



Agenda

Oxford City Council

Court House

TUESDAY, AUGUST 16, 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. Proclamation - 'Ohio Volunteer Challenge: Feed Ohio 2016'.



Proclamation

- B. Presentation - ShareFest 2016 - Carol Michael.

- 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 August 2, 2016 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

- B. Report regarding the August 3, 2016 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

- C. Report regarding the August 3, 2016 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

5. Resolutions.

1. A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Saturday, October 1, 2016 from 11:00 p.m. until 12:30 a.m. in the Uptown Parks for the Miami Athletics Midnight Madness event. (Doug Elliott City Manager).



Staff Report/Resolution

2. A Resolution determining the total cost of the assessment by lot, authorizing the list of assessments by lot to be filed with the Clerk of City Council and ordering the same be opened for public inspection and authorizing the Clerk of City Council to publish notice in a newspaper of general circulation that the list of assessments by lot is available for public inspection. (Mike Dreisbach, Service Director)



Staff Report/Resolution

3. A Resolution accepting the proposal and authorizing the City Manager to enter into an agreement attached hereto as Exhibit "A" with Environmental Design Group for Preliminary Design Services for Oxford Recreational Trail Phase II at a cost not to exceed \$27,000.00. (Jung-Han Chen, Community Development Director).



Staff Report/Resolution

4. A Resolution authorizing the City Manager to amend the Development Agreement between the City of Oxford and Capstone Development Corporation to allow the two (2) unit apartment building designated exclusively to house on site management personnel to be used for rental purposes. (Jung-Han Chen, Community Development Director).



Staff Report/Resolution

5. A Resolution accepting the amounts and rates as determined by the Budget Commission of Butler County, Ohio and authorizing the necessary tax levies and certifying them to the County Auditor. (Joe Newlin, Finance Director).



Staff Report/Resolution

6. Ordinances.

A. First Reading.

1. An Ordinance Amending Ordinance No. 3335. Supplemental Budget Ordinance Number 7 To Make Supplemental Appropriations For Fiscal Year 2016. (Joe Newlin, Finance Director).



Staff Report/Ordinance

B. Second 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

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 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 Cancelled.

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

MON - Sept 5 Holiday - City Offices Closed

TUES - Sept 6 City Council Meeting 7:30 p.m.

WED - Sept 7 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

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

TUES - Sept 13 Planning Commission Meeting 7:30 p.m.

MON - Sept 19 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

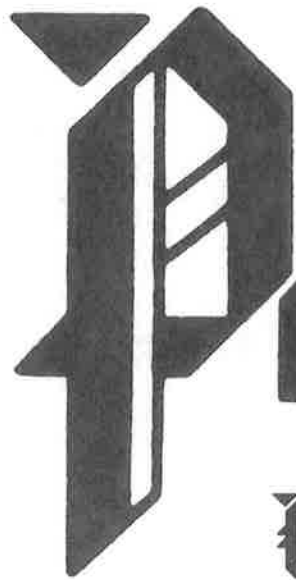
TUES - Sept 20 City Council Meeting 7:30 p.m.

WED - Sept 21 Board of Zoning Appeals Meeting 7:30 p.m.

WED - Sept 28 Civil Service Commission Meeting 6:00 p.m.

THUR -Sept 29 Charter Advisory Commission Meeting 3:00 p.m. Municipal Building

8. Adjourn.



Office of the Mayor

Proclamation

Whereas:

volunteerism strengthens communities, addresses vital social concerns, and enhances the quality of life for all citizens; and

WHEREAS, community organizations, faith-based organizations, civic and humanitarian groups, and government agencies are encouraged to organize local events which meet unique community needs; and

WHEREAS, hunger is an issue of grave concern that transcends geographic boundaries and must therefore be addressed with efforts in every part of our state; and

WHEREAS, Ohioans are encouraged to join with Americans throughout the country to commemorate the National Day of Service on September 11, 2016 by participating in a statewide Volunteer Challenge focusing on the issues of hunger; and

WHEREAS, Ohio faith and community service groups will join with the Governor to organize and execute a statewide effort in 2016 to raise money and collect food products for food pantries throughout the state; and

WHEREAS, the City of Oxford continues to support those in need through community food pantries and various food drives.

NOW, THEREFORE, I, Mike Smith, Vice Mayor of the City of Oxford, Ohio, do hereby recognize the month of September, 2016 as

'OHIO VOLUNTEER CHALLENGE: FEED OHIO 2016'

in the City of Oxford and encourage all citizens to take part in its observance.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 16th day of August 2016.

MIKE SMITH, VICE MAYOR

A regular meeting of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, August 2, 2016 at 7:30 p.m. Those members present were Bob Blackburn, Steve Dana, Kevin McKeehan, Mike Smith and Edna Southard. Glenn Ellerbe was excused.

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

PLEDGE OF ALLEGIANCE

Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Dana moved to approve the agenda. Mr. McKeehan seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

PRESENTATION

AUDITOR OF STATE

Mr. Joe Braden, noted it was an honor to be in the City of Oxford on behalf of Auditor of State, Dave Yost to present Joseph Newlin, Finance Director, and the City of Oxford with the Auditor of State Award with Distinction for the 2015 fiscal year period. Mr. Braden advised the award put Oxford in a very unique group as the Auditor of State audits nearly 6,000 entities and less than 300 were eligible to receive the award. Mr. Braden discussed the criteria necessary to receive the award including the completion of a Comprehensive Annual Financial Report within 6 months of the fiscal year end and having a clean audit. Mr. Braden noted the award represented the hard work of City employees who strive each day to achieve accounting excellence. Mr. Braden recognized Council members and the Mayor for their job of watching the tax payers dollars. Mr. Braden presented Mr. Newlin with the award and a letter from Auditor Yost.

Mr. Newlin thanked Mr. Braden for the award and recognized his staff noting they did a great job of handling the day to day work that enabled the City to receive a clean audit. Mr. Newlin noted the Department Heads did a great job of working with the Finance Department to make sure everything was done according to state law and he appreciated their support.

Mayor Rousmaniere thanked Mr. Braden for coming to Oxford and thanked Mr. Newlin and staff for their efforts.

NOTICE TO LEGISLATIVE AUTHORITY

New permit for Miami University, Yager Stadium 700 Weeb Ewbank Way Oxford, Ohio 45056.

Mr. Kyger advised when a liquor license is being sought inside the City of Oxford the City is given notice and must acknowledge the notice within 30 days. Mr. Kyger noted Miami University was seeking to sell beer at Yager Stadium and there were no liquor licenses under the quota system available for Oxford so they were seeking a D5i permit. Mr. Kyger advised the D5i permit was also called a 'restaurant' permit and Yager Stadium met the qualifications (page 5 of Council's packet) to be eligible for a D5i permit. Mr. Kyger noted the intent was to use the beer portion of the permit for Yager Stadium. Mr. Kyger advised Ted Pickerill from Miami University was in attendance and he or Mr. Pickerill would answer any questions.

Mayor Rousmaniere referred to page 5 of Council's packet regarding the requirement to have inside seating for at least 4,000 people and inquired if beer would be sold outside as in tailgating. Mr. Pickerill advised the intent was to sell beer inside the stadium and he did not expect any changes to the tailgating policy.

Mr. McKeehan moved to accept the notice without comment. Mr. Dana seconded. The motion passed 6-0-0.

PUBLIC COMMENTS

Mr. David Brown, Butler County Auditor's Office, noted he was happy to be in attendance representing County Auditor, Roger Reynolds. Mr. Brown noted the county completed their Popular and Comprehensive Annual Financial Reports and they were available at www.butlercountyohio.org. Mr. Brown noted the county also received the special award from the State Auditor which was to be applauded as not many entities qualify for it. Mr. Brown updated Council and the public with regard to the 'skimmer' situation in Butler County noting it had been 2 months since one was found at a gas station and the county would continue their enforcement efforts to protect consumers. Mr. Brown updated Council and the public with regard to the County Board of Review Hearings and new construction reviews. Mr. Brown reminded everyone the 2nd half taxes were due August 4th.

Mayor Rousmaniere thanked Mr. Brown for his report.

CONSENT AGENDA

Ms. Southard requested removal of item A. Minutes.

REPORTS

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

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

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

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

Mr. Dana moved to approve the Consent Agenda. Mr. McKeehan seconded. The motion passed 6-0-0.

MINUTES

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

Ms. Southard requested the minutes be amended to add language to page 9 second to last paragraph as follows: *Ms. Southard referred to page 49 of Council's packet, the General Decision Standard number 13 'Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance' and advised there was no answer listed. Ms. Southard inquired if it did result in some kind of destruction and if so should it be a condition in the ordinance that Council considers. Mr. Chen referred to the aerial photo and advised road construction would impact the natural area. Mr. Chen noted because the road was going to extend and there is a lot of heavily vegetated area, there would be clearing and there would be tree removal.*

Mr. Dana moved to approve the minutes as amended. Mr. McKeehan seconded. The motion passed 6-0-0.

RESOLUTIONS

RESOLUTION

ACCEPTING ANNEXATION

A Resolution No. 4998 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)

Mr. Elliott noted this legislation was necessary as part of the settlement agreement with Century 21 located at 3996 Millville Oxford Road for the US 27 S. right-of-way acquisition. Mr. Elliott advised the property owners of the Century 21 office agreed to the annexation of their property to the City of Oxford and the annexation petition was filed with the Butler County Commissioners on Tuesday, July 19, 2016. Mr. Elliott noted an expedited Type II process would be utilized for this annexation. Mr. Elliott advised he would serve as the statutory agent for the petitioners. Mr. Elliott noted this resolution dealt with the acceptance by City Council of the annexation petition and the next resolution dealt with the services the City would provide to the annexed property.

Mr. Elliott advised when the property is annexed to the City, the current Township zoning will continue (A-1 Agricultural) until it is rezoned by the City and at that time he would recommend to the Planning Commission and City Council that it be rezoned GB (General Business).

Mr. Ken Thacker, Century 21, noted this is what was agreed upon and Century 21 was excited to annex the property.

Mr. Dana noted the annexation helps the 27 S. improvement process. Mr. Elliott advised right-of-way acquisition was necessary to make the improvements and the annexation was part of the settlement with Century 21.

Ms. Southard moved to adopt Resolution No. 4998. Mr. Dana seconded. The motion passed 6-0-0.

RESOLUTION **STATEMENT OF SERVICES**

A Resolution No. 4999 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)

Mr. Elliott advised the proposed Resolution was a statement of the services the City will provide to the annexed property and buffering if there are any incompatible uses. Mr. Elliott noted this and the previous Resolution were required by state statute.

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

Mayor Rousmaniere inquired what the term 'more or less' meant in the Resolution and Mr. McHugh advised it was a term used in the event the property was slightly plus or minus 0.458 acres.

Mr. McKeehan moved to adopt Resolution No. 4999. Mr. Dana seconded. The motion passed 6-0-0.

RESOLUTION **SPECIAL ASSESSMENT**

A Resolution No. 5000 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)

Mr. Chen advised this process was utilized annually when property owners fail to abate a tall Grass violation. Mr. Chen noted the City hires a private contractor to abate the violation and the cost would be paid by the property owner or it would be levied onto the property.

Mr. Chen advised the cost incurred by the City would be reimbursed when property tax was due or when the property was transferred. Mr. Chen noted there was only one property this year to be submitted to the Butler County Auditor and the due date was September 10th.

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

Mr. Dana noted there has never been instances in which the collection of money has not occurred through one or the other means. Mr. Chen advised that was correct.

Mr. McKeehan noted the property in question appeared to be a foreclosure based on the owner being a bank. Mr. McKeehan advised the City should be paid when the property is liquidated.

Mr. Dana moved to adopt Resolution No. 5000. Mr. Smith seconded. The motion passed 6-0-0.

RESOLUTION
BUTLER COUNTY
DRUG TASK FORCE

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)

Chief Jones advised this was another effort to stop drug abuse and noted the City did a lot of education, worked to get people into treatment and did a lot of drug take-backs. Chief Jones advised this was the enforcement piece of those efforts which the City previously participated in and had to pull out due to staffing limitations. Chief Jones noted participating in the Drug Task Force brought a lot of resources to the City and when a seizure occurred the City would collect a portion of those proceeds.

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

Mayor Rousmaniere referred to Chief Jones's staff report on page 33 of Council's packet and read the following 'Thus far in 2016 we (the City of Oxford) have experienced four deaths from heroin overdoses, one drug related homicide, and numerous other non-fatal overdoses and related crimes'. Mayor Rousmaniere advised it was important to know Butler County had one of the most challenging drug incidences in the State of Ohio and Oxford was not immune from that.

Ms. Southard moved to adopt Resolution No. 5001. Mr. Dana seconded. The motion passed 6-0-0.

ORDINANCES
FIRST READING

ORDINANCE
CHAPTER 1143

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)

Mr. Chen noted there were two components to the proposed amendment one of which was to create a Conditional Use Application for large development projects to ensure secondary impacts would be mitigated appropriately through review by the Planning Commission and City Council. Mr. Chen advised the second component was to create a Neighborhood Business District. Mr. Chen noted a Planning Commission subcommittee worked on this legislation for two years and the Planning Commission felt this would provide a legitimate process for potential business owners that didn't want to be in the General Business District to provide services to neighborhoods. Mr. Chen advised the idea of a neighborhood commercial district was to serve adjoining neighborhoods and the uses allowed under this district would tend to be small scale, pedestrian oriented.

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

Mr. Vincent Hand, 511 E. Chestnut Street, Environmental Commission member, referred to page 44 of Council's packet (d) Supplementary Regulations and noted it gave specifics about landscaping and inquired if it was consistent with the work being done by the Environmental Commission and Mr. Treleaven, the City's Environmental Specialist, and Mr. Chen advised yes.

Mayor Rousmaniere referred to page 43 of Council's packet and asked Mr. Chen to provide an overview of what the Neighborhood Business District would allow and not allow. Mr. Chen advised the Neighborhood Business District would allow professional services, retail services, child daycare, cultural facilities and other businesses that were no more than 2,500 square feet.

Ms. Southard inquired if this was part of the overall zoning code review. Mr. Chen advised yes and noted there would be additional legislation coming before Council for consideration as a result of the zoning code review.

Mr. Dana inquired if other cities had districts like this and what the impact was. Mr. Dana asked for other examples of the use of this type of district. Mr. Chen advised a lot of cities had different business districts such as a town center district, general business and neighborhood districts. Mr. Chen noted neighborhood districts were common in local municipalities and townships and the uses were consistent with Oxford's proposed ordinance.

ORDINANCE
CHAPTER 1133

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)

Mr. Chen advised the only change to the existing Ordinance was the insertion of the Neighborhood Business District.

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

ORDINANCE
CHAPTER 1147

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)

Mr. Chen referred to pages 74 and 75 of Council's packet and noted the proposed legislation would add certain use regulations and potential concerns for those listed in the Conditional Use section of the new Neighborhood Business District as well as uses listed in other zoning districts.

