1151, Signs, Specifically Section 1150.05 Permanent Signs, by Adding Sign Regulations of a Neighborhood Business District
<u>Public Hearing Information</u>	On July 12, 2016 a Public Hearing took place at 118 W. High Street. Public Hearing notices were published in the Hamilton Journal News on May 15, 2016.
<u>Commission Action</u>	The Planning Commission voted 5-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended approval of this Zoning Code Text Amendment after much discussion. This amendment is part of the overall effort to create a neighborhood business district. A neighborhood business district is intended for businesses to provide day-to-day small scale retail opportunities to adjoining residential areas. This amendment specifically deals with sign regulations of the Neighborhood Business District. The goal is to amend relevant sections of the Zoning Code to have consistent verbiage and eliminate any conflicting regulations or no regulations at all.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated May 28, 2016 2. Interoffice Reviews 3. Chapter 1151 Signs 4. Zoning Code Text Amendment Application

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2016-10

Date – June 14, 2016

APPLICATION

Applicant: City of Oxford
Action Request: **ZONING CODE TEXT AMENDMENT** to Amend Chapter 1151, specifically Section 1150.05 Permanent Signs, by Adding Sign Regulations of a NB (Neighborhood Business) District, **City of Oxford, Applicant**

DESCRIPTION

This application is part of a series of efforts to create a Neighborhood Business District and to amend various chapters of the Oxford Zoning Code to reflect this direction. This application is to provide sign regulations specifically to this newly created district.

ZONING CODE

The attached text amendment illustrates a simple addition to the list of Zoning Districts of Chapter 1133.

COMPREHENSIVE PLAN

2008 Comprehensive Plan outlines certain land use principles and one particular principal applicable to this ongoing effort of the Planning Commission is as follows:

2. **Uptown and New commercial developments will have a mix of uses that are distinctive and contribute to enhancing the community's overall identity.**
7. **New commercial and light industrial development s will be developed with pedestrian amenities and green spaces.**
 - Small retail uses serving the local or neighborhood market will reflect the character of Oxford and be compatible with surrounding uses with respect to form, scale, and character.

AGENCY REVIEWS

Police:	Received with no comment
Engineering:	Received with no comment
Econ. Dev.	Received with no comment
Fire Dept:	Received with no comment

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

The is a part of the process to create a Neighborhood Business District and all the relevant sections of the Oxford Zoning Code that would need to either add or amend to reflect this addition. This amendment is specifically dealing with sign regulations of the district.

The neighborhood business is intended for businesses that could provide daily, small scale retail opportunities to adjoining residential areas, which would not distract or pose negative impact to those areas. The proposed regulations would also provide opportunities to business to promote their business and enhance its marketability for its long term viability.

The draft language allows business signage either in the form of a wall sign or freestanding sign, with size limitations. It also stipulates the location of the signage relating to the premise, either the building height or the property. It also regulates the method for indirect illumination lighting.

With this amendment, the new Neighborhood Business would have all the supporting regulations in place that can go before the City Council for consideration.

RECOMMENDATION

Staff recommends that the Planning Commission concur with the changes and forward to City Council for legislation.

SUBMITTED

BY:



Jung-Han Chen
Community Development Director

DATE: May 28, 2016

ATTACHMENT

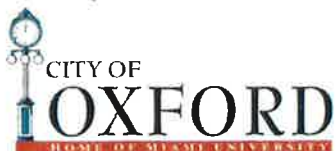
(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision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

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

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

Text Amendments

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



Internal Use Only:	
Case No.	PC-2016-10
Date Filed	4/29/16

June

Zoning Code Text 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) * 513-524-5204

Email Address jhchen@cityofoxford.org

Amendment Description * Chapter 1151, Sign

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) **Initiation.** A text amendment may be initiated by the Chair of the Planning Commission, by adoption of a motion by Council or the Planning Commission, or by application to Planning Commission by a landowner or a resident of the City of Oxford.
- (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. Any existing section number and text that is proposed to be deleted or amended.
 - H. Any new or amended text as it is proposed to be codified including its proposed location in the Code. section numbers)
 - I. A narrative statement that describes the expected effects of the proposed text.
 - J. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

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

Planning Commission and Council Review

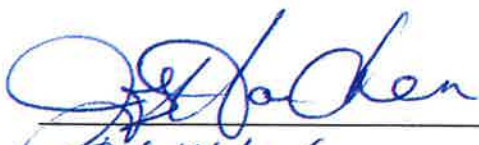
The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider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

Fees & Receipt

The required fee is \$150.00. 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 *

4/14/16

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 the fee made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

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

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the Planning Commission meeting on which the action is requested.

For Staff Use Only

Fee Paid Date *

NA

Receipt Number *

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

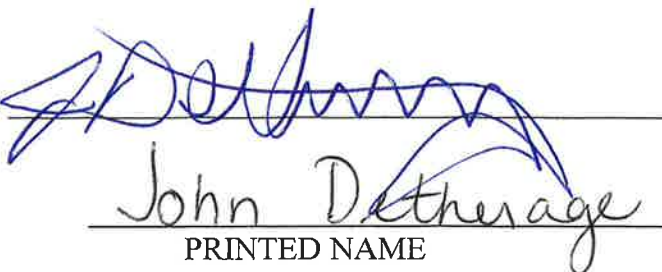
PC-2016-10 Chapter 1151, Signs, specifically 1151.05 Permanent Signs, and adding
Neighborhood Business District, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **June 7, 2016** 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 Dethenage
PRINTED NAME

Date:

5-24-16

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2016-10 Chapter 1151, Signs, specifically 1151.05 Permanent Signs, and adding
Neighborhood Business District, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **June 7, 2016** 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: Victor Popescu Date: 5-24-16

VICTOR POPESCU

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

**PC-2016-10 Chapter 1151, Signs, specifically 1151.05 Permanent Signs, and adding
Neighborhood Business District, City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **June 7, 2016** 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: 5/26/16

John A. Jones
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

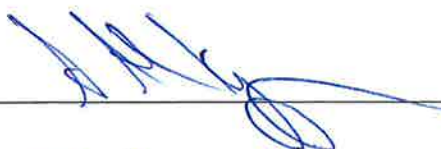
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Neighborhood Business District, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **June 7, 2016** 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: 6-7-16

G. Alan Kyma
PRINTED NAME

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: July 19, 2016

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

July 12, 2016
Date Prepared:

PC-2016-11, PRELIMINARY PLANNED DEVELOPMENT, 23.189 acres, to be located at the end of Country Club Drive, Savannah Drive and Olde Farm Road, 50 single-family homes, **Red Brick Development LLC, Applicant, Agent**

Recommendation by the Planning Commission: Approval with conditions

Discussion:

This application is for a Preliminary Planned Development of 23 acres of vacant land between Olde Farm Road and Country Club Drive, north and west of Heritage Subdivision. Heritage Subdivision is accessed by Contreras Road. The proposal is to develop this 23-acre of vacant land into 50 single-family residential lots with open spaces scattered around the project site, to be developed in two phases. Each phase will consist of approximately 25 lots. The underlying zoning is R-1A, and the zoning designation to the west is R-1B. The proposed home site is approximately 8,250 SF.

Many residents attended to raise their concerns about the existing storm water ponding issue in their yards and that this development would further compound the problem. Additionally, traffic safety issues was brought up. The Planning Commission took in many comments from the neighbors and explained the Planned Development process.

After the public hearing, the Planning Commission discussed this Preliminary Planned Development and voted 5-0-0 with conditions to City Council.

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 the street named "Grace Lane". Staff and applicant shall work together to identify a replacement lot within the project and 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 be added to the plat indicating that the front yard setback areas of all Outlots be mowed as lawn and maintained free of undergrowth.
5. The 100' wetland buffering requirement is 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 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 to be consistent with the development restrictions presented.

Approved by:

Department Head:

City Attorney:

City Manager:

JHC 7/12/16
DRE 7/15/16

ORDINANCE NO.

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:

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 19, 2016
<u>Case Number</u>	PC-2016-11
<u>Applicant Information</u>	Bryan Price, Red Brick Development LLC Etta Reed, Bayer Becker
<u>Requested Action</u>	Recommendation for Preliminary Planned Development Approval
<u>Summary of Request</u>	To forward a recommendation to City Council regarding proposed plans for a Planned Development
<u>Public Hearing Information</u>	A Public Hearing took place at 118 W. High Street on June 14, 2016. A Public Hearing notice was published in the Journal News on May 15, 2016 and courtesy notices were mailed to adjacent property owners on June 1, 2016. Signage was posted at the site on June 7, 2016.
<u>Commission Action</u>	The Planning Commission voted 5-0-0 recommending approval with multiple conditions of the Preliminary Planned Development.
<u>Commission Findings and Conclusions</u>	The Planning Commission listened to staff reporting, the applicant's proposal and heard from numerous neighboring property owners who shared their concerns with the development design and their existing storm water problems. After the public hearing, the Planning Commission held a lengthy discussion about the site for the new development and the surrounding property owner storm water management issues. After nine conditions for the approval were agreed upon, the Planning Commission voted 5-0-0 to recommend to City Council their approval.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated June 8, 2016 2. Interoffice Review Transmittal Sheets 3. Property Notification Map 4. Letter of Agency 5. Planned Development Application August 28, 2015 6. Supporting Documents from Applicant

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-2016-11

Date – June 14, 2016

APPLICATION

Applicant:	Bryan Price, Red Brick Development LLC
Location:	23 vacant acres, Olde Farm Road / Country Club Drive
Proposed Owner:	Red Brick Development LLC
Current Owner:	Joan Diane Brown Trust / First Financial
Action Request:	Recommendation for Preliminary Planned Development – To forward a recommendation to City Council regarding proposed plans
Current Use:	Vacant Agricultural
Surrounding Existing Land Uses:	Single-Family Residential and Agricultural

DESCRIPTION

Following a conceptual presentation to Planning Commission on March 8, 2016, this formal application has been submitted for recommendation. This application is for a Preliminary Planned Development of 23 acres of vacant land 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 the Planning Commission review and a recommendation to be forwarded to City Council. The Preliminary is then valid for two years and allows the review of the Final Planned Development to proceed through the same process of Planning Commission and City Council.

