

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 6, 2013

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

July 30, 2013

Date Prepared:

Agenda Title: PC-10-2013 Zoning Code Text Amendment to Amend Chapter 1141, Accessory, Temporary, Supplemental and Environmental Regulations, Specifically 1141.04(J) Trash Collection Facilities
--

Recommendation: Approval

Discussion:

The deficiency of adequate trash collection facilities, especially in the Uptown area, was recently brought to Planning Commission's attention. Given that the Uptown area has been going through a redevelopment phase, it is now critical to incorporate necessary provisions in the Code to address this issue. Staff presented draft language for discussion at the June Planning Commission meeting. The Planning Commission felt that more work was needed on the language and tabled the case for further deliberation. Several challenges to deal with were discussed: (1) how to encourage recycling efforts; (2) how to ensure adequate space has been set aside for collection purposes; (3) how the site can be accessible for collection purposes; (4) leaving a sufficient area for future tenants; (5) the application of stipulations be limited to commercial and multi-family complexes.

Staff took a "design guidelines" approach to coordinate with the refuse collector and other City staff in addressing the trash collection issue during the development plan review process. This is a rather different approach that nowhere in Ohio a City has implemented. Staff also consulted with the City of Fort Collins, Colorado to hear their experiences from adopting design guidelines. The draft "design guideline is attached as Exhibit "A" for your information

The intent of design guidelines is to provide some flexibility, yet set certain expectations of the designer that trash collection facilities will be part of the development review process. This is the "how" of a trash collection facility, without limiting creativity and flexibility.

This approach will allow for greater collaboration between service providers and City staff in dealing with the trash collection issue. It also will provide a set of guidelines as what the City's general expectations are. More importantly, it provides the general intent of City Council policies to be accomplished at the staff level, without going through the formal variance process at the Board of Zoning Appeals.

Approved By:

Department Head:

City Attorney:

City Manager:

JHC, 7/31/13
DHC 8/2/13

ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 1141.04 ENTITLED ENVIRONMENTAL REGULATIONS, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 1141.04 ENTITLED ENVIRONMENTAL REGULATIONS.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on July 9, 2013 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1141.04 entitled Environmental Regulations, and adopting new Oxford Codified Ordinance Section 1141.04 entitled Environmental Regulations.

SECTION II: Council hereby repeals Section 1141.04 of the Oxford Code of Ordinances and adopts new Section 1141.04 as follows: (deletions are struck through and additions are bolded)

1141.04 ENVIRONMENTAL REGULATIONS.

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

- (a) Air Pollution. Air pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency, the Regional Air Pollution Control Agency, and the United States Environmental Protection Agency.
- (b) Erosion and Drainage.
 - (1) No erosion by either wind or water shall be permitted that will have a noticeable adverse impact on neighboring properties.
 - (2) The Oxford Engineering Division as part of the zoning permit review process shall review plans according to the City of Oxford Storm Water Management Design Manual.
- (c) Fire and Explosion Hazard. Adequate safety devices shall be provided at any point where there are activities involving burning or storage of flammable or explosive materials. Adequate safety devices against the hazards of fire and explosion and adequate fire fighting and fire suppression equipment and devices, standard in the industry, shall be provided. Otherwise, burning of waste materials in open fire is prohibited.
- (d) Hazardous Materials and Electrical Disturbance. No activities shall be permitted which utilize hazardous, fissionable or radioactive materials if their use results at any time in the release or emission of any such materials into the atmosphere, the ground, or sewerage systems, and no activities shall be permitted that emit electrical disturbance affecting the operation at any point of any equipment other than that of the creator of such disturbances.
- (e) Noise. No activity on private property shall emit noise in excess of sound levels that creates a nuisance to surrounding properties or in violation of the noise ordinances.

(f) Light and Glare from Exterior Lights.

- (1) The light source within a light fixture shall not be visible from a neighboring structure. Lights may be shielded or recessed and set on low poles to prevent light from shining onto neighboring properties and distracting drivers.
- (2) No light used for illuminating a parking area shall shine onto property in a residential district.
- (3) The intensity and direction of light shall not significantly disrupt the night habitat of any natural area larger than one-half acre, a stream and riparian corridor, or other similar natural areas.
- (4) The foot-candle measurement at any property line shall not exceed 1.0 lumen.
- (5) Lighting intensity shall be reduced after closing hours.

(g) Exemptions.

- (1) The following noise levels shall be exempt from the noise provisions during the daytime only: Firearms on authorized ranges, Legal blasting, Temporary construction activity and equipment, Installation of utility equipment, lawn mowers, chainsaws, garden and farming equipment.
- (2) The following noise sources shall be exempt from the noise provisions at all times: Aircraft, Railroads, Emergency vehicles and equipment, Warning devices operating continuously for not more than five minutes, Bells, chimes or carillons operating continuously for not more than five minutes, The repair of essential utility services. Officially sanctioned parades or other events.

(h) Prohibited Outdoor Storage of Inoperative Vehicles, Farm Equipment, Junk, Building Materials, And Trash.

- (1) Outdoor storage, including, but not limited to junk, trash, salvage, building material, or parts thereof, including used tires, shall be prohibited anywhere within the City of Oxford except in an authorized junk yard or scrap processing facility.
- (2) The parking of a currently licensed inoperative vehicle for a period of more than one week shall be prohibited, with the exception of those stored in an enclosed garage or other accessory building.
- (3) Parking of inoperative farm equipment that has not been operative for more than one year shall be prohibited unless stored in an enclosed structure.
- (4) After receipt of notice of any of the above violations, such violation shall be resolved within ten days or declared a nuisance, with each subsequent period of 30 days during which the violation exists, constituting a separate valuation of this Ordinance and subject to the Nuisance Prevention provisions for the City of Oxford.

(i) Exotic Animals.

- (1) No person shall own, harbor, keep, breed, sell or import any exotic animals or reptiles. The term "exotic animal or reptiles" shall mean wild animals/reptiles not indigenous to Ohio. Example: lions, tigers, elephants, alligators, crocodiles.
- (2) Exemptions and special provisions:
 - A. Exotic animals purchased or adopted or housed on the subject property prior to the adoption of this Amendment provided:
 1. That a bill of sale or notarized statement verifying this date is provided.

2. That such exotic animal be confined in a house, building, or other enclosure in such a way that human contact, other than with the owner(s), cannot occur.
- B. Wild animals held for exhibit or use by research institutions and other governmental agencies having legal authority to process wild animals, publicly supported zoos, circuses, or extensions thereof.
- C. Any animal which is commonly sold by a bona fide commercial pet shop which does not constitute a hazard to the health or safety of persons or household pets.

~~(j) Trash Collection Facility.~~

- ~~(1) Adequate waste disposal on-site facilities shall be shown on the plans submitted for a zoning permit, including a change of use permit. The Zoning Administrator may accept an alternative plan that adequately provides for the disposal of all waste generated by the proposed use. If such facilities or alternative plan are not acceptable, the permit may be denied.~~
- ~~(2) A trash collection facility shall include a large container such as a dumpster or a small container such as a garbage can, bag or other similar container. No trash collection facility shall be stored in the front yard and shall conform to side and rear yard pavement setbacks of the applicable zoning district.~~
- ~~(3) A large trash collection facility shall be situated in a permanent location and placed on a concrete pad (4000 psi minimum). A dumpster pad shall be of a dimension that will allow a dumpster to sit entirely on the pad and to permit the front or rear wheels of a trash disposal truck to rest on the pad while emptying the dumpster. No part of the container shall overhang the limits of the pad.~~
- ~~(4) If a site contains a large exterior trash collection facility such as a dumpster, this area shall be screened so as to not be visible from a public right of way or an adjacent property.~~
- ~~(5) The Zoning Administrator may approve plans for shared dumpster facilities.~~

(j) Trash/Recycling Collection Facility.

