

Office of the Mayor

Proclamation

Whereas:

Oxford has always embraced the many cultures and peoples that make our country so diverse and Hispanic-Americans are the fastest growing minority population in the country; and

WHEREAS, as a result of their determination, intelligence, hard work and perseverance, Hispanics/Latinos have contributed immensely to the growth of our country, helping to shape the character and future of this state; and

WHEREAS, the cultural, educational, and political influences of Hispanics/Latinos can be seen and appreciated in all aspects of our life, from farm-worker struggles for housing and equal wages, to incredible and gifted artists, vibrant businesses, music and community festivals; and

WHEREAS, the Hispanic-American community has a long and important history of commitment to our Nation's core values and the contributions of this community have helped make our country great. During National Hispanic Heritage Month we celebrate the many achievements of Hispanic Americans and recognize their contributions to our country; and

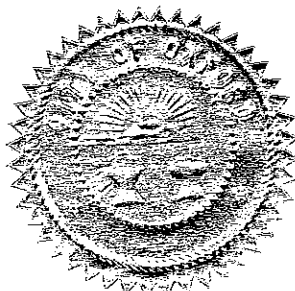
WHEREAS, the United States Congress issued Public Law 100-402 designating the month of September as National Hispanic Heritage Month;

NOW, THEREFORE, I, Prudence Z. Dana, Mayor of the City of Oxford, Ohio, do hereby proclaim September 15th thru October 15th, 2008 as:

'HISPANIC HERITAGE MONTH'

in the City of Oxford and urge all citizens to join me in celebrating the significant contributions of Hispanic Americans in our country by participating in the activities and events planned for this important occasion.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 12th day of September, 2008.



PRUDENCE Z. DANA, MAYOR

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: September 2, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

August 22, 2008
Date Prepared

Agenda Title: PC-13-2008 ZONING MAP AMENDMENT, newly annexed territory from Oxford Township Agricultural to R1B (Single-Family Medium Density Residential) District, Tim Myers, Agent, Applicant

Recommendation: Approval

Discussion:

The Applicant seeks a zoning map amendment for an area of approximately 54 acres of agricultural land to change from a County agricultural zone to R-1B Medium Single Family Residential District. Oxford City Council adopted Ordinance #2988 on March 18, 2008, accepting the annexed property into the City limits. A copy of the Ordinance is attached for your information. The City and the owners also executed an Annexation Agreement, dated July 27, 2007, prior to the City accepting the property, which outlined the responsibilities of the owners as well as the City.

The 1998 Comprehensive Plan did not identify this area to be a growth area (2010 and beyond). However, with the development of the Community Park and the construction of the Knolls of Oxford, it would appear that the growth of the City is moving westward.

The Paulin's, through their agent, filed an annexation petition in 2007. The annexation process was not finalized until 2008 due to an attempt between the owners and the City to work out an agreement which would outline development responsibilities and expectations/requirements to be mutually agreed upon. Additionally, the issue of roadway maintenance on Contreras and Fairfield Roads required the City to enter into an agreement with the Butler County Engineer's Office. A copy of the agreement is filed with the zoning map application for your information as well.

The Planning Commission voted 7-0-0 to recommend approval to City Council at their August 12, 2008 meeting.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

JHC 8/22/08
WLB 9/2/08

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT FOR 54.577 ACRES OF LAND ABUTTING FAIRFIELD AND CONTRERAS ROADS, OXFORD, OHIO AND REZONING THE PROPERTY FROM AGRICULTURAL (COUNTY) TO R1B (SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT.

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

SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on August 12, 2008, at 7:30 p.m., on the applicant's, Harry Paulin, Tim Myers, agent, application for a Zoning Map Amendment for 54.577 acres of land abutting Fairfield and Contreras Roads attached hereto and incorporated herein as Exhibit "A" and requesting the rezoning of the property from Agricultural (County) to R1B (Single-Family Medium Density Residential) Zoning District.

SECTION 2: The Oxford Planning Commission, after due deliberation, recommended granting the Zoning Map Amendment, and found that the proposed rezoning request was in keeping with the intended characteristics of the general vicinity of the property and was the most appropriate use of the property in question.

SECTION 3: Council hereby accepts the recommendation of the Oxford Planning Commission, and after due deliberation, finds for the granting of the Zoning Map Amendment, rezoning 54.577 acres of land abutting Fairfield and Contreras Roads attached hereto and incorporated herein as Exhibit "A" and rezoning the property from Agricultural (County) to R1B (Single-Family Medium Density Residential) Zoning District.

SECTION 4: Council hereby grants the rezoning request to the City of Oxford for the property as requested by the applicant, incorporating the application and documents submitted by the applicant as a term and condition of the granting of this rezoning request and orders that the official zoning map be amended.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	August 20, 2008
<u>Case Number</u>	PC-13-2008
<u>Applicant Information</u>	Harry Paulin-Tim Myers, Agent
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	The Applicant seeks a zoning map amendment for an area of approximately 54 acres of agricultural land changing from County agricultural zone to R-1B Medium Single Family Residential District
<u>Public Hearing Information</u>	On August 12, 2008 a public hearing was held at 118 West High Street. A legal notice of the August hearing was published in the Oxford Press on July 11, 2008.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 recommending approval of the Zoning Map Amendment at the August 12, 2008 meeting.
<u>Commission Findings and Conclusions</u>	The Planning Commission voted to recommend approval of the R-1B Medium Single Family Residential District in accordance with the Annexation Agreement, dated July 27, 2007.
<u>Exhibits Submitted to the Commission</u>	1. Community Development Staff Report dated July 25, 2008 2. Inter-office Review Transmittal Sheets from Engineering dated July 14, 2008 & December 7, 2006 3. Ordinance 2998 Annexation Petition dated March 18, 2008 4. Letter of Agency 5. Zoning Map Amendment Application 6. Annexation Agreement, dated July 27, 2007 7. Larry Frimerman, Oxford Township Trustee, comments dated August 12, 2008

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-13-2008

Date – August 12, 2008

APPLICATION

Applicant:	Harry Paulin-Tim Myers, Agent
Location:	54 acres of land between Fairfield and Contreras Roads, west of the Knolls of Oxford
Owner:	Harry and Anna Paulin, TR
Action Request:	Zoning Map Amendment
Current Use:	Agricultural Use
Current Zoning	County agricultural zoned
Surrounding Existing Land Uses:	Agricultural /Single family

GENERAL DESCRIPTION

The Applicant seeks a zoning map amendment for an area of approximately 54 acres of agricultural land to change County agricultural zone to R-1B Medium Single Family Residential District. The City Council adopted Ordinance # 2988 on March 18, 2008 accepting the annexed property into the City limits. A copy of the Ordinance is attached for your information. The City and the owners also executed an Annexation Agreement, dated July 27, 2007, prior to the City accepting the property, outlining the responsibilities of the owners as well as the City.

SURROUNDING NEIGHBORHOOD

The site is surrounded by underdeveloped land on the north and west sides. Miami University Airport is located to the south. The Knolls of Oxford is immediately to the east of this property. See attached map.

ZONING CODE REGULATIONS

The property is currently still carrying the county agricultural zoning until the property owner files an application to change the zoning designation to City's zoning classification.

COMPREHENSIVE PLAN

HOUSING

A. Goal

The Housing goal is to enhance the livability, aesthetics, affordability and diversity of Oxford-area housing with improvised and enforceable codes and standards.

D. Objectives and Strategies

1. Expand Housing Affordability

The housing market must be broadened to provide a full range of housing options. Future owner-occupied housing developments, single-family and multi-family, should fill the gap, by providing new housing in the lower-middle to middle income markets. At the same time, conditions in existing housing should be strengthened to assure quality living environments.

Strategies

A. Continuing to target resources that facilitate affordable housing.

The City should continue to target available resources that facilitate affordable housing.

B. Adopting incentives to encourage the development of housing for low- and moderate-income persons.

The City should identify, analyze, and adopt various incentives to encourage the construction of new housing specifically for the local low- and moderate-income housing markets.

C. Encouraging a mix of housing opportunities.

The City should encourage a broad mix of housing opportunities in Oxford. This mix should include all market types and price ranges. The City can do this through a series of actions:

1. Marketing the City to a range of housing builders.
2. Encouraging a local showcase of new and/or rehabilitated homes
3. Developing an incentive package, such as a zoning density bonus.
4. Partnering with nonprofit corporations and agencies to develop affordable housing.

Land Use

A. Goal

The Land Use goal is to manage growth to ensure innovative land uses, green areas, small town character and preserved farmland through effective long-term policies.

D. Objective and Strategies

1. Continue to Manage Growth

Managing the development of Oxford is an ongoing process that involves a host of partners - City Council, Planning Commission, Administration, major property owners such as Miami University, the development community, community organizations and the public.

Strategies

A. Integrating the Comprehensive Plan into the City's business.

The Comprehensive Plan serves as the City's growth policy through 2010, with modifications and updates as necessary. City Council, Planning Commission, Board of Zoning Appeals and the Administration must rely upon the Plan on a regular basis in making administrative and legislative decisions that affect the City's physical development and growth.

B. Adopting a formal utility services boundary to include timing utility extensions and an annexation policy.

Separate from adopting the Comprehensive Plan, City Council should consider formally adopting utility services boundaries by the Butler County Board of Commissioners.

C. Continuing to adopt the annual Capital Improvement Program (CIP) in line with the Comprehensive Plan.

The annual Capital Improvement Program should be adopted in line with the Comprehensive Plan.

D. Maintaining and enhancing stronger working relationships with Oxford Township, other surrounding townships, Butler County, Miami University and the Talawanda School District.

The City should actively pursue strong working relationships with its local government, neighbors and the University. It is in the community's best interest to create strong, ongoing partnerships.

AGENCY COMMENTS

Requests for Agency Reviews were sent to the Police, Engineering and Fire Departments. Their comments were also attached for your consideration.

PUBLIC COMMENT FORMS

None received at the time this report was prepared.

DECISION CRITERIA (Section 1135.02(c))

Planning 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 comments presented during the public hearing. City Council shall base its decision on the same materials and shall consider the Planning Commission's recommendation.

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

Map Amendment

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

STAFF ANALYSIS

The 1998 Comprehensive Plan did not identify this area to be a growth area (2010 and beyond). However, with the development of the Community Park and the construction of the Knolls of Oxford, it would appear that the growth of the City is moving westward.

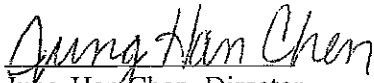
The Paulin's, through their agent, filed an annexation petition in 2007. The annexation process was not finalized until 2008 due to an attempt between the owners and the City to work out an agreement to outline development responsibility and expectations/requirements to be mutually agreed upon. Additionally, the issue of roadway maintenance on Contreras and Fairfield Roads requires the City to enter into an agreement with the Butler County Engineer's Office. A copy of the agreement is filed with the zoning map application for your information as well.

RECOMMENDATION

Not Applicable

SUBMITTED

BY:



Jung-Han Chen, Director
Community Development Department

DATE: July 25, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-13-2008

Description:

PC-13-2008

ZONING MAP AMENDMENT, newly annexed territory from Oxford Township
Agricultural to R1B (Single-Family Medium Density Residential) District, **Tim Meyers,**
Agent, Applicant

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

SEE MEMO DATED 7-14-08

Drawings reviewed by:

A. Popescu

7-14-08



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case # PC-13-2008
Paulin Property - Zoning Map Amendment

DATE: July 14, 2008

Below are our comments on the proposed amendment.

- The Annexation Agreement, an essential part of this case, refers to a series of exhibits. The Engineering Division reserves the right for further comments upon the review of the missing exhibits.
- The property annexation and the proposed zoning amendment are independent of the Contreras Road and Fairfield Road annexation into the City limits. The subject roads were not annexed. However, it must be pointed out that there is a "Roadway Maintenance Agreement" between the City of Oxford and the Butler County Engineer's Office.
- A memo, dated December 7, 2008 (copy attached), to Jung-Han Chen, Community Development Director, listed a number of conditions and questions which the development plans must address. Those conditions and questions apply regardless of the zoning map amendment.
- Based on the presented documentation, minus the above exhibits, the Engineering Division recommends approval of the case.



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Jung-Han Chen
Community Development

FROM: Victor Popescu
City Engineer

RE: Paulin Property - Proposed Concept Plan

DATE: December 7, 2006

The following are our comments on the proposed development. Note must be taken that the submittal is very limited on the information presented.

- It appears that the development may consist of 165 homes. Can the present sanitary mains in the area accept the additional flow without upsizing?
- Water supply for the proposed development will not be an issue.
- A traffic impact study will be necessary.
- Fairfield Road will need to be widened to accommodate an acceleration/deceleration lane at the proposed entrances to the subdivision. Same comment applies to the Contreras Road entrance.
- Would the additional traffic generated by the proposed development warrant a traffic signal at any of the entrances?
- How would the storm water issue be addressed? Would the development have underground detention or detention ponds?
- Presently, we are aware of drainage easements on this property. How would these easements be addressed?
- Would the sanitary sewers, within the development, be gravity flow?
- If a force main would be necessary to server the development, all the costs associated with the force main would be the responsibility of the development.
- Would connectivity with the Knolls of Oxford be desirable?
- In the past, the OATS committee was discussing the possibility of a bike path thru this proposed development. Would this proposed development provide a bike path?

- It should be noted that it is City policy, when utilities are provided outside the City limits, to require annexation.
- Utilities, roadway, and traffic signals must be constructed as per City of Oxford's specifications.
- CADD, as-built drawings will be required to be submitted to the Engineering Division upon completion of the development's infrastructure.

The above comments are limited and are based on a submittal that provided insufficient information on the proposed development.

ORDINANCE NO. 2998

AN ORDINANCE ACCEPTING THE ANNEXATION PETITION SUBMITTED BY ANNABELLE AND HARRY PAULIN FOR 54.577 ACRES OF LAND ABUTTING FAIRFIELD AND CONTRERAS ROADS, IN THE TOWNSHIP OF OXFORD, OHIO AND ACCEPTING SAID TERRITORY TO BE ANNEXED.

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

SECTION 1: Annabelle and Harry Paulin filed a petition with the Board of County Commissioners of Butler County, Ohio, to obtain annexation to the City of Oxford, Butler County, Ohio, territories consisting of 54.577 acres of land abutting Fairfield and Contreras Roads, in the Township of Oxford, Ohio. Said petition was filed with the consent of all parties pursuant to Ohio Revised Code Section 709.022.

SECTION 2: By Resolution No. 07-12-2371, adopted December 27, 2007, the Board of County Commissioners did approve the annexation of the proposed territory to the City of Oxford as hereinafter described. Such approval was subject to the terms and conditions contained in the Annexation Agreement, provided for by Ohio Revised Code Section 709.192, attached hereto and incorporated herein as Exhibit "A." The petitioners have conformed they intend to proceed with the terms and conditions set forth in the Annexation Agreement and the Statement of Services Resolution No. 4317 adopted December 18, 2007, attached hereto and incorporated herein as Exhibit "B".

SECTION 3: Through the Clerk of the Board of County Commissioners, Butler County, Ohio, the Board of County Commissioners did certify a transcript of the proceedings in connection with the map and petition required herein to the Clerk of the Oxford City Council who received the same on the 2nd day of January 2008.

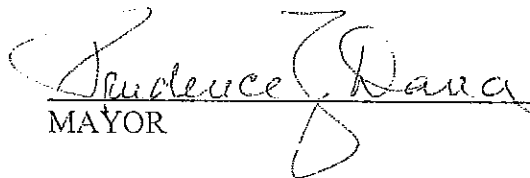
SECTION 4: Sixty (60) days from the date of the filing have now elapsed in accordance with the provisions of Ohio Revised Code 709.04.

SECTION 5: The proposed annexation, as applied for in the petition of Annabelle and Harry Paulin being the petitioner and owner of the real estate in the territory sought to be annexed and filed with the Board of County Commissioners, Butler County, Ohio, in which the petition prayed for annexation to the City of Oxford, Ohio, of certain territory adjacent thereto as hereinafter described, and which petition was approved for annexation to the City of Oxford, Ohio, by the Board of County Commissioners is hereby accepted and deemed annexed to the City of Oxford, Ohio. Said annexation shall be subject to all the terms and conditions provided herein and contained within the Annexation Agreement, attached hereto and incorporated herein as Exhibit "A", and the acceptance of public roads and streets, pursuant to Section 1101.06 of the Oxford Code of Ordinances. The territory to be annexed is more particularly described in Exhibits "C" and "D", attached hereto and incorporated herein by reference.

SECTION 6: A certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for annexation and the papers relating to all proceedings heretofore with the County Commissioners, are all on file with the Clerk of the City of Oxford, and have been for more than sixty (60) days.

SECTION 7: The Clerk of the City of Oxford is hereby authorized and directed to make four copies of this ordinance, to each of which shall be attached a copy of the map accompanying this petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners of Butler County, Ohio, related thereto, and certified as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective and the Clerk shall do all other things as required by law.

SECTION 8: This Ordinance shall take effect at the earliest time allowed by law.