SITE HISTORY

The land proposed for development is vacant and undeveloped. In the 1970s a phase of Heritage Subdivision was proposed, but it never moved forward. Since that time the City of Oxford is not aware of any development proposals for the property.

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.
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.
- (5) The size and shape of the site are sufficient for the proposed planned development.
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district. **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**
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. **Yes**
- (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.

PURPOSE STATEMENTS

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

R1A 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.
 - B. Produce a development equal to or better than that resulting from single-use or traditional subdivision
 - C. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings
 - D. Result in a design in which the placement, height, and uses of buildings, vehicle management areas, and open spaces efficiently utilize potentials of the site
 - E. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development
 - F. Be functional within a time period that helps ensure a viable development
- (2) Infill (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.
 - B. Increase geographic efficiencies of existing utilities such as public streets, water, sewer, electric, telephone, and cable by using them where they are already available.
 - C. Help keep development from sprawling to and beyond the municipal boundaries of Oxford.

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.
- (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 style cottages 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 R1A 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 22-27 making them un-buildable. The applicant requests a waiver from the buffer requirement.**
 - (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.

- (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 preliminary 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.**
 - (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.
 - (3) Adequate pedestrian connectivity shall be provided to and through a planned development. **Five foot wide sidewalks are proposed within the development; however there is no sidewalk along the portion of Country Club Drive between Old Farm Road and Contreras Road.**
- (j) Utilities and Infrastructure. Electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be located underground. **No information is known about electric, telephone or street lights at this time. It is expected that street lights will follow the subdivision code requirements.**
- (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.

COMMENT FORMS

All property owners within 200 feet have been notified by letter, a sign has 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. Some additional detail on the seven undeveloped lots could be submitted to clarify how they will be maintained or if any are suitable for a future small pocket park for the residents' enjoyment. The open space definitions in Subdivision and Planned Development Sections require active or passive recreation. Additional detail will be needed with the Final Plan to demonstrate the recreational

function. The front yard setback area of the undeveloped lots should be required to be kept clear of undergrowth. All undeveloped lots are required to be labeled as Outlots per Section 1101.7 definitions. This will ensure that the seven unnumbered lots will receive a letter label differentiating them from buildable lots. 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.

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

The developer responded to the Planning Commission's concept plan feedback by connecting Savannah Drive. However, the block length requirements of the 2011 Subdivision Code will require at least two more street stubs along the western boundary. The requirements of 1101.408 mimic the gridiron pattern of the Mile Square of 350 foot blocks, with some exceptions. A similar requirement was made of the Annex, formerly known as The Fields at Southpointe.

Streets

The applicant proposes public streets built to city standards that would be dedicated to the City of Oxford as right of way. During the process of Neighborhood Overlay for Heritage Subdivision, it was discovered that the existing street stub connecting to Grace Lane is privately owned. It has been determined by the City Service Department that the applicant will need to resolve this issue to ensure the street is fully dedicated as public right of way.

Financial Security

Performance bonding for during and after the development can be required by the City as part of the final approval.

RECOMMENDATION

Based upon the staff's findings and analysis above, additional information is needed before a recommendation of approval can be forwarded. If additional information is submitted prior to City Council, staff can fold that information into the Planning Commission's recommendation to City Council for the Preliminary Planned Development. Alternatively, the Commission could forward a recommendation based upon the following conditions:

1. At least two additional stub streets be added along the western boundary
2. Wetland buffering be added or justification for the lack thereof
3. Recreation areas be identified and planned
4. A statement be added to the plat indicating that the front yard setback areas of all Outlots be mowed as lawn and maintained free of undergrowth
5. Outlot name and letter labels be given to each lot not intended for development
6. The declaration of covenants, home owner association responsibilities, maintenance of common open space and common facilities, easements and restrictions be reviewed and approved by the City Law Director with the Final Plan
7. The dedication of the street stub connecting to Grace Lane be resolved prior to the submittal of the Final Plan
8. Details for street lights be included with the Final Plan
9. A typical lot plot plan be submitted with the Final Plan

SUBMITTED

BY:



Sam Perry, AICP, Planner

DATE: June 8, 2016

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 11, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2016-11 PRELIMINARY PLANNED DEVELOPMENT, 23.189 acres, to be located at the end of country Club Drive, Savannah Drive and Olde Farm Road, 50 single-family homes, **Red Brick Development LLC, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **June 7, 2016** 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 Dethridge
PRINTED NAME

Date:

5-16-16

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 11, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2016-11 PRELIMINARY PLANNED DEVELOPMENT, 23.189 acres, to be located at the end of country Club Drive, Savannah Drive and Olde Farm Road, 50 single-family homes, **Red Brick Development LLC, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **June 7, 2016** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

SEE ATTACHED MEMO DATED 5-16-16.
VP

Drawings reviewed by: A. Popescu

Date: 5-16-16

 VICTOR POPESCU
PRINTED NAME



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: May 11, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2016-11 PRELIMINARY PLANNED DEVELOPMENT, 23.189 acres, to be located at the end of country Club Drive, Savannah Drive and Olde Farm Road, 50 single-family homes, **Red Brick Development LLC, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **June 7, 2016** 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: _____

5-16-16

John A. Jones

PRINTED NAME



PC-2016-11

Surrounding Property Owners Notifications Map

Legend

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



1 inch = 400 feet

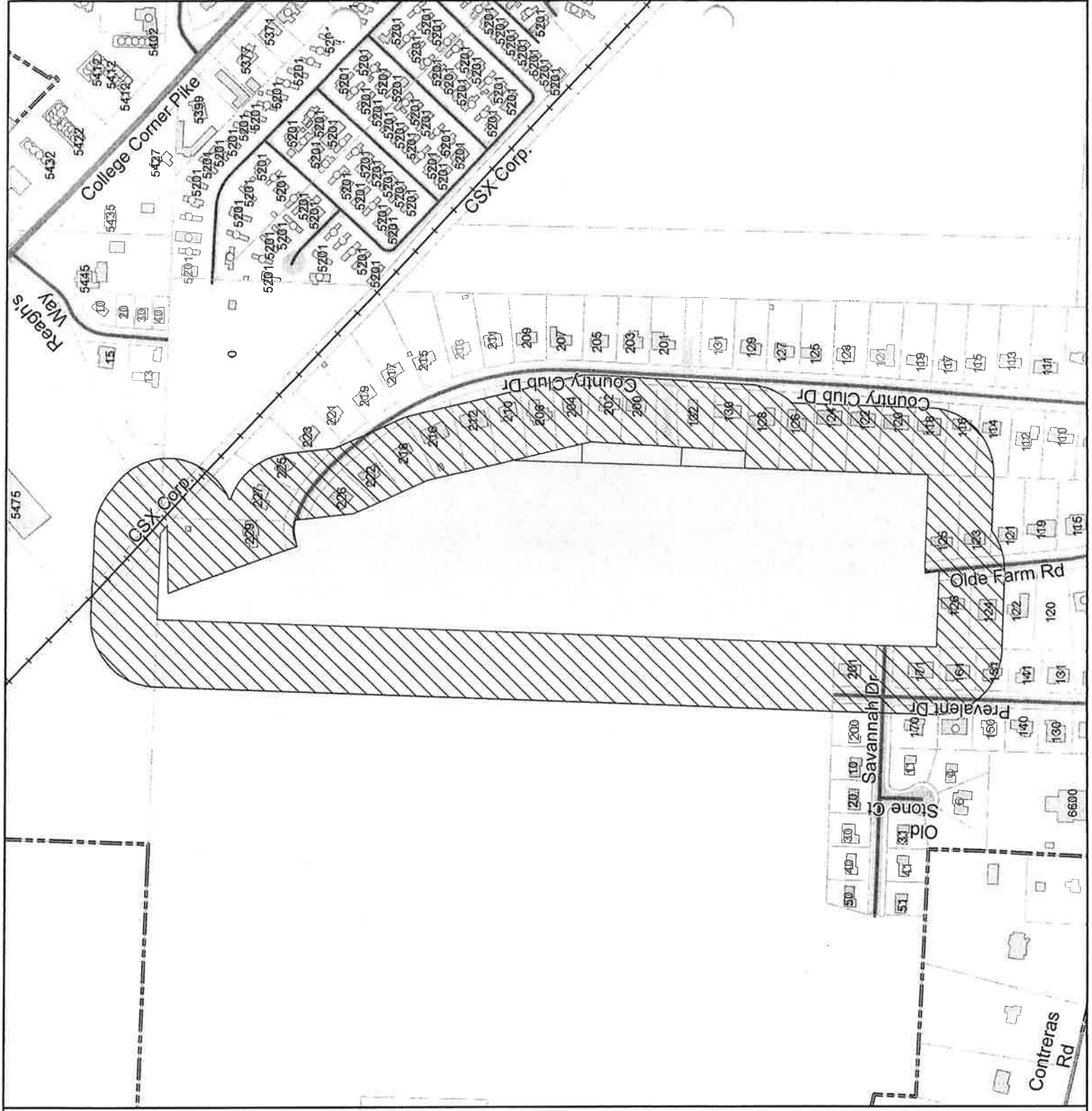


EXHIBIT "A"

April 19, 2016

To whom it may concern:

Please be advised that Red Brick Development LLC has our permission to submit applications for the approval of a Preliminary Planned Development on parcels H4000022000007, H4000022000008, H4000022000009, and H4000022000010 located at the end of Olde Farm Rd.

Should you have any questions or concerns, please don't hesitate to contact our real estate representative Kurt Kinzler at 513-523-6358.

Sincerely,



Joan Diane Brown



First Financial Bank Trust

Trust Officer &

Vice President



Internal Use Only:	
Case No.	PC-2016-11
Date Filed	4/29/16

Planned Development Application

Application Type

Choose One

☒

Preliminary (\$400)

☐

Final (\$400)

☐

Preliminary & Final (\$400)

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 * Joan Diane Brown & First Financial Bank, TR.

Mailing Address * PO Box 156

City, State & Zip Code * Honor, MI 49640

Telephone Number * 513-523-6358 Email Address

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 * Heritage Subdivision

Location of Property * Parcels H4000-022-000-007, 008, 009, 010

Legal Description * Lot 1728

Zoning District * R-1A Total Area * 23.189 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 Search² 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.