- (1) Purpose.** The purpose of this sub-section is to ensure the provision of facilities, which are compatible with surrounding land uses; for the collection, separation, storage, loading and pickup of trash and recyclable materials.
- (2) General Standard.** Properties shall have adequately sized, conveniently located, accessible, trash and recycling facilities, to accommodate the specific needs of the proposed use(s) on the site.
- (3) Applicability and Design Regulations.** The following regulations shall be applied to all new commercial or multiple-dwelling structures and all existing commercial or multiple-dwelling structures where there is a redevelopment or change of use requiring a zoning permit. Compliance with these regulations shall be demonstrated on plans and exhibits and made part of an application for zoning permit from the Department of Community Development.
 - A.** Areas for storage of trash and recyclable materials shall be adequate in capacity, number and distribution to serve the development, whether commercial, multi-dwelling or a combination thereof.

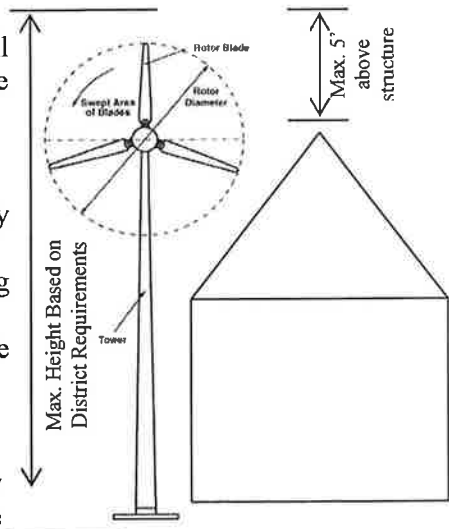
- B. The amount of space provided for the collection and storage of recyclable materials shall be designed to accommodate collection and storage containers that are appropriate for the recyclable materials generated. Recyclable materials storage areas shall be clearly marked and shall be located abutting refuse collection and storage areas.
- C. Where possible, each trash and recycling enclosure shall be designed to allow walk-in access without having to open main enclosure service gates. This is intended to reduce main service gates being left open and blocking parking or access.
- D. Trash and recycling areas must be enclosed so that they are screened from public view. The enclosure shall be constructed of durable materials such as masonry and shall be compatible with the structure to which it is associated. Gates on the enclosures shall be constructed of metal or some other comparable durable materials, shall be painted to match the enclosure and shall be properly maintained.
- E. Enclosure areas shall be designed to provide adequate, safe and efficient accessibility for service vehicles. The applicant shall consult the service provider prior to the facility placement and design.
- F. Enclosure areas shall be constructed on a 4000 psi concrete pad at least 4-inches in thickness.
- G. The storage/enclosure area shall not be in the front yard or the right of way.
- H. The facility shall be reviewed and approved according to the City of Oxford Trash and Recycling Facilities Design Guidelines.
- I. This section does not relieve property owners of any requirements in Chapter 931, Solid Waste Collection and Disposal; Recycling.

(k) Wind Turbines.

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

(1) General.

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



(2) Requirements:

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

(1) Solar Panels.

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

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

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)



Trash and Recycling Facilities

DRAFT



Design Considerations



City of Oxford Guidance Document
July 2013

Table of Contents

Introduction	2
Applicability	2
Design	2
Space Allocation	2
Location	3
Accessibility	3
Screening.....	5
Signage	5
Maintenance	5
Variances	5
Layout Suggestions / Illustrations	6
The good, bad and ugly (examples)	16

Introduction

The City of Oxford Zoning Code contains provisions for trash and recycling collection in section 1141.04(j). The purpose of the Code Section is to:

1) To ensure the provision of facilities, which are compatible with surrounding land uses; for the collection, separation, storage, loading and pickup of trash and recyclable materials.

2) The general standard is that:

Properties shall have adequately sized, conveniently located, accessible, trash and recycling facilities, to accommodate the specific needs of the proposed use(s) on the site.

Applicability

The trash/recycling facilities codes contained in the City of Oxford Zoning Code apply to all new commercial or multiple-dwelling structures and all existing commercial or multiple-dwelling structures where there is a redevelopment, change of use or change to a structure. Compliance with these regulations shall be demonstrated on plans and exhibits and made part of an application for zoning permit from the Department of Community Development.

Design

Materials: Trash and recycling areas must be enclosed such that they are screened from public view. The enclosure shall be constructed of durable materials, such as masonry, and shall be compatible with the structure to which it is associated. Gates on the enclosures shall be constructed of metal or some other comparable durable material, shall be painted to match the enclosure, and shall be properly maintained. Enclosure areas should be constructed on a concrete pad, for longevity and safety of handlers. Gravel, packed dirt and rutted asphalt will not be allowed. Gates should be positioned to swing clear of the enclosure's front width. Gate pins should be installed to hold gates open for integrity and safety.

Layout: Whenever possible, recyclable materials storage areas shall be located adjacent to refuse collection and storage areas in order to provide convenient recyclable materials drop-off, storage, and collection. (Refer to Illustration H)

Space Allocation

How much space is adequate for the collection and loading of trash and recyclable materials? This is a hard question to answer due to the variability in development types and collection methods.

The amount of space provided for the collection and storage of materials shall be designed to accommodate collection and storage containers consistent with the materials generated. It is recommended the recycling storage area be at least as large as the amount of space provided for the collection and storage of refuse materials.

Estimating area needed: *See next page*

Based on the container sizes below, the typical development site should allocate a 10'x20' area of land in order to accommodate both recycling and trash containers. The area could be more or less depending on service vehicle type, servicing angle and frequency of pick up. See example drawings.

EXAMPLE CONTAINER SIZE AND SERVICE VEHICLES FOR ESTIMATING LAND AREA

Container Type	Width	Depth	Height	Wheeled
95 gallon wheeled cart	2.5'	2.5'	4.5'	Y
REAR LOADED (RL) DUMPSTERS				
RL 2 yd dump.	6'	5'	3.75'	Y
RL 3 yd dump.	6'	6'	4.1'	Y
RL 4 yd dump.	6'	7.5'	4.1'	Y
RL 6 yd dump.	6'	9.6'	4.1'	N
RL 8 yd dump.	6'	11.1'	5'	N
FRONT LOADED (FL) DUMPSTERS				
FL 2 yd dump.	7'	3'	3'	Y
FL 3 yd dump.	7'	3.5'	4'	N
FL 4 yd dump.	7'	4.25'	4.25'	N
FL 6 yd dump, side/top access	7'	5.5'	5'	N
FL 6 yd dump, sloped top	7'	5.5'		N
FL 8 yd dump, side/top access	7'	5.5'	6.67'	N
FL 8 yd dump, sloped top	7'		6'	N
COOKING OIL STORAGE				
Stationery tank	3'	3'	4'	N
Dumpster	5'		4'	Y

Vehicle Type	Access Requirements/Concern
Front loader	15 ft. vertical clearance. Rolloff 25-30 ft. vertical clearance. 60-70 ft. horizontal distance. The greater vertical clearance, the smaller horizontal distance required
Rear loader	15 ft. vertical clearance. 50-60 ft horizontal clearance.
Stake bed	Access to containers only. Forklift may be required.
Cooking Oil truck/tanker	10' wide by 20' long. Maintain proximity for hose or dump.