MAYOR

ADOPTED: March 18, 2008

ATTEST:


DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Mr. Timothy H. Myers, 5020 College Corner Pike, Oxford, Ohio has permission to represent our interest with the City of Oxford and act on our behalf for the Planning Commission regarding **(Request – i.e. demolition, reuse, paint, new windows)** at our property located at **(Address of proposed changes)** Street, Oxford, Ohio 45056.

Thank-you,

Harry R. Paulin

Owner/Trustee:

Company Name & Address:

7/9/08
Date:

newly annexed property
west side of Oxford (between Contreras & Fairfield Roads)
change of zoning district

Case No.: 8/12/08 PC-13-2008
Date filed: 12/12/08

Zoning Map Amendment Application
City of Oxford, Ohio

PC-13-2008

REQUIRED INFORMATION

Name of Applicant:

HARRY PAULIN - TIM MYERS AGENT

Mailing Address:

(Attach a letter of agency if the applicant is not the property owner.)
5020 B COLLEGE CERNER PIKE - OXFORD, OHIO 45056

Telephone Number(s):

(513) 523-2181

Location of Property:

WEST SIDE OF OXFORD BETWEEN CONTRAS AND FAIRFIELD RDS.
(Indicate address if there is an existing structure or subdivision name and lot number if subdivided.) MAP ATTACHED

Legal Description:

ATTACHED 54 ACRES + OR -

Total Area:

54.511 Acres / Square Feet (circle one)

Existing Use of Property:

AGRICULTURE

Current Zoning:

UNZONED

Proposed Zone(s):

R1B - AGREEMENT ATTACHED

Proposed Use:

Residential Single family and Condos

SUBMISSION REQUIREMENTS

Please submit a vicinity map, at a scale and a metes and bounds description of the property, the statement described below and the required fee of \$150.00, made payable to the City of Oxford. The entire submission must be prepared in accordance with Chapter 1135, Zoning Code Amendments, of the City of Oxford Zoning Code.

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of every parcel proposed to be rezoning, including those across streets, roads, alleys and highways.

Attach a statement which responds to the following questions:

- 1) What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?
- 2) How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.
- 3) How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?
- 4) What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).
- 5) Why is the current zoning classification of the property no longer appropriate?

All materials and application fee must be delivered to the office of the Planning Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Planning Department at (513) 524-5204. The issue will be placed on the next possible agenda.

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

SIGNATURE OF APPLICANT:

Timothy H. Myers

Date: 6/10/08

PRINTED NAME:

Timothy H. MYERS

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: 13878

Relationship To Comp Plan

Property shows as Rural with Agriculture use. Sits adjacent to previous Oxford west city boundary line. To the east is the Knolls of Oxford, a retirement community. The requested change will provide buffering between the existing development and unannexed rural farm land. Miami University Airport and Oxford Park are located to the south of subject.

Effects on Neighborhood

There will be no negative impact by granting the requested zoning.

Effect on Public Utilities

There is an annexation agreement in place granting extension by the city, of public utilities, road and bike path. City development standards require developer to control drainage and accessibility for safety equipment.

Impact on Private Property and Public Facilities

This zoning request would have no negative impact on adjacent property-private or public. In fact, the annexation agreement assures a positive effect at time of development.

Current Zoning

Current zoning is no longer proper for this parcel for being newly annexed. It has yet to receive zoning from the city.

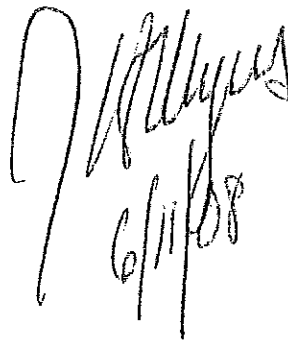
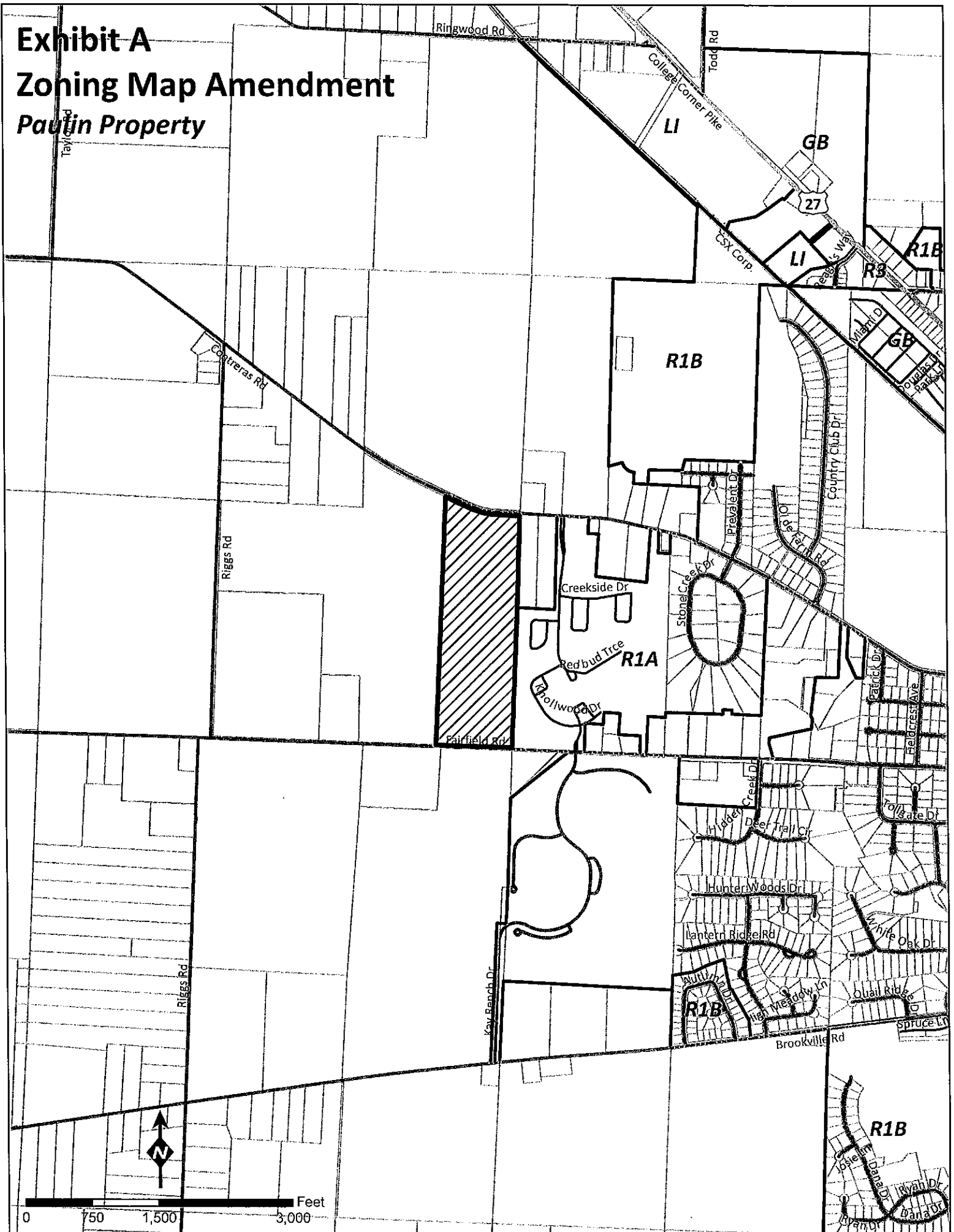

6/11/08

Exhibit A

Zoning Map Amendment

Paulin Property



ANNEXATION AGREEMENT

This Annexation Agreement is hereby entered into this 26th day of July 2007, by and between the City of Oxford, Ohio, a municipal corporation, hereinafter referred to as "City", and Harry and Anna Belle Paulin, hereinafter referred to as "Owners".

WHEREAS, the Owners own property in Oxford Township (hereinafter referred to as "Property") and have filed the petition to have the Property annexed into the City and to receive municipal services for development purposes, and;

WHEREAS, the City has agreed to make municipal services available to the Property; and,

WHEREAS, the City desires to enter into an annexation agreement to outline the issues and concerns identified by the City to ensure these issues will be addressed appropriately when the Property is developed; and

WHEREAS, the Owners desire to formalize the understanding between parties with respect to the future development of the Property.

NOW, THEREFORE, to allow the Property to be annexed into the City and to be able to develop the Property in the future, the City and Owner hereby agree as follows:

1. The Owners have filed an annexation petition requesting that the Property be annexed into the City and the annexation proceeding is pending upon the execution of the Agreement. The Property is consisting of 54.577 acres and more particularly described on Exhibit A attached hereto. The said petition is attached hereinafter as Exhibit B.
2. The City has agreed to take those actions required to annex the Property at the earliest time practical after the execution of this Agreement.
3. The City agrees to accept an application to rezone the Property after the execution of this Agreement and to have the application heard by the Planning Commission at the first available date, even if prior to the completion of the annexation. The application will seek to rezone the Property to R1-B. The rezoning request will be heard by City Council. If the annexation has not yet been completed, Council will review the request to provide an advisory opinion. Council will consider the rezoning application request officially as soon as practical following annexation of the Property to the City.
4. The City has identified engineering issues with respect to the preliminary development concept of the Property as submitted and attached hereinafter, as Exhibit C. These comments are attached hereafter as Exhibit D. Furthermore, a copy of these comments was given to Mr. Timothy Myers, agent of the Owners in December 2006, and January 2007 respectively.

5. The City agrees to make municipal water service available to the Property for future development. The cost to connect to the existing nearest municipal water service to the Property will be the City's responsibility. The installation of said connection to the municipal water service shall conform to the specifications and standards of the City's ordinance and regulations existing at the time municipal water service is installed on the Property. The Owners shall pay for running any laterals or service lines from the tap-in on the property.
6. The Owners shall extend the municipal water line servicing the Property to the west property line to allow the future extension of the municipal water service to the adjoining properties at the earlier of any development of the Owners property that encompasses forth percent (40%) or more of the area of the Property or at the time of a Phase II development.
7. The City also agrees to make municipal sanitary sewer service available to the Property for future development. The cost to connect the property to the municipal sanitary sewer service will be the City's responsibility. The installation of such connection to the municipal sanitary sewer service shall conform to the specifications and standards of the City's Ordinances and regulations as applicable. The Owners shall pay for the cost of extending sanitary lines upon Owner's property once the City gets it to the Property line.
8. The Owners shall extend the sanitary sewer line servicing the Property to the west property line to allow the future extension of the municipal sanitary sewer service to the adjoining properties at the earlier of any development of the Owners property that encompasses forth percent (40%) or more of the area of the Property or at the time of a Phase II development.
9. The Owners shall conduct a traffic impact study for the development of the Property prior to submitting any subdivision request to the Oxford Planning Commission for review. The Owners are responsible for the signalization of the entrance/entrances as determined by the Service Director, based on the traffic impact study for the development of the Property.
10. It is the Owners' responsibility to ensure the drainage easement at the Property serving the adjoining property to the west to be maintained and respected.
11. The Owners agree to dedicate sufficient right-of-way to construct an acceleration/deceleration lane at Fairfield Road and Contreras Road entrances to the Property when the subdivision is proposed. The City Engineer will determine the necessary right-of-way width. All roadway construction in and around the development of the Property shall meet the City of Oxford's specifications and at the Owners expense.

12. The Owners will provide the City Engineer a detailed plan how to handle additional storm water generated from the development for review. The City Engineer shall determine whether the proposed plan to handle additional storm water is satisfactorily meeting the standards and specifications of the City's Ordinances and regulations as applicable and advise the Owners of any deficiencies that need to be corrected prior to approving the proposed storm water-handling plan.
13. If the City fails to rezone the Property as requested here or otherwise agreed by the Owners within ninety (90) days after approval of the annexation (including any applicable mandatory waiting periods), the City agrees to cooperate with the Owner's and de-annex the Property as soon as possible.
14. The Owners shall construct a street built to City standards between Contreras Road and Fairfield Road at the earlier of any development of the Owners property that encompasses forty percent (40%) or more of the area of the Property or at the time of a Phase II development.
15. The Owners are required to dedicate a bike trail/path through this Property to connect Fairfield Road to Contreras Road. The land dedicated for the bike trail/path right of way shall have a minimum width of 20 feet, with the bike trail/path pavement being 10 feet in width. This right of way shall be located on the twenty (20) feet immediately adjacent to the west property line of the Property.
16. All utility, roadways and traffic signal must be constructed in conformance to the City of Oxford's specifications.
17. Future development of the Property shall meet the minimum requirements as stipulated in the City of Oxford Planning and Zoning Code and other specifications and of the City's Ordinances and regulations, as the same may be amended.
18. This Agreement is intended to be severable. If part of the Agreement is deemed unenforceable, the remainder shall be enforced to the extent necessary to accomplish the goals of the Owners to develop the Property as requested or to de-annex the Property.
19. The Agreement is intended in part to fulfill City's obligation to provide water and sewer to Owners under a contract between the parties dated August 26, 1998. However, such former contract remains in full force and effect and shall be referred to in the case of any ambiguity in this Agreement or should the planned annexation not proceed or if the Property is de-annexed. At the completion of extending municipal water and sanitary services to the Property, the said contract will be considered fulfilled and nullified.

20. Any modifications to this Agreement shall require the approval of both parties and shall be in writing.
21. This Agreement shall be recorded in the Butler County Recorder's Office and the terms, conditions shall be binding upon the parties herein, and all successors and assigns, and these terms and conditions shall run with the land.
22. This Agreement shall be subject to the law of the State of Ohio. Any causes of action arising out of Agreement shall be heard in a court of competent jurisdiction in Butler County, Ohio. Any provision deemed unenforceable for any reason shall not invalidate the Agreement, the parties intending the Agreement to be interpreted without that provision.
23. This Agreement shall represent the full agreement between the parties and shall supersede any oral or written agreements, commitments or promises made prior to the date of this Agreement.

[Remainder of Page Intentionally Left Blank]

The Parties have signed and executed this Agreement on the date first written above.

CITY OF OXFORD

OWNER

By: Mike Dreisbach
Mike Dreisbach, Interim, City Manager

BY: Harry R. Paulin
Harry Ritter Paulin

By: Anna Belle Paulin
Anna Belle Paulin

STATE OF OHIO :

SS:

County of BUTLER

State of Ohio

SWORN TO BEFORE ME and the subscribed in my presence by the said
Michael Dreisbach, this 26th day of July, 2007



LEANN HENDRICKS
Notary Public, State of Ohio
My Commission Expires
January 25, 2011

Leann Hendricks

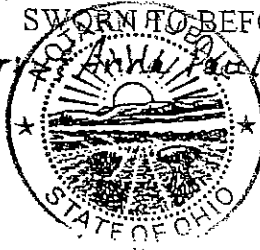
STATE OF OHIO :

SS:

County of BUTLER

State of Ohio

SWORN TO BEFORE ME and the subscribed in my presence by the said
Harry R. Paulin, this 26th day of July, 2007



LEANN HENDRICKS
Notary Public, State of Ohio
My Commission Expires
January 25, 2011

Leann Hendricks

RECEIVED

DEC 10 2007

Road Maintenance Agreement

Between the governmental agencies of

City of Oxford

Board of County Commissioners, Butler County, Ohio
City of Oxford, Butler County, Ohio

This joint road agreement and resolution is made and entered into by and between the Board of County Commissioners and the City of Oxford, both political subdivisions of Butler County and the State of Ohio, and pursuant to the Ohio Revised Code Section 709.03.3.

WITNESSETH:

WHEREAS, portions of Contreras Road are within the corporation limits of the City of Oxford; and

WHEREAS, portions of Contreras Road are also within the un-incorporated areas of Oxford Township; and

WHEREAS, portions of Fairfield Road are within the corporation limits of the City of Oxford; and

WHEREAS, portions of Fairfield Road are also within the un-incorporated areas of Oxford Township; and

WHEREAS, henceforth all improvement and maintenance responsibilities shall be divided as follows:

- (1) City of Oxford is to maintain and repair Contreras Road from the westerly property line of Parcel H3510-009-000-020, proposed westerly City Limits of Oxford, to its intersection with College Street, a total distance of 1.938 miles.
- (2) Butler County is to maintain and repair Contreras Road from its intersection with State Line Road North to the west property line of Parcel H3510-009-000-020, proposed westerly City Limits of Oxford, for a total distance of 1.999 miles.

- (3) City of Oxford is to maintain and repair Fairfield Road from the westerly property line of Parcel H3510-009-000-020, proposed westerly City Limits of Oxford, to its intersection with Paterson Avenue (US 27), a total distance of 2.681 miles.
- (4) Butler County is to maintain and repair Fairfield Road from its intersection with State Line Road North to the west property line of Parcel H3510-009-000-020, proposed westerly City Limits of Oxford, for a total distance of 1.862 miles.