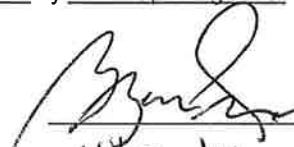
Fees & Receipt

The required fee for preliminary and final is \$400.00 plus \$100 per acre, plus postage charge. To calculate the postage charge, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Applicant Signature *

Date *


4/29/16

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 preliminary plans containing all required information as attachments and a check for fee and postage charges 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).**

For Staff Use Only

Fee Paid Date *

4/29/16

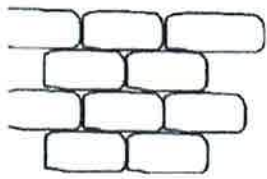
Receipt Number *

0734

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/>

³ The United States Postal Service: <http://www.usps.com/>



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

April 29, 2016

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

Re: Red Brick Estates
Preliminary PUD Submittal

Dear Mr. Perry:

Enclosed please find the following items in support of Red Brick Development LLC's Application for Preliminary 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. An Affidavit from Joan Diane Brown and First Financial Bank, TR granting Red Brick Development LLC permission to submit applications for the approval of a Preliminary Planned Development.
 - c. List of property owners within 200 feet of the site.
 - d. Legal description of the property.
 - e. Traffic Evaluation.
 - f. Site Layout Plan.
 - g. Preliminary Utility Plan.
 - h. Typical Building Elevations.
 - i. Preliminary Landscape Plan.
 - j. Photos of the subject site and surrounding area.
 - k. Draft of proposed covenants and restrictions.
 - l. 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*

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>

Owner:

*Joan Diane Brown & First Financial Bank, TR.
PO Box 156
Honor, MI 49640
513-523-6358*

6) Design Professionals:

Engineer, Surveyor & Landscape Architect:
*Bayer Becker
110 S. College Ave., Suite 101
Oxford, OH 45056
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-1A, Single Family Low-Density Residential District.
- d. A description of the proposed planned development:

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

Red Brick Estates will contain a total of 50 single family residential lots to be constructed in 2 phases. Each phase is to consist of approximately 25 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 25 lots, will consist of the southern portion of the property and will include the extension of Olde Farm Road, Savannah Drive and the existing street stub (Grace Lane). Phase 2, consisting of approximately 25 lots, will be located at the northern portion of the property and will include the extension of Country Club 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.

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

<http://www.bayerbecker.com>

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 is zoned appropriately for residential development, R-1A single family low density residential.*
- 3) Proposed density of the development is 2.16 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.

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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.

Enclosed please find a letter discussing the expected traffic impact of Red Brick Estates, as well as how pedestrian safety will be accommodated.

- 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.*

Please place this item on the June 14th 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



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

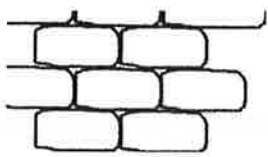
The living space, floor area, exclusive of porches, basements, and garages, of each structure shall not be less than 1,500 square feet for a ranch type home and 2,000 square feet for a two story home.

SECTION 3: ARCHITECTURAL CONTROL

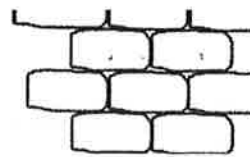
Construction is prohibited on any structure, fence, wall, or building until the plans and specifications have been first approved by Bryan D. Price designee. Bryan D. Price or his designee shall have the sole discretion of approving or rejecting all plans as to design, grades, exterior materials, and 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

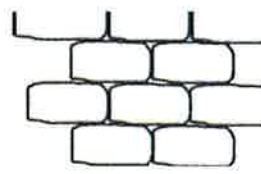
No poultry or other livestock shall be kept on any lot in this subdivision. Each residence shall be permitted ordinary household pets of not more than two (2) dogs and two (2) cats, kept in an enclosure or on a leash. No commercial use or breeding of any animals shall be permitted on any lot in this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

Date: April 28, 2016
Description: 23.189 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 now being part of Lot #1728 of the City of Oxford, Butler County and being part of the lands of Joan Diane Brown as recorded in Official Record 8738, Page 1592 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 00° 31' 00" West, 2301.65 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, North 88° 35' 00" East, 95.73 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 22° 05' 00" East, 435.54 feet;
- 2) with a curve to the right, having a central angle of 32° 31' 13", a radius of 125.00 feet, an arc length of 71.00 feet, and a chord bearing and distance of, North 89° 17' 00" East, 70.00 feet;
- 3) South 08° 56' 00" East, 175.00 feet;
- 4) South 26° 05' 00" East, 233.42 feet;
- 5) South 16° 11' 00" East, 225.00 feet;
- 6) South 15° 48' 15" 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 00° 48' 00" West, 460.00 feet;
- 2) North 89° 12' 00" West, 53.94 feet;
- 3) South 00° 43' 00" East, 553.05 feet to the northerly boundary of said Heritage Subdivision #3;

6900 Tylersville Road, Suite A 110 South College Ave, Suite 101 1404 Race Street, Suite 204
Mason, OH 45040 Oxford, OH 45056 Cincinnati, OH 45202
513-336-6600 513-523-4270 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) South 89° 17' 00" West, 324.91 feet;
- 2) South 07° 20' 00" East, 40.00 feet;
- 3) South 89° 17' 00" West, 197.17 feet to the **True Point of Beginning** containing 23.189 acres of land more or less and being subject to all legal highways, easement, restrictions and agreements of record.



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. Dillenger, P.E.

cc: Bryan Price, Red Brick Development LLC

15-0108 Oxford 180429 Traffic Evaluation.docx

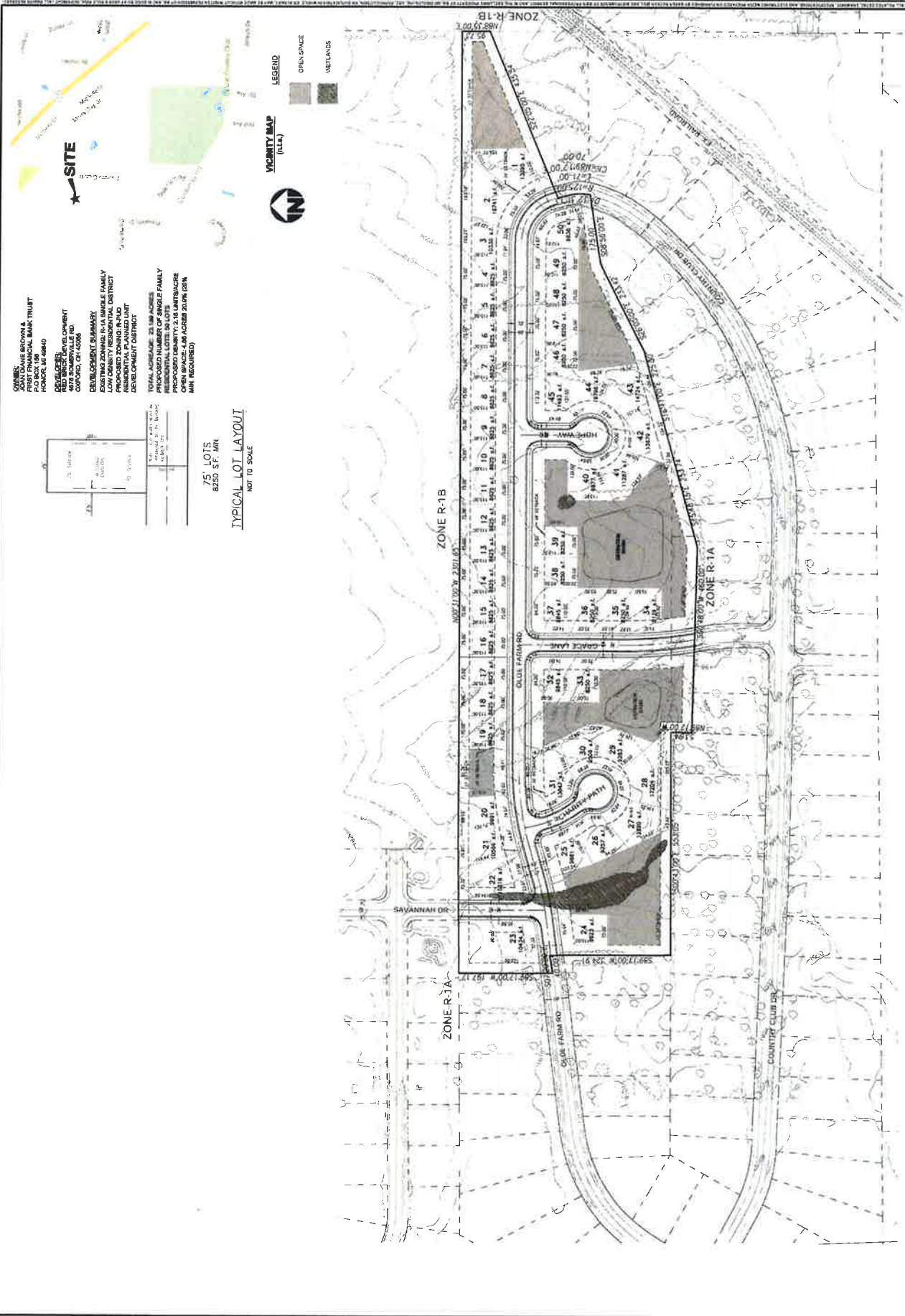
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Cincinnati, OH 45202
513-834-6151

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

<http://www.bayerbecker.com>



OWNER: JAMES DANIE BROWN &
JANET BROWN
FIRST FINANCIAL BANK TRUST
10000 N. 10TH AVE
HONOLULU, HI 96840

DEVELOPER: JAMES DANIE BROWN &
JANET BROWN
4078 SOMERVILLE RD
OXFORD, OH 45056

DEVELOPMENT SUMMARY:
PROPOSED ZONING: R-1A SINGLE FAMILY
LOW DENSITY RESIDENTIAL DISTRICT
PROPOSED ZONING: R-1PD
RESIDENTIAL PLANNED UNIT
DEVELOPMENT DISTRICT