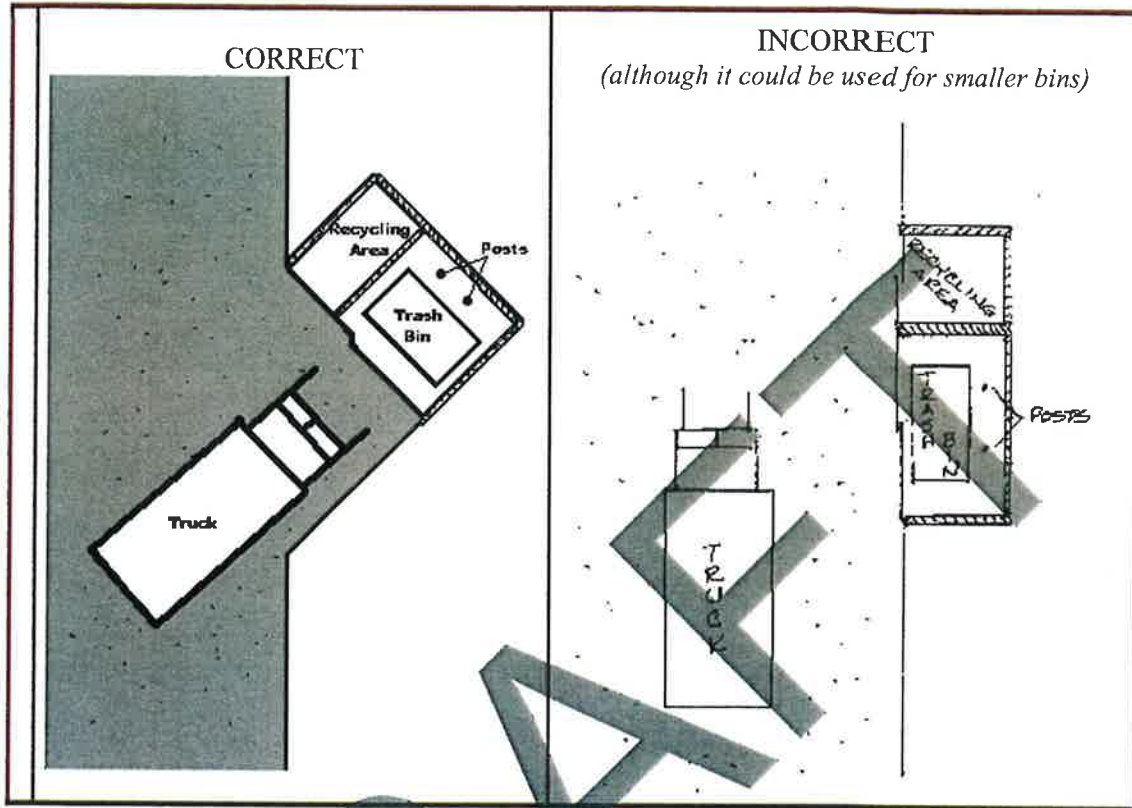
Location

Recyclable materials storage areas shall be located adjacent to refuse collection and storage areas in order to provide convenient recyclable materials drop-off, storage, and collection.

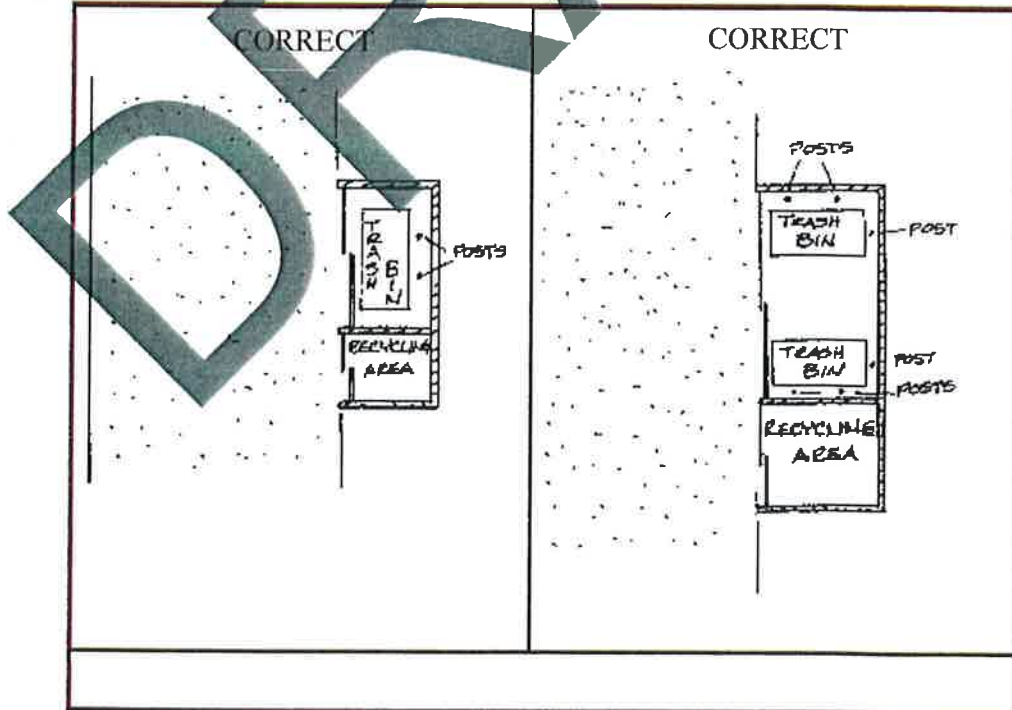
Accessibility

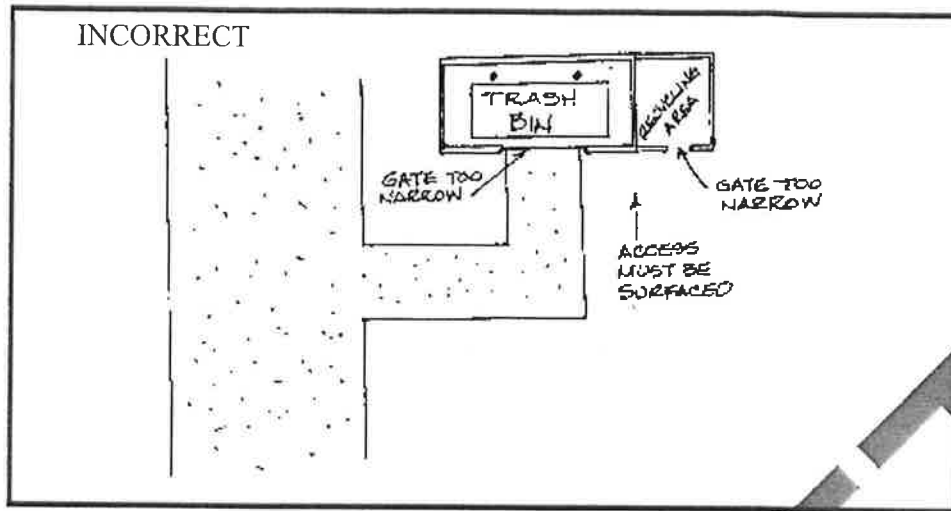
All areas designated for collection and loading of these materials must provide access for those who deposit materials as well as those responsible for collecting and loading the materials. Each trash and recycling enclosure shall be designed to allow walk in access without having to open the main enclosure service gates. If the collection truck must enter your property to service bins, the truck must be able to circulate the parking area without backing up. Trash/Recycling vehicles require up to 25' of vertical clearance over the enclosure and the approach to the enclosure. Trucks are approximately 31 feet long, 8 feet wide and have an outside turning circle of 88.5 feet. Since the enclosure area should be designed to provide adequate, safe and efficient accessibility for service vehicles, the following design examples are provided:

Large Bins (3-10 yds): Bins are stationary (no wheels) & require that the truck drive straight up to the enclosure.



Small bins (2 yds or smaller): Bins may be rolled into/out of the enclosure. Manual movement can only be for a short distance.





Screening

Trash and recycling areas must be enclosed such that they are screened from public view.

Generally, landscape and building elements are used to screen areas of low visual interest or visually intrusive site elements (i.e. trash collection) from off-site view. Such screening shall be established on all sides of such elements except where an opening is required for access. If access is possible only on a side that is visible from a public street, a removable or operable screen shall be required. The screen shall be designed and established so that the area or element being screened is no more than twenty (20) percent visible through the screen.

Screening Materials: Required screening shall be provided in the form of new or existing plantings, walls, fences, screen panels, topographic changes, buildings, horizontal separation or a combination of these techniques.

Signage

It is a good idea to provide signage in recycling areas, especially with larger, commercial facilities.

Clear signage is imperative to proper circulation of traffic and can also help to reduce inappropriate or illegal dumping. Signage examples include painted arrows/lines on ground as well as directional signposts at key points in the area. Containers should be clearly marked.