WHEREAS, an improvement is a change, permanent and fixed - maintenance has been defined as any and all repairs, general upkeep of the roadway, and culverts within the right-of-way;

AND WHEREAS, this agreement involves both improvements and maintenance;

THEREFORE IT IS MUTUALLY AGREED

- (1) That pursuant to Chapter 5557, of the Ohio Revised Code, the Board of County Commissioners do hereby adopt this agreement to become effective upon the adoption of the same agreement by the City of Oxford.
- (2) All improvements and maintenance responsibilities shall be divided between the County and the City of Oxford as follows:
 - a. City of Oxford is to maintain and repair Contreras Road from the westerly property line of Parcel H3510-009-000-002, proposed westerly City Limits of Oxford, to its intersection with College Street, a total distance of 1.938 miles.
 - b. Butler County is to maintain and repair Contreras Road from its intersection with State Line Road North to the west property line of Parcel H3510-009-000-020, proposed westerly City Limits of Oxford, for a total distance of 1.999 miles.
 - c. City of Oxford is to maintain and repair Fairfield Road from the westerly property line of Parcel H3510-009-000-020, proposed westerly City Limits of Oxford, to its intersection with Paterson Avenue (US 27), a total distance of 2.681 miles.

- d. Butler County is to maintain and repair Fairfield Road from its intersection with State Line Road North to the west property line of Parcel H3510-009-000-020, proposed westerly City Limits of Oxford, for a total distance of 1.862 miles.
- (3) That Butler County and City of Oxford shall notify and report to each other any work on Contreras Road or Fairfield Road undertaken during each year.
- (4) That each entity shall finance and pay for all costs of improvements, repairs and maintenance undertaken by them.
- (5) That unless otherwise agreed upon, employees and contractors of each entity shall remain solely the responsibility of that entity, as to payment, worker's compensation, and insurance, and the performing entity shall hold the other entity harmless as to any and all debts and obligations concerning those employees or contractors.

IN WITNESS WHEREOF, the parties of this Agreement have set their hands this 20th day of August, 2007.

Witnesses:

Flora Swann
Julie Huber

BOARD OF COUNTY COMMISSIONERS

By: Gregory V. Jolivet
Gregory V. Jolivet, President

By: Charles R. Furmon
Charles R. Furmon, Vice-President

By: Donald L. Dixon
Donald L. Dixon, Member

CITY OF OXFORD

Michael B. Dreisbach
MaryAnn Eason

By: Michael B. Dreisbach
Michael B. Dreisbach, Interim City Manager

RESOLUTION NO. 4279

RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A ROAD MAINTENANCE AGREEMENT WITH THE BUTLER COUNTY BOARD OF COMMISSIONERS FOR THE MAINTENANCE AND UPKEEP OF A PORTION OF FAIRFIELD ROAD AND CONTRERAS ROAD.

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

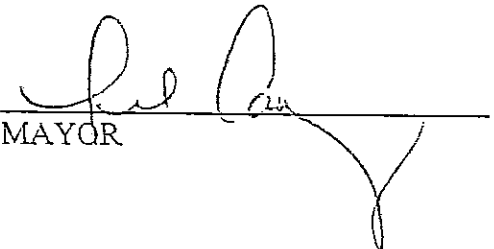
SECTION 1: The City by Resolution No. 4197 accepted the annexation of 54.577 acres of land located along Fairfield Road and Contreras Road.

SECTION 2: Said Annexation brings a portion of Fairfield Road and Contreras Road under the concurrent jurisdiction of the City and Butler County for snow removal and maintenance.

SECTION 3: Council desires to enter into a Road Maintenance Agreement with the Butler County Board of Commissioners for snow removal and maintenance and finds that such Road Maintenance Agreement is in the best interests of the City and would promote the health, safety and welfare of the citizens.

SECTION 4: The Interim City Manager is hereby directed to enter into, on behalf of the City, a Road Maintenance Agreement with the Butler County Board of Commissioners for the maintenance and snow removal of a portion of Fairfield Road and Contreras Road. Such agreement shall meet the approval of the Law Director.

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


MAYOR

ADOPTED: JULY 17, 2007

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: JEROME CONLEY

PREPARED BY: LAW (STAFF)

RECEIVED
BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF
BUTLER COUNTY, OHIO
PETITION BY OWNER OF REAL ESTATE FOR ANNEXATION
TO
CITY OF OXFORD, OHIO
07 NOV 15 AM 10:23
COUNTY COMMISSIONERS

The undersigned, being all the owners of a freehold estate in land adjacent to the City of Oxford, Butler County, Ohio, herein respectfully submit this amended petition, asking that the real estate hereinafter described be annexed to the City of Oxford, Butler County, Ohio, in accordance with Ohio Revised Code Section 709.023.

Said petitioners state:

1. The full description of the territory sought to be annexed is:

Situated in and being a part of Lots 1 & 2, Section 20, Town 5, Range 1, Oxford Township, Butler County, Ohio and being more particularly bounded and described as follows: Beginning at an iron pin (found) at the southeast corner of Lot 1, and the southeast corner Section 20, said point being in the center of Fairfield Road; THENCE FROM THE BEGINNING POINT THUS FOUND South 89° 30' 32" West along the south line of said lot and section and in the center of Fairfield Road 864.93 feet to a mag nail (set) at the grantors southwest corner; thence North 0° 29' 25" West along the grantors west line (passing an iron pin set at 30.00 feet) a distance of 2865.13 feet to a mail nail (set) in the center of Contreras Road (witnessed by an iron pin set bearing South 0° 29' 25" East 32.13 feet); thence South 66° 54' 59" East along the center of Contreras Road a distance of 529.26 feet to an iron pin (set) in the north line of Lot 1; thence North 88° 53' 27" East along the north line of said Lot 1 and the center of Contreras Road 402.60 feet to an iron pin (found) at the northeast corner of Lot 1; thence due South along the east line of said lot and section 2657.89 feet to the point of beginning containing 54.577 acres of land and being subject to the legal right-of-way for Fairfield and Contreras Roads and all other easements and restrictions of record.

Subject to a water line easement heretofore conveyed, 20 feet in width taken evenly off the east side of the above described property; bearings shown hereon are based on an assumed meridian and are used to denote angles only.

2. The number of owners of real estate in the territory sought to be annexed is two, being Harry Ritter Paulin, Trustee and Anna Belle Paulin, Trustee, the petitioners.

3. Timothy H. Myers, 5020 College Corner Pike, Oxford, Ohio 45056, is hereby appointed and authorized to act as agent for the petitioners in securing such annexation.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

Harry R. Paulin, Trustee
Harry Ritter Paulin, Trustee
Date signed 10-18-07

Anna Belle Paulin, Trustee
Anna Belle Paulin, Trustee
Date signed 10-18-2007

Jung-Han Chen

From: Larry Frimerman [larryfrimerman@yahoo.com]
Sent: Tuesday, August 12, 2008 4:36 PM
To: Jung-Han Chen; Kathy Dale
Cc: mcdonough7070@aol.com; ukcat1grs8@aol.com; James M. Dr. Rubenstein;
jim.rowan@hylant.com
Subject: Tonight's Planning Commission Meeting

Mr. Jung-Han Chen
City of Oxford

August 12, 2008

Dear Mr. Chen:

I am writing to you as an Oxford Township Trustee and a member of Oxford's Comprehensive Plan Steering Committee regarding two items:

- 1) To support the City's Comprehensive Plan, and urge implementation of a joint planning regime;
- 2) To urge consideration by the Planning Commission and Council for helping the Applicant, Timothy Myers, structure his proposed development as a Conservation Development, clustering homes away from sensitive and nearby properties, and in a way that maximizes open space and farmland.

Both the City's and Twp's plans call for the maintenance of the rural character of the Township, and of fostering compatible land uses and transition areas nearby agricultural land and open space. In fact, the Annexation Code for the State actually requires such a transition zone. On page two of the Oxford Twp Comprehensive Plan, we urge use of Conservation Developments for proposed developments. The Proposed Rezoning you consider today of the 54 acre portion of the Paullin Farm on Contreras Rd should be a prime candidate. It is adjacent to a horse and grain farm which uses agricultural chemicals and fertilizers. There is a broad drainage easement for the adjacent farm on the Paullin Farm. And, the property is on the edge of a very rural area destined to remain so based upon comprehensive plans and practical infrastructure realities.

Please consider conditioning any rezoning of the property in the light of granting rezonings with such density only if the landowner/developer is willing to mitigate the density by employing conservation development and low impact development measures.

Sincerely,

Larry

Larry Frimerman
Oxford Township Trustee

Larry Frimerman

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: September 16, 2008

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

September 10, 2008
Date Prepared

Agenda Title:	Resolution Accepting the Annexation Petition from Bill Colwell for 40.113 Acres of Land on Kehr Road in the Oxford Township and Accepted Said Territory to be Annexed into the City of Oxford.
----------------------	---

Recommendation:	Approval
------------------------	-----------------

Discussion: This legislation is to accept the petitioned territory be officially annexed into the City. The petitioner filed an annexation petition to the County Commission on February 20, 2008. Following the statutory proceeding, the County Commission sought input from the City as well as the Township. The City Council adopted a resolution to accept the annexation petition during its March 4, 2008 meeting. Butler County Commissioners approved this annexation request at their March 20, 2008 meeting, based on the required annexation criteria. This is the final step of the annexation process and requires City Council to formally accept the petitioned territory to come into the City.
--

Approved By:	<table><tr><td>Department Head:</td><td>Initial</td><td>Date</td></tr><tr><td>City Attorney:</td><td></td><td>9/10/08</td></tr><tr><td>City Manager:</td><td></td><td></td></tr></table>	Department Head:	Initial	Date	City Attorney:		9/10/08	City Manager:		
Department Head:	Initial	Date								
City Attorney:		9/10/08								
City Manager:										

RESOLUTION NO.

RESOLUTION ACCEPTING THE ANNEXATION PETITION FROM BILL D. COLWELL FOR 40.113 ACRES OF LAND ON KEHR ROAD, IN THE TOWNSHIP OF OXFORD, OHIO AND ACCEPTING SAID TERRITORY TO BE ANNEXED.

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

SECTION 1: Bill D. Colwell filed a petition with the Board of County Commissioners of Butler County, Ohio, to obtain annexation to the City of Oxford, Butler County, Ohio, territory consisting of 40.113 Acres of Land on Kehr Road, in the Township of Oxford, Ohio. Said petition was filed with the consent of all parties pursuant to Ohio Revised Code Section 709.023.

SECTION 2: The Board of County Commissioners did, by Resolution No. 08-03-0402, adopted March 20, 2008, approve the annexation of the proposed territory to the City of Oxford as hereinafter described. Such approval was subject to the terms and conditions contained in the Annexation Agreement, provided for by Ohio Revised Code Section 709.192, attached hereto and incorporated herein as Exhibit "A".

SECTION 3: The Board of County Commissioners did, through the Clerk of the Board of County Commissioners, Butler County, Ohio, certify a transcript of the proceedings in connection with the map and petition required herein to the Clerk of the Oxford City Council who received the same on the 31st day of March, 2008.

SECTION 4: Sixty (60) days from the date of the filing have now elapsed in accordance with the provisions of Ohio Revised Code 709.04.

SECTION 5: The proposed annexation, as applied for in the petition of Bill D. Colwell being the petitioner and owner of the real estate in the territory sought to be annexed and filed with the Board of County Commissioners, Butler County, Ohio, in which the petition prayed for annexation to the City of Oxford, Ohio, of certain territory adjacent thereto as hereinafter described, and which petition was approved for annexation to the City of Oxford, Ohio, by the Board of County Commissioners on March 20, 2008, be and the same is hereby accepted and deemed annexed to the City of Oxford, subject to all the terms and conditions provided herein and contained within the Annexation Agreement, attached hereto and incorporated herein as Exhibit "A". The territory to be annexed is more particularly described in Exhibits "B" and "C", attached hereto and incorporated herein.

SECTION 6: A certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for annexation and the papers relating to all proceedings heretofore with the County Commissioners, are all on file with the Clerk of the City of Oxford, and have been for more than sixty (60) days.

SECTION 7: The Clerk of the City of Oxford be and is hereby authorized and directed to make four copies of this resolution, to each of which shall be attached a copy of the map accompanying this petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners of Butler County, Ohio, related thereto, and certified as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective and the Clerk shall do all other things as required by law.

SECTION 8: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

ANNEXATION AGREEMENT

This Annexation Agreement is hereby entered into this 21st day of May 2008, by and between the City of Oxford, Ohio, a municipal corporation, hereinafter referred to as "City", and Bill D. Colwell Trustee hereinafter referred to as "Owner".

WHEREAS, the Owner owns property in Oxford Township (hereinafter referred to as "Property") and has filed the petition to have the Property annexed into the City and to receive municipal services for development purposes, and;

WHEREAS, the City has agreed to make municipal services available to the Property; and,

WHEREAS, the City desires to enter into an annexation agreement to outline the issues and concerns identified by the City to ensure these issues will be addressed appropriately when the Property is developed; and

WHEREAS, the Owner desires to formalize the understanding between parties with respect to the future development of the Property.

NOW, THEREFORE, to allow the Property to be annexed into the City and to be able to develop the Property in the future, the City and Owner hereby agree as follows:

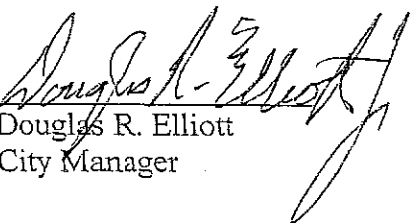
1. The Owner has filed an annexation petition requesting that the Property be annexed into the City and the annexation proceeding is pending upon the execution of the Agreement. The petition seeks to annex 40.113 acres known as Lot 2 on Kehr Road, Butler County Ohio (Parcel #3510037000001) and more particularly described on Exhibit A attached hereto. The said petition is attached hereinafter as Exhibit b.
2. A portion of the Property, (i.e 20 acres of land), is designated as an affordable housing project site per an application that was jointly filed by Miller Valentine Apartment III LLC and The Neighborhood Housing Services of Hamilton, Inc. The application seeks housing funding programs administered by the Ohio Housing Finance Agency to construct approximately 35 single-family housing units available for low and moderate-income families based on the area median income as defined on the U. S. Department of Housing and Urban Development's annual published tables.
3. The City has agreed to take those actions required to annex the Property at the earliest time practical after the execution of the Agreement based on the agreement of the Owner to develop affordable housing.

4. The City agrees to accept an application to rezone the Property after the execution of this Agreement and to have the application heard by the Planning Commission at the first available date, even if prior to the completion of the annexation. The application will seek to rezone the property to R1-B. The rezoning request will be heard by City Council. If the annexation has not yet been completed, City Council will review the request to provide an advisory opinion. City Council will consider the rezoning application request officially as soon as practical following annexation of the Property to the City.
5. The City agrees to make municipal water service available to the Property. The cost to connect to the existing nearest municipal water service to the Property will be the Owner's responsibility. The installation of said connection to the municipal water service shall conform to the specifications and standards of the City's ordinance and regulations existing at the time municipal water service is installed on the Property.. The Owner shall also pay for any additional capacity if existing water service capacity will not support the development of the Property, as determined by the Service Director.
6. The City also agrees to make the municipal sanitary sewer service available to the Property. The cost of connecting the Property to the nearest existing municipal sanitary sewer service will be the Owner's responsibility. The installation of such connection to the municipal sanitary sewer service shall conform to the specifications and standards of the City's Ordinances and regulations as applicable. The Owner shall also pay for the upsizing of any existing sanitary lines necessary to support the development of the Property, as determined by the Service Director.
7. The Owner is responsible to conduct a traffic impact study for the development of the Property prior to submitting any subdivision requests to the Oxford Planning Commission for review. The Owner is responsible for the signalization of the entrance/entrances as determined by the Service Director, based on a complete traffic impact study for the development of the Property.
8. The Owner agrees to dedicate sufficient right-of-way to construct an acceleration/deceleration lane at Kehr Road and Booth Road entrances to the Property where the subdivision is proposed. The City Engineer will determine the necessary right-of-way width. All roadway construction in and around the development of the Property shall meet the City of Oxford's specifications and be at the Owner's expense.
9. The Owner will provide the City Engineer a detailed plan of how to handle additional storm water generated from the development for review. The City Engineer shall determine whether the proposed plan to handle additional storm water is satisfactorily meeting the standards and specifications of the City's Ordinances and regulations as applicable and advise the Owners of any deficiencies that need to be corrected prior to approving the proposed storm water-handling plan.
10. If the City fails to rezone the Property as requested here or otherwise agreed by the Owner within ninety (90) days after Council approval of the annexation (including any applicable mandatory waiting periods), the City agrees to cooperate with the Owner and de-annex the Property as soon as possible.

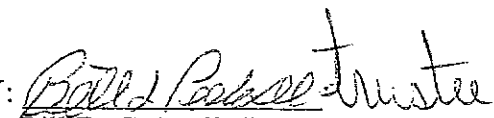
11. All utility, roadways and traffic signal must be constructed in conformance to the City of Oxford's specifications.
12. Future development of the Property shall meet the minimum requirements as stipulated in the City of Oxford Planning and Zoning Code and other specifications and requirements set forth in the City's Ordinances and regulations, as amended.
13. This Agreement is intended to be severable. If part of the Agreement is deemed unenforceable, the remainder shall be enforced to the extent necessary to accomplish the goals of the Owner to develop the Property as requested or to de-annex the Property.
14. Any modifications to this Agreement shall require the approval of both parties and shall be in writing.
15. This Agreement shall be recorded in the Butler County Recorder's Office and the terms, conditions shall be binding upon the parties herein and all successors's and assigns, and these terms and conditions shall run with the land.

The Parties have signed and executed this Agreement on the date first written above.