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

ORDINANCE
CHAPTER 1151

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)

Mr. Chen advised the proposed Ordinance would create sign regulations for the new Neighborhood Business District. Mr. Chen noted the signage regulation is similar to the regulations of the RO (Residential Office) District.

Mayor Rousmaniere noted the proposed ordinance set limitations on brightness, placement and size of the signs in the Neighborhood Business District.

Ms. Southard inquired how large or how small the Neighborhood Business District could be. Mr. Chen advised a single parcel should be avoided and noted contiguous block faces or block would be good candidates.

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

ORDINANCES
SECOND READING

ORDINANCE
PLANNED DEVELOPMENT

An Ordinance No. 3359 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 he had no new information since the first reading of the proposed Ordinance. Mr. Chen emphasized this was a two step process and the Preliminary Planned Development application allowed the developer to present the concept of what the development project would be. Mr. Chen advised the Final Planned Development application would be presented to the Planning Commission and to City Council. Mr. Chen noted an approved Preliminary Planned Development application was valid for 2 years with the option for the applicant to ask for a one year extension twice. Mr. Chen advised the Final Planned Development application could be submitted during that time.

Mayor Rousmaniere noted the Final Planned Development application would follow the conditions set by the Planning Commission and any conditions added by City Council.

Ms. Etta Reed, Bayer Becker, advised Bryan Price, the developer for the proposed subdivision was with her this evening and they would answer any questions Council may have.

Mr. Douglas Brooks, 227 Country Club Lane, submitted photos of the Olde Farm Road area streets showing evidence of standing water problems for Council's consideration noting Stephanie Moore provided the photos. Mr. Brooks advised the culture of the proposed development was completely different than the one that currently existed on Country Club Lane and the Plantation development. Mr. Brooks noted the homes looked completely different and the density was drastically different. Mr. Brooks proposed to Council and to the developer that they market the unique neighborhood as a dead-end street instead of feeling obligated to complete an oval roadway. Mr. Brooks noted the people currently living there were Council's constituents and they had something they liked, something they had lived in for a long time and they had managed the difficulties of the neighborhood for a long time. Mr. Brooks advised the homes were routinely refurbished and the neighborhood was in a youth recycle. Mr. Brooks noted a dead Ash tree that needed to be cut down soon as it was a hazard. Mr. Brooks discussed his concerns about traffic noting the potential for each new house to have 4 unrelated tenants and 4 vehicles. Mr. Brooks noted he felt the developer would have less trouble selling properties on a dead-end street.

Ms. Beverly Rambo, 111 Olde Farm Road, thanked Mr. Brooks for submitting the photos from Stephanie Moore. Ms. Rambo noted she had lived in her house for 21 years and it was a very quiet, nice neighborhood when she moved in. Ms. Rambo advised she was seeing a turn over in the neighborhood of newer families which was wonderful. Ms. Rambo discussed neighbors having a large amount of people visiting on weekends and evenings and noted she did not believe traffic studies addressed weekend traffic. Ms. Rambo asked Council to take into consideration evenings and weekends noting she could have 4-12 cars parked in front of her house. Ms. Rambo advised she felt if Olde Farm Road was extended it would upset the barrel and it would not be the neighborhood she moved in to.

Mr. Jim Chagdes, 209 Country Club Drive, displayed a slide of the proposed development noting the average lot size was 10,000 square feet and the average lot size in the Heritage subdivision was 22,000 square feet. Mr. Chagdes advised if the proposed development went through the subdivision process 15,000 square feet would be required with a lot width of 90 feet where 20 houses could be built. Mr. Chagdes noted he felt the developer decided not to use the subdivision process because of wetlands on the property and the need for detention basins to take care of the hydrology issues.

Mr. Chagdes advised he felt the developer went with the Planned Development so they could build more houses as the Planned Development allowed them to shrink lot sizes. Mr. Chagdes noted in talking with City staff he found 53 houses could be built on the 23 acres taking away 20% for roads and assuming houses could be built on top of wetlands and detention basins. Mr. Chagdes advised taking away the wetlands and detention basins they could build an estimated 46 houses. Mr. Chagdes noted 5 lots in the proposed development were at or above R1A subdivision lot sizes which were 15,000 square feet and 23 lots were at or below 8,650 square feet which was less than .2 acres. Mr. Chagdes asked Council to consider bringing the lot sizes closer in line to the existing Heritage subdivision lot sizes.

Mr. Scott Johnston, 131 Country Club Drive, noted as stated by Mr. Chen, this was a staged process and the developers were not going to do all of the math and layout to answer detailed questions until they get the go ahead to proceed. Mr. Johnston advised he felt the problem Council and the Planning Commission were facing was sorting out what they were hearing. Mr. Johnston noted an example of curb appeal was houses shoulder to shoulder with each having a driveway and all you see is fronts of houses and driveways like Kelly Drive. Mr. Johnston advised that is what you'll see as opposed to what you see on Olde Farm Road and Council and the Planning Commission had to visualize that and realize it was really different than the current subdivision. Mr. Johnston noted two meetings ago a water problem was identified as the culvert going into the back of the Country Club and now its been fixed although it had nothing to do with backyards and basements flooding. Mr. Johnston advised the culvert was 150 yards from the closest house with flooding issues and the basements were 12-15 feet above the culvert. Mr. Johnston noted the storm water drain had an open ditch running 25 feet before it reached the culvert so if the culvert is damaged the water flooding over had nothing to do with water in backyards and basements. Mr. Johnston advised the culvert was a problem, it got fixed and the tough thing was to figure out and understand the consequences at work when dealing with a water problem and the answers they bring back to us.

Ms. Ruth Engel, 121 Olde Farm Road, noted she wasn't going to address the new development per se. Ms. Engel advised there were no sidewalks to speak of in her neighborhood especially at the entrance of the subdivision. Ms. Engel noted although the developer would not be expected to install sidewalks for the existing subdivision the increase in traffic would affect everyone. Ms. Engel advised the developer addressed the water issue by planning to install settlement ponds and stating a Home Owners Association would be created. Ms. Engel noted HOAs were great when they worked and it would take time to sell all of the lots. Ms. Engel inquired in the meantime how the settlement ponds would be taken care of.

Mr. Ken Thacker, Century 21, advised Strait Gate did a fantastic job and built amazing homes that sold very easily. Mr. Thacker noted he liked the layout of the development as opposed to a normal subdivision. Mr. Thacker advised most of the density was on the backside of Prevalent Drive which had higher density on that end and it would be a nice transition. Mr. Thacker noted there was a huge need for home lots in Oxford. Mr. Thacker advised these homes were a great product and he felt it was a great opportunity to bring people into the area.

Ms. Stephanie Chagdes, 209 Country Club Drive, noted there was discussion at the last meeting regarding home values and the proposed development was compared to the Autumn Drive and Winding Brook Drive area and how it was not perceived to affect home values.

Ms. Chagdes advised she felt this was not a fair comparison as Autumn Drive had its own entrance and exit like a small neighborhood. Ms. Chagdes noted the proposed development was very much integrated into theirs and it would become one loop. Ms. Chagdes advised the neighbors realized there was a need and a market for smaller lots and what struck them most was the drastic change in their well established neighborhood.

Mr. Dana inquired who Mr. Chagdes spoke with when he mentioned 'the committee' and if he spoke to them about his idea of 'feathering' the lots. Mr. Chagdes advised he communicated with City Planner Sam Perry by email and copied Mr. Chen. Mr. Chagdes noted most of the communication was for code clarification. Mr. Dana inquired if Mr. Chagdes had communicated with Ms. Reed and Mr. Chagdes advised no.

Ms. Etta Reed, Bayer Becker, noted when the proposed plan was laid out the purpose was to do a transition of the lot size from Country Club Drive and proceeding west. Ms. Reed advised the property to the west was vacant and zoned R1B which would allow 7,500 square foot lots. Ms. Reed noted 7 lots were immediately adjacent to Country Club Drive and ranged from 11,521 to 13,739 square feet and the larger lots were purposely placed adjacent to the Heritage subdivision. Mr. Reed advised the smaller lots were internal to the development and on the west property line. Ms. Reed noted it was mentioned if a traditional subdivision was built the developer would lose lots due to detention basins and advised detention basins could be located on single-family lots.

Ms. Southard noted at the last meeting she raised concerns that part of the area proposed for development was a wetland and Council didn't know exactly how that was defined. Ms. Southard stated she understood the Army Corps of Engineers and the EPA would be involved. Ms. Southard noted in the 1960's when the Heritage subdivision was developed there were different concerns about the environment than we had now. Ms. Southard advised Council discussed that 90% of the wetlands in the country have been destroyed and everyone was concerned about preserving the environment. Ms. Southard proposed adding condition number 10 to the proposed Ordinance as follows: "An inventory of the natural scenic and historic features of the land including vegetation, trees and so forth be compiled for the final development." Ms. Southard inquired if other Councilors would agree to the developer providing an inventory of the trees and natural vegetation as a requirement for the final project. Ms. Southard also asked that the Environmental Commission work on developing language to review environmental issues at early stages of development comparing Oxford's standards to those of other towns and cities. Ms. Southard requested that the Environmental Commission perform a focused review of sensitive development areas that would be codified in Oxford Codified Ordinance Chapter 1101 for Subdivisions and Chapter 1145 for Planned Developments. Ms. Southard asked the Environmental Commission to finish their project of crafting environmental requirements for major site development plans which they worked on in 2015. Ms. Southard noted she would like to see standards in Oxford raised and become higher for the protection of our environment.

Mr. Dana advised he felt Ms. Southard's proposal was sound because it could have a salutary impact on future developments. Mr. Dana noted he was unsure to what extent it could be integrated into this development plan.

Mayor Rousmaniere noted Ms. Southard discussed work to be done by the Environmental Commission and adding a condition to the proposed Ordinance.

Ms. Southard restated the proposed condition as follows: “An inventory of the natural scenic and historic features of the land including vegetation, trees and so forth be compiled for the Final Planned Development plan” and added ‘by the developer’.

Ms. Southard moved to add condition #10 as follows: An inventory of the natural scenic and historic features of the land including vegetation, trees and so forth be compiled for the Final Planned Development plan by the developer. Mr. Dana seconded.

Mr. Blackburn inquired if the inventory would be a hardship for the developer. Ms. Reed advised it was not required and it would be an additional expense. Ms. Reed noted she felt the request was very broad and asked for clarification of what was deemed scenic and what was historic and if an inventory would be done for the entire 23 acres. Ms. Reed inquired if Ms. Southard was specifically looking for something. Ms. Southard noted the issues were that some of the trees could be 100 years old and she felt it needed to be known how old the trees were, if there were rare trees on the property, if there was unusual vegetation on the property and how far the wetlands extended. Mayor Rousmaniere inquired if there was a standard inventory for these type of things and Mr. Chen advised the City did not have a standard and noted he assumed Ms. Southard was referring to the northern end of the property. Mr. McHugh advised normally there was a certain caliper size of trees inventoried and the inventory was used in an effort to preserve as many trees as possible. Ms. Reed inquired what would happen if there were 100 year old trees on the property.

Mr. Scott Johnston, 131 Country Club Drive, advised he felt Council had to be able to tell the developer what the consequences of an inventory would be. Mr. Johnston noted there was a precedent for major civil engineering projects such as a shopping center or a run-way and if wetlands were done away with the developer is obligated to recreate a wetland elsewhere. Mr. Johnston advised there was a precedent for asking for landscaping around the retention basins.

Ms. Reed advised there were large older trees at the end of Country Club Drive where the street connection must be made and there will be trees in the way of the public right-of-way. Ms. Southard noted all Council had was a aerial photo and it would be nice to know what was on the land. Ms. Reed advised the developer would incur an expense to hire an arborist to judge the quality and health of a tree when we knew it would be removed to extend a public street which was required by the developer. Ms. Reed noted it was a expense she wasn’t sure we were getting anything out of.

Mr. McKeehan advised he could not support the motion noting it was too broad and way too late in the process. Mr. McKeehan noted he was open for doing something in this regard for future development.

Ms. Southard referred to General Decision Standard (13) on page 115 of Council’s packet ‘Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance’ and advised there was no answer on page 115 and it remained a moot point. Ms. Southard reiterated all Council had was an aerial photo and that was why she felt it was legitimate to ask for an inventory of some sort to be done.

Mr. Smith advised he felt Council could not impose an ambiguous inventory condition (of some sort) upon a developer.

Mr. Smith noted he felt this could open Council up to a lot of other questions and legal issues and he didn't think Council could make this up on the dais tonight. Mr. Smith advised it probably needs to exist but it has to be defined and he didn't think it could be brought into this project at this time.

Mayor Rousmaniere and Mr. Dana concurred with Mr. Smith.

Ms. Southard restated the motion.

Ms. Southard moved to add condition #10 as follows: An inventory of the natural scenic and historic features of the land including vegetation, trees and so forth be compiled for the Final Planned Development plan by the developer. Mr. Dana seconded. The motion failed 1-5-0 with Mr. McKeehan, Mr. Dana, Mr. Blackburn, Mr. Smith and Mayor Rousmaniere voting nay.

Mr. Smith inquired if there had been any discussion with the owners of the private parcel on Grace Drive. Mr. Chen advised a letter was sent to them last week and so far he has not heard from them. Mr. Smith inquired if there were plans to do anymore Ash tree removal in the Country Club Drive/Olde Farm Road area noting there was at least one more that needed to be removed. Mr. Dreisbach noted he was not aware of the complaint brought up this evening. Mr. Dreisbach advised dozens of trees were removed from that area last year that were infected or diseased with Emerald Ash Borer. Mr. Dreisbach noted he would follow up with the complainant to discuss the tree he mentioned this evening and the issues with it.

Mr. Dana noted he felt Planned Developments were well suited to execute the goals of the Comprehensive Plan as they provided environmentally sensitive and cohesive developments that were attractive alternatives to traditional subdivisions. Mr. Chen agreed and reiterated the Planning Commission recommended approval of this proposed Planned Development unanimously with conditions.

Mr. McKeehan advised currently there were 11 building lots in Oxford for single family homes and there were undeveloped properties like the one in question and the one near Western Knolls adjacent to the middle school that are all zoned residential but there was no movement to develop them at this time. Mr. McKeehan noted the 11 lots were going fast even though they were probably the least desirable lots due to some sort of compromise. Mr. McKeehan advised he felt if Oxford wanted to continue to grow and be an attractive community we needed to be able to house people. Mr. McKeehan noted Council constantly heard Miami University professors and staff were moving away or not locating here because there's not an adequate supply of housing for them. Mr. McKeehan advised he didn't believe the proposed development would negatively affect surrounding property values as he had seen the homes built by Mr. Price and they were upscale homes. Mr. McKeehan noted he supported the proposed Ordinance.