Maintenance

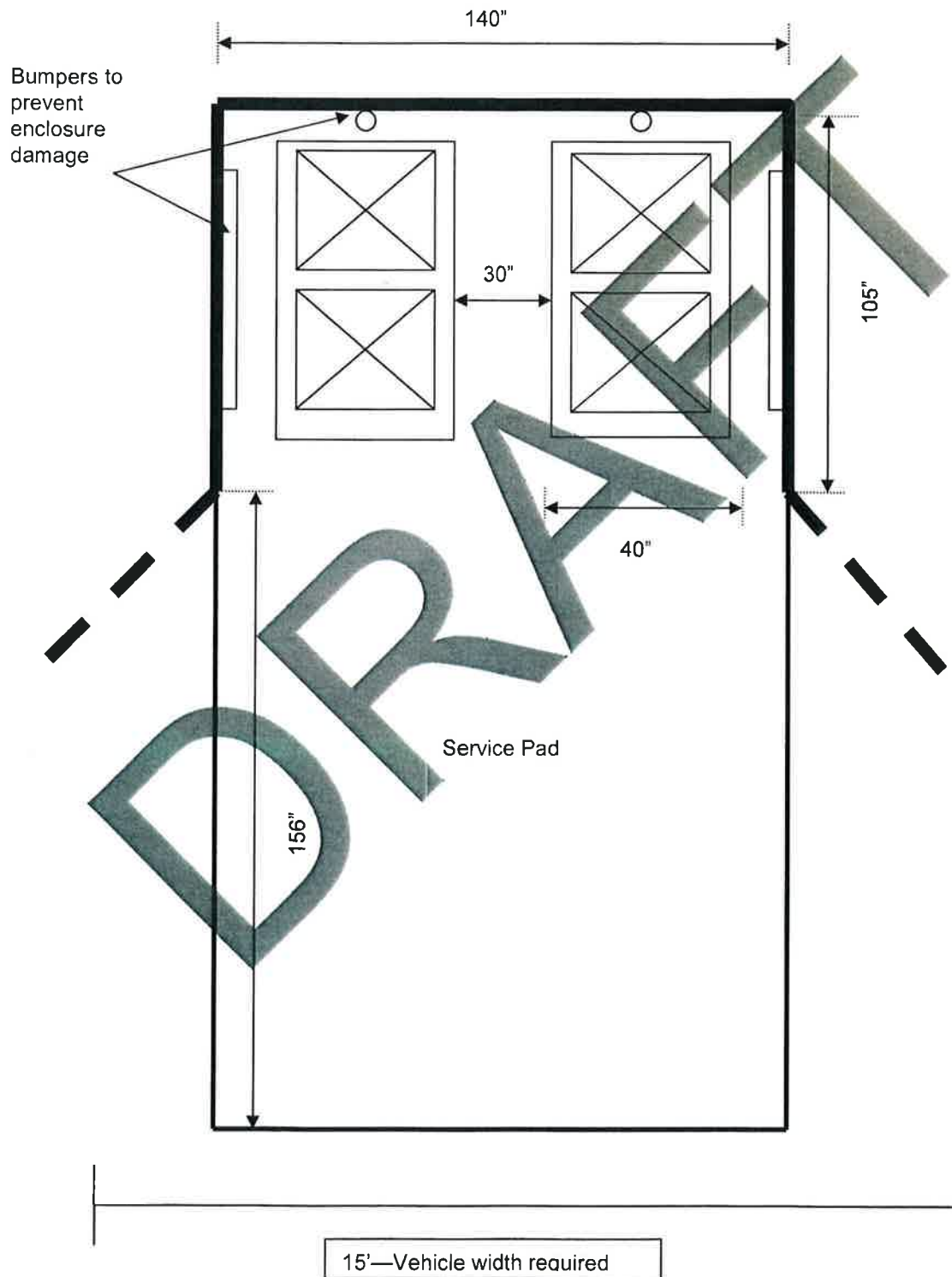
The property owner is responsible for supplying and maintaining adequate containers for recycling and waste disposal. The types of materials used in construction of the enclosure can greatly impact future maintenance requirements.

Review and Permitting

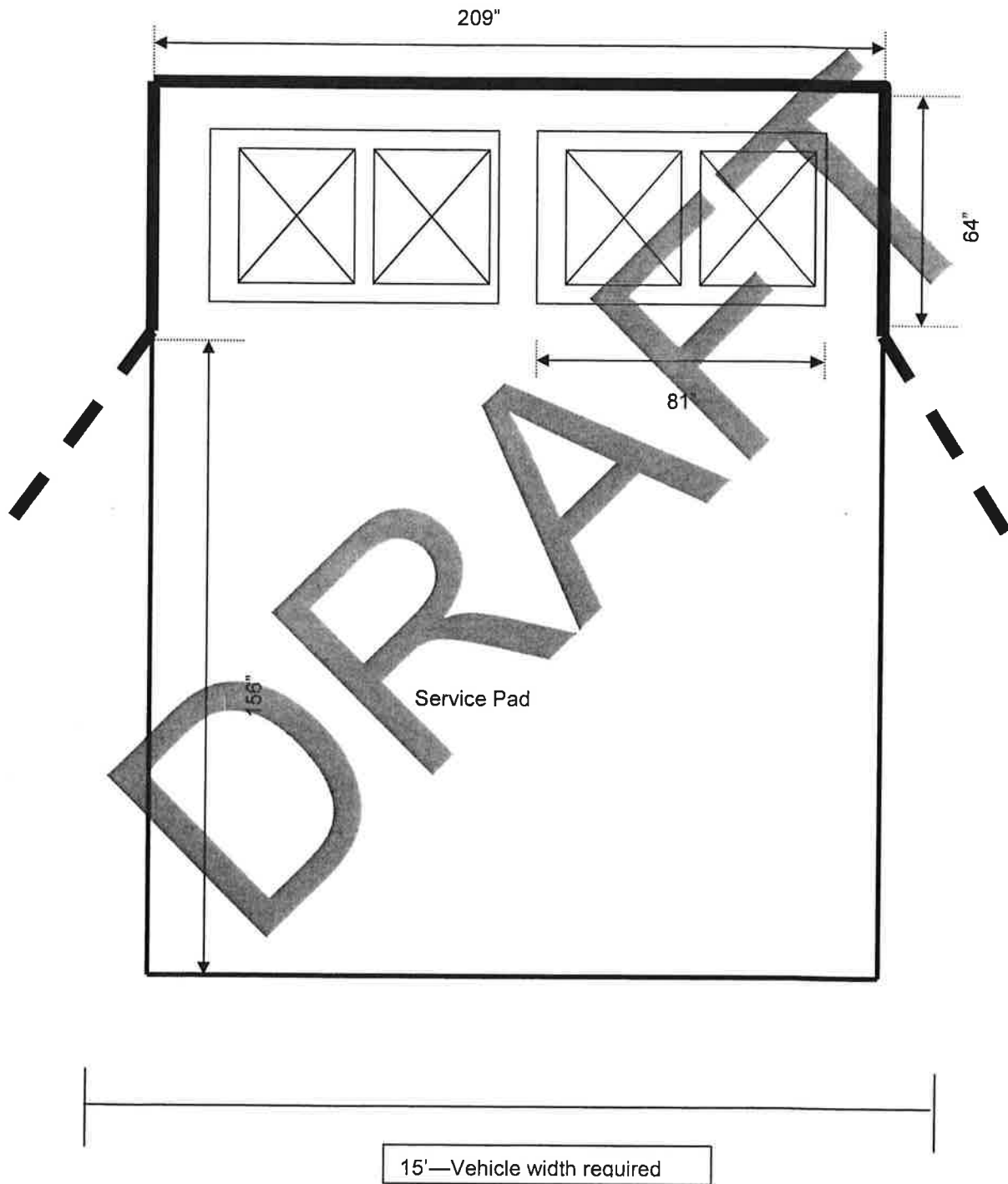
These guidelines are intended to be just that, guidance for a good design for development. These should allow some flexibility for the site designer while still ensuring that development undergoing a permit application review will result in new or improved trash/recycling collection facilities.