TOTAL ACREAGE: 23.198 ACRES
PROPOSED NUMBER OF SINGLE FAMILY
PROPOSED DENSITY: 2.15 UNITS/ACRE
OPEN SPACE: 4.85 ACRES 20.6% (20%
MIN. REQUIRED)

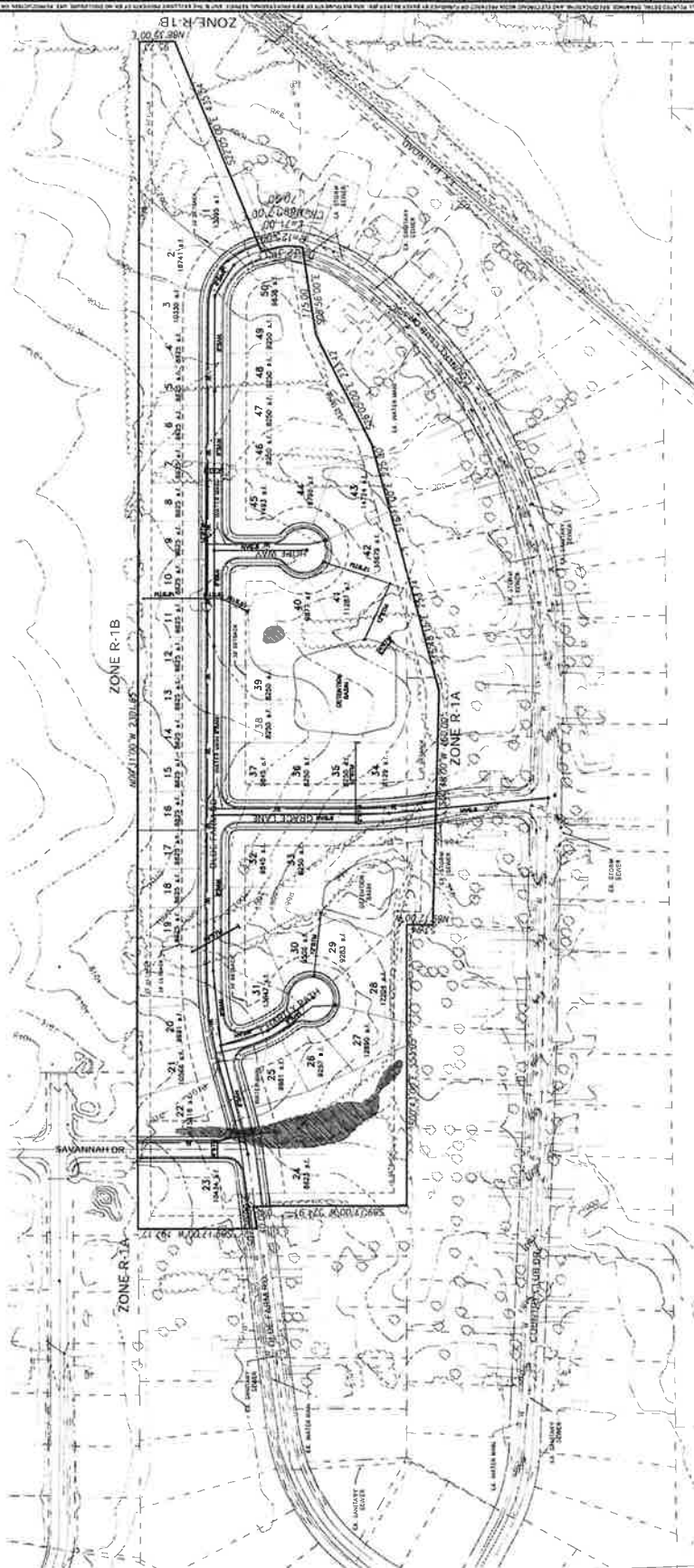


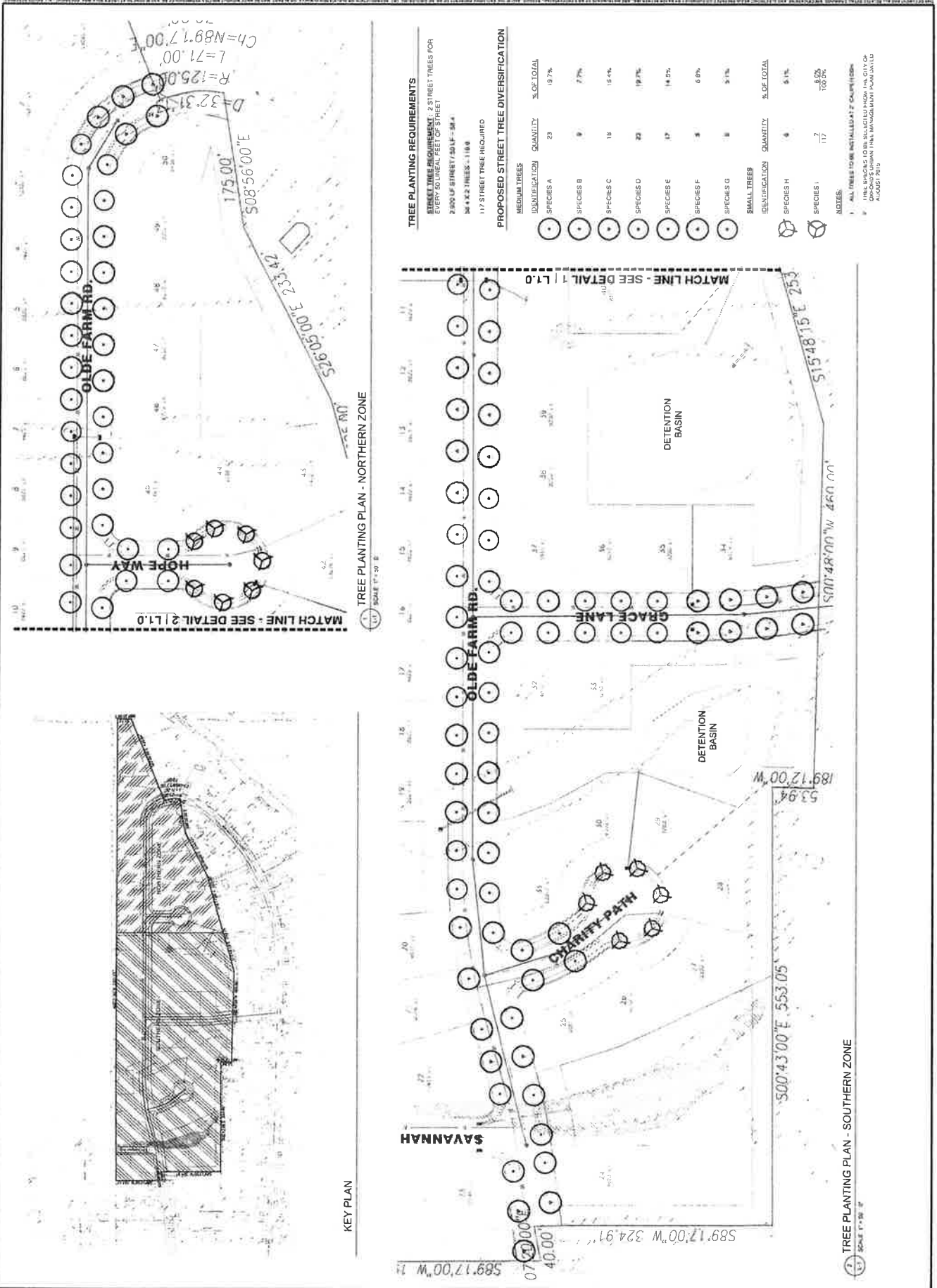
75' LOTS
8250 S.F. MIN
TYPICAL LOT LAYOUT
NOT TO SCALE

ALL WATER SUPPLY SHALL BE IN ACCORDANCE WITH THE CITY OF OXFORD WATER AND SANITARY SEWER IMPROVEMENT SPECIFICATIONS MANUAL. ALL SANITARY SEWER LINES SHALL BE CONSTRUCTED IN ACCORDANCE WITH HEIGHTS AND REQUIREMENTS OF THE CITY OF OXFORD WATER AND SANITARY SEWER IMPROVEMENT SPECIFICATIONS MANUAL. ALL STORM SEWER LINES SHALL BE IN ACCORDANCE WITH THE CITY OF OXFORD WATER AND SANITARY SEWER IMPROVEMENT SPECIFICATIONS MANUAL. THE OWNER AND CONTRACTOR SHALL MEET WITH THE DISTRICT ENGINEER DURING THE DESIGN PHASE TO MAKE SURE THE APPROPRIATE NUMBER OF PRE-PURCHASE ARE PROVIDED.