Mayor Rousmaniere advised she served on the Planning Commission and they met until after 11:00 p.m. when this proposal was before them. Mayor Rousmaniere noted at that meeting the neighbor's main concerns were about water and drainage and more recent comments had been about density, traffic, culture and curb appeal. Mayor Rousmaniere read some of the comments she had received and asked why different was bad and why all neighborhoods had to look alike. Mayor Rousmaniere advised Council could not legislate style and difference.

Mayor Rousmaniere agreed the lots were smaller and not consistent with the original Heritage plan. Mayor Rousmaniere pointed out there was no plan for the expansion of the Heritage subdivision or if there was it was 40 years ago. Mayor Rousmaniere noted for 40 years the property in question had been empty with stubs leading into it so the fact it would be developed should not be a surprise. Mayor Rousmaniere advised this was not an extension of Heritage subdivision and even if it was inquired why it couldn't look different. Mayor Rousmaniere noted to her smaller densely arranged homes were not always bad and a lot of people in the community were talking about retiring in place. Mayor Rousmaniere advised many seniors living in large houses were looking for smaller single story houses with low maintenance yards as a nice place to retire. Mayor Rousmaniere inquired if a 'McMansion' would be better for this community. Mayor Rousmaniere noted smaller lots meant less likelihood of building expansion and inquired if that was a good or bad thing. Mayor Rousmaniere addressed the traffic issue and advised this was a circular road and the only people driving on it would be people living in the neighborhood. Mayor Rousmaniere noted if people were driving too fast the City had ways to address that. Mayor Rousmaniere advised the developer proposed a Neighborhood Conservation Overlay District be applied for to limit the number of unrelated people living in the proposed development and noted this was not going to be student housing. Mayor Rousmaniere advised the City had a commitment to connectivity and continuity as addressed in Zoning Code Chapter 11. Mayor Rousmaniere noted the circular road was safer for police and fire vehicles and she felt it improved neighborhood community relations. Mayor Rousmaniere advised the issue of missing sidewalks in the existing neighborhood was mentioned and the City had a process that residents could follow to get sidewalks installed. Mayor Rousmaniere advised she supported the proposed Ordinance.

Mayor Rousmaniere advised she was glad Mr. Price was in attendance noting she was concerned about how this development had proceeded. Mayor Rousmaniere advised Mr. Price met with residents early on and it was her understanding the residents left the meeting with less information about the development than when they came to the meeting. Mayor Rousmaniere noted at both the Planning Commission meeting and the first reading at the last Council meeting it was clear residents did not have a good understanding of the project or the process. Mayor Rousmaniere advised various citizens thought this was a rezoning project which it was not. Mayor Rousmaniere noted residents had little understanding of the benefit of detention basins and she learned detention basins would ease the problems they've had all these years. Mayor Rousmaniere advised at the Planning Commission meeting residents still thought there would be no garages or sidewalks. Mayor Rousmaniere noted she felt Mr. Price did the minimum of what he had to do as a developer.

Mr. Bryan Price, Red Brick Development LLC, advised the preliminary meeting he held was not required and he rented the Country Club, provided appetizers and had pictures of everything he intended to develop. Mr. Price noted the residents in attendance told him about their drainage issues and told him they didn't care what kind of houses would be built. Mr. Price advised he planned to attend the July 5th Council meeting however Council cancelled that meeting. Mr. Price noted he had lived in Oxford his whole life and had 4 kids who attended Talawanda Schools and Miami University. Mr. Price advised his company was a custom builder, they were not a MI or a Ryan, they were not a production home builder and there was a distinct difference.

Mr. Andrew Riggs, 106 Country Club Drive, noted he felt Council was getting the wool pulled over their eyes with a planned development verses a subdivision.

Mr. Riggs advised if Council wanted to see what 75' x 115' lots looked like fully developed to visit the development in Hamilton off of Northwest Washington Boulevard as the lots were the exact size as what's proposed here. Mr. Riggs noted he felt it would absolutely not fit into the landscape of his neighborhood.

Mr. Blackburn advised the hardest thing when building in Oxford was the cost of the land and the developer was trying to use less land and still provide a good product to individuals buying the houses. Mr. Blackburn noted he felt people would be happy with the product that was going to be built there and Oxford needed more housing. Mr. Blackburn advised he thought it was a good project.

Mr. Dana asked Ms. Reed to address the expected traffic impacts and pedestrian safety.

Ms. Etta Reed, Bayer Becker, advised the Planning Commission requested a Traffic Impact Study and Bayer Becker consulted with City Engineer, Victor Popescu and scoped the study with him. Ms. Reed noted they did trip generations and presented those compared to existing volumes on Contreras and Contreras due to the low volume of traffic it carried on the road the amount of traffic to be generated by this development would not create an impact at the intersection of Olde Farm Road.

Ms. Southard referred to her motion that failed and noted her hope the developer would take into account the existing trees and natural vegetation and go extra lengths to care for the wetlands, natural areas and oldest trees that exist there. Mr. Price advised that was in everyone's best interest and made the homes more marketable. Ms. Southard referred to the decision standards as presented on page 115 of Council's packet and noted she was still concerned with number (13) 'Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.' Ms. Southard advised she wasn't sure how we knew there was nothing of major importance on the property in question.

Mayor Rousmaniere advised Council could not vote yes or no on something because they liked or disliked it which was why the codified decision standards were utilized.

Mr. Jim Chagdes, 209 Country Club Drive, noted he felt his neighbors liked different types of housing and no one would complain about open space and more trees. Mr. Chagdes advised they were concerned with the dramatic decrease in lot size.

Mr. McKeehan moved to adopt Ordinance No. 3359. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Dana, Mr. McKeehan, Mr. Smith, Ms. Southard, Mr. Blackburn,
Mayor Rousmaniere (6)

NAY: None (0)

ABS: None (0)

Mayor Rousmaniere thanked all of the citizens for their input on this issue and asked them to keep an open mind regarding this project.

ORDINANCE

SECOND READING

NEW CHAPTER 725

An Ordinance No. 3360 Repealing Oxford Codified Ordinance Chapter 725 Entitled Taxicabs, And Adopting New Oxford Codified Ordinance Chapter 725 Entitled Taxicabs. (Alan Kyger, Economic Development Director) **(Tabled)**

Mr. Dana moved to remove the proposed Ordinance from the table. Mr. Smith seconded. The motion passed 6-0-0.

Mr. Kyger noted given the comments made at the last meeting it was felt some of the language was too vague. Mr. Kyger referred to page 167 of Council's packet item 725.07 (e) 7. Mr. Kyger advised he, the City Manager and Police Chief met and the language was revised to read '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.

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

Mayor Rousmaniere noted Mr. Ellerbe was out of the country and she felt the additional language addressed his concern from the last meeting.

Mr. McKeehan thanked Mr. Kyger, Mr. Elliott, Chief Jones and Officer Carlson for their efforts in updating this Ordinance noting it was something the City seriously needed to update.

Mr. Dana moved to amend the proposed Ordinance by adding the words **felony criminal record** to Section 725.07 (e) 7 of the proposed Ordinance. Mr. McKeehan seconded. The motion passed 6-0-0.

Ms. Southard moved to adopt Ordinance No. 3360. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. McKeehan, Mr. Smith, Ms. Southard, Mr. Blackburn, Mr. Dana,
Mayor Rousmaniere (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3361 Amending Ordinance No. 3335. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2016. (Joe Newlin, Finance Director)

Mr. Newlin advised he had nothing to add since the first reading of the proposed Ordinance.

Mayor Rousmaniere noted the supplemental budget dealt with health care and a fire grant.

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

Mr. Dana moved to adopt Ordinance No. 3361. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Smith, Ms. Southard, Mr. Blackburn, Mr. Dana, Mr. McKeehan
Mayor Rousmaniere (6)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised he and Mr. Chen met with the new owner of the Miami Mobile Home Park to discuss his improvement plans for the park and policies for the residents. Mr. Elliott noted he was very encouraged with the new owner's plans.

Mr. Elliott reminded Council of the Work Session on Thursday, August 18th to discuss the 5 year Capital Improvement Plan (CIP).

Mr. Dreisbach updated Council and the public on the US 27 S. road widening project, US 27 S. water main installation, the Bonham Road bridge project, the hazard tree removal program and replacement schedule and the street resurfacing project.

Mr. Wooddell updated Council and the public on renovations planned for the shelter and playground at the Merry Day Park.

Mr. Kyger congratulated Tom and Sheryl Uhl for their efforts in running Stella's restaurant for 7-8 years noting they gave it a 'good run'.

Mr. Kyger noted Oxford did not receive Tiger grant funding and updated Council and the public on the efforts to bring an Amtrak station to Oxford.

Mr. Kyger noted the founders of the Oxford Music Festival, Ted and Maryrose Beerman were in town recently and attended the music festival where an impromptu Proclamation was presented to them to celebrate and recognize their efforts in creating this wonderful event.

Mr. McKeehan thanked the Police Department for all they do noting he attended along with many other Council members and staff the memorial service for former Chief Holzworth. Mr. McKeehan advised it drew to home what our Police do here and everywhere.

Mr. Dana advised he read in Mr. Dreisbach's report the City was awarded a grant towards the Collins Run Road alignment with Main Street and signalization of Chestnut Street project in an amount over \$300,000. Mr. Dana complimented Mr. Dreisbach on this award and expressed he was pleased this would happen.

Ms. Southard advised on July 20th 11 people from Oxford and Miami University attended the first Ohio Town Gown conference in Pickerington, Ohio. Ms. Southard thanked Mr. Elliott for organizing the trip noting it was a great experience for all of those who attended. Ms. Southard noted her hope Oxford and Miami University would continue to be involved in the town gown meetings since all college and university communities shared the same issues.

Mr. Blackburn advised the Red Brick Reunion Porsche Car Show would take place in Uptown Oxford on Saturday, August 13. Mr. Blackburn noted 200 cars were expected to participate and it would be a very nice show.

Mayor Rousmaniere advised August 6th was the Chamber of Commerce Dog Days event Uptown from 10:00 a.m. to 2:00 p.m.

Mayor Rousmaniere noted as an example of town gown efforts, the Oxford Visitors Bureau and Miami University were hosting an event for first year students called First Year Takeover on August 27th. Mayor Rousmaniere advised the event would include a scavenger hunt in Uptown Oxford.

Mayor Rousmaniere noted the Oxford Community Picnic sponsored by the Oxford Police Division would take place on Thursday, September 1st.

ADJOURN

Mr. Dana moved to adjourn at 9:56 p.m. Mr. McKeehan seconded. The motion passed 6-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 16, 2016

Sam Perry
Prepared By

Account Code No. #:

August 10, 2016
Date Prepared

Budgeted Amount:

HAPC MEETING REPORT – August 3, 2016

New member Lynne Kronholm was in attendance.

New Business

Uptown Bicycle Grant Application(s) -- Helaine Alessio presented a summary of her project idea which would eventually need reviews and assistance from City staff and the HAPC. The plan was to combine active lifestyle research, transportation improvements, public art education and economic development into one project. Initially it is a search for funding three artistic bike racks to collaborate with business owners and the city in identifying locations and designs. Miami students would assist in the project. Oxford Community Foundation or other national grants may be potential sources. Any final details of rack designs would require a Certificate of Appropriateness. The Commission voted 6-0 to provide a letter of support to Ms. Alessio for her grant applications.

Certificates of Appropriateness

HAPC-2016-13; 17 W. Church Street, demolition of an existing structure and construction of a new mixed-use building, **Scott Webb, Applicant, Agent** --- The proposal is to demolish the existing 1920s single family residence and replace it with a four-story mixed use building. The pre-application was reviewed in July. The building would be built lot line to lot line, east to west. The rear area is used as a restaurant patio. The HAPC reviewed the new elevation details, comparing the proposal with the Design Guidelines. Surrounding future viewpoints were discussed. The Commission determined that the west elevation should brick instead of block. The applicant agreed to prepare a revised west elevation. The Commission voted 6-0 to approve the COA as proposed with a requirement that a revised elevation be presented in September.

Old Business

HAPC-2015-01; 10 North Beech St, Revision to an Approved COA, Greg Meyer,

Applicant/Agent – Dan Rankin explained changes were to the transition between the existing Simonds building and their new mixed use building. This was a result of unknown demolition findings and incomplete design from the previous architect. There would be brick in the transition instead of solid metal panels around the two-story glass. The HAPC approved the revisions 6-0 as presented.

Administrative Approvals

HAPC-2016-12; 1 W. High St, extension of retaining wall and fence, Robert Treadon, Applicant, Agent --- The existing fence and retaining wall beside Chipotle is to be extended with an administrative review and approval

Announcements

Chair Kohus asked for a subcommittee to update the building inventory: Kronholm, Smith and Kohus volunteered.

Next regular meeting is September 7, 2016 at 6:00 p.m.

Department Head:	<u>SHC</u> <u>8/11/16</u>
City Attorney:	<u> </u> <u> </u>
City Manager:	<u>DRE</u> <u>8/12/16</u>

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: August 16, 2016

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

August 5, 2016
Date Prepared

Agenda Title: Environmental Commission Meeting of August 3, 2016

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, August 3, 2016 meeting were: Chair, Mr. Wright Gwyn; Vice-Chair, Mr. Vince Hand; City Council Representative, Mayor Kate Rousmaniere, Mr. Kevin Armitage, and Ms. Madeline Maurer. A quorum was present. Planning Commission Representative, Mr. Robert Bell had previously informed the Commission that he would be unable to attend this meeting as he was out of town.

The minutes from the June 1, 2016 Environmental Commission meeting were unanimously approved as presented.

Prior to discussion of Agenda items, Mayor Rousmaniere informed Commissioners that at the City Council meeting of August 2, 2016, the City Council had tasked the Environmental Commission to research and develop recommendations (for possible inclusion into Oxford's Codified Ordinances) regarding assessment of sensitive area(s) associated with proposed planned developments and major site development plans. The proposed Red Brick Estates in the Heritage Subdivision prompted this request. The goal is to create code that requires developers to investigate, confirm, or deny the existence of various environmental issues associated with proposed developments, and to make viable proposals to mitigate issues that are identified by the assessment. The Commission had started research into sensitive development areas in late 2015 and into early 2016 in association with a pending review of Zoning and Subdivision Codes by the Community Development Department and Planning Commission. This broad review was narrowed to focus on the Mile Square rental housing in January 2016, and the urgency for the Environmental Commission's work on sensitive area issues was subsequently mitigated.

Mayor Rousmaniere also informed the Commission that the Planning Commission continues to work on zoning code regarding rental housing in the Mile Square in an effort to reduce the sprawl of rental units on the outskirts of Oxford. A consultant has reportedly been in the community over the last several weeks to assist with identifying options.

Staff informed the Commissioners that their requested edits to the Oxford web site's information regarding Oxford's Electric Aggregation Program had been made, and the information that was requested to be included on the utility billing will be included with September 2016's mailing.