CITY OF OXFORD

BY: 
Douglas R. Elliott
City Manager

OWNER

BY:  Trustee
Bill D. Colwell, Trustee

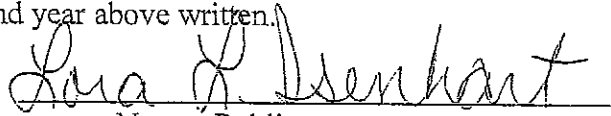
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ACKNOWLEDGEMENT

STATE OF OHIO)
) SS
County of BUTLER)

BE IT REMEMBERED, that on this 21 day of May, 2008, before me, the subscriber, a Notary Public in and for said County and State, personally came **Bill D. Colwell, Trustee, Owner of the land**, and acknowledged the signing of the foregoing instrument, and that the same is his voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year above written.



Notary Public

Lora L. Isenhardt

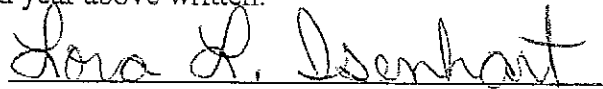
Notary Public, State of Ohio

My Commission Expires Aug. 26, 2011

STATE OF OHIO)
) SS
County of BUTLER)

BE IT REMEMBERED, that on this 21 day of May, 2008, before me, the subscriber, a Notary Public in and for said County and State, personally came **Douglas R. Elliott, City Manager**, and acknowledged the signing of the foregoing instrument, and that the same is his voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year above written.



Notary Public

Lora L. Isenhardt

Notary Public, State of Ohio

My Commission Expires Aug. 26, 2011

EXHIBIT "B"

RECEIVED

00 12 21 AM 11:56
BUTLER COUNTY
BK: 7819 PG 424 SSIONERS

Situate in Lot #2, Section 34, Town 5, Range 1 East, in Oxford Township, Butler County, Ohio and being bounded and described as follows: Beginning at the northwest corner of said Lot #2 and in the center line of Kehr Road; thence North 89° 09' 12" East 1689.46 feet to the northeast corner of said Lot; thence South 03° 08' 15" East along the east lot line 956.30 feet; thence North 89° 30' West 246.00 feet; thence South 03° 08' 15" East 400.00 feet to a point in the center line of Booth Road; thence North 89° 30' West along said center line 1474.50 feet to a point in the center line of Kehr Road; thence North 01° 53' West 1315.00 feet to the point of beginning containing 49.971 acres more or less and being subject to the legal right-of-way of the public highways and also to any encumbrances of record.

The same being subject to the payment of an annual ground rent due and payable to the Treasurer of Miami University, every year.

A survey of this property was made by J. Paul Albert, Ohio Registered Surveyor

#2999. (Not a complete field survey — see plat).

Butler County Engineer's Record of Land Surveys, Volume 9, Page 31.

SAVE AND EXCEPTING THEREFROM the following tracts:

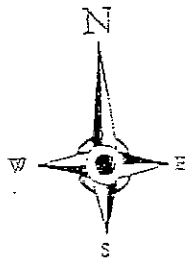
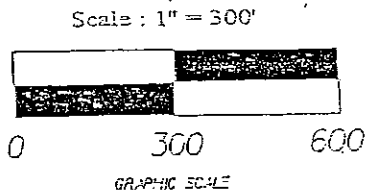
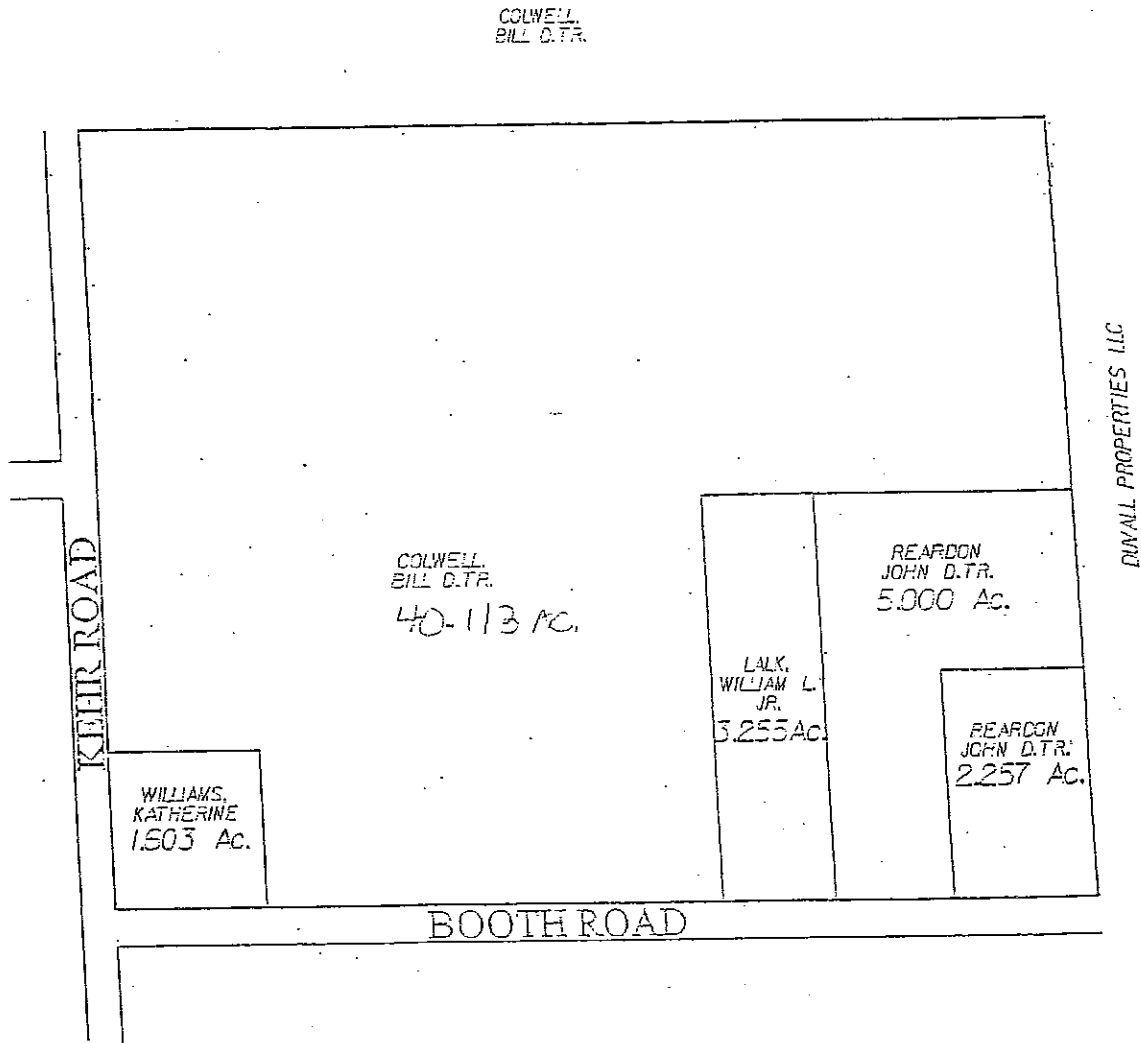
[i.] 5.00 acres conveyed to Mary Marguerite Harris to Georgiana Reardon by deed dated May 12, 1980 and recorded in Volume 1396, Page 308 of the Butler County, Ohio Deed Records.

[ii.] 1.603 acres conveyed by Mary M. Harris to Eugene Young, Trustee by deed dated October 24, 1986 and recorded in Volume 1580, Page 50 of the Butler County, Ohio Deed Record.

[iii.] 3.255 acres conveyed by Samuel William Harris and James J. Harris, co-executors of the Estate of Mary Marguerite Harris to William L. Kalk, Jr. by deed dated September 23, 1988 and recorded in Volume 1646, Page 227 of the Butler County, Ohio Deed Records.

Being the same premises conveyed to Bill D. Colwell, Trustee by six deeds all recorded on June 17, 1991 in Volume 1725 on Pages 631, 635, 639, 643 and 647 of the Butler County, Ohio Deed Records.

EXHIBIT "C"



Prepared By:

SCHAEFFER ENGINEERING
ENGINEERS
SURVEYORS
1253-G Lyons Road Dayton, Ohio 45458 Tel: (937) 434-5104

MV COMMUNITIES
CITY OF OXFORD
BUTLER COUNTY
SEC. 34, TOWN 5, RANGE 1

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 09/16/08

Account Code No. #: see below

Heidi Hill
Prepared By

Budgeted Amount: _____

09/10/08
Date Prepared

Agenda Title: 2008 SUPPLEMENTAL BUDGET #4

Recommendation: Approve

Discussion:

Supplements to the 2008 Budget

General Fund

Community Assistance
Township – Knolls Estate Tax

55,304.00

Additional appropriation needed to pay Oxford Township for Estate tax the City of Oxford received for a resident of the Knolls of Oxford.

Advance to CDBG Fund

59,370.00

A temporary advance is needed to the CDBG Fund in order to complete the Sidewalk Improvements project. Current advanced CDBG money is tied up with the ROW acquisition settlements. Since the ROW acquisitions have not been settled, the money cannot be requested from the County. Once they are settled and paid, we can request the funds back from the County as well as the money spent on the Sidewalk Improvements.

Approved By:

Department Head:
City Manager:

Initial Date

9/15/08

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 2990. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 4 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.

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;

SECTION 2: The following additional appropriations are hereby made:

GENERAL FUND	114,674.00
From fund balance and additional revenue	

SECTION 3: In all other respects, Ordinance No. 2990 shall remain in full force and effect.

SECTION 4: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: September 2, 2008

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

August 20, 2008
Date Prepared

Agenda Title: PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio Definition, and 1149.05 Vehicle Management Non-Residential Regulations, City of Oxford, Applicant

Recommendation: **Approval**

Discussion:

On June 4, 2008, the Uptown Revitalization Committee finalized their recommendations and findings of the Uptown District, specifically in regards to Floor Area Ratio (FAR) and Section 404 of the Property Maintenance Code, as assigned to them in Resolution No. 4333, February 2008.

There are four recommendations to Chapter 1143.10 Uptown District zoning regulations, a modification to Section 1149.05 Vehicle Management Non-Residential Regulations and 1159.07(8) Definition of Floor Area Ratio. The Committee also recommends that the minimum habitable room sizes and widths established in the Property Maintenance Code revert back to the 70 sq. ft. and 7 ft. width. *Please refer to the separate staff summary regarding this proposed language.*

The Commission voted 7-0-0 to recommend approval to City Council with modifications (to 1143.10(c)(4)B. only).

Planning & Zoning Code:

Chapter 1143.10 Uptown District

The following recommendations to City Council for the Uptown District include:

1. Any commercial type use that wants to exceed the 3:1 FAR (overall bulk of the building) may do so, but only as a Conditional Use.
 - The rationale is to encourage more commercial space, without requiring BZA approval and trying to prove a practical difficulty.
2. Increase the building height from 45 feet to 48 feet.
 - The rationale to increase the height is to provide more marketable commercial spaces, to provide higher ceilings in the commercial spaces to conceal the mechanical and electrical equipment and to provide a better roof slope for water run-off.
3. Specify that the 0.7:1 required commercial space must occur on the ground or street level.
4. Eliminate the minimum lot area and floor areas per dwelling unit. Replace these requirements by specifically regulating the maximum residential occupancy.
 - This recommendation regulates density based on a set number of people as opposed to regulating how many dwelling units a building is permitted to have and omitting the overall minimum dwelling size.

Due to the interconnected nature of the zoning regulations, the Uptown Revitalization Committee went beyond the original scope directed by City Council and made the following recommendations:

Section 1149.05 Vehicle Management Non-Residential Regulations

The recommendation from the Committee is to eliminate the requirement for a loading dock or a designated delivery space in the Uptown District due to BZA granting every request for relief from this requirement. Furthermore, with the minimum FAR requirement for commercial, by requiring a loading space area on the property, commercial space may be forced to provide remnant spaces on the upper floors.

Section 1159.07(8) Floor Area Ratio (FAR) Definition

The recommendation to City Council is to include in Definitions the exclusion of the 16½ vacated right-of-way from determining the amount of commercial and residential space.

- The rationale for this recommendation is the 16½ vacated right-of-way is restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways and municipally owned parking or municipally regulated parking. If the property owner cannot physically use the vacated right-of-way for a structure, then they should not be penalized to provide the additional square footage in commercial space. This proposed recommendation would also affect the permitted residential space, essentially reducing the amount of residential that can be provided.

Additional Recommendations:

The Uptown Revitalization Committee discussed many topics as they relate to the Uptown area. Additional topics the Committee would like for City Council to further consider are:

1. That the use of sidewalks are permitted as opposed to going through the conditional use review as currently stipulated in Section 1143.10(b)(2)D.
2. That patios, decks and balconies for residential uses are optionally calculated into the maximum 2:1 residential ratio.
3. To review the height definitions of the Planning & Zoning Code and how it is calculated, and
4. To explore the possibility of construction in the 16½ vacated right-of-way as a conditional use.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial	Date
jhc	8/20/08

ORDINANCE NO.

ORDINANCE REPEALING ZONING CODE SECTION 1143.10, UPTOWN DISTRICT, AND ADOPTING NEW SECTION 1143.10, UPTOWN 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 August 12, 2008 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1143.10, Uptown District as modified herein, and adopting new Section 1143.10, Uptown District.

SECTION II: Council hereby repeals Section 1143.10 of the Oxford Code of Ordinances and adopts new Section 1143.10 as follows:

1143.10 UPTOWN DISTRICT.

(a) Purpose. The purpose of this district is to preserve and encourage the continued vitality of the City's historic central business and civic activity area. Selected uses and regulatory standards are provided to guide development so as to achieve a mixture of appropriate uses in a functional, aesthetic and pedestrian compatible manner.

(b) Uses.

(1) Permitted uses.

- A. Any combination of residential dwelling types as defined in Section 1159.05(8), A through E., on the second floor or higher.
- B. Retail services shall not exceed 10,000 square feet of floor area on any given floor.
 1. Apparel and jewelry.
 2. Bars and establishments serving alcohol.
 3. Books, stationery, newspapers, magazines, office equipment and office supply stores.
 4. Drugs and pharmaceuticals.
 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 improvements 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.
 11. Other similar establishments engaged in retail trade except those included as Conditional Uses in subsection (b)(2) hereof.

C. Personal and professional services shall not exceed 10,000 square feet of floor area on any given floor.

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).
8. Theaters, not including drive-ins.
9. Other similar personal and professional services, such as employment agencies, travel bureaus, and ticket offices.

D. 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. Any permitted retail use that exceeds 10,000 sq. ft. on any given floor.
2. Banks with drive-through facilities.
3. Building supplies, garden supplies.
4. Temporary or outdoor sales of plants and garden supplies.
5. Retail uses which do not provide a minimum ratio of 0.7:1 of the lot area.
6. **Additional retail uses above the street level which would cause the maximum permitted gross floor area ratio to exceed the 3:1 ratio.**

B. Personal and public services:

1. Any permitted personal or public service that exceeds 10,000 sq. ft. on any given floor.
2. Cultural institutions, including libraries, art galleries and museums.
3. Hotels and motels.
4. Places of worship.
5. Funeral homes.
6. Night clubs, discotheques, and other entertainment facilities.

7. Personal and Professional Services which do not provide a minimum of 0.7:1 of the lot area.
6. **Additional personal and professional services above the street level which would cause the maximum permitted gross floor area ratio to exceed the 3:1 ratio.**

C. Other uses.

1. Any combination of dwelling types as defined in Section 1159.05(8), A through E, on the first floor or basement.
2. Community-Oriented Residential Social Service Facilities (CORSSF's).
3. Shared Housing and Congregate Housing for the elderly.
4. Government owned and/or operated parks and recreation facilities.
5. Bed and breakfast homes.
6. Publicly owned and operated neighborhood recreation centers.
7. 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.
8. Schools: primary, intermediate, and secondary, both public and private.

D. Sidewalk uses.

1. This section is intended to provide for active use of private and public property in the Uptown district for outdoor cafes and retail sales. A sidewalk use requires a permit, shall be operated according to the provisions of this section, and is valid for one year and only for the location, design, and use approved.
2. A sidewalk use may include outdoor activity on both private and public property as follows:
 - a. Private property in the front setback area or any courtyard or other partially enclosed area adjacent to a right-of-way may be utilized only for commercial activity related to the principal use on the first floor of the principal structure.
 - b. The public sidewalk and other paved portions of the right-of-way that are designed and constructed to accommodate pedestrians may be utilized only for commercial activity related to the principal use on the first floor of an immediately adjacent principal structure.
3. A sidewalk use permit application shall include a fee of \$50, a scaled site plan, and other information sufficient to determine compliance with all of the following provisions:

- a. The use may not extend more than five feet into the right-of-way
 - b. The use may not result in less than five feet of unimpeded sidewalk adjacent to the sidewalk use (street trees, parking meters, street sign poles, and the like are impediments)
 - c. The adjacent property owner and the operator of the use have a liability insurance policy that covers accidents and injuries on the public right-of-way for a minimum of one hundred thousand dollars (\$100,000) per person and three hundred thousand dollars (\$300,000) per accident, premiums are fully paid for the calendar year of the permit, and the City of Oxford is a named insured upon such liability policy
 - d. The use shall employ only displays, counters, tables, chairs, umbrellas, and planters that are moveable
 - e. Nothing related to the operation of the use shall be permanently installed on public or private property except anchors that do not protrude above the adjacent sidewalk surface and do not otherwise create a trip hazard
 - f. All materials shall be lightweight and easily removable
 - g. All roofs shall be made of a flame-resistant (per Ohio Basic Building Code and Ohio Fire Code), nonstructural material such as treated canvas or vinyl fabric
 - h. All illumination shall be confined within the perimeter of the use
 - i. All partitions shall be transparent 3 feet above the adjacent sidewalk surface
4. The City Manager or designee shall require removal of anything or correction of any condition associated with a sidewalk use that threatens the public health, safety, or general welfare and shall revoke an approved permit if its holder fails to comply with any such order in a timely manner.
 5. The City Manager shall reinstate a revoked permit if the holder removes the immediate threat and provides sufficient proof that the threat will not recur.
 6. If a sidewalk use permit is revoked more than once during the year that the permit is valid, the permit shall not be reinstated and a new permit shall not be issued until after the original expiration date of the revoked permit.