ALL OF THESE DRAWINGS NEED TO BE REVISED TO SHOW PED ACCESS

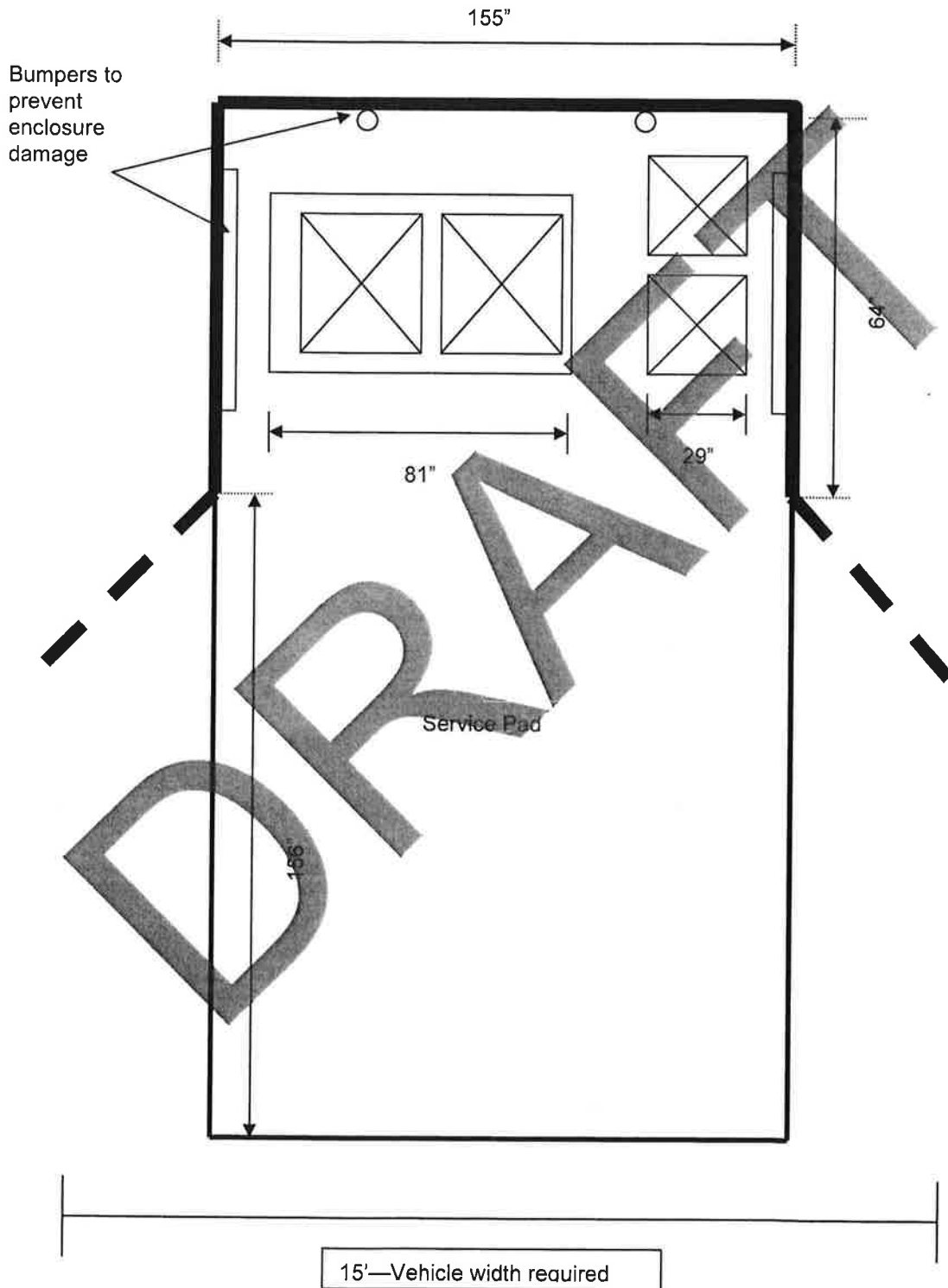
This illustration shows one 2-yard recycling bin and one 2-yard trash bin.



This illustration shows an alternative alignment for one 4-yard recycling bin and one 4- yard trash bin.