(Continued)

Approved By:

Department Head:
City Manager:

Initial	Date
<u>MBD</u>	<u>8/10/16</u>
<u>DRE</u>	<u>8/12/16</u>

Ms. Maurer presented her research on locations of bicycle racks in the community. Ms. Maurer had done this mapping project in association with a graduate-level Geography course she had taken over the summer. A total of 206 bicycle racks or corrals were identified, with over 80% located on Miami University's campus, with non-campus racks/corrals located in the Uptown area and near the Kroger supermarket. It was noted that some off-campus areas with higher population densities were absent of racks/corrals. Commissioners were informed that Ms. Helaine Alesso, in association with Oxford's Historic and Architectural Preservation Commission, is investigating funding sources for a project of constructing and installing bicycle racks as art sculptures. Mayor Rousmaniere was requested to communicate the Commission's interest in the status of Ms. Alesso's findings.

Staff updated the Commission regarding research into a requirement for diversity in street and public tree plantings. Previously, the Commission had recommended inclusion in Oxford's Codified Ordinance Chapter 935 a specific number of trees (6 or more) in a planting project that would require the "10-20-30" Rule (no more than 10% of one Species, 20% of one Genus, and 30% of one Family) to be planted. It was subsequently concluded that this requirement was too rigid. Staff's research concluded of the 82 species of trees on the Official Street Tree listing document (included in Chapter 935.05), there were 23 separate Families of trees represented. Also, 53 of these species (65%) were classified as native and/or regional species to the area. Staff prepared a policy statement regarding encouraging the adherence of the "10-2-30" Rule for incorporation into the Official Street Tree document. Commissioners reviewed the diversity policy statement and recommended minor edits to the text. The Commissioners instructed Staff to present the Approved Street Tree's common name(s), and scientific name (Family, Genus, and Species) in a format similar to the current presentation (last revised in August 2015), adding notation(s) indicating if the tree is considered native, common, or suggested by the Ohio Department of Natural Resources.

The Commissioners concluded discussion at 8:35 p.m. Review of Commissioners' anticipated schedule for September indicated that Mr. Hand would be unavailable to attend the regularly scheduled meeting. As Mr. Hand has previous professional experience in environmental, ecological, and/or sensitive area investigations, the Commissioners felt his input into development of recommendations for Oxford's code addressing sensitive areas development was important. With this in mind, the next scheduled meeting of the Environmental Commission is on Wednesday, August 31, 2016 at 7:00 p.m., in the Municipal Building's Second Floor Conference Room.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: August 16, 2016

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

August 11, 2016
Date Prepared

Agenda Title: A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Saturday, October 1, 2016 from 11:00 p.m. until 12:30 a.m. in the Uptown Parks for the Miami Athletics Midnight Madness event.

Recommendation: n/a

Discussion:

Please see the attached Resolution, Request for Public Park Permit, Request for Public Right-of-Way Permit and the Noise Abatement Application.

The event itself has been approved. If Council approves the Noise Abatement request, the applicant can proceed with plans for a DJ. Council approved this noise abatement request last year.

Approved By:

Department Head:
City Manager:

Initial Date

DRE 8/12/16

RESOLUTION NO.

A RESOLUTION AUTHORIZING A TEMPORARY ABATEMENT OF THE NOISE ORDINANCE NO. 2550, SECTION 509.09, ON SATURDAY, OCTOBER 1, 2016 FROM 11:00 P.M. UNTIL 12:30 A.M. IN THE UPTOWN PARKS FOR THE MIAMI ATHLETICS MIDNIGHT MADNESS EVENT.

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

SECTION 1: The City Manager and the Police Chief recommend a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, for the Miami Athletics Midnight Madness event on Saturday October 1, 2016 from 11:00 p.m. until 12:30 a.m. in the Uptown Parks in accordance with the provisions in the Noise Ordinance No. 2550, Section 509.11, Exceptions to Noise Restrictions, Section G: "Noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the City of Oxford, Ohio."

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

SECTION 3: The City Manager is hereby authorized to approve a temporary abatement of the Noise Ordinance No. 2550 Section 509.09 for the Miami Athletics Midnight Madness event on Saturday, October 1, 2016 from 11:00 p.m. until 12:30 a.m. in the Uptown Parks.

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

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
NOISE ABATEMENT APPLICATION

EVENT INFORMATION:

DATE REQUESTED FOR NOISE ABATEMENT: 10/1/16

FROM: 11 ^{a.m.}_{p.m.} TO: 12:30 ^{a.m.}_{p.m.}

ACTIVITY/EVENT TO BE UNDERTAKEN:

Miami Athletics Midnight Madness (Basketball)

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

Main between High & Church

NUMBER OF PEOPLE EXPECTED TO ATTEND: 500

OPEN TO PUBLIC
ALCOHOL AVAILABLE

YES
YES

NO
NO

TYPE OF SOUND EQUIPMENT TO BE USED:

DJ positioned next to event to localize the announcements.

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

Pre-set music level & monitor

APPLICANT ORGANIZATION INFORMATION:

NAME OF ORGANIZATION: Miami Athletics

ADDRESS: Millett Hall TEL. #: 513-529-0402

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

Director of Marketing & Fan Engagement

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

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

Applicant's signature Yimday B. Oponka Date: 8/10/16

RECEIVED

10/2/2016

APPROVED

Rev. 6/16



City of Oxford



REQUEST FOR PUBLIC PARK PERMIT



REQUEST FOR PUBLIC RIGHT-OF-WAY PERMIT

Date(s) of Event: 10 / 1 / 16 through 10 / 2 / 16 From: 4 a.m./2 p.m. To: 2 a.m./p.m.

Today's Date: 8 / 2 / 16 ☐ Emergency Utility Repair (check box, if applicable)

--- Applicant shall allow a minimum of 3 business days for processing ---

Responsible Adult:
(18 years of age or older)*

Address:

Telephone:

Cellular:

Fax:

Email:

Lindsay Sparks / Megan Henderson

500 E. Sucamore St.

Millett 203

513-529-0402

812-219-2840 / 513-328-7475

sparkslg@miamioh.edu

hendermj@miamioh.edu

Organization:

Advisor:

Address:

Telephone:

Cellular:

Fax:

Email:

Non-Profit:

Miami Athletics

☒ Yes ☒ No

* Person in charge - Primary contact

PARK REQUESTED

- ☐ Merry Day Park (adjacent to the Miami Mobile Home Park, Reagh Way Drive)
☐ Leonard Howell Park (Bonham Road)
☐ Oxford Community Park (Fairfield Road) – Contact 523-6314 to confirm date(s)
☒ Memorial Park (E. Park Place & N. Main Street – has pavilion)
☒ Martin Luther King Jr. Park (W. Park Place & N. Main Street – animal sculptures & fountain)
☐ Other: _____

TITLE OF EVENT (be specific and include projected attendance)

Midnight Madness

Projected Attendance: 200 Has this event been held previously? ☒ Yes ☐ No If "YES", when? 10/29/15

Will food, goods, services or merchandise be sold at the event? ☐ Yes ☒ No

If "YES", please see Section 729.05, Sales on Certain Municipal Property Prohibited (attached to last page of application.)

Note: If you or your organization are handing out information on the public sidewalk, no permit is required.

DESCRIPTION OF EVENT

Place a description of the event, along with additional requests, on the appropriate attachment. If request is only for use of a right-of-way, use the attachment labeled City of Oxford / Right-of-Way Request Details.

Applicant's Signature:

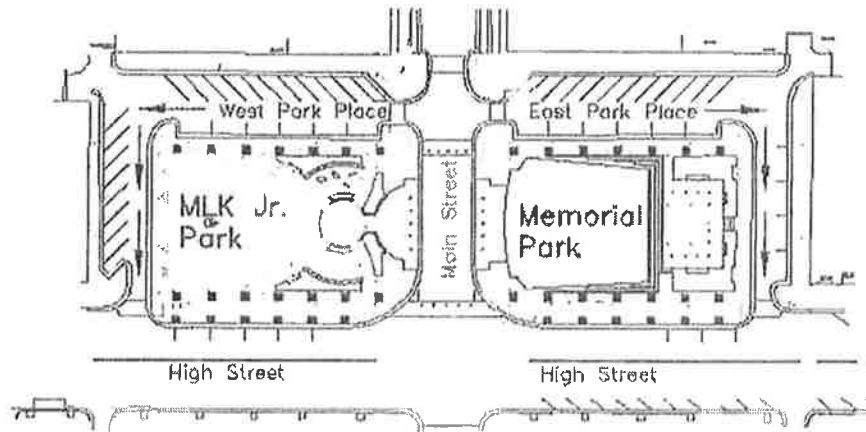
Lindsay Sparks

Date:

8 / 2 / 16

I have read and understand the rules, guidelines and conditions. Furthermore, I understand that acceptance of them is a condition of approval; and, if approval is granted, it is only for the event specified above. I also understand that the request will be reviewed by various City of Oxford officials and additional conditions may be required before final approval is granted. If additional conditions are required, I agree to meet with the appropriate officials and/or the Oxford Community Event Coordinating Committee.

* Met with Jessica Greene + complete Run? form.



OXFORD MEMORIAL PARK & MARTIN LUTHER KING JR. PARK

Instructions for Applicant: Please clearly denote (1) the sections of the parks that you are requesting, (2) parking spots needed and (3) proposed street closures. Place a concise narrative explanation on the following lines. Attach additional pages if necessary.

Please see attached.

Additional Requests:
(Include details in narrative)

- ☒ Pavilion
- ☐ Extra trash cans*
- ☐ Sound system (with operator)*
- ☒ Stage lighting*
- ☒ Special power requirements (explain in narrative)* Trees
- ☐ Other: _____

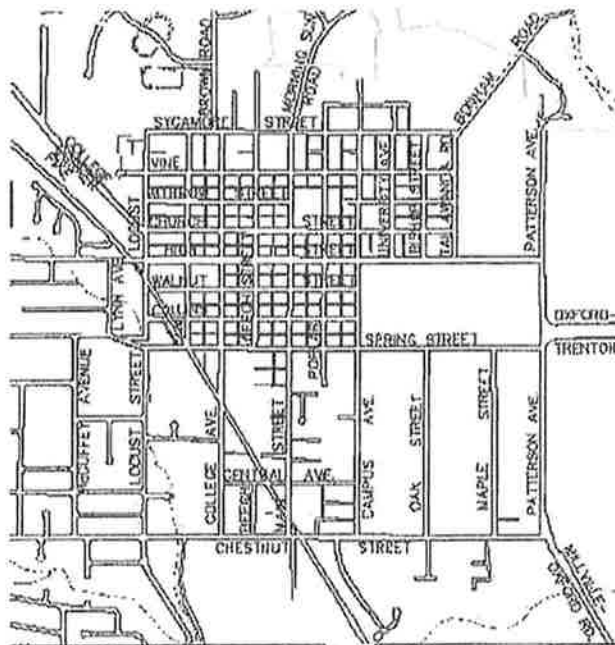
Time Details

	Start	End
Setup	8pm	10pm
Event	11:30pm	12:30am
Breakdown	12:30am	1:30am

*See fee sheet

NOTE: Street closures will be at the discretion of the Oxford Police Department

Note
If your event is outside the boundaries of this map, either attach a separate map or contact the City for assistance.



CITY OF OXFORD / RIGHT-OF-WAY REQUEST DETAILS

Instructions for Applicant: Please clearly denote the parade route, streets and/or sidewalk areas being requested. Place a concise narrative explanation on the following lines. Attach additional pages if necessary.

Please see attached.

Additional Requests:
(Include details in narrative)

- ☒ No Parking Signs* 10
☒ Detour(s) Main St. closed
☐ Police Assistance

Time Details

	Start	End
Setup	9pm	10pm
Event	11:30pm	12:30am
Breakdown	12:30am	1:30am

*Generally the responsibility of the applicant.

Miami University Basketball Midnight Madness

Highlight the start of the Basketball season and build excitement. Will be immediately following a MU Hockey Game on 10/1. (This is also Family Weekend)

Requesting closure of Main St.

- Will set up temporary basketball court on Main St. with hoop facing North.
- Will have shoot out competition.

Requesting stage lights.

- Will hire DJ and Sound for duration of event.

Requesting Power on at Trees.

- Will place extra lights on temporary court

Requesting 10 Parking spaces on East and West Park Place (5 on each side) to allow for event booth space.

- Vendors will pass out free items.

NOISE ABATEMENT
APPLIED FOR AND
IS SEPERATE
FROM ROW.


16



Stipulations and Fees

Note: FULL PAYMENT REQUIRED BEFORE THE EVENT

RIGHT-OF-WAY

Applicants should allow a minimum of **five (5) business days** for the request to be processed from the time it is submitted to city officials. *(Please provide the City with as much lead time as possible. Events requiring road closures and staffing will require additional processing time. Large event requests shall be submitted no less than fourteen (14) days in advance of the event.)*

1. Applicant shall manage all work zones in the Right-of-Way in compliance with the Ohio Manual of Uniform Traffic Control.
2. Large events (estimated at over 500 people, including all concerts and performances, will require a pre-meeting with the Police (524-5247) and Service Department (524-5206) prior to approval. **Note: Requests WILL NOT be approved prior to the pre-meeting.**
3. The period of use may not exceed two (2) days without city council approval.
4. At least one legally responsible adult must sign the request.
5. The usage may not discriminate for or against a given class of people.
6. All ordinances that regulate noise shall be observed.
7. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.
8. The requestor is responsible for cleanup. Failure to cleanup may result in subsequent requests being denied or a deposit being required. In addition, a cleaning charge may be assessed.
9. Safety staffing levels will be determined by the Oxford Police Division and the requestor may be required to hire police officers.
10. All special conditions specified by department heads must be complied with. Fees may be assessed for special services – see below.
11. Miami University approval is required for student events.
12. NO markings may be made on streets or sidewalks within the public right-of-way.

USE OF PARKS (ALL THOSE ABOVE, PLUS)

1. No motor vehicles may be parked within the area of the park or on any sidewalk.
2. Banners are only permitted on the stage area during the function and must be removed immediately after the event. Tying is the only acceptable way of affixing a banner to the stage area.
3. No signs are permitted.
4. The requestor is responsible for damage to grass, shrubs or trees as a result of the event and agrees to compensate the City of Oxford the cost of repairs and/or replacement.
5. No structure shall be defaced and no structure shall be erected within four (4) feet of the base of a tree or shrub.
6. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.

FEE INFORMATION

No Parking Signs \$.35 ea.
Metered Parking \$10.00/ea
Trash Cans \$5.00/ea.**

*When required

** For Additional cans

Personnel

Police Officer(s) Contact OPD
Sound Technician \$25.00/hr
Street Dept. Personnel \$25.00/hr
Electrician \$100.00
Park & Rec Personnel Contact OPRD

Road Closures

Main Street \$135.00**
US 27 Detour \$135.00**

**Includes labor

Sports Fields/Gazebo

Contact OPRD – 523-6314

APPLICANT'S ASSURANCE

I have reviewed the estimated cost for the event and agree to compensate the City for services rendered as specified above. If the event runs past the stated end time, I understand that additional charges will accrue and agree to compensate the City accordingly.