LEGEND

NETLANDS





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)

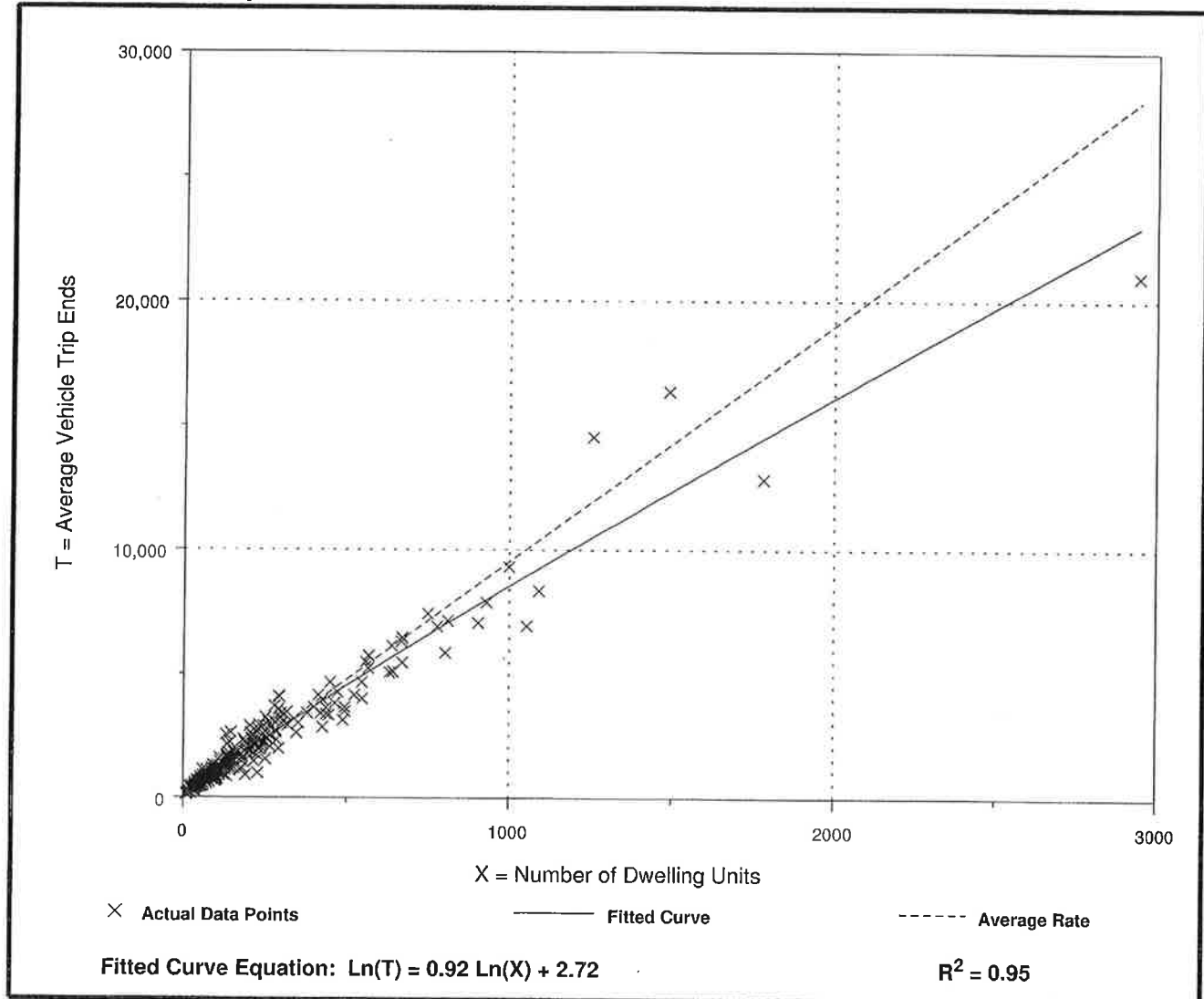
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

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)

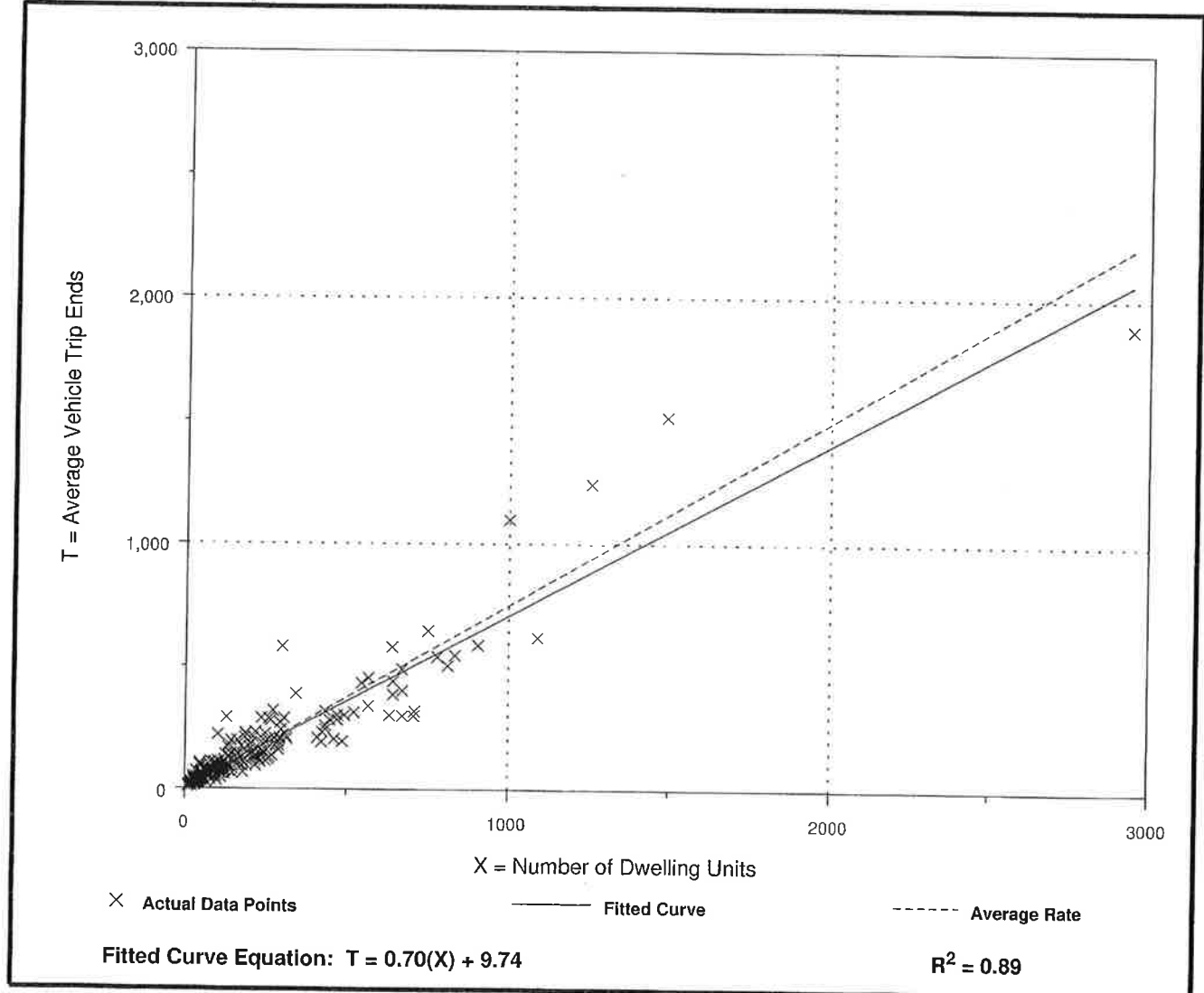
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

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)

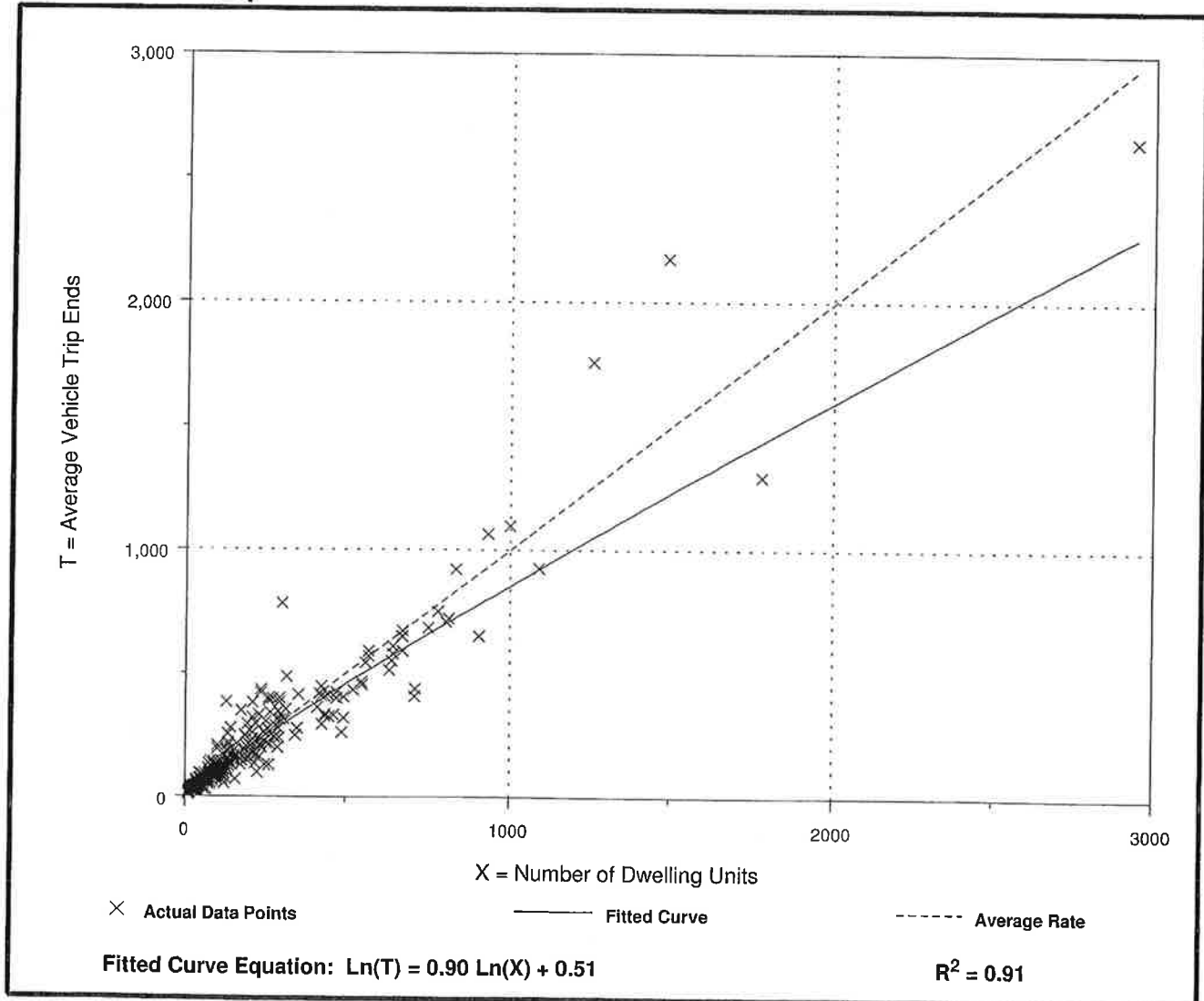
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

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





List View

All DIRs

Location ID		17909	MPO ID		
Type		SPOT	HPMS ID		
On NHS			On HPMS		
LRS ID		CBUTCR00033**C	LRS Loc Pt.		2.903
SF Group		Urban Minor Arterial (4), Collector(5-6), Local(7)	Route Type		CR
AF Group		URBAN_MAJOR_COLLECTOR	Route		00033
GF Group		URBAN_MAJOR_COLLECTOR			
Class Dist Grp					
WIM Group					
QC Group		Default			
Fnct'l Class		Major Collector	Milepost		
Located On		CONTRERAS RD			
Loc On Alias					
		CONTRERAS RD W OF PATRICK DR, IN OXFORD			
PR		MP	PT		
More Detail					

Directions: 2-WAY EB WB ?