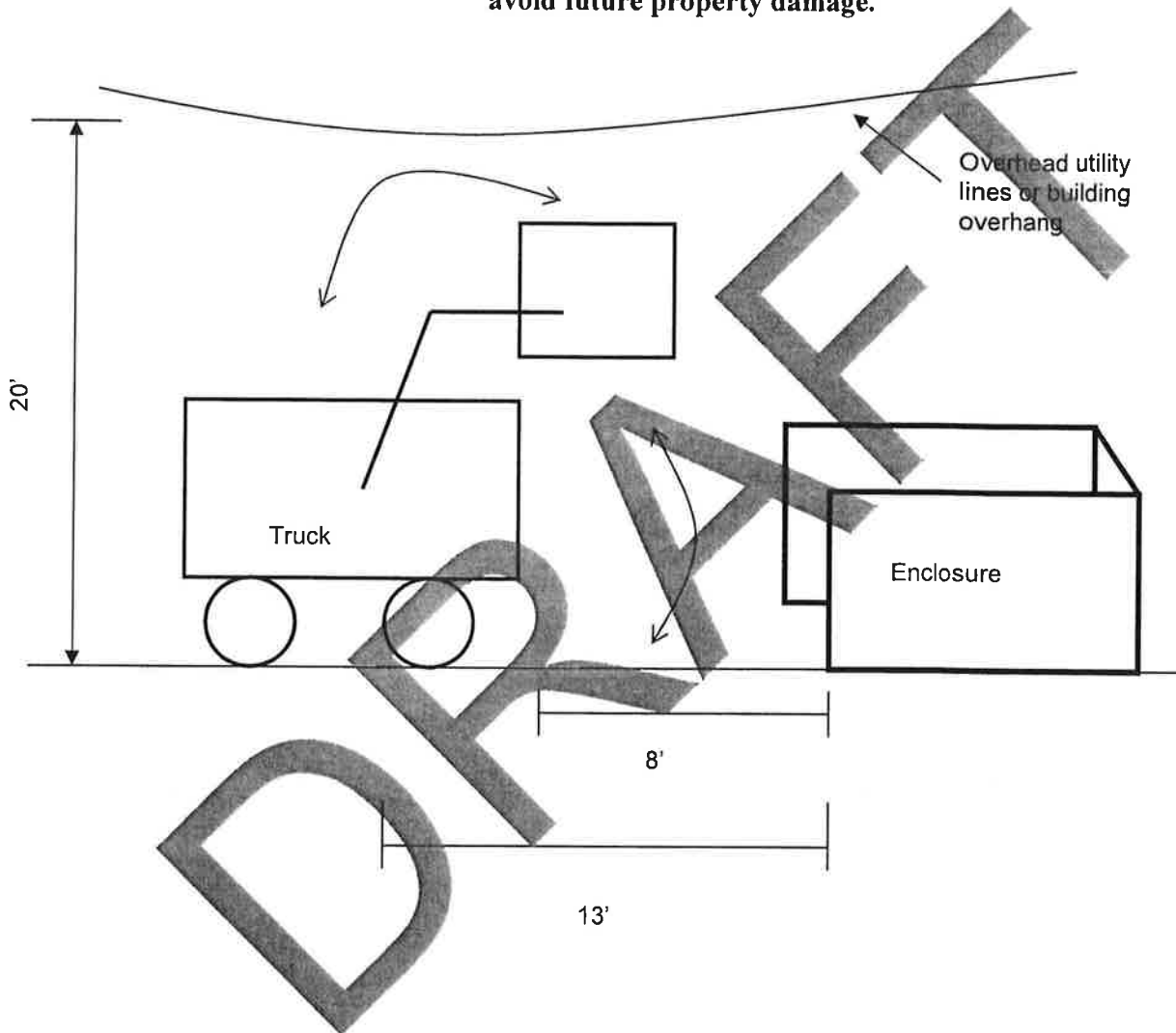


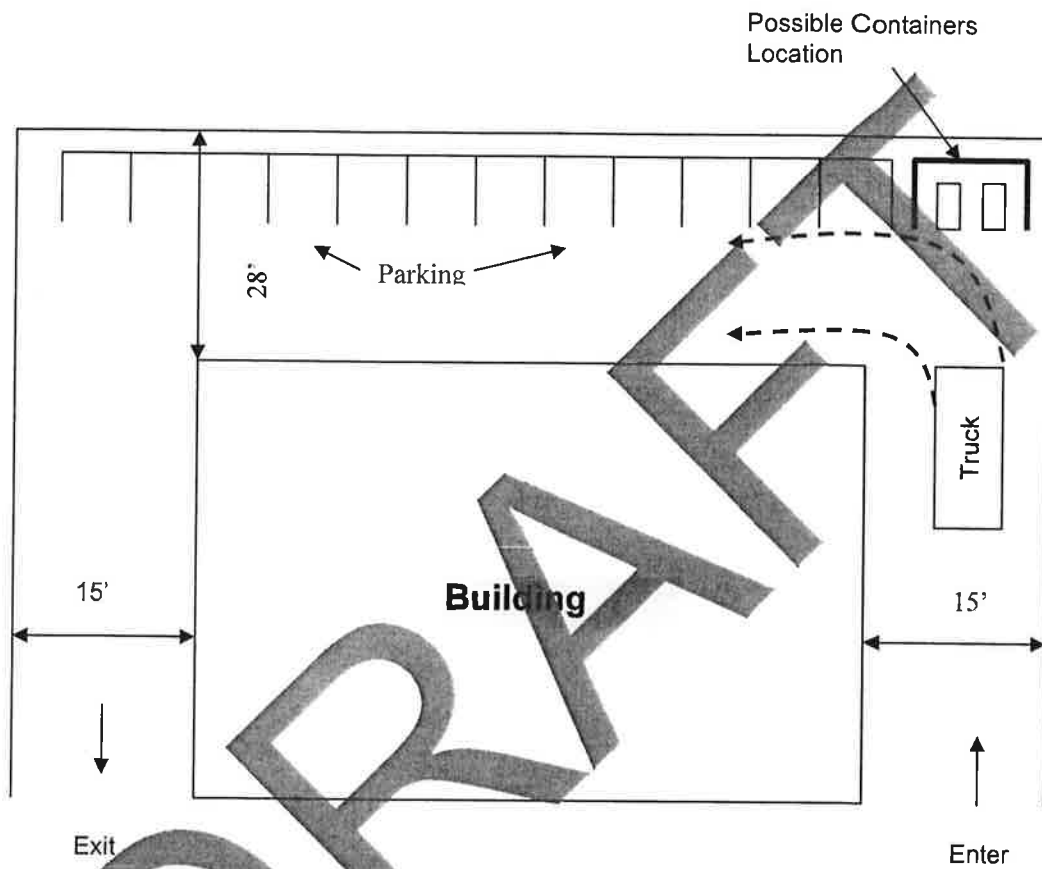
This illustration shows an alignment for one 3-yard recycling bin and two 95-gallon trash carts



Twenty-foot clearance of overhead obstructions is necessary where the vehicle will lift and empty the container. Generally, the driver will move the container out away from the enclosure about eight feet before dumping.

If overhead obstructions exist it is advisable to have the hauler review plans in order to avoid future property damage.

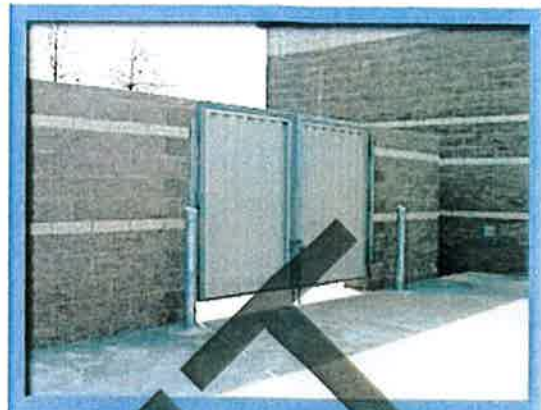




The good, bad and ugly... (examples)



Enclosures do not have to be unsightly - this enclosure was designed to complement a new commercial office building.



Using design elements from the main building, this enclosure sits in the middle of a parking lot providing great access for service vehicles.



Built with the same cedar siding as the professional office building, this spacious enclosure looks good and works well. Posts provide extra protection.



This large enclosure uses provides continuity and blending by using design elements from the main building.



Another large, well-designed enclosure, this includes a smaller service door. It encourages employees/janitorial staff to put materials inside the enclosure since they do not have to open the heavier gates.



This enclosure has been damaged and is too small for a group of strip mall tenants. Tenants leave trash outside, creating an unsightly and potentially unhealthy area. Furthermore, it is not conducive to recycling.



This shopping area places containers in full view of the street. It is unsightly for the residential development across the street, it promotes illegal dumping, and is prone to contamination of recyclables.



Small and unsightly, this enclosure does not meet the needs of this multifamily dwelling.



Don't try this at home! The collector is pulling out a 1,200 pound container that could have been picked up mechanically if the enclosure had been well designed.

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

<u>Report Date</u>	August 6, 2013
<u>Case Number</u>	PC-10-2013
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Code Text Amendment
<u>Summary of Request</u>	ZONING CODE TEXT AMENDMENT to amend Chapter 1141, Accessory, Temporary, Supplemental & Environmental Regulations, specifically 1141.04(j) Trash Collection Facilities, City of Oxford, Applicant
<u>Public Hearing Information</u>	On June 11, 2013 and July 9, 2013 Public Hearings took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on April 26, 2013.
<u>Commission Action</u>	The Planning Commission tabled this case at their June 11, 2013 meeting. The case was heard again at the July 9, 2013 Planning Commission meeting. The Planning Commission voted 7-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Code Text Amendment approval so that trash collection facilities would be addressed during staff review of new construction, redevelopment or change of use, ensuring they are compatible with surrounding land uses, are adequately sized, conveniently located, accessible, and accommodate the potential needs of the proposed uses(s) on the site.
<u>Exhibits Submitted to the Commission</u>	1. Proposed Language to City Council 2. Staff Reports dated July 2, 2013 and May 21, 2013, Including Proposed Language 3. Language Submitted by Richard Keebler at the June 11, 2013 Planning Commission Meeting 4. Interoffice Reviews 5. Zoning Code Text Amendment Application dated April 26, 2013

1141.04(j) Trash/Recycling Collection Facility -- Zoning Text Amendment

PC-10-2013 – With revisions after July 9, 2013 Planning Commission discussion ✓

(In concert with a design guideline bulletin)

- (1) Purpose.** The purpose of this Section is to ensure the provision of facilities, which are compatible with surrounding land uses; for the collection, separation, storage, loading and pickup of trash and recyclable materials.
- (2) General Standard.** Properties shall have adequately sized, conveniently located, accessible, trash and recycling facilities, to accommodate the specific needs of the proposed use(s) on the site.
- (3) Applicability and Design Regulations.** The following regulations shall be applied to all new commercial or multiple-dwelling structures and all existing commercial or multiple-dwelling structures where there is a redevelopment or change of use requiring a zoning permit. Compliance with these regulations shall be demonstrated on plans and exhibits and made part of an application for zoning permit from the Department of Community Development.

 - a. Areas for storage of trash and recyclable materials shall be adequate in capacity, number and distribution to serve the development, whether commercial, multi-dwelling or a combination thereof.
 - b. The amount of space provided for the collection and storage of recyclable materials shall be designed to accommodate collection and storage containers that are appropriate for the recyclable materials generated. Recyclable materials storage areas shall be clearly marked and shall be located abutting refuse collection and storage areas.
 - c. Where possible, each trash and recycling enclosure shall be designed to allow walk-in access without having to open main enclosure service gates. This is intended to reduce main service gates being left open and blocking parking or access.
 - d. Trash and recycling areas must be enclosed so that they are screened from public view. The enclosure shall be constructed of durable materials such as masonry and shall be compatible with the structure to which it is associated. Gates on the enclosures shall be constructed of metal or some other comparable durable materials, shall be painted to match the enclosure and shall be properly maintained.
 - e. Enclosure areas shall be designed to provide adequate, safe and efficient accessibility for service vehicles. The applicant shall consult the service provider prior to the facility placement and design.
 - f. Enclosure areas shall be constructed on a 4000 psi concrete pad at least 4-inches in thickness.
 - g. The storage/enclosure area shall not be in the front yard or the right of way.
 - h. The facility shall be reviewed and approved according to the City of Oxford Trash and Recycling Facilities Design Guidelines.
 - i. This section does not relieve property owners of any requirements in Chapter 931, Solid Waste Collection and Disposal; Recycling.