Thomas J. Sparks
Applicant's Signature

Date: 8/2/16

CITY USE ONLY

	Service	Hours	Rate	Estimate	Final
1	Detour	1	\$135	\$135	\$
2	Trash bins	8	\$5	\$40	\$
3	Service Personnel	5	\$25	\$125	\$
4	Parking Meter	10	\$10	\$100	\$
5			\$	\$	\$
	Total		\$	\$	\$

	Applicant's Initials	Review Date
Police Department		
1		
2		
3		
4		
Fire Department		
1		
2		
3		
4		
Service Department		
1		
2		
3		
4		
Recreation Department (if applicable)		
1		
2		
3		
4		
City Manager		
1		
2		
3		
4		

Pre-Meeting (if applicable): Reviewed with _____ on _____

Reviewer(s): _____

APPROVAL SECTION (with conditions)

Police Chief: ☒ Approved

☐ Not Approved

Fire Chief: ☐ Approved

☐ Not Approved

Service Director: ☒ Approved

☐ Not Approved

Recreation Director: ☐ Approved

☐ Not Approved

City Manager: ☒ Approved

☐ Not Approved

[Signature] 8/8/16
1
[Signature] 8/8/16
1

DRE

City Manager's Signature

Date: *8/9/16*

Reason(s) event not approved:

--

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: August 2, 2016

Account Code #: N/A

Budgeted Amount: N/A

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

July 28, 2016

Date Prepared

Agenda Title: Notice of Actual Costs for Special Assessment Improvements

Recommendation: Approve

Discussion:

On April 5, 2016, the Oxford City Council passed Resolution No. 4976 declaring the necessity to improve portions of certain properties on multiple streets in the City of Oxford. An exhibit with this Resolution identified properties that required improvements to the property's curb, gutter, sidewalk and/or driveway apron in the Right of Way (ROW). Work also included improvements to City owned facilities including the apparatus drive at the Fire Station and parking lot improvements at the Oxford Senior Center.

On June 7, 2016, the Oxford City Council passed Resolution No. 4987 authorizing a construction contract with W.G. Stang, LLC for the removal and replacement of substandard curb, gutter, sidewalk, and driveways. Stang has completed all work necessary associated with this contract.

Since receiving notice of City's intention to move forward with improvements, several property owners elected to have the work done under their own control and at their own cost. Nine properties elected to have the City construct the required improvements. Per Ohio Revised Code 729.07, the attached Exhibit "A" details the actual costs incurred by the City for each property electing improvements via special assessment on their property taxes.

Upon approval of this Resolution, these costs will be filed with the Clerk of Council for public inspection. The City will also publish a notice weekly for three consecutive weeks in the *Hamilton Journal* detailing the parcels involved and the actual costs of the work performed. If an owner objects to the assessment, they must file their objection in writing with the Clerk of Council within two weeks after the expiration of the notice.

The City Council will have the opportunity to review any objection and then consider adopting an Ordinance levying the costs of improvements upon the parcels as detailed in Exhibit "A". The Ordinance must detail the number of annual installments, in this case five (5), with City assessed interest on deferred payments at a rate of 5%. The owner may also pay cash for the assessment within 30 days after passage of the Assessing Ordinance.

Staff recommends Council authorize the Clerk to make said assessment costs available for public inspection and to publish such weekly in the *Hamilton Journal* for a period of three consecutive weeks. The Clerk shall then report to Council any objections to the assessments that may be received prior to an assessment authorizing Ordinance.

Approved By:

Department Head:

Initial

Date

MBD

7/29/16

City Manager:

DFE 8/12/16

RESOLUTION NO.

A RESOLUTION DETERMINING THE TOTAL COST OF THE ASSESSMENT BY LOT, AUTHORIZING THE LIST OF ASSESSMENTS BY LOT TO BE FILED WITH THE CLERK OF CITY COUNCIL AND ORDERING THE SAME BE OPENED FOR PUBLIC INSPECTION AND AUTHORIZING THE CLERK OF CITY COUNCIL TO PUBLISH NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION THAT THE LIST OF ASSESSMENTS BY LOT IS AVAILABLE FOR PUBLIC INSPECTION.

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

SECTION I: Pursuant to Ohio Revised Code 729.07, the City of Oxford Clerk of Council has reported to the Oxford City Council that the final cost of construction and repair of sidewalks, curbs and gutters was \$14,094.30.

SECTION II: Pursuant to Ohio Rev. Code 729.07, Oxford City Council authorized the creation of a list of estimated assessments ("Exhibit A"), which includes the total cost of construction, repair or installation to each lot or land abutting such construction, repair or installation.

SECTION III: Pursuant to Ohio Rev. Code 729.07, Council authorizes Exhibit A to be filed with the Clerk of Council and be made available for public inspection.

SECTION IV: Pursuant to Ohio Rev. Code 729.08, Council authorizes the Clerk of Council to publish a notice in the *Journal News* for three (3) consecutive weeks stating that Exhibit A is on file with the Clerk of Council and is available for public inspection. The notice shall further state that any person who objects to an assessment listed on Exhibit A must file his objections in writing with the Oxford Clerk of Council within two (2) weeks after the expiration of the notice.

SECTION V: Pursuant to Ohio Rev. Code 729.09, the Clerk of Council shall deliver any written objections to City Council for review and City Council will adopt an ordinance levying upon the lots and lands listed in Exhibit A the final assessment amounts with such changes or corrections as Council deems proper. The ordinance shall state that the assessments are payable over no more than five (5) annual installments, with interest on deferred payments at the rate of 5%. The ordinance shall also state that assessments can be paid in full in cash within 30 days after passage of the ordinance.

SECTION VI: This Resolution 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)

Exhibit "A"

Curb, Gutter, Sidewalk, for 2016 Resurfacing									
Address	Direct ion	Street Name	Property Owner	Parcel #	Lineal Ft Curb	Square Feet Sidewalk	Square Ft Drive Apron	Estimated Cost	Actual Final Cost
5195		Brown	WELLS DANIEL C & JENNIFER J	H4100012000022	110	0	0	\$ 3,190.00	\$ 3,509.00
5245		Brown	JDRS INVESTMENTS LLC	H4100012000021	52	0	0	\$ 1,508.00	\$ 1,658.80
5249		Brown	KIRKPATRICK REBECCA J	H4000012000019	10	0	0	\$ 290.00	\$ 319.00
5214		Brown	HURSTON NORMA J ETAL	H4100011000076	50	20	0	\$ 1,590.00	\$ 1,749.00
5204		Brown	GURR DALE A TR ETAL	H4100011000073	43	0	0	\$ 1,247.00	\$ 1,371.70
5170		Brown	BOEVERS COLIN T	H4100011000080	20	0	0	\$ 580.00	\$ 638.00
5140		Brown	LIU HOU CHANG & ZHENKUN	H4000011000069	10	0	0	\$ 290.00	\$ 319.00
5130		Brown	KNOCK KEVIN & GRETCHEN	H4100011000068	26	0	0	\$ 754.00	\$ 829.40
			BOEVERS COLIN T	H4100011000067	116	0	0	\$ 3,364.00	\$ 3,700.40
Total:					437	20	0	\$ 12,813.00	\$ 14,094.30

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 16, 2016

Sam Perry
Prepared By:

Account Code No. #:

Budgeted Amount:

August 10, 2016
Date Prepared:

Resolution to authorize the City Manager to sign consultant contract with Environmental Design Group for Phase 2 Oxford Recreational Trail Schematic Design / Cost Estimate for \$27,000

Recommendation: Approval

Discussion:

The 2016 City Council set aside funding to hire a consultant review and updated a cost estimate for designing and constructing Phase 2 of Oxford Recreational Trail. The 2007 cost estimate on file was determined to be outdated and lacked the detail needed for seeking various funding sources. However, it did provide an excellent starting point which enabled Phase 1 design to get underway.

Phase 2 runs from Bonham Road clockwise around the city to the Community Park. The City advertised a Request for Qualifications April 17-May 17, 2016. Eight statements of qualifications were received and scored by representatives of Miami University and City of Oxford. Environmental Design Group scored highest out of the eight.

City staff negotiated a \$27,000 fee and contract in order to deliver the information requested. The contract stipulates timeframe for the consultant to meet with City staff and the Oxford Area Trail committee in the development of the preferred trail route. Please note that the contract is not to survey and engineer trail construction plans, but is only to provide a single preferred route and a variety of cost estimates, depending upon potential funding sources.

The contract is written such that the rights to the information is owned by the City and intended to be used by any community organization seeking funds for further trail development. A professional experienced in recreational trail development is needed because different funding sources have different requirements for due diligence. For example, federal funding has the highest requirements for environmental compliance. The consultant will provide percentage factors to the City for stepping down the cost estimate based upon the potential future funding source.

Approved By:

Department Head:
City Attorney:
City Manager:

SHC 8/10/16
[Signature] 8/12/16

RESOLUTION NO.

A RESOLUTION ACCEPTING THE PROPOSAL AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT ATTACHED HERETO AS EXHIBIT "A" WITH ENVIRONMENTAL DESIGN GROUP FOR PRELIMINARY DESIGN SERVICES FOR OXFORD RECREATIONAL TRAIL PHASE II AT A COST NOT TO EXCEED \$27,000.00.

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

SECTION 1: The City Manager and the Community Development Director recommend Council accept the proposal and authorize the City Manager to enter into an agreement attached hereto as Exhibit "A" with Environmental Design Group for Preliminary Design Services for Oxford Recreational Trail Phase II at a cost not to exceed \$27,000.00.

SECTION 2: Council accepts the recommendation of the City Manager and the Community Development Director and accepts the proposal of Environmental Design Group for Preliminary Design Services for Oxford Recreational Trail Phase II at a cost not to exceed \$27,000.00.

SECTION 3: Council further authorizes the City Manager to enter into an agreement attached hereto as Exhibit "A" with Environmental Design Group for Preliminary Design Services for Oxford Recreational Trail Phase II at a cost not to exceed \$27,000.00.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)



450 Grant Street
Akron, Ohio 44311

806 Literary Rd, #206
Cleveland, OH 44113

330.375.1390
800.835.1390
Fax 330.375.1590

www.envdesigngroup.com

Civil Engineering
Landscape Architecture
Planning
Surveying
Environmental Services
Construction Management

July 28, 2016

City of Oxford
Environmental Design Group No. 16-00209-01P

Sam Perry
City of Oxford
101 E. High Street
Oxford, OH 45056

Subject: Oxford Recreational Trail Phase 2 - Preliminary Design Services

Dear Mr. Perry:

Thank you for the opportunity to present this proposal for professional technical services to City of Oxford (Client) for the Oxford Recreational Trail Phase 2 – Preliminary Design Services. We are thrilled to work with you and the City of Oxford on this exciting project.

Our proposed scope of services, outlined below, is in response to the information you provided in our conference call on June 13, 2016. We have included scope tasks, schedule, compensation and a list of assumptions and exclusions that will help clarify the intended scope of services, both for the City of Oxford and for Environmental Design Group.

Project Understanding:

This study will examine the feasibility of construction of an ADA compliant 10' wide multi-use trail within an approximate 5.0 mile corridor that connects Oxford Community Park to Leonard G. Howell Park on Bonham Road. Environmental Design Group will evaluate the 2007 Preliminary Trail Plan (prepared by KZF Design) and identify a single preferred trail alignment. A preliminary alignment plan, construction costs and renderings will be developed for the preferred trail alignment.

Scope Tasks

Task 1 – Review 2007 Preliminary Trails Plan, Field Reconnaissance, and Technical Analysis

As part of this task, we will:

- Review and assess the previous 2007 preliminary trails plan prepared by KZF Design
- Using third party data, we will review existing conditions in the corridor including topography, parcels, ownership
- Prepare base mapping of the study area using GIS data including county parcel, topo, and other third party data
- Review existing right-of-way and corridors (roads, railroads, utility corridors, streams)
- Evaluate road crossings and/or intersections
- Assess physical constraints such as topography, soils, and wetlands
- Attend one (1) kickoff meeting with the Client and conduct one (1) field reconnaissance of the study corridor with the Client to assess current conditions to assess potential trail alignment
 - The kickoff meeting and field reconnaissance shall be scheduled and conducted on the same business day or within one day of one another.

- If Environmental Design Group determines that field conditions are not able to be completely assessed because of vegetation (i.e. foliage on trees), Environmental Design Group will conduct a second field visit in the fall after the foliage has dropped at no additional cost to the Client.

Task 2 – Preliminary Alignment Plan

We will provide a preliminary alignment plan describing the assessment of the proposed preferred trail alignment with any potential environmental, constructability, or private property impacts.

The alignment plan will include:

- Identification of the single preferred trail alignment to be evaluated and developed for this study
- Preferred trail alignment with descriptions or notes of special conditions or features
- Determine logical termini for preferred trail alignment
- Identify obvious and visible environmental and ecological considerations related to trail alignment
- Identify locations where bridges, boardwalks or other non-traditional trail sections would be required
- Meet current ODOT/AASHTO design standards for trail construction unless noted
 - Identify any design exceptions or alternative standards that may need to be considered to address constructability or feasibility issues
- Conduct one (1) project meeting with the Client and conduct one (1) project meeting with the Oxford Trails Committee
 - The project meeting with the Client and project meeting with the Oxford Trails Committee shall be scheduled and conducted on the same business day or within one day of one another.
- One (1) draft preliminary alignment plan and one (1) final preliminary alignment plan will be prepared as part of this scope. The Client will review the draft preliminary plan and provide its comments to Environmental Design Group. Any additional revisions to the preliminary alignment plan will be billed on a time and materials basis.
- The preliminary alignment plan will be prepared as 11 X 17 inch sheets and delivered to the Client as a high resolution pdf digital file
- The preliminary trail alignment will be exported from a .dwg to a shapefile and will be delivered to the client as a digital file. We will create a shapefile that includes all impacted parcels, with distinction between publicly owned vs. privately owned. The shapefile will be delivered to the client as a digital file.

Task 3 – Cost Opinion

We will provide a professional cost opinion for the proposed design fees and construction costs of the preferred trail alignment.

- The cost opinion will be delivered to the Client as a high resolution pdf digital file.
- General assumptions, if applicable, will be listed in writing within the cost opinion document.
- The cost opinion will be developed assuming federal funds are used for design and construction. We will provide a percentage decrease, if applicable, for state vs. locally funded projects.
- Conduct one (1) project meeting with the Client and conduct one (1) project meeting with the Oxford Trails Committee
 - The project meeting with the Client and project meeting with the Oxford Trails Committee shall be scheduled and conducted on the same business day or within one day of one another.