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

(1) Lot requirements.

A. Minimum Lot Area:

1. Lots in the Uptown District shall be a minimum of three thousand (3,000) square feet.

~~B. Minimum Lot Area per dwelling unit:~~

- ~~1. Efficiency: 300 sq. ft. lot area per unit~~
- ~~2. One Bedroom: 400 sq. ft. lot area per unit~~
- ~~3. Two Bedroom: 500 sq. ft. lot area per unit~~
- ~~4. Three Bedroom: 600 sq. ft. lot area per unit~~
- ~~5. Four Bedroom: 700 sq. ft. lot area per unit~~

(2) Yard requirements.

Front Yard

16.5 feet minimum *except* * On High Street – at least 70 percent of building must meet the right-of-way line

Rear Yard

none *except* * Adjacent to a residential district – 10 minimum.

Side Yard

none *except* * Adjacent to a residential district – 6 feet minimum

(3) Structural requirements.

A. Building height:

Minimum – 23 feet and a minimum of 2 stories above street grade

Maximum – ~~45~~ 48 feet and 4 stories maximum above street grade.

B. Gross Floor Area Ratio:

1. The maximum permitted gross floor area ratio of a structure at or above grade in the Uptown District shall be 3. (Lot area x 3 = total bldg. sq. ft.)

a. Commercial space shall provide a minimum ratio of 0.7:1 of the lot area on the street level subject to the following:

- i. The basement of a structure may be used for retail, personal and professional uses but shall not be computed into the minimum 0.7:1 ratio.
- ii. Outdoor eating areas associated with the first floor occupant, located on the property

and not on the public sidewalk, shall be computed into the minimum 0.7:1 ratio.

b. Residential space shall provide a maximum ratio of 2:1 of the lot area subject to the following:

i. Outdoor patios, decks and balconies for residential use shall be computed into the maximum 2:1 ratio.

~~C. Minimum Floor Area per dwelling unit.~~

~~1. Efficiency: 600 sq. ft.~~

~~2. One Bedroom 800 sq. ft.~~

~~3. Two Bedroom 1,000 sq. ft.~~

~~4. Three Bedroom 1,200 sq. ft.~~

~~5. Four Bedroom 1,400 sq. ft.~~

(4) Maximum Residential Density.

A. Occupancy shall be limited to one person per 200 square feet of lot area occupying a dwelling unit under a valid rental permit; and

B. Occupancy for individual dwelling units shall be limited by the definition of a family per Section 1159.07(1).

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

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	August 20, 2008
<u>Case Number</u>	PC-14-2008
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Text Amendment – 1143.10 Uptown District
<u>Summary of Request</u>	A request for approval to modify regulations regarding the Floor Area Ratio definition and density requirements in the (UP) Uptown District.
<u>Public Hearing Information</u>	On August 12, 2008 a public hearing was held at 118 West High Street. A legal notice of the August hearing was published in the Oxford Press on July 11, 2008.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 recommending approval at the June 10, 2008 meeting.
<u>Commission Findings and Conclusions</u>	The Planning Commission voted to recommend approval of Section 1143.10(c)(4)B. with modifications.
<u>Exhibits Submitted to the Commission</u>	1. Draft Ordinance dated August 12, 2008 2. Community Development Staff Report dated July 9, 2008 3. Inter-office Review Transmittal Sheets from Fire, Engineering, Police and Economic Development Departments dated July 11, 2008 4. Uptown Revitalization Committee recommendations dated August 4, 2008 5. Text summary comparison sheets 6. Legal Opinion dated April 7, 2008 7. Zoning Text Amendment Application dated June 27, 2008

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-14-2008

Date –August 12, 2008

APPLICATION

Applicant:	City of Oxford
Action Request:	Zoning Text Amendment to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio Definition, and 1149.05 Vehicle Management Non-Residential Regulations,

DESCRIPTION

On June 4, 2008 the Uptown Revitalization Committee finalized their recommendations and findings to the Uptown District, specifically in regards to Floor Area Ratio (FAR) and Section 404 of the Property Maintenance Code, as assigned to them in Resolution No. 4333, February 2008. City Council initiated the proposed text amendments at their June 17, 2008 City Council Meeting.

Property Maintenance Code (Not for Planning Commission's Review):

The Committee is recommending to City Council that the bedroom sizes and widths, in addition to the minimum habitable room sizes and widths established in Ordinance No. 2985, November 2007 be repealed and reverted back to the original requirements. The rationale for this is that the Ohio Basic Building Code and Ohio Residential Code currently regulate the minimum standards sufficient to accommodate human habitation of bedrooms and living spaces.

Planning & Zoning Code:

Chapter 1143.10 Uptown District

The following recommendations to City Council for the Uptown District include:

1. Any commercial type use that wants to exceed the 3:1 FAR (overall bulk of the building) may do so, but only as a Conditional Use.
 - The rationale is to encourage more commercial space, without requiring BZA approval and trying to prove a practical difficulty.
2. Increase the building height from 45 feet to 48 feet.
 - The rationale to increase the height is to provide more marketable commercial spaces, to provide higher ceilings in the commercial spaces to conceal the mechanical and electrical equipment and to provide a better roof slope for water run-off.
3. Specify that the 0.7:1 required commercial space must occur on the ground or street level.
4. Eliminate the minimum lot area and floor areas per dwelling unit. Replace these requirements by specifically regulating the maximum residential occupancy.
 - This recommendation regulates density based on a set number of people as opposed to regulating how many dwelling units a building is permitted to have and omitting the overall minimum dwelling size.

Due to the interconnected nature of the zoning regulations, the Committee went beyond the original scope directed by City Council and make the following recommendations:

Section 1149.05 Vehicle Management Non-Residential Regulations

The recommendation from the Committee is to eliminate the requirement for a loading dock or a designated

delivery space in the Uptown District due to the BZA is granting every request for relief from this requirement. Furthermore, with the minimum FAR requirement for commercial, by requiring a loading space area on the property, commercial space may be forced to provide remnant spaces on the upper floors.

Section 1159.07(8) Floor Area Ratio (FAR) Definition

The recommendation to City Council is to include in definitions the exclusion of the 16½ vacated right-of-way from determining the amount of commercial and residential space.

- The rationale for this recommendation is the 16½ vacated right-of-way is restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways and municipally owned parking or municipally regulated parking. If the property owner cannot physically use the vacated right-of-way for a structure, then they should not be penalized to provide the additional square footage in commercial space. This proposed recommendation would also affect the permitted residential space, essentially reducing the amount of residential that can be provided.

Additional Recommendations:

The Uptown Revitalization Committee discussed many topics as they relate to the Uptown area. Additional topics the Committee would like for City Council to further consider for additional study is:

1. That the use of sidewalks are permitted as opposed to going through the conditional use review as currently stipulated in Section 1143.10(b)(2)D.
2. That patios, decks and balconies for residential uses are optionally calculated into the maximum 2:1 residential ratio.
3. To review the height definitions of the Planning & Zoning Code and how it is calculated, and
4. To, explore the possibility of construction in the 16½ vacated right-of-way as a conditional use.

DECISION CRITERIA

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

- a. Make the Code conform more closely to the Comprehensive Plan.
- b. Improve the public health, safety, and general welfare of Oxford.
- c. Clarify the intent of the Code.
- d. Better implement the intent of the Code.
- e. Improve enforcement of the Code.

RECOMMENDATION

Not Applicable

SUBMITTED

BY:


Kathryn A. Dale, AICP
City Planner

Community Development Department

DATE: July 9, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-14-2008

Description:

PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee
Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio
Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of
Oxford, Applicant**

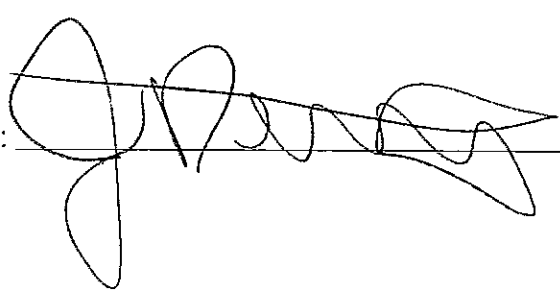
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: 

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-14-2008

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PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee
Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio
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Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** 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. [Signature]* 7.14.08

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

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Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

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

Drawings reviewed by: SS

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-14-2008

Description:

PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee
Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio
Definition, and 1149.05 Vehicle Management Non-Residential Regulations, City of
Oxford, Applicant

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

Economic Development Dept.
provided a report from the
Uptown Revitalization Committee
outlining their recommendations

Drawings reviewed by: Alan Kucan

Uptown Revitalization Committee Recommendations

In March of 2008 the Uptown Revitalization Committee began meeting. This committee was given the charge to review the recent changes made to the Oxford Zoning Code and the Oxford Property Maintenance Code as a result of Issue 20 passing. To hear concerned citizens and property owners views. If needed, to propose changes. And to present the results to City Council and Planning Commission.

The committee started with 9 members and finished with 5 active members. Two citizens actively participated throughout the process.

Two goals were unofficially established early in the process:

- First was to insure the intent of Issue 20 was fulfilled.
- The second was to streamline overlapping ordinances.

Early in the committees work Scott Webb provided to the committee examples of code duplications and code conflicts. Much of what is being recommended eliminates these conflicts. Many of the recommended changes are due to the City attempting to manage residential density through room sizes and apartment sizes. The committee is recommending using the industry standard of the Ohio Building Code, to identify room and apartment sizes. Residential density will be managed by the current Floor Area Ratio for building size and a proposed Residential Area Ratio for a cap on residential density.

The Floor Area Ratio was deeply discussed over many meetings. The group decided the Floor Area Ratio should be retained because it helps manage the building envelope.

During the four months this group met, most topics were agreed to in whole. The committee was divided on two topics. First was the reduction in bedroom size, the second was exempting the 16.5' set back from the FAR calculation.

Kathy Dale in her staff report discusses each recommendation and the rational behind the recommendation.

Attached is a comparison chart listing the current standards and the proposed changes.

Many of the committee members will be at the Planning Commission meeting to discuss the proposals and to answer questions.

Sincerely;

Uptown Revitalization Committee

Alan Kyger, Chair
Ted Wong

Scott Webb, Vice Chair
Richard Keebler

Kim Peterka

	Current	Revitalization Proposed Changes
Floor Area Ratio Building size vs. Lot size	3:1	3:1 As a Conditional Use May be exceeded for additional commercial
Lot area used for "FAR" Ratio	Gross	Gross minus the vacated 16.5' set back restrictions
First floor lot coverage	70% minimum	70% minimum
Outdoor Dining	Not counted in 70% or FAR	Counted in 70% or FAR
Basement Commercial	Not counted in 70% or FAR	Not counted in 70% or FAR
Residential Ratio Residential vs. Lot size	2:1	2:1
Building Height	45	48
Loading Spaces	Yes	No in UP District
Residential Density Ratio	None	One person per 200 sq ft of gross lot area minus the vacated 16.5' set backs
Bedroom Size	100 sq ft- One 180 sq ft- Two 260 sq ft- Three 340 sq ft- Four	70 sq ft- One 140 sq ft- Two 210 sq ft- Three 280 sq ft- Four Ohio Building Code
Apartment Size Efficiency One bedroom Two bedroom Three bedroom Four bedroom	600 sq ft 800 sq ft 1,000 sq ft 1,200 sq ft 1,400 sq ft	220 sq ft * 300 sq ft * 600 sq ft * 800 sq ft * 1,000 sq ft * * Estimated apt sizes based from the Ohio Building Code.
Min Lot Area Efficiency One bedroom Two bedroom Three bedroom Four bedroom	300 sq ft 400 sq ft 500 sq ft 600 sq ft 700 sq ft	None

Examples

Main & High

Lot Size 7,980 sq ft
 Lot Size, minus set backs 5,785 sq ft

(These lot size figures may not be exact)

SB = Set Back

	Before Issue 20	Current Code	As submitted by owner Current Code	Revitalization Proposed Changes
Number of Lots	2	1	1	1
Number of Buildings	2	1	1	1
Size of buildable lot	100% minus SB 5,785	100% minus SB 5,785	100% minus SB 5,785	100% minus SB 5,785
Min Lot Coverage (1st Floor) (Commercial)	?	70% 5,586	70% 5,586	70% minus SB 4,050
Lot Size for "FAR"	na	100% 7,980	100% 7,980	100% minus SB 5,785
Residential	17,355 3 floors	15,960 2:1 Ratio	15,960 2:1 Ratio	11,570 2:1 Ratio
Number of Units	6	Variable Limited by "FAR" & Apt size stds	11 Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants	24	44	60	29
Gross area	3 units per bldg 6 units x 4 res	15,960 x 100% = 15,960 15,960 / 1,400 = 11 11 units x 4 res 4 BR apts	15,960 x 100% = 15,960 15,960 / 1,000 = 15 15 units x 4 res 2 BR apts	5,785 / 200
Number of occupants		32	44	
70% of Gross area		15,960 x 70% = 11,172 11,172 / 1,400 = 8 8 units x 4 res 4 BR apts	15,960 x 70% = 11,172 11,172 / 1,000 = 11 11 units x 4 res 2 BR apts	

old first financial

Lot Size 7,897 (These lot size figures may not be exact)
 Lot Size, minus set backs 7,897

	Before Issue 20	Current Code	As submitted Current Code	Revitalization Proposed Changes
Number of Lots	2	1	1	1
Number of Buildings	2	1	1	1
Size of buildable lot	100% minus SB 7,897	100% minus SB 7,897	100% minus SB 7,897	100% minus SB 7,897
Min Lot Coverage (1st Floor) (Commercial)	?	70% 5,527	70% 5,527	70% minus SB 5,527
Lot Size for "FAR"	na	100% 7,897	100% 7,897	100% minus SB 7,897
Residential	17,355 3 floors	15,794 2:1 Ratio	15,794 2:1 Ratio	15,794 2:1 Ratio
Number of Units	6	Variable Limited by "FAR" & Apt size stds	10 Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants 100% of Gross Area	24	44 15,794x100%=15,794 15,794 / 1,400 =11 11 units x 4 res 4 BR apts	27	39 7,897 / 200
Number of occupants 70% of Gross area		32 15,794x70%=11,055 11,055 / 1,400 =8 8 units x 4 res 4 BR apts		

Lot 52 / 53

Lot Size 18,500 (These lot size figures may not be exact)
 Lot Size, minus set backs 14,067

	Before Issue 20	4 BR Current Code	2 BR Current Code	Revitalization Proposed Changes
Number of Lots	6	2	2	2
Number of Buildings	6	2	2	2
Size of buildable lot	100% minus SB 14,067	100% minus SB 14,067	100% minus SB 14,067	100% minus SB 14,067
Min Lot Coverage (1st Floor) (Commercial)	?	70% 12,950	70% 12,950	70% minus SB 9,847
Lot Size for "FAR"	na	100% 18,500	100% 18,500	100% minus SB 14,067
Residential	42,201 3 floors	37,000 2:1 Ratio	37,000 2:1 Ratio	28,134 2:1 Ratio
Number of Units	18	Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants 100% gross area	72 3 units / bldg	104 37,000 x 100% =37,000 37,000 / 1,400 =26 26 units x 4 res 4 BR apts	148 37,000 x 100% =37,000 37,000 / 1,000 =37 37 units x 4 res 2 BR apts	70 14,067 / 200
Number of occupants 70% of gross area	72 3 units / bldg	72 37,000 x 70% =25,900 25,900 / 1,400 =18 18 units x 4 res 4 BR apts	100 37,000 x 70% =25,900 25,900 / 1,000 =25 25 units x 4 res 2 BR apts	70 14,067 / 200



April 7, 2008

Robert N. Farquhar¹
Marshall D. Ruchman²
Dennis J. Adkins
Philip B. Herron
Stephen M. McHugh
Scott A. Liberman
Donald K. Scott
Dalma C. Grandjean
Peter R. Certo, Jr.
Jonathan B. Freeman
Matthew D. Stokely³
David E. Larson

Julie Cope Hammond
Robert F. Jacques
Kelly A. Bennington
Amelia N. Blankenship
Thomas F. Schmitt
Isidora Tsonis

Hugh H. Altick
1905 - 1990
Robert K. Corwin
1913 - 1998

VIA ELECTRONIC MAIL
Mr. Paul Brady
Planning Commission Member
City of Oxford
101 East High Street
Oxford, OH 45056 1887

Re: Density Zoning Regulation

Dear Mr. Brady:

You asked that I research for the Uptown Revitalization Committee if the City of Oxford could structure its zoning code based on a density ratio per lot size. The example you gave was a ratio of one person for every 200 square feet of lot size. It is my opinion, that nothing explicitly prohibits doing so, but I caution that a zoning code structure that is based on a ratio could be replete with difficulties that would have to be addressed and could in the future cause significant problems.