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-10-2013

Date – July 9, 2013
(Revised)

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING CODE TEXT AMENDMENT to Amend Chapter 1141, Specifically Section 1141.04(j) Environmental Regulations, Concerning Trash Collection Facilities, City of Oxford, Applicant

DESCRIPTION

This is a follow up from this item being tabled on June 11, 2013. A proposed text amendment updating the specifics of trash collection areas was presented on June 11th. Several comments and suggested revisions were made by the Commission and Staff. Since that time, staff studied further the potential consequences of codifying very specific land area requirements and is now suggesting a slightly different approach. Staff discovered that generally municipalities use zoning codes to require screening of such areas and sometimes the type of surface material, but typically not the specific amount of land to be used.

The suggested approach would not include specific land area dimensions in the code language, but would instead, involve a design guideline manual, as well as coordination with the actual trash collection provider, during the development review process. Staff studied closely a design guideline manual, as well as code language from the City of Fort Collins, CO. Their code language actually resulted from a community goal to divert more waste away from the landfill and toward recycling, but the community found that the collection areas were not functioning well with the increased demand for recycling space. The result was an update to both trash and recycling facilities which helped the city create a consistent look that is now the expected norm for developments. The attached language is customized for Oxford, particularly with the addition of the four inch thick concrete pad, and other necessary consistencies with our existing zoning laws.

ZONING CODE

The attached text amendment illustrates changes to Chapter 1141 Accessory, Supplementary and Environmental Regulations, specifically Trash Collection Areas.

COMPREHENSIVE PLAN

In Chapter 5 (Land Use) on page 3.22 of the 2008 Comprehensive Plan, one of the six strategies for "Supporting the redevelopment of commercial areas along Locust Street" was LU 5.3: "Enhance the Zoning Code to provide for increased buffering between commercial and residential uses including screening, noise restrictions, lighting restrictions, trash receptacle screening." The proposed language gives more practical guidance toward increasing the likelihood of trash and recyclable materials being contained in a safe, tidy and functional manner.

In Chapter 9 (Community Facilities and Services) on page 9.4 of the 2008 Comprehensive Plan, one of the seven strategies for "Improving City Services" was CF 3.1: "Expand recycling to high density multi-family buildings. The proposed language gives more attention to space for recycling materials; therefore it brings the developments in the community closer to this goal.

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

Trash collection facilities have not been a discussion item in the past but have always fell under staff administrative reviews when zoning permits have been applied for. The 2008 Comprehensive Plan supports the Planning Commission's efforts in updating city policies on this topic. As noted above in the description, City staff is suggesting a slightly different approach than previously recommended. However, in order to fully re-cap all the recent efforts made by Staff and Commission, below is a table comparing the major points of the currently codified language with the proposed latest text. The previously recommended language is not included in this comparison table.

Current	Proposed
Applicable to: No specific land uses or zones listed	Applicable to: Commercial and Multi-family
No thickness requirement for base	4" thick concrete pad required
<u>Screening from:</u> R.O.W. or adjacent property	<u>Screening from:</u> Public view
<u>Adequacy:</u> No specific guidance	<u>Adequacy:</u> Generally case-by-case for 1. capacity, 2. number and 3. distribution
<u>Aesthetics:</u> Screening only	<u>Aesthetics:</u> Screening and coordinate appearance w/building
<u>Location:</u> Comply with rear and side yard pavement setbacks	<u>Location:</u> Not permitted in the front yard. Must demonstrate accessibility
<u>Graphical reference:</u> None	<u>Graphical reference:</u> References a design guide
<u>Functionality:</u> Unknown	<u>Functionality:</u> Consult with collection service provider
Does not address recycling	Addresses recycling

The attached proposed code language continues the broad intent of the currently codified language, but expands on the somewhat vague term "adequate" by challenging the site designer to consider multiple characteristics of the property and the specific land use. Consistent with the "general intent" approach, the proposed language includes more detailed ways to accomplish the "how" of a good trash and recycling collection area without limiting the creativity and flexibility often needed. The two latest additions of particular note that accomplish these goals are:

1. Coordination with collection service provider in the code
2. Consultation of the Design Guideline in the code (The Design Guideline will not be part of the codified ordinance, but instead be a reference document)

The collection provider (currently Rumpke) that the city contracts with knows if a particular trash/recycling area is in a location that can be serviced. There are many variables well outside the scope of a zoning code such as overhead power lines and the geometry of driveway curb cut. The provider can often give input on the best size and location depending on the surrounding constraints and also the specific land use. The owner/tenant can also request up to six regular pick-ups per week, depending upon the volume. The type of container(s) and frequency of pick up is all handled outside the zoning code. However, that information will be important to know during the planning stages, so the proper size, number and location of sites can be designed.

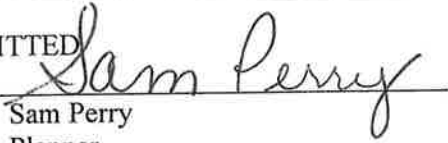
The use of Design Guidelines is not a new approach for the City of Oxford. There are at least two well-known uses of Design Guidelines as a standard part of development review for the City. This approach allows the general intent of City Council policies to be accomplished at the staff level, without subtle changes having to go through the formal variance process at Board of Zoning Appeals. One example of design guidelines is the Historic District Guidelines. Another example is the Storm Water Management Design Manual.

RECOMMENDATION

In summary, the attached language is not substantially different than the previous code language, but is a change in procedural steps of plan/permit review, by allowing the needed flexibility for different situations. The addition of the design guide will support the intent of the code language. Therefore the proposal should result in the most effective process for designers while being efficient, safe and attractive for the general public. Staff recommends that the Planning Commission forward the proposed legislation to City Council for adoption.

SUBMITTED

BY:


Sam Perry
Planner

Community Development Department

DATE: July 2, 2013

ATTACHMENT

Section 1135.02(c)

(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.

1141.04(j) Trash/Recycling Collection Facility -- Zoning Text Amendment

PC-10-2013 -- July 9, 2013 ✓

(In concert with a design guideline bulletin)

- (1) Purpose.** The purpose of this Section is to ensure the provision of facilities, which are compatible with surrounding land uses; for the collection, separation, storage, loading and pickup of trash and recyclable materials.
- (2) General Standard.** Properties shall have adequately sized, conveniently located, accessible, trash and recycling facilities, to accommodate the specific needs of the proposed use(s) on the site.
- (3) Applicability and Design Regulations.** The following regulations shall be applied to all new commercial or multiple-dwelling structures and all existing commercial or multiple-dwelling structures where there is a redevelopment, change of use or change to a structure. Compliance with these regulations shall be demonstrated on plans and exhibits and made part of an application for zoning permit from the Department of Community Development.
 - a. Areas for storage of trash and recyclable materials shall be adequate in capacity, number and distribution to serve the development, whether commercial, multi-dwelling and/or a combination thereof.
 - b. The amount of space provided for the collection and storage of recyclable materials shall be designed to accommodate collection and storage containers that are appropriate for the recyclable materials generated. Recyclable materials storage areas shall be clearly marked and shall be located abutting refuse collection and storage areas.
 - c. Each trash and recycling enclosure shall be designed to allow walk-in access without having to open main enclosure service gates.
 - d. Trash and recycling areas must be enclosed so that they are screened from public view. The enclosure shall be constructed of durable materials such as masonry and shall be compatible with the structure to which it is associated. Gates on the enclosures shall be constructed of metal or some other comparable durable materials, shall be painted to match the enclosure and shall be properly maintained.
 - e. Enclosure areas shall be designed to provide adequate, safe and efficient accessibility for service vehicles. The applicant shall consult the service provider prior to the facility placement and design.
 - f. Enclosure areas shall be constructed on a 4000 psi concrete pad at least 4-inches in thickness.
 - g. The storage/enclosure area shall not be in the front yard or the right of way.
 - h. The applicant shall consult the Design Guidelines manual as a design aid.
 - i. This section does not relieve property owners of any requirements in Chapter 931, Solid Waste Collection and Disposal; Recycling.

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-10-2013

Date – June 11, 2013

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING CODE TEXT AMENDMENT to Amend Chapter 1141, Specifically Section 1141.04(j) Environmental Regulations, Concerning Trash Collection Facilities, City of Oxford, Applicant

DESCRIPTION

The deficiency of adequate trash collection facilities, especially in the Uptown area was brought to Planning Commission's attention recently. Given that the Uptown area has been going through a redevelopment phase, it is now critical to incorporate necessary provisions in the Code to address this issue. At the May Planning Commission Work Session, Staff presented their ideas on this topic for discussion and the Planning Commission agreed that it was a good idea to further deliberate this topic during a regular meeting.