Compensation

For and in consideration of the above referenced services, Environmental Design Group will invoice the City of Oxford the following lump sum fees:

Task 1 – Review 2007 Preliminary Trails Plan, Field Reconnaissance, and Technical Analysis	\$ 3,296.00
Task 2 – Preliminary Alignment Plan	\$10,397.00
Task 3 – Cost Opinion	\$13,307.00
Total	\$27,000.00

This offer remains valid for 30 days; acceptance thereafter is subject to our approval.

Reimbursable expenses (i.e., prints, reproductions, photos, mileage, etc.) are included in the price shown for professional services.

Environmental Design Group, with the written approval of Client, may bill Client for additional services, meeting attendance or deliverables on a time and materials basis.

From the date of acceptance of this agreement, the above fees will apply for one year. If the work is not completed during that period, the agreement may be subject to renegotiation.

If Authorized

The following "à la carte" deliverables are above and beyond the scope tasks listed above. They are available for lump sum fees on an 'If Authorized' basis by the Client:

Task A – Develop a schematic site plan and rendering of one (1) trail head (along the preferred trail alignment)	\$ 2,390.00
Task B – Prepare one (1) ODNR Clean Ohio Trails or Recreational Trails application for the preferred alignment	\$ 2,600.00
Task C – Design two (2) renderings that highlight two focus areas along the conceptual/preferred alignment that may include plan enlargements and/or perspectives	\$ 2,040.00
Task D – One (1) trail cross section graphic (from preferred alignment)	\$ 960.00
Task E – One (1) additional trail rendering (from preferred alignment)	\$ 1,600.00

Project Schedule

Environmental Design Group is prepared to begin immediately upon authorization and will complete above scope tasks by December

Assumptions and Exclusions

Below is a list of assumptions and exclusions that apply to this proposal for technical services. These items were considered while defining the scope and fee for Environmental Design Group's services and further explain the responsibilities of Client and Environmental Design Group.

1. The City Manager will sign this Agreement on behalf of the Client. The main contact for the Client will be Sam Perry, Planner. The Client may designate an alternate contact in writing.
2. Client will use its best efforts to obtain permission for Environmental Design Group personnel to enter upon public and private lands as required to perform the described services.
3. Client will coordinate meeting attendance for meetings with City Staff.
4. Provide existing information in the client's possession to Environmental Design Group that may be useful in the performance of the professional services described in the proposal.
5. We will be utilizing third-party data from county, state, federal, and other sources. Typically, these will be combined through a GIS-based system to create our base maps. The degree of accuracy of this data (such as parcels, topography, road right-of-way, etc.) can be imperfect and/or sometimes unknown. Any information presented in this study should be further verified with more accurate evaluations (such as wetland delineations, boundary and topographic surveys, etc.)
6. The proposed field reconnaissance will be to understand general conditions of the area and should not be construed as any formal survey including identification of subsurface, boundary, topographic, right-of-way, ecological, environmental, or geotechnical conditions. Any identified locations of features will be general in nature and should not be construed as actual surveyed locations.
7. This scope of work is for a preliminary feasibility alignment study. Preliminary alignment will provide a preferred horizontal alignment to provide the Client with a corridor in which a trail may be considered. We will not be providing any in-depth design or engineering, construction documents, or plan/profiles of the proposed alignment. This study will be used to provide the Client with an approximate level of understanding for general location, design fees, construction costs and design considerations.
8. This proposal has been based on a continuous project development process from start to finish. After the project is authorized, should the project be deliberately put on hold by the Client, or otherwise be pursued in a start-stop-resume manner, Environmental Design Group reserves the right to renegotiate the fees established herein to account for the extra costs resulting there from.
9. Opinions of construction cost prepared by Environmental Design Group under this agreement are just that. Environmental Design Group does not warrant or guarantee that the project can be constructed for those amounts and the Client agrees that Environmental Design Group cannot be held liable for any discrepancies between bid costs and our opinions or estimates.
10. We will assume the soils are suitable for the proposed work.
11. The project development process requires numerous professional services that may not be specifically included in the scope of services of this proposal. While Environmental Design Group can provide many of these services, if requested by the Client, directly through Environmental Design Group or a subconsultant. Additional work will only be provided through amendment to the fees and scope of services of this agreement. Services NOT included in this scope of work include but not limited to:
 - a. Field/Boundary/Topographic Survey



- b. Traffic study and related improvements to public roads such as road widening, traffic signals, turn lanes, and/or deceleration lanes;

- c. Building or Structures;
- d. Wetland assessments, delineations, or permitting;
- e. Phase I or other environmental studies;
- f. Irrigation design;
- g. Site electrical or lighting design;
- h. Geotechnical borings and/or soil evaluation;
- i. Construction documents for any proposed improvements;
- j. Civil engineering or landscape architecture design beyond conceptual planning.

Invoicing Procedures and Terms

Invoices will be submitted monthly based on Environmental Design Group's estimate of job progress. In addition, Environmental Design Group may suspend services under this Agreement until all outstanding invoices have been paid in full plus accrued interest.

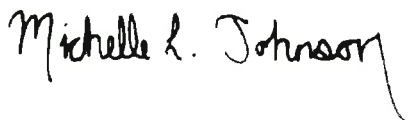
The attached Exhibit A – Standard Provisions of Agreement – is a part of this agreement and is binding on the client.

Project Initiation Procedures

If this proposal is satisfactory, you may authorize Environmental Design Group to proceed by signing both copies of this letter and returning one copy to us. If there is a need for clarification or if changes in contractual arrangements are desired, please contact me at 330.375.1390.

We look forward to working with you.

Sincerely,



Michelle L. Johnson
Director

ACCEPTED: **City of Oxford**

By _____

Title _____

Date _____

Name of Client's Designated Representative:

G:\25 - Parks\Oxford\Contract



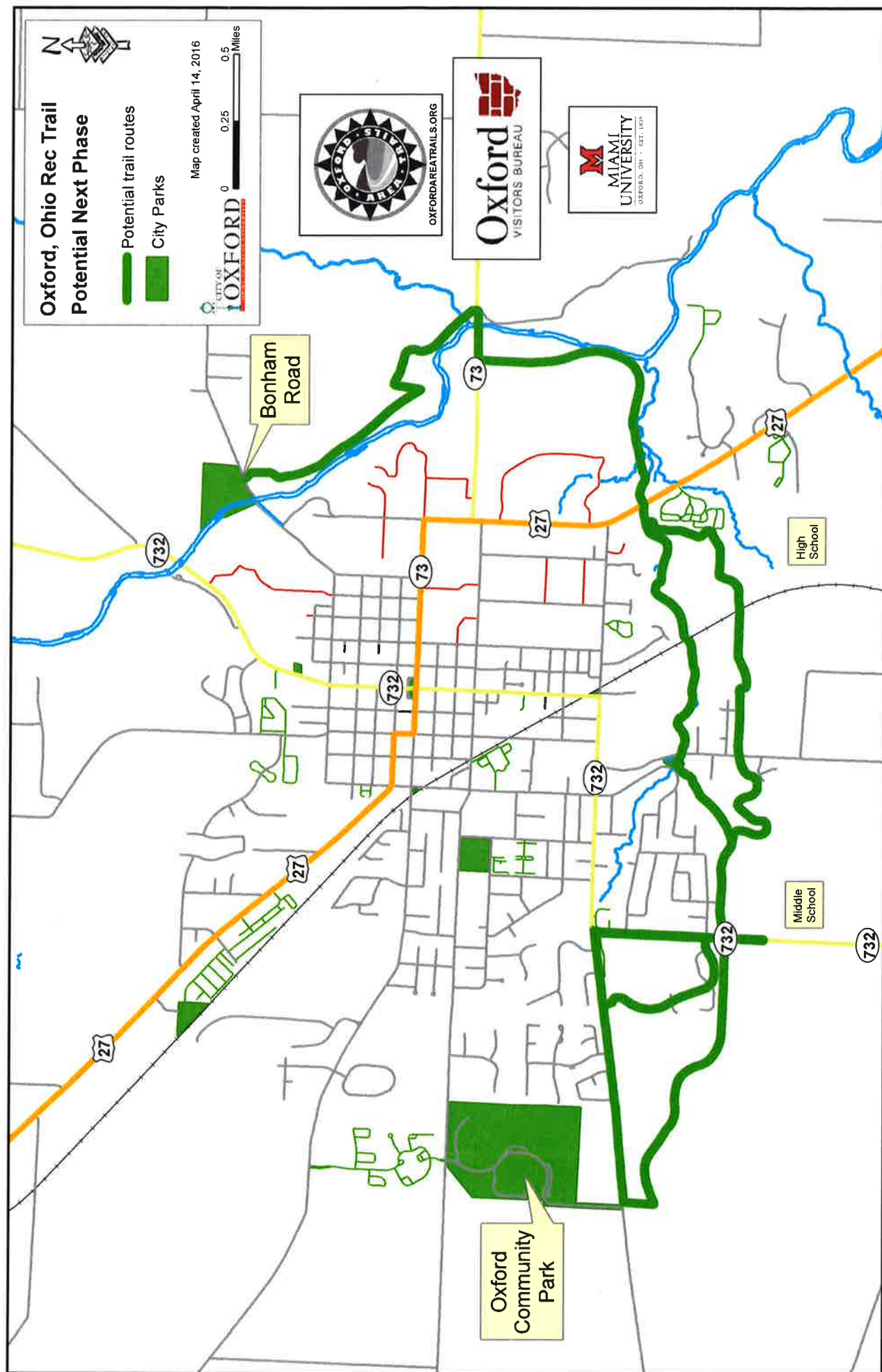
**ENVIRONMENTAL DESIGN GROUP, LLC
EXHIBIT A
STANDARD PROVISIONS OF AGREEMENT
FISCAL YEAR 2016**

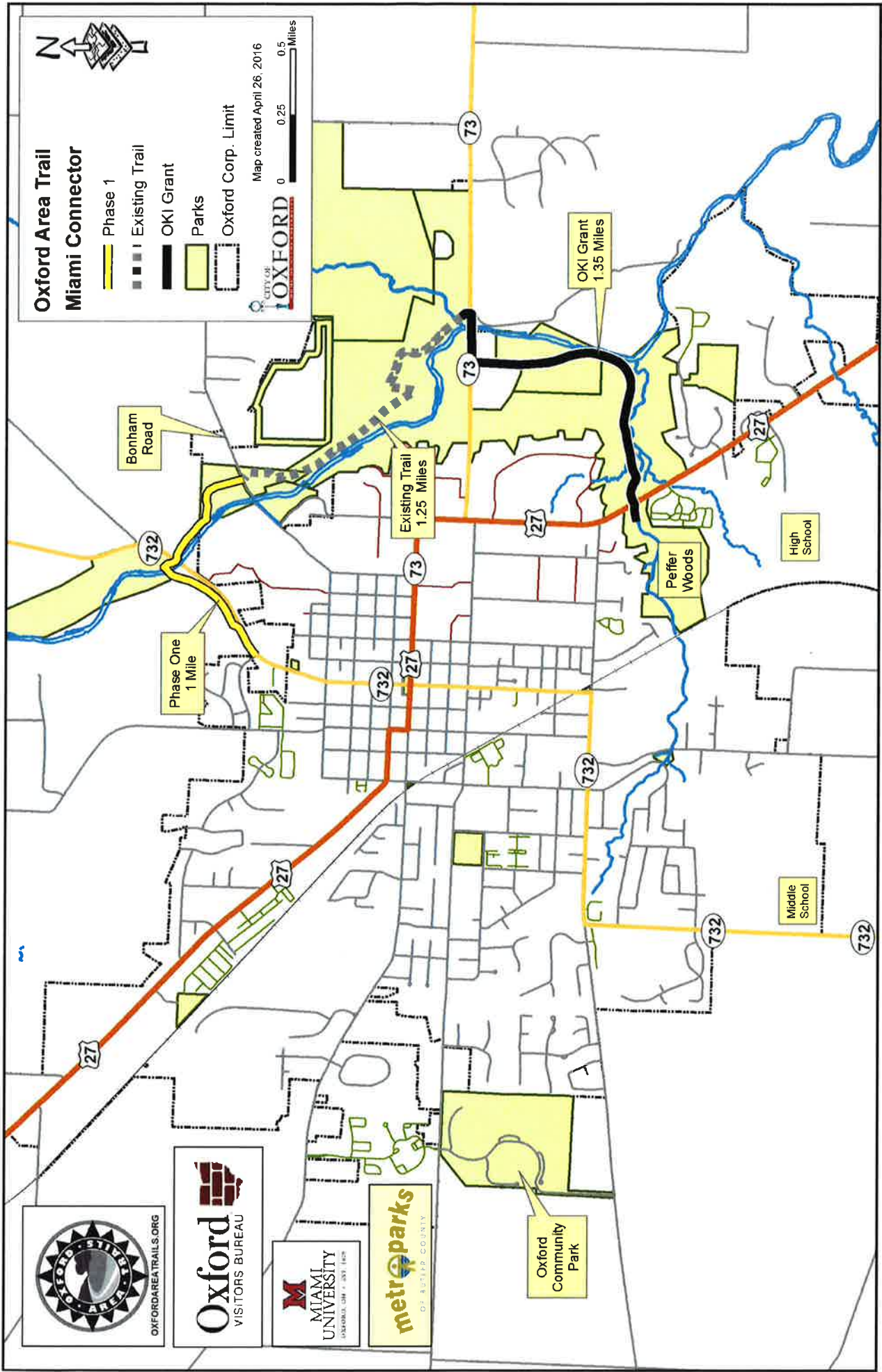
Client and Environmental Design Group, LLC (Consultant) agree that the following provisions shall be part of their agreement:

1. This agreement will be binding upon the heirs, executors, administrators, successors and assignees of Client and Consultant and will not be assigned by either Client or Consultant without the prior written consent of the other.
2. This agreement contains the entire agreement between Client and Consultant relating to the project and the provision of services to the project. Any prior agreements, promises, negotiations or representations that are not expressly set forth in this agreement are of no force or effect. Subsequent modifications to this agreement will be in writing and signed by both Client and Consultant. The Client may use purchase orders as an administrative convenience, however, any terms and conditions contained in such purchase orders are not to be considered terms and conditions of this agreement and will not be binding upon Consultant unless agreed to in writing by Consultant.
3. This agreement will be governed by and construed in accordance with the laws of the State of Ohio.
4. Consultant's waiver of any term, condition, or covenant, or breach of any term, condition, or covenant, will not constitute the waiver of any other term, condition, or covenant, or the breach of any other term, condition, or covenant.
5. If any term, condition, or covenant, of this agreement is held by a court of competent jurisdiction to be invalid, void or not enforceable, the remaining provisions of this agreement will be valid and binding on Client and Consultant.
6. Consultant will only act as an advisor in all governmental relations. Obtaining government approvals is not a term of this agreement unless expressly set forth herein.
7. Consultant is not responsible for delay or damages caused by activities or factors beyond Consultant's reasonable control, including but not limited to, delays or damages by reason of strikes, lockouts, work slowdowns or stoppages, accidents, acts of God, failure of Client or his agents to furnish timely information or approve or disapprove Consultant's work promptly, faulty performance by Client or other contractors, or the actions or inactions of governmental agencies including, but not limited to permit processing, changes in policy, environmental impact reports, dedications, general plans and amendments hereto, zoning matters, annexations or consolidations, use or conditional use permits, and building permits. When such delays beyond Consultant's reasonable control occur, Client agrees Consultant will not be deemed to be in default of this agreement.
8. Consultant makes no representations and does not guarantee expressly or implicitly: a) The estimated quantities made in connection with maps, plans, specifications, or drawings other than that all such figures are estimates only and Consultant shall not be responsible for interpretational differences or fluctuations. Estimates of areas provided under this agreement are not to be considered precise unless Consultant specifically agrees to provide the precise determination of such areas. b) Its findings, recommendations, specifications, or professional advice except that the work was performed pursuant to generally accepted standards of practice in effect at the time of performance.