AADT ?

Year	AADT	DHV-30	K %	D %	PA	BC	Src
2015	2,100 ³						Grown from 2014
2014	2,034				1,970 (97%)	63 (3%)	
2013	2,328						
2012	2,300						

Model Year	Model AADT	AM PHV	AM PPV	MD PHV	MD PPV	PM PHV	PM PPV	NT PHV	NT PPV
------------	------------	--------	--------	--------	--------	--------	--------	--------	--------

Date	Int	Total
Tue 12/2/2014	60	2,051
Mon 12/1/2014	60	1,922
Tue 4/3/2012	60	2,323

VOLUME TRENDS ?

Year	Annual Growth
2015	3%
2014	-13%
2013	1%

Date	Int	Pace	85th	Total
No Data				

Date	Int	Total
Tue 12/2/2014	60	2,051
Mon 12/1/2014	60	1,922
Tue 4/3/2012	60	2,323

--	--

	Date	Axles	Avg GVW	Total
No Data				

	Date	Axles	85th	Total
No Data				

	Date	Int	Total
No Data			

PARTIAL COUNT

Date Int 24-Hr Total

	Note	Date



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 Olde Farm Road looking North.



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



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.



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 the unnamed stub street looking West.



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



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.



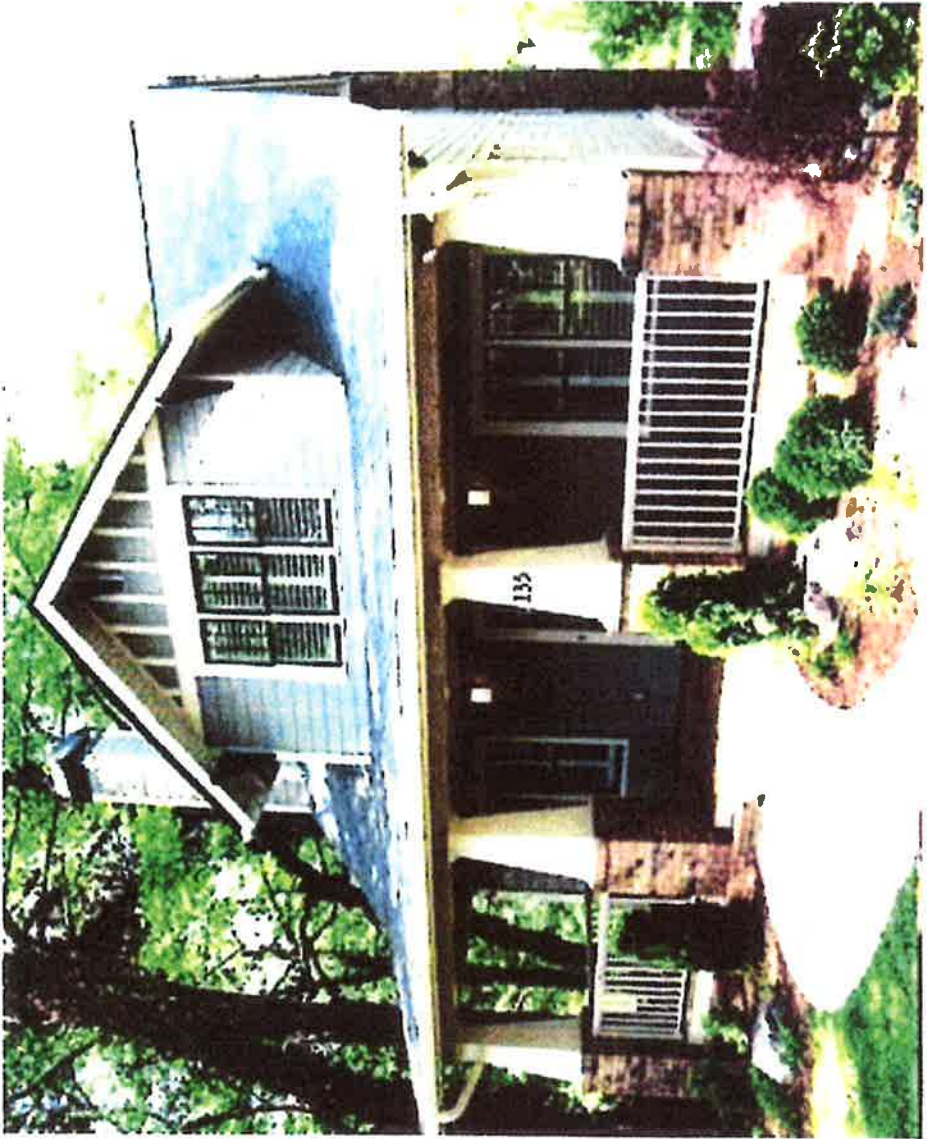












CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Economic Development Department

For the: June 21, 2016
City Council Meeting

Prepared by: G. Alan Kyger
Date Prepared: June 14, 2016
Date Updated: July 12, 2016

Agenda Title: Chapter 725 Taxicabs

Recommendation: Informational & Updated for the 2nd Reading

Over the last nine months, Officer Derrick Carlson and I have met many times to discuss and review proposed changes to Oxford's Taxicab regulations. In addition to our meetings, we have also met with all the current taxicab companies and many of the drivers, the Miami Student Senate, the Oxford Police Command Staff and the City Manager.

The proposed changes reflect the following purpose statement which has been shared with all the Oxford Taxicab Companies. *"The City of Oxford needs and wants taxicabs operating in the City of Oxford. The goal of this review is to make sure the taxicab patrons are provided safe conditions. Taxicabs play an important role in our community, from providing services like transporting our citizens to and from doctor's appointments to providing late night patrons a safe ride home."*

The current Chapter 725 which regulates Taxicabs was adopted in 1961. Over the last several years the volume of taxicabs in Oxford has grown significantly and the manner in which taxicabs operate has also changed. The proposed new Chapter 725 updates Oxford's Taxicab regulations to better serve both the Taxicab operators and the citizens & guests of Oxford. The recommended changes to Chapter 725 reflect many of the changes which have taken place with many Taxicab companies and operators. Many operators or drivers operate as contractors for the Taxicab Company rather than employees.

These regulations do not address ride sharing entities such as über or lyft. These are regulated by Ohio HB 237.

In addition to lacking depth in the regulations, the current Chapter 725 only regulated Taxi Companies and Vehicles. Operator or Driver requirements were very basic, the operator had to be over 21 years old and have a driver's license.

The proposed new ordinance provides oversight and requires licensing of three separate taxicab operations.

Taxicab Companies: Each company operating in Oxford must be registered and licensed. The purpose of this section is to establish a responsible party for the operation of the company and operators.

Taxicab Vehicle: Each vehicle operating in Oxford must be registered and licensed. The purpose of this section is to ensure the vehicles are routinely inspected and are safe. All licensed vehicles will be required to display a windshield sticker.

Taxicab Operators or drivers: Each operator or driver must be registered and licensed to operate a taxicab in Oxford. The most important new requirement is all Operators must pass a BCI&I (Ohio Bureau of Criminal Identification & Investigation) background check and a local records check.

Additional items this new ordinance provides are:

- * Creating a ‘**Taxicab Licensing Official**’. This will be a designee of the City Manager who will be responsible for managing taxicab Companies, Operators and Vehicles.

- * Increasing required insurance coverages and providing for insurance cancellation notification.

- * Creating uniform taxicab markings standards and allowing the Taxicab Licensing Official to approve each companies paint scheme and logos.

2nd Reading Updates:

The City Council requested additional study and information be provided for two segments of the ordinance; Operator Qualifications and Insurance Requirements.

On July 6th the City Manager, Police Chief, Officer Carlson and I met to review the benchmarking of regulations from twelve other communities. Here are our recommendations:

Operator (driver) Qualifications: Using standards similar to Akron OH, the felony offenses have been prioritized by types of offenses. Some restrictions for felony offenses were reduced, while some were extended. With the complete license denial for sexual offense convictions and drug sale convictions.

Insurance Requirements: Of the twelve communities benchmarked, 10 of the twelve have a minimum coverage of \$300,000. Two have minimum limits of \$500,000 and two have minimum limits of \$100,000. We are recommending reducing the proposed \$500,000 minimum down to \$300,000.

Reviewed By:

Department Head:

City Manager:

Initial Date

GR / 7-12-16
DRE / 7/13/16

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 725 ENTITLED TAXICABS, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 725 ENTITLED TAXICABS.

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

SECTION I: Council hereby finds the City Manager and the Economic Development Director recommend Oxford Codified Ordinance Chapter 725 entitled Taxicabs be repealed and new Oxford Codified Ordinance Chapter 725 entitled Taxicabs be adopted to provide new provisions for Taxicab operations within the City of Oxford, Ohio.