The first issue with enforcement will arise from the United States Supreme Court decision with regards to the Equal Protection Clause. The U.S. Supreme Court has held that a city zoning ordinance cannot restrict the right of related individuals to reside together. The Court ruled this in a decision involving *Village of Belle Terre v. Boraas*, 416 U.S. 1 (1974). The Supreme Court essentially stated that a zoning ordinance could restrict the number of unrelated individuals living together, but could not restrict related individuals. Several years later, the Supreme Court returned to the issue and stated that a city was unable to restrict the number of related individuals who resided together. *Moore v. City of East Cleveland, Ohio*, 431 U.S. 494 (1977).

As a result of these two Supreme Court decisions, the City of Oxford in creating zoning systems that limits the number of persons based on a ratio or square footage to a lot will have to create an exception for all families. Under such a carve out, individuals living on the lot if related by affinity or consanguinity, will have to be exempted from zoning requirements restricting density. The purpose for which the building is to be constructed and the density to be applied in the construction will have to be addressed early on. The occupation of the building will become critical in determining how and under what circumstance the building is to be constructed.

The Ohio Supreme Court has expanded the definition of "family" to those who act as a family unit, even if not related by blood or marriage. In particular, a group home could constitute a family, such as a foster home for children.

¹ Also admitted in Michigan
² Also admitted in Indiana
³ Also admitted in New York & Connecticut

1700 ONE DAYTON CENTRE
ONE SOUTH MAIN STREET
DAYTON, OHIO 45402-2026

(937) 223-1201 (VOICE)
(937) 223-5100 (FAX)
info@altickcorwin.com (E-MAIL)

Mr. Paul Brady
Page 2
April 7, 2008

The Court has ruled that a family unit is a unit that performs the social function of child-rearing regardless of relationship or composition or whether it includes foster children as well as natural children. The Court found that families are protected against governmental intrusion not supported by a compelling governmental interest. Based on two United States Supreme Court decisions it will be difficult to not exempt families based on a compelling governmental interest. In designing a system based on density, it is critical how the word family is defined.

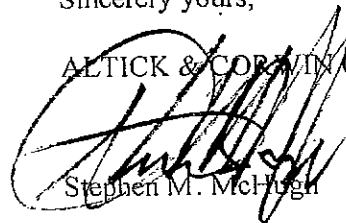
There is also a long standing position in Ohio case law that asserts that zoning should as near as is reasonably possible, deal equally with like property or property similarly situated. A zoning regulation based on a density ratio, one could argue, should be applied to all residential lots regardless of their size or location within the city as the ratio is based on lot square footage.

In conclusion, a zoning code regulation based on density is possible. I urge caution and the issue should be studied to determine what the unintended consequences of density based zoning are.

I hope that this letter is of assistance to you. If I can be of further assistance to you or the Committee, please advise.

Sincerely yours,

ALTICK & CORWIN CO., L.P.A.



Stephen M. McHugh

SMM/kah

Cc: Uptown Revitalization Committee Members
Douglas R. Elliott, Jr., City Manager
Jung-Han Chen, Director of Community Development
Kathryn Dale, City Planner

7562-001

Case No.: 14-2008
Date filed: 6/27/08

Zoning Code Text Amendment Application
City of Oxford, Ohio



REQUIRED INFORMATION

Name of Applicant: City of Oxford
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 101 E. High Street
Oxford, OH 45056
Telephone Number(s): (513) 524-5201 or 5204

SUBMISSION REQUIREMENTS

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

All applications must include:

1. A general description of the proposed amendment.
2. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
3. A statement that identifies potential negative consequences of the proposed amendment.
4. Any existing section number and text that is proposed to be deleted or amended.
5. Any new or amended text as it is proposed to be codified including its proposed location in the Code.
(section numbers)
6. A narrative statement that describes the expected effects of the proposed text.
7. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

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

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

- a. make the Code conform more closely with the Comprehensive Plan.
- b. improve the public health, safety, and general welfare of Oxford.
- c. clarify the intent of the Code.
- d. better implement the intent of the Code.
- e. improve enforcement of the Code.

All materials and the application fee in the amount of \$150.00 payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Community Development Department at (513) 524-5204.

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

SIGNATURE OF APPLICANT: Junq-Han Chen Date: 6/27/08

PRINTED NAME: Junq-Han Chen

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: NA

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: September 2, 2008

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

August 19, 2008
Date Prepared

Agenda Title:	Planning Commission Meeting Report – August 12, 2008
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Recommendation:	N/A
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DISCUSSION

Appointments to Boards and Commissions:

Mr. Brewer announced that Mr. Hurston resigned from the Environmental Commission and that Mr. Wong has volunteered to serve on that commission as the Planning Commission Representative. The Commission voted 7-0 to appoint Mr. Wong to the Environmental Commission.

Communications:

Mr. Brewer submitted emails received by the Board from Ms. Zien and Mr. Prytherch

Public Hearing:

PC-13-2008 ZONING MAP AMENDMENT, newly annexed territory from Oxford Township Agricultural to R1B
(Single-Family Medium Density Residential) District, **Tim Meyers, Agent, Applicant**

Staff presented that the subject property containing approximately 54 acres of land between Fairfield and Contreras Road, west of the Knolls of Oxford was seeking "R1B" Medium Single Family Residential zoning designation which was recently accepted per an annexation agreement executed July 27, 2007 between the property owner and the City.

Mr. Jack Grove, Esq. & neighboring property owner spoke extensively about the effects of his farm next door and potential development constraints of the land. Mr. Grove requested postponement of action and to consider clustering as a requirement of the zoning designation and development.

The Planning Commission shared that there are some cluster/open space subdivision regulations that will be reviewed next month by the Planning Commission that the Applicant and owners may be interested in once they have started to design a layout, but that it would be the Applicant's choice if they wished to implement the potentially new regulations. The Commission voted 7-0 to recommend approval to City Council.

PC-14-2008 ZONING TEXT AMENDMENT, Uptown Revitalization Committee Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of Oxford, Applicant**

Staff presented that on June 4, 2008 the Uptown Revitalization Committee finalized their recommendations and findings to the Uptown District, specifically in regards to Floor Area Ratio (FAR) and Section 404 of the Property Maintenance Code, as assigned to them in Resolution No. 4333, February 2008. There were four recommendations to the Chapter 1143.10 Uptown District zoning regulations, modification to Section 1149.05 Vehicle Management Non-Residential Regulations and 1159.07(8) Definition of Floor Area Ratio.

The Commission voted 7-0 to recommend approval with modifications to City Council.

PC-15-2008 *PRELIMINARY SUBDIVISION, Hester Road, Habitat for Humanity, proposed residential subdivision R1B (Single-Family Medium Density Residential) 6.25 acres, 20 lots, Scott Webb, Applicant, Agent*

Staff presented that the Applicant was seeking Preliminary Subdivision approval to divide approximately 6.25 acres of land into 20 single-family residential lots in a R1-B (Medium Density Single Family Residential) District.

The public hearing was opened and remains open due to a number of residents stating they did not receive notice in the mail and that the public hearing sign was not posted on the property. Planning Commission agreed to take public comment from those present and keep it open so that notification could be resent. The Commission also offered the following comments for the Applicant to consider and to address at the September 9, 2008 meeting:

1. Having two separate cul-de-sacs and potentially connectivity of the cul-de-sac's (ingress/egress).
2. Discrepancy in sidewalks.
3. Discrepancy in Engineering report vs. Applicant's presentation.
4. Traffic calming, if applicable.
5. Storm water run-off/controls.
6. Utility connections.
7. Open space/common space for residents.
8. Environmental assessment of dump site/abandoned vehicles.

PC-16-2008 *CONDITIONAL USE, 300 S. Locust Street (Kroger's), to allow for a pharmacy drive-thru and gas station, Jonathan Wocher, AICP, Applicant, Agent*

The Applicant tabled the application for more time to address items listed in the staff report and variance requests. The application is expected to be on the September 9, 2008 agenda.

PC-17-2008 *COMPREHENSIVE PLAN UPDATE, 20-year visionary document including goals, principles, objectives strategies and a conceptual land use map, for adoption consideration, City of Oxford, Applicant.*

Staff provided an overview of the work completed over the past year by the Steering Committee and the amount of public outreach conducted. Staff also provided an overview of the format of the Plan as well as common themes throughout the Update process that are reflected in the language of the document.

Commissioners asked about implementation and the need to have a work session to comprehend the entire document and ask for clarifications. A work session will be held August 27, 2008 at 6:00p.m. at the Senior Center to discuss the Comprehensive Plan Update document.

The next regular Planning Commission meeting is September 9, 2008.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

_____ \ _____

_____ \ _____

_____ \ _____

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: September 2, 2008

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

August 20, 2008
Date Prepared

Agenda Title:	Ordinance Amending Oxford Property Maintenance Code Section 404 Occupancy Limitations (Uptown Revitalization Committee Recommendations)
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Recommendation:	Approval
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Discussion:

On June 4, 2008, the Uptown Revitalization Committee finalized their recommendations and findings of the Uptown District, specifically in regards to Floor Area Ratio (FAR) and Section 404 of the Property Maintenance Code, as assigned to them in Resolution No. 4333, February 2008.

Property Maintenance Code:

The Committee is recommending to City Council that bedroom sizes and widths, and minimum habitable room sizes and widths that were established in Ordinance No. 2985, November 2007, be repealed and reverted back to the original requirements of 70 sq. ft. and 7 ft. width, respectively. The rationale for this is that the Ohio Basic Building Code and Ohio Residential Code currently regulate the minimum standards sufficient to accommodate human habitation of bedrooms and living spaces.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial	Date
yhc	8/20/08

ORDINANCE NO. _____

AN ORDINANCE REPEALING OXFORD PROPERTY MAINTENANCE CODE SECTION 404, OCCUPANCY LIMITATIONS, AND ADOPTING NEW SECTION 404, OCCUPANCY LIMITATIONS.

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

SECTION 1: The Council Subcommittee has recommended the repeal of the current property maintenance regulations pertaining to room sizes and has recommended the adoption of new regulations regarding the same, which are included herein.

SECTION 2: Council has determined that the interests of public health and safety will be promoted by the Subcommittee's recommendations, which will provide adequate living quarters and enhanced living conditions for the citizens of Oxford, Ohio.

SECTION 3: Council hereby repeals current Oxford Property Maintenance Code Section 404, Occupancy Limitations, and adopts new Section 404, Occupancy Limitations as follows:

**SECTION 404
OCCUPANCY LIMITATIONS**

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than ~~9~~ ⁷ feet (~~2776~~ ²¹³⁴ mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.4 Bedroom requirements. Every bedroom shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Area for sleeping purposes. Every bedroom occupied by one person shall contain at least ~~100~~ **70** square feet (~~9.3~~ **6.5** m²) of floor area, and every bedroom occupied by more than one person shall contain at least ~~80~~ **70** square feet (~~7.44~~ **6.5** m²) of floor area for each additional occupant thereof.

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**TABLE 404.5
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living Room ^{a,b}	No requirements	120	150
Dining Room ^{a,b}	No requirements	80	100
Bedrooms	Shall comply with Section 404.4		

For SI: 1 square foot = 0.093 m².

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 600 square feet (55.8 m²). A unit occupied by three occupants shall have a clear floor area of not less than 800 square feet (70.4 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 36 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

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

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: September 2, 2008

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

August 20, 2008
Date Prepared

Agenda Title: PC-14-2008 ZONING TEXT AMENDMENT, Uptown Revitalization Committee Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio Definition, and 1149.05 Vehicle Management Non-Residential Regulations, City of Oxford, Applicant

Recommendation: Approval

Discussion:

On June 4, 2008, the Uptown Revitalization Committee finalized their recommendations and findings of the Uptown District, specifically in regards to Floor Area Ratio (FAR) and Section 404 of the Property Maintenance Code, as assigned to them in Resolution No. 4333, February 2008.

There are four recommendations to Chapter 1143.10 Uptown District zoning regulations, a modification to Section 1149.05 Vehicle Management Non-Residential Regulations and 1159.07(8) Definition of Floor Area Ratio. The Committee also recommends that the minimum habitable room sizes and widths established in the Property Maintenance Code revert back to the 70 sq. ft. and 7 ft. width. *Please refer to the separate staff summary regarding this proposed language.*

The Commission voted 7-0-0 to recommend approval to City Council with modifications (to 1143.10(c)(4)B. only).

Planning & Zoning Code:

Chapter 1143.10 Uptown District

The following recommendations to City Council for the Uptown District include:

1. Any commercial type use that wants to exceed the 3:1 FAR (overall bulk of the building) may do so, but only as a Conditional Use.
 - The rationale is to encourage more commercial space, without requiring BZA approval and trying to prove a practical difficulty.
2. Increase the building height from 45 feet to 48 feet.
 - The rationale to increase the height is to provide more marketable commercial spaces, to provide higher ceilings in the commercial spaces to conceal the mechanical and electrical equipment and to provide a better roof slope for water run-off.
3. Specify that the 0.7:1 required commercial space must occur on the ground or street level.
4. Eliminate the minimum lot area and floor areas per dwelling unit. Replace these requirements by specifically regulating the maximum residential occupancy.
 - This recommendation regulates density based on a set number of people as opposed to regulating how many dwelling units a building is permitted to have and omitting the overall minimum dwelling size.

Due to the interconnected nature of the zoning regulations, the Uptown Revitalization Committee went beyond the original scope directed by City Council and made the following recommendations:

Section 1149.05 Vehicle Management Non-Residential Regulations

The recommendation from the Committee is to eliminate the requirement for a loading dock or a designated delivery space in the Uptown District due to BZA granting every request for relief from this requirement. Furthermore, with the minimum FAR requirement for commercial, by requiring a loading space area on the property, commercial space may be forced to provide remnant spaces on the upper floors.

Section 1159.07(8) Floor Area Ratio (FAR) Definition

The recommendation to City Council is to include in Definitions the exclusion of the 16½ vacated right-of-way from determining the amount of commercial and residential space.

- The rationale for this recommendation is the 16½ vacated right-of-way is restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways and municipally owned parking or municipally regulated parking. If the property owner cannot physically use the vacated right-of-way for a structure, then they should not be penalized to provide the additional square footage in commercial space. This proposed recommendation would also affect the permitted residential space, essentially reducing the amount of residential that can be provided.

Additional Recommendations:

The Uptown Revitalization Committee discussed many topics as they relate to the Uptown area. Additional topics the Committee would like for City Council to further consider are:

1. That the use of sidewalks are permitted as opposed to going through the conditional use review as currently stipulated in Section 1143.10(b)(2)D.
2. That patios, decks and balconies for residential uses are optionally calculated into the maximum 2:1 residential ratio.
3. To review the height definitions of the Planning & Zoning Code and how it is calculated, and
4. To explore the possibility of construction in the 16½ vacated right-of-way as a conditional use.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial	Date
jhc	8/20/08

ORDINANCE NO.

ORDINANCE REPEALING ZONING CODE SECTION 1159.07 DEFINITIONS, AND ADOPTING NEW SECTION 1159.07, DEFINITIONS REVISING 1159.07 (8), FLOOR AREA RATIO (FAR) DEFINITION.

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 August 12, 2008 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1159.07(8), Floor Area Ratio (FAR) Definition, and adopting new Section 1159.07(8), Floor Area Ratio (FAR) Definition.

SECTION II: Council hereby repeals Section 1159.07(8) of the Oxford Code of Ordinances and adopts new Section 1159.07(8) as follows:

1159.07 DEFINITIONS (BEGINNING WITH LETTER "F").

- (1) **FAMILY**
- (2) **FAMILY COMMUNITY RESIDENCE**
- (3) **FARM ANIMALS**
- (4) **FARM IMPLEMENT SALES**
- (5) **FLOOD PLAIN AREA**
- (6) **FLOOR AREA, GROSS**
- (7) **FLOOR AREA, NET**

- (8) **FLOOR AREA RATIO (FAR)** - The gross floor area of all buildings or structures on a lot divided by the total lot area, excluding any land vacated by Ordinance No. 103 (16½ foot vacated right-of-way).