9. All original papers, documents, drawings and other work product of Consultant, and copies thereof, produced by Consultant pursuant to this agreement will remain the property of the Consultant and may be used by Consultant without the consent of Client. Consultant retains all rights of copyright on work performed pursuant to this agreement. All services provided pursuant to this agreement may be used by Client only for the project described on the face hereof. Client may use Consultant's work product for its own future studies, grant applications and planning purposes without notice or compensation to Consultant.
10. Client acknowledges that all certifications of Consultant that appear on drawings and cost opinions shall be limited to the original purpose for which the respective drawings were to be used; that such certification and drawings are not intended to embrace any changes or modifications to such drawings regardless of their nature or scope; and that any obligations of Consultants attaching to such drawings shall be subject to the foregoing qualifications.
11. This agreement may be terminated by either party by thirty (30) days' written notice if the other party has substantially failed to perform in accordance with the terms herein through no fault of the terminating party. Otherwise, Consultant has a right to complete all services agreed to be rendered pursuant to this agreement. In the event this agreement is terminated before the completion of all services, unless Consultant is responsible for such early termination, Client agrees to release Consultant from all liability for work performed. In the event all or any portion of the work prepared or partially prepared by Consultant is suspended, abandoned, or terminated by any party or for any reason, Client will pay Consultant for all fees, charges, and services provided for the project up to the date of termination.
12. In the event that changes are made in the plans and specifications by Client or by any other person other than Consultant, which changes affect Consultant's work, any and all liability arising out of or resulting from such changes is waived by Client against Consultant, and Client assumes full responsibility and liability for such changes unless Client gives Consultant prior written notice of such changes and Consultant consents in writing to such changes.
13. All fees and other charges will be billed monthly and will be due at the time of billing unless otherwise specified in this agreement. Client agrees that the periodic billings from Consultant to Client are correct, conclusive, and binding on Client unless Client within thirty (30) days from the date of receipt of such billing, notifies Consultant in writing of alleged inaccuracies, discrepancies, or errors in the billing.
14. If client fails to pay Consultant within thirty (30) days after invoices are rendered, Client agrees Consultant will have the right to consider such default in payment a material breach of this entire agreement. Consultant may, upon written notice to Client, terminate the duties, obligations, and responsibilities of Consultant under this agreement. In such event, Client will immediately pay Consultant for all fees, charges and services provided through the date of termination. Alternately, the Consultant may choose at its sole discretion not to terminate this agreement but to suspend work until the account is brought current including accrued interest. In such event, the Client will bear any and all additional costs resulting from suspension of work including but not limited to increases to the stated fee as a result of inflation, promotions or other causes and/or additional fees incurred by Consultant as a result of changes necessitated by governmental agencies or other approving authorities.

15. Client agrees and acknowledges that any and all claims brought under, pursuant to, or related to this Agreement must be filed within ten (10) years of the date of this Agreement. Any claims filed after that date shall be time barred. Nothing herein shall be construed so as to extend any shorter applicable statutes of limitations or contractually agreed upon time periods for claims other than for breach of contract.
16. Client and Consultant agree that they will first try to resolve any claims, counterclaims, disputes, and other matters in question between them arising out of or relating to this agreement via good faith negotiations.
17. The work is being conducted and the report prepared for the sole use of the Client and its designee(s) and represents a professional opinion based on the information available to Environmental Design Group at the time of the investigation and report.
18. Assignment of reliance to third-parties can be made, however this will be considered an out of scope service. Such letters of reliance will be provided on a case-by-case basis as requested. It is further understood that the scope, terms and conditions under which this report was originally prepared apply to any and all third party recipients.





**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
Prepared By

Account Code No. #:

Budgeted Amount:

August 10, 2016
Date Prepared

Agenda Title:	A Resolution Authorizing the City Manager to Amend an Existing Development Agreement Between the City of Oxford and Capstone Development Corporation for Allowing The Existing Two-unit Apartment To Be Used As Rental Units
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Recommendation: Approval
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Discussion:

In June, 1993, a development agreement was entered between Capstone Development Corporation and the City of Oxford to allow the development, currently known as Hawks Landing, to be constructed based on the approved Final PUD Planned Development, approved by the Oxford City Council that year.

One of the terms and conditions of the development agreement, on top of page 2 of this agreement, was a residential building containing two (2) apartment units to be used exclusively to house on-site management personnel, under condition #3.

Capstone Development had made a request to amend the agreement specifically to allow these two apartments to be used for rental purpose. It was stated that the purpose of for on-site management personnel around the clock at that time is no longer a necessary. Since management and/or maintenance personnel can be reached when emergency arise without living on site. The two (2) apartment unit is a one-story building next to the maintenance building and is located on the north side of the complex.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial	Date
JHC	8/10/16
DSC	8/12/16

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF OXFORD AND CAPSTONE DEVELOPMENT CORPORATION TO ALLOW THE TWO (2) UNIT APARTMENT BUILDING DESIGNATED EXCLUSIVELY TO HOUSE ON SITE MANAGEMENT PERSONNEL TO BE USED FOR RENTAL PURPOSES.

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

SECTION 1: A Request was made by the owner, Capstone Real Estate Investments, LLC to amend provision number 3.(b) of the Development Agreement between the City of Oxford and Capstone Development Corporation which requires one residential building containing two (2) apartment units at Hawks Landing to be used exclusively to house on site management personnel.

SECTION 2: Council hereby finds the owner of the Hawks Landing Planned Development has stated the provision for housing of on-site management personnel is no longer necessary since management and/or maintenance personnel are accessible when emergencies arise without living on site.

SECTION 3: Council hereby authorizes the City Manager to enter into an addendum Development Agreement between the City of Oxford and Capstone Development Corporation to allow the two (2) unit apartment building designated exclusively to house on site management personnel to be used for rental purposes.

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)



402 Office Park Drive, Suite 150
Birmingham, AL 35223
Office: 205.949.2060
Fax: 205.949.2070
capstonerealestateinvestments.com

August 3, 2016

City of Oxford, Ohio
ATTN: City Manager
101 East High Street
Oxford, OH 45056

To Whom It May Concern:

On June 11, 1993 a Development Agreement was signed between Capstone Development Corp. and the City of Oxford for the property now known as Hawks Landing Apartments. The development agreement addressed some items and conditions for the original development of the property. Item number 3b addressed one residential building containing two (2) apartments which were to be exclusively used to house on-site management personnel. We believe the intent of this stipulation was to have on-site management personnel to deal with any after hour's issues since technology did not allow for an avenue for residents to contact management after hours. We now have an answering service that directs residents to management/ maintenance personnel for after hour's emergencies. As the current owner, MAM-Oxford, LLC would like to request that item number 3b be amended (or revised) to allow for any person to live in the residential building containing two (2) apartments.

Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Christian Elliott". The signature is written in a cursive, flowing style.

Christian Elliott
Development Manager
MAM-Oxford, LLC
402 Office Park Dr., Ste. 150
Birmingham, AL 35223
205-949-2060



Two-unit apartment

THE STATE OF OHIO)
BUTLER COUNTY)

DEVELOPMENT AGREEMENT

WHEREAS, CAPSTONE DEVELOPMENT CORP., an Alabama corporation (hereinafter referred to as "Developer"), has heretofore acquired the fee title interest in, or an option on, the real property located and situated in the City of Oxford, Butler County, Ohio, described in Exhibit "A" which is attached hereto (said real property is sometimes hereinafter referred to as "the Property"); and

WHEREAS, Developer has petitioned the City of Oxford, Ohio, (hereinafter referred to as "City") to approve its Final PUD Development Plan for the Property, so that said Property might be developed and improved as a high-quality, student-oriented apartment community to be known as University Commons -- Oxford, (hereinafter sometimes referred to as the "Project"), in accordance with Preliminary PUD Development Plans which have been submitted as required to the City, and approved on March 23, 1993 by the Oxford City Council; and

WHEREAS, Developer and the City desire to enter into this Development Agreement, as hereinafter set forth, which said Development Agreement will apply to the development and ongoing operation and maintenance of the Project,

NOW, THEREFORE, to comply with the PUD zoning requirements, to obtain the approval of the City of the Final Development Plan, and in consideration of the premises and the covenants contained herein, the adequacy and sufficiency of which are hereby acknowledged, the Developer and the City agree that the following terms and conditions shall apply to the development of the Project:

1. The developer shall pay the City of Oxford the sum of \$50,000 as a "payment in lieu of" impact, capacity or tap fees, whether now in effect or adopted in the future. This payment shall be made prior to the issuance of Certificates of Occupancy for the Project.
2. The developer shall construct the proposed University Commons -- Oxford, apartment community on the Property, to contain a maximum of four hundred and eighty (480) bedrooms. Said bedrooms shall be contained in a maximum of one hundred twenty (120) four bedroom apartments.
3. The proposed University Commons apartment community shall be constructed in substantial conformity with the Site Plan developed by Demarest and Associates, Architects, dated December 29, 1992, attached hereto and designated Exhibit "B".

and those revisions to the Site Plan which may be made during the Final Plan review process. In addition to the apartment buildings, parking, and amenities shown on the Site Plan, the development will include the following additional structures: (a) one "Clubhouse" containing facilities designed to serve the residents of the apartments and house the offices of the property management company, (b) one residential building containing two (2) apartment units which shall be used ~~exclusively to house on-site management personnel~~, and (c) one maintenance building for storage of supplies and equipment.

for
rental
purposes

4. The Developer shall construct and maintain a minimum of four hundred and eighty (480) paved parking spaces (one per bedroom), plus between 26 and 36 additional visitor, guest and handicapped spaces, for a parking ratio of 105% to 107.5% of the number of bedrooms contained in the constructed apartments.

5. The Developer shall install and maintain landscaping, buffers and common open space around the buildings and the parking areas on the Property, said landscaping to be installed in substantial conformity with the landscape plan to be developed by Beckwith, Chapman and Associates, of Oxford, and submitted to the City prior to issuance of Building Permits. Developer shall work with the Landscape Architect to give particular emphasis to the proper screening and buffering of the Project along the frontage of Brown Road, and along the North and South property lines, to save the existing vegetation where possible, and to supplement the existing vegetation with additional plantings, including hardwood and evergreen trees and shrubs, in order to provide enhanced buffers between the Project and the residential neighborhoods to the North and South.

In the area along the North property line where some of the existing natural vegetation is to be removed, Developer shall replant the buffer, as soon after the removal of the existing vegetation as is possible based upon the recommendations of the Landscape Architect. This replanting shall include indigenous hardwood trees, 8 feet in height, at intervals as close as is possible based upon the recommendations of the Landscape Architect, but not to exceed 30 feet, along with a dense, continuous hedge which will mature at a height of at least 5 to 6 feet. Furthermore, Developer shall maintain this area in a neat manner, and nurture the health of the trees and shrubs, so that the area shall provide a permanent, attractive and functional buffer from the University Commons complex.

6. The Developer shall construct each apartment building on the Property in substantial conformity with the building elevation drawings developed by Demarest and Associates, Architects, attached hereto and designated Exhibit "C".

7. The Developer shall strictly enforce the provisions of its standard apartment lease, including but not limited to the provision(s) which limits occupancy to one (1) person per bedroom within each apartment unit, and a maximum of four (4) bedrooms per

unit. A copy of said lease is attached hereto and designated Exhibit "D".

8. The Developer shall construct on the Property and maintain for the use of the tenants of the apartment community such exterior amenities as a swimming pool, tennis court(s), a sandlot volleyball court, a basketball court, and other similar amenities which may be added in the future.

9. The Developer shall contribute up to \$45,000 to the City of Oxford toward the cost of purchasing and installing a traffic signal at the intersection of Brown Road and Sycamore Street, if, within 9 months after occupancy of the University Commons development, the engineering firm of Pflum, Klausmeier & Gehrum, after updating (at Developer's expense), its March, 1993 Traffic Impact Study of Brown Road, determines that such a signal is necessary.

10. The Developer shall construct, within available City Right-of-Way on the East side of Brown Road, a sidewalk from the Property to the intersection of Sycamore Street, to facilitate pedestrian and bicycle traffic.

11. The Developer shall provide and pay the full cost of installing an 8" water distribution loop within the Property, to enhance the flow of domestic and fire water within the Project, and shall provide a number of fire hydrants sufficient to provide coverage of every building within a 300' arc of a hydrant, as is illustrated on the Site Plan attached hereto, marked Exhibit "E".

12. The Developer shall allocate within the development budget the sum of \$30,000, to be spent for the purpose of extending (in a manner consistent with the drawing attached hereto and designated "Exhibit F"), the 8" water line from the intersection of Sycamore Street and Morning Sun Road (if such a line is available and can be extended), to the Western edge of the Property at Brown Road, and will "stub off" the line at the Brown Road Right-of-Way. (This will facilitate the City's distribution of water service to the North and West of the Property, where additional residential development has been approved. These areas, as with the Property, are presently served only by the 6" line in Brown Road.) Developer shall use the allocated funds to pay up to \$30,000 of the cost of this extension, provided that Developer and the City agree that the extension of this line is advantageous. However, there will be no obligation to extend the line if the cost of doing so will exceed \$30,000, unless the City, at its sole and exclusive option, chooses to pay the amount over \$30,000 necessary to extend the line. If the cost of extending the line is estimated to exceed \$30,000, and the City elects not to pay the excess cost, Developer shall not be obligated to extend the line, and the allocated funds shall revert to Developer's sole and exclusive use. Developer's obligation with respect to the extension of the 8" line to the Property is expressly conditioned upon: (1) the availability and the granting, at no or a nominal cost, of suitable Rights-of-Way or easements along Morning Sun Road and across the property immediately east of the Project, and (2)

the commitment of the City to accept dedication of the complete 8" line (including the distribution loop within the Project).

13. The Developer shall provide on-site stormwater detention in two areas, in the Northeast quadrant and in the Southeast quadrant of the Property, to manage the stormwater run-off. These detention areas shall be engineered and built in accordance with standards approved by the City.