ZONING CODE

The attached text amendment illustrates changes to Chapter 1141 Accessory, Supplementary and Environmental Regulations.

COMPREHENSIVE PLAN

Not applicable.

AGENCY REVIEWS

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

Police:	Received with no comment
Fire:	No comment received
Engineering:	Received with no comment
Econ. Dev.	No comment received

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

Trash collection facilities have not been a discussion item in the past but have always fell under staff administrative reviews when zoning permits have been applied for. However, the on-going development in the Uptown area has highlighted that this issue does require a more concrete stipulation for addressing any future development projects.

Normally, trash generation is not an issue; however, trash containment is a common problem in an urbanized area, especially where rental properties are concentrated. Initiatively, the proportion of trash corresponds with the number of individuals residing in a dwelling unit and the numbers of dwellings on a property. This issue is more prominent in the Uptown District and other highly concentrated rental areas. The Uptown area is unique in that it promotes mixed-use development and is prime real estate for rental and commerce. Therefore, we need to consider residential and commercial uses at the same time for the Uptown District.

The Economic Development Director has been instrumental in developing the proposed language since he has been working with various property owners to collectively address the trash issue. His input has been invaluable in getting this matter to the Planning Commission's attention. Furthermore, his interaction with the property owners has provided him with a direct perspective. The proposed language outlines specific storage areas to be set aside based on the uses.

Keep in mind, the proposed language only requires storage areas be based upon the use, which then determines the size of the container. The proposed language further stipulates that a larger trash collection facility will need to include a concrete pad, larger than the storage area, to allow sufficient room for the container to be emptied by the trash truck.

It also stipulates that a large trash collection facility has to be screened from view and satisfy the setback requirement. Again, it is a much less issue in an owner-occupied neighborhood and the proposed language is, by and large, focusing on the Uptown environment.

RECOMMENDATION

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

SUBMITTED

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

DATE: May 21, 2013

ATTACHMENT

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

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

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

Text Amendments

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

Chapter 1141 Accessory, Temporary, Supplemental and Environmental Regulations

1141.04 Environmental Regulations

(j) Trash Collection Facility.

~~(1) Adequate waste disposal on-site facilities shall be shown on the plans submitted for a zoning permit, including a change of use permit. The Zoning Administrator may accept an alternative plan that adequately provides for the disposal of all waste generated by the proposed use. If such facilities or alternative plan are not acceptable, the permit may be denied.~~

~~———— (2) A trash collection facility shall include a large container such as a dumpster or a small container such as a garbage can, bag or other similar container. No trash collection facility shall be stored in the front yard and shall conform to side and rear yard pavement setbacks of the applicable zoning district.~~

~~———— (3) A large trash collection facility shall be situated in a permanent location and placed on a concrete pad (4000 psi minimum). A dumpster pad shall be of a dimension that will allow a dumpster to sit entirely on the pad and to permit the front or rear wheels of a trash disposal truck to rest on the pad while emptying the dumpster. No part of the container shall overhang the limits of the pad.~~

~~———— (4) If a site contains a large exterior trash collection facility such as a dumpster, this area shall be screened so as to not be visible from a public right-of-way or an adjacent property.~~

~~———— (5) The Zoning Administrator may approve plans for shared dumpster facilities.~~

(1) A trash collection facility shall include a large container such as a dumpster or a small container such as a garbage can or other similar container. No trash collection facility shall be stored in the front yard and shall conform to side and rear yard pavement setbacks of the applicable zoning district.

(2) Adequate on-site waste disposal facilities shall be shown on the plans submitted for a zoning permit, including a change of use permit based on the following requirements:

- a. A minimum of 2.5' by 3' storage space is required for each residential dwelling unit.
- b. A minimum of 3' by 6' of storage space is required for commercial space up to 2,500 sq. ft. of space.
- c. A minimum of 6' by 6' of storage space is required for commercial space over 2,500 sq. ft. of space.

(3) If a site contains a large exterior trash collection facility such as a dumpster, this area shall be screened so as to not be visible from a public right-of-way or an adjacent property.

(4) A trash collection facility that contains a dumpster shall be situated in a permanent location and placed on a concrete pad (4000 psi minimum). A dumpster pad shall be of a dimension that would allow a dumpster to sit entirely on the pad and to permit the front or rear wheels of a trash disposal truck to rest on the pad or public right-of-way when emptying the dumpster. No part of the dumpster shall overhang the limits of the pad.

(5) Any mixed-use structures or lots must provide storage space in an amount equal to the sum of all individual uses combined.

*Distributed
@ mtg*

1141.04 (j) Trash Collection Facility

- (1) One or more trash facilities shall be provided on each site or property to collect waste generated on that site.
- (2) A trash collection facility shall include one or more containers such as dumpsters, waste wheelers, trash cans, or similar containers as appropriate for the wastes being collected. A trash collection facility may also include a trash compactor if needed to meet the trash collection storage needs of the proposed property use.
- (3) No trash collection facility shall be located in the front yard, and the facility shall conform to side and rear yard pavement setbacks of the applicable zoning district.
- (4) The trash collection facility(ies) shall be adequately sized for the site and type of use being served. The proposed trash collection facility(ies) shall be shown on the plans submitted for a zoning permit, including a change of use permit, based on the following minimum requirements:
 - a. A minimum 36" wide x 42" deep space is required for each residential unit.
 - b. A minimum 7' wide x 10' deep space is required for each commercial space up to 2,500 sq.ft.
 - c. A minimum 10' wide x 10' deep space is required for each commercial space 2,500 sq. ft. and larger.

Any sites expected to host a restaurant or other eating establishment which will generate waste cooking oil shall provide additional space within the trash collection facility for a waste oil container.

- (5) Any trash collection facility that contains a dumpster and/or compactor shall be situated in a permanent location and shall be screened so as not to be visible from the public right-of-way or adjacent property. It shall have as its base a minimum 4000 psi concrete slab.
- (6) An appropriate paved surface shall be provided between the trash collection facility and the public right-of-way or other refuse truck loading area to facilitate movement of the containers. Where the facility includes a dumpster or other container designed to be loaded directly from the trash collection facility to the refuse truck, and the container

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/31/2013

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-10-2013 ZONING CODE TEXT AMENDMENT to amend Chapter 1141, Accessory, Temporary, Supplemental & Environmental Regulations, specifically 1141.04(j) Trash Collection Facilities, **City of Oxford, Applicant**

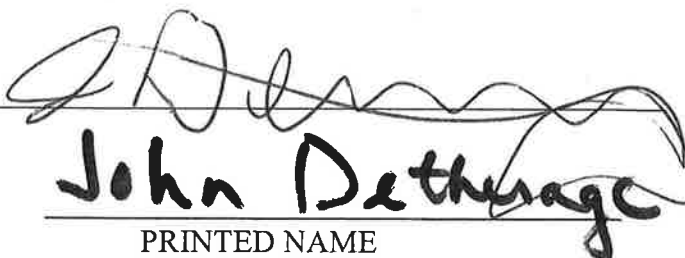
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/6/13** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:


John Dethage
PRINTED NAME

Date: 6-9-13

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/31/2013

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-10-2013 ZONING CODE TEXT AMENDMENT to amend Chapter 1141, Accessory, Temporary, Supplemental & Environmental Regulations, specifically 1141.04(j) Trash Collection Facilities, **City of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/6/13** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by: _____

A. Popescu

Date: 6-3-13

VICTOR POPESCU

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/31/2013

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-10-2013 ZONING CODE TEXT AMENDMENT to amend Chapter 1141, Accessory, Temporary, Supplemental & Environmental Regulations, specifically 1141.04(j) Trash Collection Facilities, **City of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/6/13** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: Lt. [Signature] #24 Date: 6/4/13

Lt. John A. Jones #24
PRINTED NAME

Zoning Code Text Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

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

SUBMISSION REQUIREMENTS

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

All applications must include:

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

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

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

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

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

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

SIGNATURE OF APPLICANT: Jung Han Chen Date: 4/26/13
PRINTED NAME: Jung-HAN Chen

FEE / RECEIPT

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