- (9) **FOOTPRINT**
- (10) **FRATERNITY/SORORITY HOUSE**
- (11) **FRONTAGE**

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

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	August 20, 2008
<u>Case Number</u>	PC-14-2008
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Text Amendment – 1159.07(8) Floor Area Ratio Definition
<u>Summary of Request</u>	A request for approval to include in Definitions the exclusion of the 16 ^{1/2} foot vacated right-of-way from determining the amount of commercial and residential space.
<u>Public Hearing Information</u>	On August 12, 2008 a public hearing was held at 118 West High Street. A legal notice of the August hearing was published in the Oxford Press on July 11, 2008.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 recommending approval at the June 10, 2008 meeting.
<u>Commission Findings and Conclusions</u>	The Planning Commission voted to recommend approval to Section 1159.07(8).
<u>Exhibits Submitted to the Commission</u>	1. Draft Ordinance dated August 12, 2008 2. Community Development Staff Report dated July 9, 2008 3. Inter-office Review Transmittal Sheets from Fire, Engineering, Police and Economic Development Departments dated July 11, 2008 4. Uptown Revitalization Committee recommendations dated August 4, 2008 5. Text summary comparison sheets 6. Legal Opinion dated April 7, 2008 7. Zoning Text Amendment Application dated June 27, 2008

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-14-2008

Date –August 12, 2008

APPLICATION

Applicant:	City of Oxford
Action Request:	Zoning Text Amendment to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio Definition, and 1149.05 Vehicle Management Non-Residential Regulations,

DESCRIPTION

On June 4, 2008 the Uptown Revitalization Committee finalized their recommendations and findings to the Uptown District, specifically in regards to Floor Area Ratio (FAR) and Section 404 of the Property Maintenance Code, as assigned to them in Resolution No. 4333, February 2008. City Council initiated the proposed text amendments at their June 17, 2008 City Council Meeting.

Property Maintenance Code (Not for Planning Commission's Review):

The Committee is recommending to City Council that the bedroom sizes and widths, in addition to the minimum habitable room sizes and widths established in Ordinance No. 2985, November 2007 be repealed and reverted back to the original requirements. The rationale for this is that the Ohio Basic Building Code and Ohio Residential Code currently regulate the minimum standards sufficient to accommodate human habitation of bedrooms and living spaces.

Planning & Zoning Code:

Chapter 1143.10 Uptown District

The following recommendations to City Council for the Uptown District include:

1. Any commercial type use that wants to exceed the 3:1 FAR (overall bulk of the building) may do so, but only as a Conditional Use.
 - The rationale is to encourage more commercial space, without requiring BZA approval and trying to prove a practical difficulty.
2. Increase the building height from 45 feet to 48 feet.
 - The rationale to increase the height is to provide more marketable commercial spaces, to provide higher ceilings in the commercial spaces to conceal the mechanical and electrical equipment and to provide a better roof slope for water run-off.
3. Specify that the 0.7:1 required commercial space must occur on the ground or street level.
4. Eliminate the minimum lot area and floor areas per dwelling unit. Replace these requirements by specifically regulating the maximum residential occupancy.
 - This recommendation regulates density based on a set number of people as opposed to regulating how many dwelling units a building is permitted to have and omitting the overall minimum dwelling size.

Due to the interconnected nature of the zoning regulations, the Committee went beyond the original scope directed by City Council and make the following recommendations:

Section 1149.05 Vehicle Management Non-Residential Regulations

The recommendation from the Committee is to eliminate the requirement for a loading dock or a designated

delivery space in the Uptown District due to the BZA is granting every request for relief from this requirement. Furthermore, with the minimum FAR requirement for commercial, by requiring a loading space area on the property, commercial space may be forced to provide remnant spaces on the upper floors.

Section 1159.07(8) Floor Area Ratio (FAR) Definition

The recommendation to City Council is to include in definitions the exclusion of the 16½ vacated right-of-way from determining the amount of commercial and residential space.

- The rationale for this recommendation is the 16½ vacated right-of-way is restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways and municipally owned parking or municipally regulated parking. If the property owner cannot physically use the vacated right-of-way for a structure, then they should not be penalized to provide the additional square footage in commercial space. This proposed recommendation would also affect the permitted residential space, essentially reducing the amount of residential that can be provided.

Additional Recommendations:

The Uptown Revitalization Committee discussed many topics as they relate to the Uptown area. Additional topics the Committee would like for City Council to further consider for additional study is:

1. That the use of sidewalks are permitted as opposed to going through the conditional use review as currently stipulated in Section 1143.10(b)(2)D.
2. That patios, decks and balconies for residential uses are optionally calculated into the maximum 2:1 residential ratio.
3. To review the height definitions of the Planning & Zoning Code and how it is calculated, and
4. To, explore the possibility of construction in the 16½ vacated right-of-way as a conditional use.

DECISION CRITERIA

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

- a. Make the Code conform more closely to the Comprehensive Plan.
- b. Improve the public health, safety, and general welfare of Oxford.
- c. Clarify the intent of the Code.
- d. Better implement the intent of the Code.
- e. Improve enforcement of the Code.

RECOMMENDATION

Not Applicable

SUBMITTED

BY:

Kathryn A Dale

Kathryn A. Dale, AICP

City Planner

Community Development Department

DATE: July 9, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-14-2008

Description:

PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee
Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio
Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of
Oxford, Applicant**

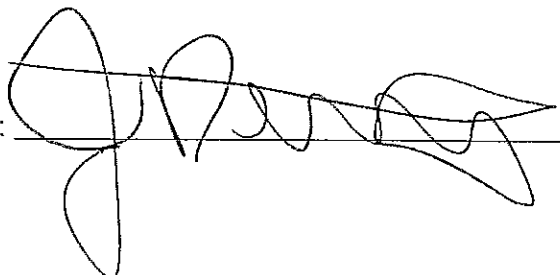
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: 

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department (Engineering Division) Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

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Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of
Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

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

Drawings reviewed by: H. [Signature] 7.14.08

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

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Oxford, Applicant**

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Please return no later than: **8/5/2008** 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: J. Seamon

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

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PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee
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Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of
Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

*Economic Development Dept.
provided a report from the
Uptown Revitalization Committee
outlining their recommendations*

Drawings reviewed by: Ann Kucan

Uptown Revitalization Committee Recommendations

In March of 2008 the Uptown Revitalization Committee began meeting. This committee was given the charge to review the recent changes made to the Oxford Zoning Code and the Oxford Property Maintenance Code as a result of Issue 20 passing. To hear concerned citizens and property owners views. If needed, to propose changes. And to present the results to City Council and Planning Commission.

The committee started with 9 members and finished with 5 active members. Two citizens actively participated throughout the process.

Two goals were unofficially established early in the process:

- First was to insure the intent of Issue 20 was fulfilled.
- The second was to streamline overlapping ordinances.

Early in the committees work Scott Webb provided to the committee examples of code duplications and code conflicts. Much of what is being recommended eliminates these conflicts. Many of the recommended changes are due to the City attempting to manage residential density through room sizes and apartment sizes. The committee is recommending using the industry standard of the Ohio Building Code, to identify room and apartment sizes. Residential density will be managed by the current Floor Area Ratio for building size and a proposed Residential Area Ratio for a cap on residential density.

The Floor Area Ratio was deeply discussed over many meetings. The group decided the Floor Area Ratio should be retained because it helps manage the building envelope.

During the four months this group met, most topics were agreed to in whole. The committee was divided on two topics. First was the reduction in bedroom size, the second was exempting the 16.5' set back from the FAR calculation.

Kathy Dale in her staff report discusses each recommendation and the rational behind the recommendation.

Attached is a comparison chart listing the current standards and the proposed changes.

Many of the committee members will be at the Planning Commission meeting to discuss the proposals and to answer questions.

Sincerely;

Uptown Revitalization Committee

Alan Kyger, Chair
Ted Wong

Scott Webb, Vice Chair
Richard Keebler

Kim Peterka

	Current	Revitalization Proposed Changes
Floor Area Ratio Building size vs. Lot size	3:1	3:1 As a Conditional Use May be exceeded for additional commercial
Lot area used for "FAR" Ratio	Gross	Gross minus the vacated 16.5' set back restrictions
First floor lot coverage	70% minimum	70% minimum
Outdoor Dining	Not counted in 70% or FAR	Counted in 70% or FAR
Basement Commercial	Not counted in 70% or FAR	Not counted in 70% or FAR
Residential Ratio Residential vs. Lot size	2:1	2:1
Building Height	45	48
Loading Spaces	Yes	No in UP District
Residential Density Ratio	None	One person per 200 sq ft of gross lot area minus the vacated 16.5' set backs
Bedroom Size	100 sq ft- One 180 sq ft- Two 260 sq ft- Three 340 sq ft- Four	70 sq ft- One 140 sq ft- Two 210 sq ft- Three 280 sq ft- Four Ohio Building Code
Apartment Size Efficiency One bedroom Two bedroom Three bedroom Four bedroom	600 sq ft 800 sq ft 1,000 sq ft 1,200 sq ft 1,400 sq ft	220 sq ft * 300 sq ft * 600 sq ft * 800 sq ft * 1,000 sq ft * * Estimated apt sizes based from the Ohio Building Code.
Min Lot Area Efficiency One bedroom Two bedroom Three bedroom Four bedroom	300 sq ft 400 sq ft 500 sq ft 600 sq ft 700 sq ft	None

Examples

Main & High

Lot Size 7,980 sq ft
 Lot Size, minus set backs 5,785 sq ft

(These lot size figures may not be exact)

SB = Set Back

	Before Issue 20	Current Code	As submitted by owner Current Code	Revitalization Proposed Changes
Number of Lots	2	1	1	1
Number of Buildings	2	1	1	1
Size of buildable lot	100% minus SB 5,785	100% minus SB 5,785	100% minus SB 5,785	100% minus SB 5,785
Min Lot Coverage (1st Floor) (Commercial)	?	70% 5,586	70% 5,586	70% minus SB 4,050
Lot Size for "FAR"	na	100% 7,980	100% 7,980	100% minus SB 5,785
Residential	17,355 3 floors	15,960 2:1 Ratio	15,960 2:1 Ratio	11,570 2:1 Ratio
Number of Units	6	Variable Limited by "FAR" & Apt size stds	11 Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants	24	44	60	29
Gross area	3 units per bldg 6 units x 4 res	15,960 x 100% = 15,960 15,960 / 1,400 = 11 11 units x 4 res 4 BR apts	15,960 x 100% = 15,960 15,960 / 1,000 = 15 15 units x 4 res 2 BR apts	5,785 / 200
Number of occupants		32	44	
70% of Gross area		15,960 x 70% = 11,172 11,172 / 1,400 = 8 8 units x 4 res 4 BR apts	15,960 x 70% = 11,172 11,172 / 1,000 = 11 11 units x 4 res 2 BR apts	

old first financial

Lot Size 7,897 (These lot size figures may not be exact)
 Lot Size, minus set backs 7,897

	Before Issue 20	Current Code	As submitted Current Code	Revitalization Proposed Changes
Number of Lots	2	1	1	1
Number of Buildings	2	1	1	1
Size of buildable lot	100% minus SB 7,897	100% minus SB 7,897	100% minus SB 7,897	100% minus SB 7,897
Min Lot Coverage (1st Floor) (Commercial)	?	70% 5,527	70% 5,527	70% minus SB 5,527
Lot Size for "FAR"	na	100% 7,897	100% 7,897	100% minus SB 7,897
Residential	17,355 3 floors	15,794 2:1 Ratio	15,794 2:1 Ratio	15,794 2:1 Ratio
Number of Units	6	Variable Limited by "FAR" & Apt size stds	10 Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants 100% of Gross Area	24	44 15,794x100%=15,794 15,794 / 1,400 =11 11 units x 4 res 4 BR apts	27	39 7,897 / 200
Number of occupants 70% of Gross area		32 15,794x70%=11,055 11,055 / 1,400 =8 8 units x 4 res 4 BR apts		

Lot 52 / 53

Lot Size 18,500 (These lot size figures may not be exact)
 Lot Size, minus set backs 14,067

	Before Issue 20	4 BR Current Code	2 BR Current Code	Revitalization Proposed Changes
Number of Lots	6	2	2	2
Number of Buildings	6	2	2	2
Size of buildable lot	100% minus SB 14,067	100% minus SB 14,067	100% minus SB 14,067	100% minus SB 14,067
Min Lot Coverage (1st Floor) (Commercial)	?	70% 12,950	70% 12,950	70% minus SB 9,847
Lot Size for "FAR"	na	100% 18,500	100% 18,500	100% minus SB 14,067
Residential	42,201 3 floors	37,000 2:1 Ratio	37,000 2:1 Ratio	28,134 2:1 Ratio
Number of Units	18	Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants 100% gross area	72 3 units / bldg	104 37,000 x 100% =37,000 37,000 / 1,400 =26 26 units x 4 res 4 BR apts	148 37,000 x 100% =37,000 37,000 / 1,000 =37 37 units x 4 res 2 BR apts	70 14,067 / 200
Number of occupants 70% of gross area	72 3 units / bldg	72 37,000 x 70% =25,900 25,900 / 1,400 =18 18 units x 4 res 4 BR apts	100 37,000 x 70% =25,900 25,900 / 1,000 =25 25 units x 4 res 2 BR apts	70 14,067 / 200



April 7, 2008

Robert N. Farquhar¹
Marshall D. Ruchman²
Dennis J. Addins
Philip B. Herron
Stephen M. McHugh
Scott A. Liberman
Donald K. Scott
Dalma C. Grandjean
Peter R. Certo, Jr.
Jonathan B. Freeman
Matthew D. Stokely³
David E. Larson

Julie Cope Hammond
Robert F. Jacques
Kelly A. Bennington
Amelia N. Blankenship
Thomas F. Schmitt
Isidora Tsonis

Hugh H. Altick
1905 - 1990
Robert K. Corwin
1913 - 1998

VIA ELECTRONIC MAIL
Mr. Paul Brady
Planning Commission Member
City of Oxford
101 East High Street
Oxford, OH 45056 1887

Re: Density Zoning Regulation

Dear Mr. Brady:

You asked that I research for the Uptown Revitalization Committee if the City of Oxford could structure its zoning code based on a density ratio per lot size. The example you gave was a ratio of one person for every 200 square feet of lot size. It is my opinion, that nothing explicitly prohibits doing so, but I caution that a zoning code structure that is based on a ratio could be replete with difficulties that would have to be addressed and could in the future cause significant problems.

The first issue with enforcement will arise from the United States Supreme Court decision with regards to the Equal Protection Clause. The U.S. Supreme Court has held that a city zoning ordinance cannot restrict the right of related individuals to reside together. The Court ruled this in a decision involving *Village of Belle Terre v. Boraas*, 416 U.S. 1 (1974). The Supreme Court essentially stated that a zoning ordinance could restrict the number of unrelated individuals living together, but could not restrict related individuals. Several years later, the Supreme Court returned to the issue and stated that a city was unable to restrict the number of related individuals who resided together. *Moore v. City of East Cleveland, Ohio*, 431 U.S. 494 (1977).

As a result of these two Supreme Court decisions, the City of Oxford in creating zoning systems that limits the number of persons based on a ratio or square footage to a lot will have to create an exception for all families. Under such a carve out, individuals living on the lot if related by affinity or consanguinity, will have to be exempted from zoning requirements restricting density. The purpose for which the building is to be constructed and the density to be applied in the construction will have to be addressed early on. The occupation of the building will become critical in determining how and under what circumstance the building is to be constructed.

The Ohio Supreme Court has expanded the definition of "family" to those who act as a family unit, even if not related by blood or marriage. In particular, a group home could constitute a family, such as a foster home for children.

¹ Also admitted in Michigan
² Also admitted in Indiana
³ Also admitted in New York & Connecticut

1700 ONE DAYTON CENTRE
ONE SOUTH MAIN STREET
DAYTON, OHIO 45402-2026

(937) 223-1201 (VOICE)
(937) 223-5100 (FAX)
info@altickcorwin.com (E-MAIL)

Mr. Paul Brady

Page 2

April 7, 2008

The Court has ruled that a family unit is a unit that performs the social function of child-rearing regardless of relationship or composition or whether it includes foster children as well as natural children. The Court found that families are protected against governmental intrusion not supported by a compelling governmental interest. Based on two United States Supreme Court decisions it will be difficult to not exempt families based on a compelling governmental interest. In designing a system based on density, it is critical how the word family is defined.

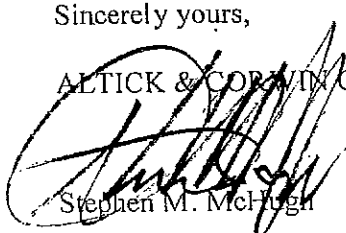
There is also a long standing position in Ohio case law that asserts that zoning should as near as is reasonably possible, deal equally with like property or property similarly situated. A zoning regulation based on a density ratio, one could argue, should be applied to all residential lots regardless of their size or location within the city as the ratio is based on lot square footage.

In conclusion, a zoning code regulation based on density is possible. I urge caution and the issue should be studied to determine what the unintended consequences of density based zoning are.

I hope that this letter is of assistance to you. If I can be of further assistance to you or the Committee, please advise.

Sincerely yours,

ALTICK & CORWIN CO., L.P.A.