14. Subject and to a specific determination by the City Engineer that such improvements are necessary to handle post-development stormwater flow, the Developer shall excavate and clean out the existing drainageway along the North property line of the Property, in order to facilitate better stormwater flow and help mitigate flooding. It is understood and agreed, however, that since Developer will be detaining stormwater on site and metering same at no more than a pre-development flow rate, that Developer shall not be responsible for the correction of any pre-development stormwater control problems such as those caused by inadequate infrastructure off-site.

15. Provided that it is not prohibited by the laws of the State of Ohio, or any local laws, the Developer shall make annual contributions of 100% of the interest earned annually on resident security deposits to an affordable housing fund being established by the City of Oxford.

16. The Developer shall instruct the General Contractor to seek out and solicit bids from qualified sub-contractors in the Oxford area. Further, the Developer shall encourage the General Contractor to hire as many laborers and tradesmen from the local area as is possible, provided that qualified applicants are available.

17. Invalidation of any one of the provisions set out herein by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

THIS AGREEMENT SHALL BE EXPRESSLY CONDITIONED upon the occurrence of the following: (1) the approval by the Oxford City Council of the University Commons Final PUD Development Plans, and (2) the issuance to Capstone Development Corp., by the City of Oxford, of all Building and other Permits necessary to begin construction of the Project. If either of these events do not occur, this Agreement shall become null and void.

IN WITNESS WHEREOF, CAPSTONE DEVELOPMENT CORP., AND THE CITY OF OXFORD, OHIO, have caused this instrument to be executed by the duly authorized officers or representatives of each, on this 11th day of June, 1993.

ATTEST:

CAPSTONE DEVELOPMENT CORP., an
Alabama corporation

By: [Signature]

By: [Signature]
L. Jew Jones

Its: Vice President

ATTEST:

CITY OF OXFORD, OHIO

By: [Signature]

By: [Signature]
James C. Collard

Its: City Manager

"OOHDEVAGR.C"

AN ORDINANCE APPROVING PLANNING COMMISSION'S APPROVAL OF THE FINAL PLANNED UNIT DEVELOPMENT ON PART-LOT 2472, 10.479 ACRES ON BROWN ROAD. (CAPSTONE DEVELOPMENT CORPORATION)

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

SECTION 1: Council finds the Planning Commission held a public hearing as prescribed by Section 1122.01 of the Codified Ordinances of the City of Oxford on June 8, 1993, on the application submitted by Capstone Development Corporation, for approval of the final planned unit development for 120 multiple family units and one duplex unit (2 units) for a total of 122 units on part-lot 2472, Brown Road, Oxford, Ohio.

SECTION 2: Oxford Planning Commission, after due deliberation, did recommend approval of the final planned unit development for 120 multiple family units and 1 duplex unit (2 units) for a total of 122 units on part lot 2472, Brown Road, subject to the following conditions:

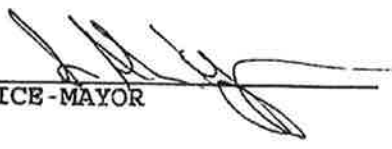
1. There be satisfactory resolution of the comments of the City Engineer, including the widening of the pavement on Brown Road, and relocation of the proposed sidewalk and proposed visual screen.

2. The final planned unit development should indicate the number of dwelling units in each dwelling and specify on the engineering drawings the total number of units. The final engineering drawings must be submitted to the City before final approval by Council.

3. Acceptance by the developer of the terms of a development agreement acceptable to the City.

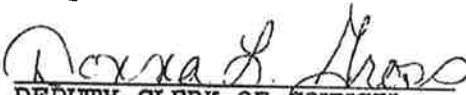
SECTION 3: Council of the City of Oxford hereby accepts and approves the action of the Planning commission approving the final planned unit development, subject to the above stated conditions.

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


VICE-MAYOR

ADOPTED: July 6, 1993

ATTEST:


DEPUTY CLERK OF COUNCIL

INTRODUCED BY: Chuck Warren

STAFF (LAW)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 8/16/2016

Joe Newlin

Account Code No. _____

Prepared By:

Budgeted Amount: _____

8/10/2016
Date Prepared

Agenda Title: **3.65 Mill Property Tax Resolution**

Recommendation: **Approve**

Discussion:

This resolution is the annual standard resolution sent to us from the Butler County Auditor.

The purpose is to legally adopt the Oxford property tax rate for next year as approved by the Auditor's office.

Approved By:

Department Head:
City Manager:

Initial Date

[Signature] 8/10/16
[Signature] 8/11/16

RESOLUTION NO.

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION OF BUTLER COUNTY, OHIO AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

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

SECTION 1: Council in accordance with Ohio Revised Code, and having previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2017.

SECTION 2: The Budget Commission of Butler County, Ohio has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation.

SECTION 3: The amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted.

SECTION: 4: There is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation, as set forth on Schedule A attached hereto and incorporated herein by reference:

SECTION 5: 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)

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR
(VILLAGE COUNCIL)

Rev. Code, Secs. 5705.34, 5705.35

The Council of the CITY of **OXFORD**, Butler County, Ohio, met in

_____ session on the _____ day of _____, 20_____, at the
(regular or special)

office of _____ with the following members present:

_____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax
Budget for the next succeeding fiscal year commencing **January 1, 2017**; and

WHEREAS, the Budget Commission of Butler County, Ohio has certified its action thereon to this
Council together with an estimate by the County Auditor of the rate of each tax necessary to be
levied by this Council, and what part thereof is without, and what part within the ten mill tax
limitation; therefore be it

RESOLVED, By the Council of the **CITY OF OXFORD** Butler County, Ohio, that the
amounts and rates, as determined by the Budget Commission in its certification, be and the same are
hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said Village the rate of
each tax necessary to be levied within and without the ten mill limitation as follows:

=====

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	AMOUNT APPROVED BY BUDGET COMMISSION INSIDE 10 MILL LIMITATION	AMOUNT TO BE DERIVED FROM LEVIES OUTSIDE 10 MILL LIMITATION	COUNTY AUDITOR'S ESTIMATE OF TAX RATE TO BE LEVIED	
			INSIDE 10 MILL LIMIT	OUTSIDE 10 MILL LIMIT
GENERAL FUND	1,075,000.00		3.65	
GENERAL BOND RETIREMENT FUND				
PARK FUND				
RECREATION FUND				
FIRE LEVY				
POLICE LEVY				
TOTAL	1,075,000.00	0.00	3.65	0.00

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

[illegible]

and be it further

RESOLVED, That the Clerk of this Council be, and he/she is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

_____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Adopted the _____ day of _____, 20____.

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

=====

CERTIFICATE OF COPY

ORIGINAL ON FILE

The State of Ohio, Butler County, ss.

I, _____, Clerk of the Council of the Village of _____,
within and for said County, and in whose custody the Files and Records of said Council are required
by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and
copied from the original _____

now on file, that the foregoing has been compared by me with said original document, and that the
the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 20____

CLERK OF COUNCIL

NOTE: A copy of this Resolution must be certified to the County Auditor before the first day of
October in each year, or at such later date as may be approved by the Board of Tax appeals.

=====

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION
AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.
(VILLAGE COUNCIL)

ADOPTED _____, 20____

FILED _____, 20____

CLERK OF COUNCIL

COUNTY AUDITOR

DEPUTY AUDITOR

=====

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Council Meeting Of :

8/16/2016

Account Code No. :

see below

Budgeted Amount :

Finance

Originating Department

Joe Newlin

Prepared By

8/9/2016

Date Prepared

Agenda Title: 2016 Supplemental Budget #7

Recommendation: Approve

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) 262,773.00 Reimbursements from carrier

Expense Side

Employee Benefits (230) 262,773.00 Appropriation from unencumbered balance for medical expenses

Net Effect on Fund Balance/(s)
Increase/(Decrease)

-

Issue 2

To make adjustment to budget for additional City contribution for monthly health care contribution for September - December

- Budgeted \$1,189 per employee X 105 employee, adjusted \$1,275 per employee X 105 employee

- \$86 X 105 employees X 4 months

Action Needed:

Revenue Side

Employee Benefits (230) 36,120.00 Additional revenue City contribution for monthly health care

Expense Side

General (110)	19,001.17	Additional expenditure City contribution for monthly health care from unencumbered balance
Street (122)	2,934.75	Additional expenditure City contribution for monthly health care from unencumbered balance
Parking (130)	816.17	Additional expenditure City contribution for monthly health care from unencumbered balance
Water (321)	4,817.17	Additional expenditure City contribution for monthly health care from unencumbered balance
Wastewater (331)	6,206.41	Additional expenditure City contribution for monthly health care from unencumbered balance
Refuse (341)	607.79	Additional expenditure City contribution for monthly health care from unencumbered balance
Fire & EMS (418)	1,736.54	Additional expenditure City contribution for monthly health care from unencumbered balance

Net Effect on Fund Balance/(s)
Increase/(Decrease)

-

Total Net Effect on Fund Balance/(s)
Increase/(Decrease)

-

Breakdown by Fund

General (110)	(19,001.17)
Street (122)	(2,934.75)
Parking (130)	(816.17)
Employee Benefits (230)	36,120.00
Water (321)	(4,817.17)
Wastewater (331)	(6,206.41)
Refuse (341)	(607.79)
Fire & EMS (418)	(1,736.54)

Net Effect on Fund Balance/(s)
Increase/(Decrease)

0.00

Approved By:

Department Head:

City Manager:

Initials

Date

8/9/16

8/12/16

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3335. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 7 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	262,773.00
Employee Benefits Fund 230	36,120.00

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

Employee Benefits Fund 230	262,773.00
General Fund 110	19,001.17
Street Fund 122	2,934.75
Parking Fund 130	816.17
Water Fund 321	4,817.17
Wastewater Fund 331	6,206.41
Refuse Fund 341	607.79
Fire & EMS Fund 418	1,736.54

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)

**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.

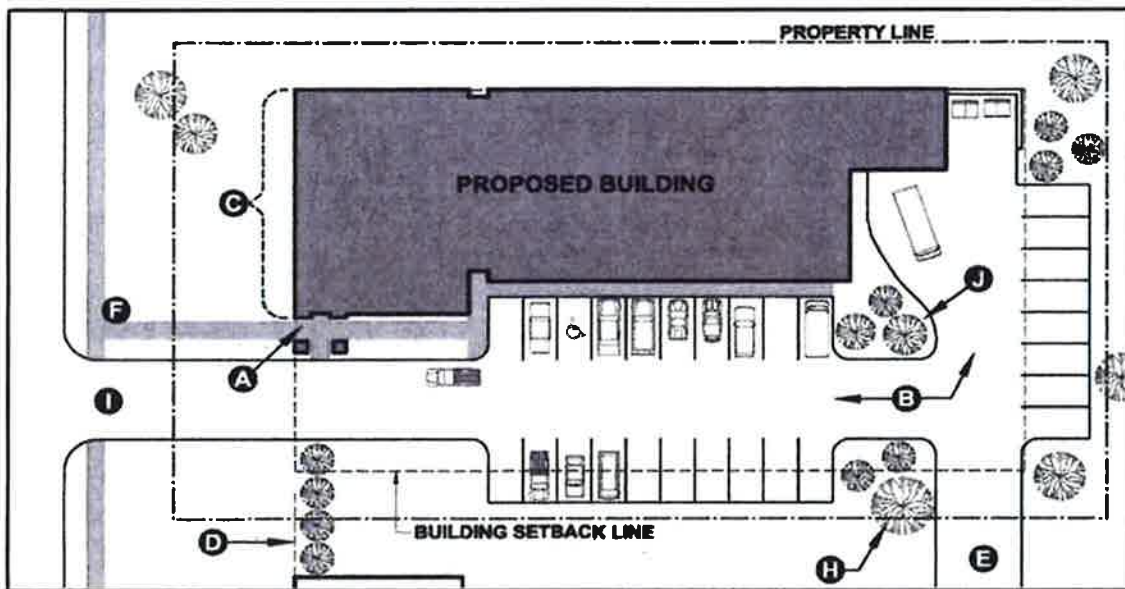
Height of the Building	Minimum building setback from residential zoned properties	
	Lots abutting a side lot line of a residential zoned lot	Lots abutting a rear lot line of a residential zoned lot
20 feet or less in height	7.5 feet	35 feet
More than 20 feet, but less than 35 feet in height	10 feet	40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

[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

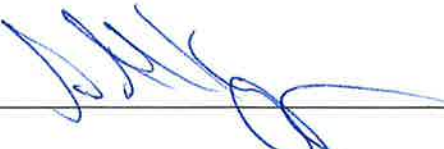
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.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:  Date: 6-7-16

Co. Anna K. Koon
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:


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

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: _____

G. Alan Kyrle
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

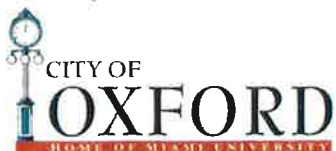
(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision 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.
- Application Fee.
 - The name, mailing address, and telephone number of the applicant.
 - A general description of the proposed amendment.
 - A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
 - A statement that identifies potential negative consequences of the proposed amendment.
 - Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
 - Any existing section number and text that is proposed to be deleted or amended.
 - Any new or amended text as it is proposed to be codified including its proposed location in the Code. section numbers)
 - A narrative statement that describes the expected effects of the proposed text.
 - A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

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

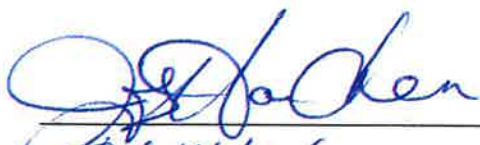
The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider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

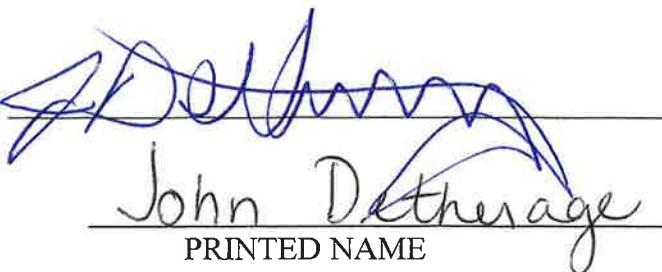
PC-2016-10 Chapter 1151, Signs, specifically 1151.05 Permanent Signs, and adding
Neighborhood Business District, **City of Oxford, Applicant**

 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: *V. 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

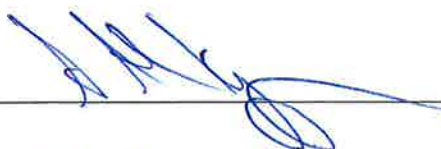
PC-2016-10 Chapter 1151, Signs, specifically 1151.05 Permanent Signs, and adding
Neighborhood Business District, **City of Oxford, Applicant**

 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: 6-7-16

G. Alan Kyma
PRINTED NAME