SECTION II: Council hereby repeals Chapter 725 of the Oxford Code of Ordinances and adopts new Chapter 725 as follows:

CHAPTER 725 Taxicabs

- 725.01 Definitions.**
- 725.02 Powers and Duties of Taxicab Licensing Official.**
- 725.03 Taxicab License Required.**
- 725.04 Taxicab License Required Terms and Fees.**
- 725.05 Application for Taxicab Company License.**
- 725.06 Application for Taxicab Vehicle License.**
- 725.07 Application for Taxicab Operators License.**
- 725.08 Vehicle Windshield Sticker.**
- 725.09 Taxicab Company & Vehicle Identification, Painting and Lettering.**
- 725.10 Insurance Required.**
- 725.11 Taxicab Vehicle Inspection Requirements.**
- 725.12 Operator's Identification Card & Display.**
- 725.13 Fare Rate System and Schedules.**
- 725.14 Tobacco Smoke Free Taxicabs.**
- 725.15 Taxicab Operational Requirements.**
- 725.16 Change of Company, Operator or Vehicle Information.**
- 725.17 Taxicab Stands.**
- 725.18 Exempt Vehicles and Operations.**
- 725.19 License Revocation or Suspension.**
- 725.20 Penalty.**

CROSS REFERENCE

Power to regulate - see Ohio R.C. 715.22, 715.66
Power to establish stands and fix rates - see Ohio R.C. 715.25
Chauffeur's license not required - see Ohio R.C. 4501.01(y)
Operation by minor prohibited - see Ohio R.C. 4507.321
Operation and equipment - see TRAF. CODE
Use of taxicab and bus stands - see TRAF. **351.10**

725.01 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them:

- (a) "Taxicab" or "Vehicle" means and includes all motor driven vehicles carrying passengers for hire on the streets of the City, except motor buses operated on regular schedules and over regularly established routes.
- (b) "Taxicab Company" or "Company" means and includes every corporation, association, joint stock association, sole proprietor, firm or co-partnership, their lessees, directors, receivers, trustees, appointed by any court whatsoever, or personal representatives or assigns of any deceased owner, owning, controlling, operating or managing any Taxicab.
- (c) "Trade Name" refers to the public business name the Taxicab Company and/or Taxicab operates under.
- (d) "Operator" or "Taxicab Operator" refers to the driver of the Taxicab.
- (e) "Taxicab Licensing Official" is a City Employee who has been authorized by the City Manager, to oversee and manage the licensing and operation of Taxicab Companies, Taxicab Operators and Taxicab Vehicles in the City of Oxford.

725.02 POWERS AND DUTIES OF THE TAXICAB LICENSING OFFICIAL.

- (a) If the Taxicab Licensing Official finds from the application the provisions of this chapter and the Ohio Revised Code have been met, then in conformity with this chapter, the Taxicab Licensing Official shall notify the applicant of the Taxicab Licensing Official's findings and a license shall be issued for each application in which all requirements have been met and licensing fees have been paid.
- (b) If the Taxicab Licensing Official finds the applicant has not complied with this chapter, the Taxicab Licensing Official may require the applicant to furnish, within 30 days, any additional relevant information that is required.
- (c) Taxicab Licensing Official may investigate, act upon, make findings upon and grant, deny, suspend or revoke Taxicab licenses. This Official may also place a Taxicab Operator or Taxicab Company on probation as defined within this chapter.

725.03 TAXICAB LICENSE REQUIRED.

No Taxicab shall be put into service and operated as a Taxicab within the City of Oxford without first the Taxicab Company, Operator and Vehicle all being licensed and approved by the Taxicab Licensing Official.

- (a) To operate a Taxicab service within the City of Oxford, all three components must be approved by the Taxicab Licensing Official for the Taxicab to lawfully operate. These components are:
 - 1. Taxicab Company License is required for all Taxicab Companies wishing to operate within the City of Oxford as per Section 725.05.
 - 2. Taxicab Operators License is required to ensure all Taxicab drivers have been properly screened and pose no known risk to the public as per Section 725.07.
 - 3. Taxicab Vehicle License is required to ensure all vehicles being used as Taxicabs have been inspected and found to be roadworthy and safe for public use as per Section 725.06.

725.04 TAXICAB LICENSE TERM AND FEES.

- (a) No Taxicab Company, Operator or Vehicle shall operate within the City of Oxford until all fees have been paid in accordance with the City of Oxford Fee Ordinance.
- (b) Each component of the Taxicab license expires annually on January 20th. In cases of licenses issued for operation on or after July 20th of any year, the fee shall be one-half of the per annum fee.

725.05 APPLICATION FOR TAXICAB COMPANY LICENSE.

- (a) Application for a Taxicab Company license for Taxicabs shall be made to the Taxicab Licensing Official. The following minimum information is required:
 - 1. The Taxicab Company name and address under which business it will be conducted.
 - 2. The trade name of the Company should it be different than the legal name.
 - 3. The name and address of the owner or operating officer of the Taxicab Company.
 - 4. The Taxicab Company's State of Ohio Vendors Number.
 - 5. The Taxicab Company's Federal Tax Identification Number or EIN Number.
 - 6. Proof of Insurance which meets the standards in Section 725.10.
 - 7. The Fare System being used and the Fare Rate Sheet meeting the standards in Section 725.13.
 - 8. The color scheme, logos, markings or lettering to be used on such Vehicle(s) which meets the standards in Section 725.09.
 - 9. Any other information as required by the Taxicab Licensing Official.
 - 10. A list of the Vehicles operating under this company's name and the Vehicle's Ohio Vehicle license number as per Section 725.06.
 - 11. A list of Operators who will be driving under this Company's name and Ohio Operator's license number as per Section 725.07.

725.06 APPLICATION FOR TAXICAB VEHICLE LICENSE REQUIREMENTS.

- (a) Prior to a Vehicle being placed into Taxicab service, the Vehicle must receive a Taxicab Vehicle license. A Vehicle license will be issued after the Taxicab Licensing Official verifies the vehicle has met the following standards:
 - 1. A full description of the Vehicle is provided. Vehicle Year, Make, Model, Body Style, Color, license plate number and VIN.
 - 2. A photo copy of the current State of Ohio Vehicle Registration.
 - 3. Vehicle Safety Report as per Section 725.11. This report cannot be over 30 days old.
 - 4. A copy of the Vehicle Insurance certificate, verifying the insurance matches the requirements of Section 725.10.
 - 5. Vehicle Markings. The vehicle markings must match the approved marking scheme for the Taxicab Company for which the Vehicle will operate as per Section 725.09.
- (b) Once the Taxicab Licensing Official is satisfied that all the above Vehicle requirements have been met, the Taxicab Licensing Official will issue this vehicle a Taxicab Vehicle license.

725.07 APPLICATION FOR TAXICAB OPERATORS LICENSE REQUIREMENTS.

- (a) No person shall drive or operate a Taxicab unless duly licensed by the City of Oxford as herein provided.
- (b) Every applicant for a license as an Operator of a Taxicab shall make application to the Taxicab Licensing Official on forms to be supplied by the Taxicab Licensing Official. To qualify to drive a Taxicab within the City of Oxford, all individuals must provide the following information to the Taxicab Licensing Official and pass the following requirements.
- (c) Required applicant information.
 - 1. Name, Address and Telephone number.
 - 2. Date of Birth, Height, Weight, Hair Color and Eye Color.
 - 3. Current valid Driver's license.
 - 4. A current 2"x 3" color head shot photograph.
 - 5. The applicant must sign a release allowing the Taxicab Licensing Official to complete a BCI&I Report and a Local Records Check.
- ~~(d) Requirements for approval include, but are not limited, to the following:~~
 - ~~1. The applicant's BCI&I report, for the most recent five year period, must be free from any convictions for a felony level offense of violence as defined in Ohio Revised Code 2901.01, a felony drug conviction, a felony theft conviction, a felony sexual offense or driving while under the influence of drugs and/or alcohol conviction.~~
- (d) The applicant must be at least 19 years of age.
- (e) The Taxicab Licensing Official shall approve or disapprove all applications for licensing based upon the applicant's BCI&I report, the applicant's local records check as well as any other information obtained during due diligence. Grounds for refusal of a license are as follows:**
 - 1. The applicant has been convicted of a theft offense within one year.**
 - 2. The applicant has been convicted of a felony theft offense within three years.**
 - 3. The applicant has been convicted of a drug sale offense; no limit.**
 - 4. The applicant has been convicted of a drug abuse offense within one year.**
 - 5. The applicant has been convicted of driving under the influence of alcohol and/or drugs while intoxicated or being in physical control of a motor vehicle while under the influence of alcohol and/or drugs within the past two years.**
 - 6. The applicant has been convicted of a sexual offense; no time limit.**
 - 7. Any person who has a ~~felony criminal record~~, a lengthy, or diverse criminal record who, in the opinion of the Taxicab Licensing Official, should not be issued a taxicab operators license.**
 - 8. For any person whose convictions fall within the above guidelines, the date of conviction shall be deemed to be the later of the actual date of conviction or their release from incarceration resulting from the conviction.**

- (f) **The Taxicab Licensing Official is hereby authorized and empowered to establish such additional rules and regulations covering the issuance of taxicab operators licenses, not inconsistent herewith, as may be necessary and reasonable.**
- (g) When the Taxicab Licensing Official is satisfied all the required conditions for a Taxicab Operators license have been completed, and the proper fees have been collected, a City of Oxford Taxicab Operators license will be issued to the applicant.

725.08 VEHICLE WINDSHIELD STICKER.

At the time the Vehicle license is issued by the Taxicab Licensing Official to the owner of a Taxicab, the Taxicab Licensing Official shall issue to such owner a windshield sticker showing the license number and the year for which such license was issued.

- (a) The sticker shall be applied to the lower right hand corner of the windshield and no person shall remove or transfer the same during the year for which it was issued.

725.09 COMPANY & VEHICLE IDENTIFICATION, PAINTING AND LETTERING.

- (a) Every Taxicab Company operating a Taxicab service under a license from the City of Oxford is required to provide to the Taxicab Licensing Official the design, color scheme or method of painting or lettering such Taxicabs operating for the Taxicab Company.
- (b) Each Taxicab Company operating within the City of Oxford shall have a unique trade name, markings and color scheme. The Taxicab Licensing Official may require modifications to the proposed markings should the proposed marking be too similar to other Taxicab Companies operating within the City of Oxford.
- (c) Such trade name, design, color scheme or method of painting or lettering shall meet the following requirements:
 - 1. Trade Name: The name of the owner or the trade name under which the owner does business shall be displayed on each side of each Taxicab. Whenever, the name of the owner or trade name he/she does business under does not include any of the words "taxicab", "taxi", or "cab", then the word "taxicab" shall be displayed on each side of the Taxicab immediately beneath such name or trade name.
 - 2. Rooftop Sign: An illuminated roof top sign with the words 'Taxi or 'Cab' shall be visible. The sign will have a minimum size of 10" in width by 6" in height.
 - 3. Taxi Permit: When issued by the Taxicab Licensing Official the Vehicle Window Sticker will be displayed in accordance with Section 725.08.
- (d) All exterior markings and identification can be either permanent markings or temporary, with the exception of the Taxi Vehicle Permit window sticker.
- (e) All approved markings must be in place and visible when the Vehicle is being used as a Taxicab.

725.10 INSURANCE REQUIRED

No Taxicab Company, Operator or Vehicle is permitted to operate as a Taxicab within the City of Oxford without having the required levels of insurance.

- (a) The Taxicab Company must have on file with the City proof the Taxicab Company has a commercial insurance policy in-force which provides liability coverage for said company in operating as a Taxicab company.
- (b) Each Taxicab Vehicle must have documentation on file with the City of Oxford providing proof of insurance which provides the following items:
 - 1. The Vehicle has an insurance policy in effect which insures the Vehicle for taxicab use.
 - 2. A Certificate of Insurance listing the City of Oxford as a Certificate Holder.
 - 3. The following minimum levels of insurance:
 - ~~\$500,000~~ **\$300,000** in Combined Coverage or,
 - ~~\$200,000~~ **\$100,000** in injury or death of one person per accident, and
 - ~~\$500,000~~ **\$300,000** in injury or death of more than one person per accident, and
 - \$100,000 in property damage coverage per accident.
 - Or equivalent Bond
- (c) The City of Oxford shall be notified within ten (10) days of any lapse of insurance.

725.11 TAXICAB VEHICLE INSPECTION REQUIREMENTS

- (a) As per Section 725.06 all Vehicles must provide Vehicle Safety Reports to the Taxicab Licensing Official prior to being issued a Taxicab Vehicle license.
- (b) The vehicle inspection facility can either use a City of Oxford Vehicle Safety Report or submit a similar report with approval of the City's Taxicab Licensing Official.
- (c) These reports must meet the following standards and requirements:
 - 1. All Vehicle Safety Reports will be performed by an ASE Certified Mechanic or a repair facility which has been approved by the Taxicab Licensing Official or an Ohio State Patrol station.
 - 2. The Vehicle Safety Report must state that the vehicle meets or exceeds all normal and customary safety requirements as per ORC 4513.02 or conditions set forth in Section 725.11.
- (d) If any portion of the inspection is unsatisfactory, the Vehicle owner or operator shall cause the condition to be corrected before the issuance of the license is granted.
- (e) Vehicle Safety Reports shall be submitted to the Taxicab Licensing Official twice a year. Prior to January 20th and July 21th.
- (f) A new Vehicle Safety Report shall be submitted to the Taxicab Licensing Official when the Vehicle has been involved in a repairable accident or should the Taxicab Licensing Official feel the Vehicle warrants an additional inspection.

725.12 OPERATOR'S IDENTIFICATION CARD AND DISPLAY.

- (a) All Taxicabs in service within the City of Oxford are required to display a Taxicab Operator Identification Card. The Operator's Identification Card shall be placed in a location in the Taxicab where it is visible to passengers at all times.
- (b) Identification Cards shall be at least 3" by 5" in size and the lettering shall be a minimum height of ½ inch and contain the following information:
 - 1. Operator's full name.
 - 2. A two-inch by three-inch photograph of the Operator.

3. Taxicab Company name or Trade Name.
4. City of Oxford issued Operator's license number.

725.13 FARE RATE SYSTEM AND SCHEDULES.

- (a) Every Taxicab Company under license from the City of Oxford shall file with the Taxicab Licensing Official a complete schedule of fares and rates charged to passengers for transportation.
- (b) The City of Oxford allows for a Metered or a Flat Rate fare system to be used within the City.
- (c) Every Operator of a Taxicab under license from the City of Oxford shall display at all times a printed rate card of the fares and rates to be charged to passengers for transportation.
- (d) No Operator shall charge a fare or rate more than those so displayed, unless the Operator and patron have agreed prior to the service being performed.
- (e) Before any schedule of fares and rates charged are changed or increased and enacted, these changes must be filed with the Taxicab Licensing Official.

725.14 TOBACCO SMOKE FREE TAXICABS.

All Taxicabs licensed by the City of Oxford shall be tobacco smoke free.

725.15 TAXICAB OPERATIONAL REQUIREMENTS.

- (a) Every Taxicab shall be kept in a safe and sanitary operating condition, and shall at all times have all safety equipment required of Taxicabs by law.
- (b) All lost items found in the Taxicab must be turned into the Oxford Police Division.
- (c) All Taxicab accidents or patron incidents shall be reported to the Oxford Police Department within seven (7) days after the accident or incident occurs.
- (d) Ridesharing is permitted with the approval of the patrons in the vehicle.
- (e) Receipts are not required, but must be provided when requested.
- (f) The Taxicab Licensing Official or an Oxford Police Department official shall have the authority to inspect any Taxicab upon a patron complaint or a City official is concerned about the safety and/or roadworthiness of the Vehicle or Operator.

725.16 CHANGE OF COMPANY, OPERATOR & VEHICLE INFORMATION.

- (a) All Taxicab Company, Operator and Vehicle information required by the City of Oxford shall be kept current. It is the responsibility of the Taxicab Company to provide to the City of Oxford Taxicab Licensing Official all changes of Company, Operator and Vehicle information.
- (b) All changes of information and supporting documents shall be submitted to the Taxicab Licensing Official within seven (7) days after making such changes.

725.17 TAXICAB STANDS.

The City Manager may designate regular parking spaces for the Taxicabs, and may prescribe rules for usage of such stands suitable to an applicant's business and agreeable with the public convenience and welfare.

725.18 EXEMPT VEHICLES & OPERATIONS

(a) The following vehicles and operations are exempt from the provisions of this chapter;

- (1) Taxicab Companies whose place of business is outside the City of Oxford may bring passengers into the City and may pick up passengers within the City of Oxford for transportation outside the City limits;
- (2) Hotel shuttles, Church transportation, Wedding transportation and similar limited use vehicles are exempt when used for private events; or
- (3) Transportation Networking Companies or Ride Sharing Companies as defined by the Ohio Revised Code.

725.19 LICENSE REVOCATION OR SUSPENSION.

- (a) The Taxicab Licensing Official, after notice and a hearing, may permanently revoke or temporarily suspend a Taxicab Company, Vehicle, or Operators license for any of the following reasons:
- (1) Licensee fails to file a complete and accurate application or a complete and accurate affidavit in applying for a duplicate license;
 - (2) Licensee fails to maintain accurate and current business and insurance information with the Taxicab Licensing Official;
 - (3) Licensee fails to maintain proper proof of insurance or proper levels of insurance as per Section 725.10;
 - (4) Licensee fails to pay any of the application fees; or
 - (5) Licensee requests to suspend operation.
- (b) After notice and a hearing, a Taxicab Operators license can also be suspended if:
- (1) Licensee has become physically or mentally incapable of driving a Taxicab; or
 - (2) Licensee has been convicted or has plead guilty to a crime involving moral turpitude.
- (c) A license suspended pursuant to Section 725.20(b) can be reinstated when satisfactory proof is presented to the Taxicab Licensing Official by medical certificate or complete recovery.

725.20 PENALTY.

- (a) Whoever violates or fails to comply with any provision of this chapter shall be guilty of a minor misdemeanor for a first offense and shall be fined not more than one hundred fifty dollars (\$150.00); upon subsequent conviction, such person shall be deemed guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty (60) days, or both.
- (b) A violation of any section of Chapter **725** shall be grounds for the suspension or revocation of a Taxicab Company, Vehicle, or Operators license. In the case of a new application, a violation shall be grounds to refuse to issue such license for a determinate period of time up to ninety (90) days, or permanently.

SECTION III: 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 City Manager

Council Meeting Of : 7/19/2016

Account Code No. : see below

Budgeted Amount : _____

Finance
Originating Department

Joe Newlin
Prepared By

7/14/2016
Date Prepared

Agenda Title:	2016 Supplemental Budget #6
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Recommendation:	Approve
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Issue 1

To make adjustment to amended budget for health care reimbursements and associated expenditures over the \$75,000 budgeted amount

Action Needed:

Revenue Side

Employee Benefits (230)	433,279.00	Reimbursements from carrier
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Expense Side

Employee Benefits (230)	433,279.00	Appropriation from unencumbered balance for medical expenses
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Net Effect on Fund Balance/(s) Increase/(Decrease)	-	
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Issue 2

To make adjustment to amended budget for grant proceeds and make appropriation for Fire & EMS training/equipment

Action Needed:

Revenue Side

Fire & EMS (418)	4,750.00	Grant proceeds Ohio Department of Public Safety
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Expense Side

Fire & EMS (418)	4,750.00	Appropriation from unencumbered balance for training/equipment expenditures
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Net Effect on Fund Balance/(s) Increase/(Decrease)	-	
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Total Net Effect on Fund Balance/(s) Increase/(Decrease)	-	
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Breakdown by Fund

Employee Benefits (230)	-	
Fire & EMS (418)	-	

Net Effect on Fund Balance/(s) Increase/(Decrease)	-	
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Approved By:	Department Head:	<table style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;"> <i>[Signature]</i> Initials </td> <td style="width: 50%; text-align: center;"> <i>7/14/15</i> Date </td> </tr> <tr> <td style="text-align: center;"> <i>DRE</i> </td> <td style="text-align: center;"> <i>7/15/16</i> </td> </tr> </table>	<i>[Signature]</i> Initials	<i>7/14/15</i> Date	<i>DRE</i>	<i>7/15/16</i>
<i>[Signature]</i> Initials	<i>7/14/15</i> Date					
<i>DRE</i>	<i>7/15/16</i>					
City Manager:						

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3335. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 6 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2016.

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:

Employee Benefits Fund 230	433,279.00
Fire & EMS Fund 418	4,750.00

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

Employee Benefits Fund 230	433,279.00
Fire & EMS Fund 418	4,750.00

SECTION 4: In all other respects, Ordinance No. 3335 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)