Stephen M. McHugh

SMM/kah

Cc: Uptown Revitalization Committee Members
Douglas R. Elliott, Jr., City Manager
Jung-Han Chen, Director of Community Development
Kathryn Dale, City Planner

7562-001

Zoning Code Text Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: City of Oxford
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 101 E. High Street
Oxford, OH 45056
Telephone Number(s): (513) 524-5201 or 5204

SUBMISSION REQUIREMENTS

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

All applications must include:

1. A general description of the proposed amendment.
2. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
3. A statement that identifies potential negative consequences of the proposed amendment.
4. Any existing section number and text that is proposed to be deleted or amended.
5. Any new or amended text as it is proposed to be codified including its proposed location in the Code.
(section numbers)
6. A narrative statement that describes the expected effects of the proposed text.
7. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

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

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

- a. make the Code conform more closely with the Comprehensive Plan.
- b. improve the public health, safety, and general welfare of Oxford.
- c. clarify the intent of the Code.
- d. better implement the intent of the Code.
- e. improve enforcement of the Code.

All materials and the application fee in the amount of \$150.00 payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056. Incomplete applications will not be processed. Any questions should be directed to the Community Development Department at (513) 524-5204.

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

SIGNATURE OF APPLICANT: Jung-Han Chen Date: 6/27/08
PRINTED NAME: Jung-Han Chen

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: NA

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: September 2, 2008

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

August 20, 2008
Date Prepared

Agenda Title: PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of Oxford, Applicant**

Recommendation: **Approval**

Discussion:

On June 4, 2008, the Uptown Revitalization Committee finalized their recommendations and findings of the Uptown District, specifically in regards to Floor Area Ratio (FAR) and Section 404 of the Property Maintenance Code, as assigned to them in Resolution No. 4333, February 2008.

There are four recommendations to Chapter 1143.10 Uptown District zoning regulations, a modification to Section 1149.05 Vehicle Management Non-Residential Regulations and 1159.07(8) Definition of Floor Area Ratio. The Committee also recommends that the minimum habitable room sizes and widths established in the Property Maintenance Code revert back to the 70 sq. ft. and 7 ft. width. *Please refer to the separate staff summary regarding this proposed language.*

The Commission voted 7-0-0 to recommend approval to City Council with modifications (to 1143.10(c)(4)B. only).

Planning & Zoning Code:

Chapter 1143.10 Uptown District

The following recommendations to City Council for the Uptown District include:

1. Any commercial type use that wants to exceed the 3:1 FAR (overall bulk of the building) may do so, but only as a Conditional Use.
 - The rationale is to encourage more commercial space, without requiring BZA approval and trying to prove a practical difficulty.
2. Increase the building height from 45 feet to 48 feet.
 - The rationale to increase the height is to provide more marketable commercial spaces, to provide higher ceilings in the commercial spaces to conceal the mechanical and electrical equipment and to provide a better roof slope for water run-off.
3. Specify that the 0.7:1 required commercial space must occur on the ground or street level.
4. Eliminate the minimum lot area and floor areas per dwelling unit. Replace these requirements by specifically regulating the maximum residential occupancy.
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The recommendation from the Committee is to eliminate the requirement for a loading dock or a designated delivery space in the Uptown District due to BZA granting every request for relief from this requirement. Furthermore, with the minimum FAR requirement for commercial, by requiring a loading space area on the property, commercial space may be forced to provide remnant spaces on the upper floors.

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- The rationale for this recommendation is the 16½ vacated right-of-way is restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways and municipally owned parking or municipally regulated parking. If the property owner cannot physically use the vacated right-of-way for a structure, then they should not be penalized to provide the additional square footage in commercial space. This proposed recommendation would also affect the permitted residential space, essentially reducing the amount of residential that can be provided.

Additional Recommendations:

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1. That the use of sidewalks are permitted as opposed to going through the conditional use review as currently stipulated in Section 1143.10(b)(2)D.
2. That patios, decks and balconies for residential uses are optionally calculated into the maximum 2:1 residential ratio.
3. To review the height definitions of the Planning & Zoning Code and how it is calculated, and
4. To explore the possibility of construction in the 16½ vacated right-of-way as a conditional use.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial	Date
jhc	8/20/08

ORDINANCE NO.

ORDINANCE REPEALING ZONING CODE SECTION 1149.05, VEHICLE MANAGEMENT NON-RESIDENTIAL REGULATIONS, AND ADOPTING NEW SECTION 1149.05, VEHICLE MANAGEMENT NON-RESIDENTIAL 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 August 12, 2008 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1149.05, Uptown District, and adopting new Section 1149.05, Uptown District.

SECTION II: Council hereby repeals Section 1149.05 of the Oxford Code of Ordinances and adopts new Section 1149.05 as follows:

1149.05 NON-RESIDENTIAL REGULATIONS.

(e) Additional Requirements.

(2) Loading spaces.

A. Number.

1. One loading spaces shall be required for all non-residential uses and for residential uses with greater than three dwelling units.
2. One additional loading space shall be required for each 20,000 square feet or fraction thereof of floor area over the first 10,000 square feet.

3. All residential and non-residential uses in the UP district are exempt from the loading space requirements.

B. Location.

1. Loading spaces may be located anywhere on a lot.

C. Design.

1. Loading spaces must be a minimum of 10 feet wide by 25 feet long.

D. Utilization.

1. Loading spaces shall be utilized primarily for loading purposes. No vehicle shall occupy a loading space continuously for more than 48 hours.

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

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	August 20, 2008
<u>Case Number</u>	PC-14-2008
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Text Amendment – 1149.05 Vehicle Management Non-Residential Regulations
<u>Summary of Request</u>	A request for approval to eliminate the loading space requirements in the UP District per the Uptown Revitalization Committee's recommendation.
<u>Public Hearing Information</u>	On August 12, 2008 a public hearing was held at 118 West High Street. A legal notice of the August hearing was published in the Oxford Press on July 11, 2008.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 recommending approval at the June 10, 2008 meeting.
<u>Commission Findings and Conclusions</u>	The Planning Commission voted to recommend approval to Section 1149.05(e)(2)A.3.
<u>Exhibits Submitted to the Commission</u>	1. Draft Ordinance dated August 12, 2008 2. Community Development Staff Report dated July 9, 2008 3. Inter-office Review Transmittal Sheets from Fire, Engineering, Police and Economic Development Departments dated July 11, 2008 4. Uptown Revitalization Committee recommendations dated August 4, 2008 5. Text summary comparison sheets 6. Legal Opinion dated April 7, 2008 7. Zoning Text Amendment Application dated June 27, 2008

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-14-2008

Date –August 12, 2008

APPLICATION

Applicant: City of Oxford
Action Request: Zoning Text Amendment to Chapter 1143.10 Uptown District,
1159.07(8) Floor Area Ratio Definition, and 1149.05 Vehicle
Management Non-Residential Regulations,

DESCRIPTION

On June 4, 2008 the Uptown Revitalization Committee finalized their recommendations and findings to the Uptown District, specifically in regards to Floor Area Ratio (FAR) and Section 404 of the Property Maintenance Code, as assigned to them in Resolution No. 4333, February 2008. City Council initiated the proposed text amendments at their June 17, 2008 City Council Meeting.

Property Maintenance Code (Not for Planning Commission's Review):

The Committee is recommending to City Council that the bedroom sizes and widths, in addition to the minimum habitable room sizes and widths established in Ordinance No. 2985, November 2007 be repealed and reverted back to the original requirements. The rationale for this is that the Ohio Basic Building Code and Ohio Residential Code currently regulate the minimum standards sufficient to accommodate human habitation of bedrooms and living spaces.

Planning & Zoning Code:

Chapter 1143.10 Uptown District

The following recommendations to City Council for the Uptown District include:

1. Any commercial type use that wants to exceed the 3:1 FAR (overall bulk of the building) may do so, but only as a Conditional Use.
 - The rationale is to encourage more commercial space, without requiring BZA approval and trying to prove a practical difficulty.
2. Increase the building height from 45 feet to 48 feet.
 - The rational to increase the height is to provide more marketable commercial spaces, to provide higher ceilings in the commercial spaces to conceal the mechanical and electrical equipment and to provide a better roof slope for water run-off.
3. Specify that the 0.7:1 required commercial space must occur on the ground or street level.
4. Eliminate the minimum lot area and floor areas per dwelling unit. Replace these requirements by specifically regulating the maximum residential occupancy.
 - This recommendation regulates density based on a set number of people as opposed to regulating how many dwelling units a building is permitted to have and omitting the overall minimum dwelling size.

Due to the interconnected nature of the zoning regulations, the Committee went beyond the original scope directed by City Council and make the following recommendations:

Section 1149.05 Vehicle Management Non-Residential Regulations

The recommendation from the Committee is to eliminate the requirement for a loading dock or a designated

delivery space in the Uptown District due to the BZA is granting every request for relief from this requirement. Furthermore, with the minimum FAR requirement for commercial, by requiring a loading space area on the property, commercial space may be forced to provide remnant spaces on the upper floors.

Section 1159.07(8) Floor Area Ratio (FAR) Definition

The recommendation to City Council is to include in definitions the exclusion of the 16½ vacated right-of-way from determining the amount of commercial and residential space.

- The rationale for this recommendation is the 16½ vacated right-of-way is restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways and municipally owned parking or municipally regulated parking. If the property owner cannot physically use the vacated right-of-way for a structure, then they should not be penalized to provide the additional square footage in commercial space. This proposed recommendation would also affect the permitted residential space, essentially reducing the amount of residential that can be provided.

Additional Recommendations:

The Uptown Revitalization Committee discussed many topics as they relate to the Uptown area. Additional topics the Committee would like for City Council to further consider for additional study is:

1. That the use of sidewalks are permitted as opposed to going through the conditional use review as currently stipulated in Section 1143.10(b)(2)D.
2. That patios, decks and balconies for residential uses are optionally calculated into the maximum 2:1 residential ratio.
3. To review the height definitions of the Planning & Zoning Code and how it is calculated, and
4. To, explore the possibility of construction in the 16½ vacated right-of-way as a conditional use.

DECISION CRITERIA

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

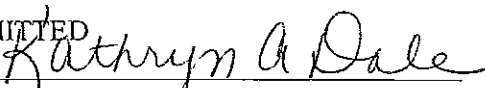
- a. Make the Code conform more closely to the Comprehensive Plan.
- b. Improve the public health, safety, and general welfare of Oxford.
- c. Clarify the intent of the Code.
- d. Better implement the intent of the Code.
- e. Improve enforcement of the Code.

RECOMMENDATION

Not Applicable

SUBMITTED

BY:



Kathryn A. Dale, AICP

City Planner

Community Development Department

DATE: July 9, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-14-2008

Description:

PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee
Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio
Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of
Oxford, Applicant**

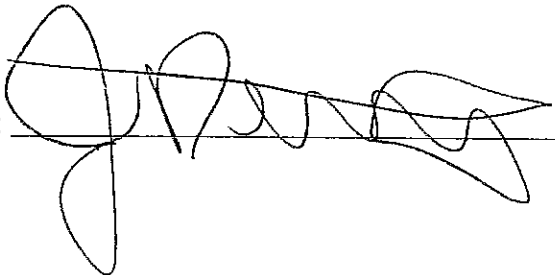
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: 

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division (Police Department) Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-14-2008

Description:

PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee
Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio
Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of
Oxford, Applicant**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** 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: SSM

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-14-2008

Description:

PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee
Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio
Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of
Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

Economic Development Dept.
provided a report from the
Uptown Revitalization Committee
outlining their recommendations

Drawings reviewed by: Alan Kucan

Uptown Revitalization Committee Recommendations

In March of 2008 the Uptown Revitalization Committee began meeting. This committee was given the charge to review the recent changes made to the Oxford Zoning Code and the Oxford Property Maintenance Code as a result of Issue 20 passing. To hear concerned citizens and property owners views. If needed, to propose changes. And to present the results to City Council and Planning Commission.

The committee started with 9 members and finished with 5 active members. Two citizens actively participated throughout the process.

Two goals were unofficially established early in the process:

- First was to insure the intent of Issue 20 was fulfilled.
- The second was to streamline overlapping ordinances.

Early in the committees work Scott Webb provided to the committee examples of code duplications and code conflicts. Much of what is being recommended eliminates these conflicts. Many of the recommended changes are due to the City attempting to manage residential density through room sizes and apartment sizes. The committee is recommending using the industry standard of the Ohio Building Code, to identify room and apartment sizes. Residential density will be managed by the current Floor Area Ratio for building size and a proposed Residential Area Ratio for a cap on residential density.

The Floor Area Ratio was deeply discussed over many meetings. The group decided the Floor Area Ratio should be retained because it helps manage the building envelope.

During the four months this group met, most topics were agreed to in whole. The committee was divided on two topics. First was the reduction in bedroom size, the second was exempting the 16.5' set back from the FAR calculation.

Kathy Dale in her staff report discusses each recommendation and the rational behind the recommendation.

Attached is a comparison chart listing the current standards and the proposed changes.

Many of the committee members will be at the Planning Commission meeting to discuss the proposals and to answer questions.

Sincerely;

Uptown Revitalization Committee

Alan Kyger, Chair
Ted Wong

Scott Webb, Vice Chair
Richard Keebler

Kim Peterka

	Current	Revitalization Proposed Changes
Floor Area Ratio Building size vs. Lot size	3:1	3:1 As a Conditional Use May be exceeded for additional commercial
Lot area used for "FAR" Ratio	Gross	Gross minus the vacated 16.5' set back restrictions
First floor lot coverage	70% minimum	70% minimum
Outdoor Dining	Not counted in 70% or FAR	Counted in 70% or FAR
Basement Commercial	Not counted in 70% or FAR	Not counted in 70% or FAR
Residential Ratio Residential vs. Lot size	2:1	2:1
Building Height	45	48
Loading Spaces	Yes	No in UP District
Residential Density Ratio	None	One person per 200 sq ft of gross lot area minus the vacated 16.5' set backs
Bedroom Size	100 sq ft- One 180 sq ft- Two 260 sq ft- Three 340 sq ft- Four	70 sq ft- One 140 sq ft- Two 210 sq ft- Three 280 sq ft- Four Ohio Building Code
Apartment Size Efficiency One bedroom Two bedroom Three bedroom Four bedroom	600 sq ft 800 sq ft 1,000 sq ft 1,200 sq ft 1,400 sq ft	220 sq ft * 300 sq ft * 600 sq ft * 800 sq ft * 1,000 sq ft * * Estimated apt sizes based from the Ohio Building Code.
Min Lot Area Efficiency One bedroom Two bedroom Three bedroom Four bedroom	300 sq ft 400 sq ft 500 sq ft 600 sq ft 700 sq ft	None

Examples

Main & High

Lot Size 7,980 sq ft
 Lot Size, minus set backs 5,785 sq ft

(These lot size figures may not be exact)

SB = Set Back

	Before Issue 20	Current Code	As submitted by owner Current Code	Revitalization Proposed Changes
Number of Lots	2	1	1	1
Number of Buildings	2	1	1	1
Size of buildable lot	100% minus SB 5,785	100% minus SB 5,785	100% minus SB 5,785	100% minus SB 5,785
Min Lot Coverage (1st Floor) (Commercial)	?	70% 5,586	70% 5,586	70% minus SB 4,050
Lot Size for "FAR"	na	100% 7,980	100% 7,980	100% minus SB 5,785
Residential	17,355 3 floors	15,960 2:1 Ratio	15,960 2:1 Ratio	11,570 2:1 Ratio
Number of Units	6	Variable Limited by "FAR" & Apt size stds	11 Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants	24	44	60	29
Gross area	3 units per bldg 6 units x 4 res	15,960 x 100% = 15,960 15,960 / 1,400 = 11 11 units x 4 res 4 BR apts	15,960 x 100% = 15,960 15,960 / 1,000 = 15 15 units x 4 res 2 BR apts	5,785 / 200
Number of occupants		32	44	
70% of Gross area		15,960 x 70% = 11,172 11,172 / 1,400 = 8 8 units x 4 res 4 BR apts	15,960 x 70% = 11,172 11,172 / 1,000 = 11 11 units x 4 res 2 BR apts	

old first financial

Lot Size 7,897 (These lot size figures may not be exact)
 Lot Size, minus set backs 7,897

	Before Issue 20	Current Code	As submitted Current Code	Revitalization Proposed Changes
Number of Lots	2	1	1	1
Number of Buildings	2	1	1	1
Size of buildable lot	100% minus SB 7,897	100% minus SB 7,897	100% minus SB 7,897	100% minus SB 7,897
Min Lot Coverage (1st Floor) (Commercial)	?	70% 5,527	70% 5,527	70% minus SB 5,527
Lot Size for "FAR"	na	100% 7,897	100% 7,897	100% minus SB 7,897
Residential	17,355 3 floors	15,794 2:1 Ratio	15,794 2:1 Ratio	15,794 2:1 Ratio
Number of Units	6	Variable Limited by "FAR" & Apt size stds	10 Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants 100% of Gross Area	24	44 15,794x100%=15,794 15,794 / 1,400 =11 11 units x 4 res 4 BR apts	27	39 7,897 / 200
Number of occupants 70% of Gross area		32 15,794x70%=11,055 11,055 / 1,400 =8 8 units x 4 res 4 BR apts		

Lot 52 / 53

Lot Size 18,500 (These lot size figures may not be exact)
 Lot Size, minus set backs 14,067

	Before Issue 20	4 BR Current Code	2 BR Current Code	Revitalization Proposed Changes
Number of Lots	6	2	2	2
Number of Buildings	6	2	2	2
Size of buildable lot	100% minus SB 14,067	100% minus SB 14,067	100% minus SB 14,067	100% minus SB 14,067
Min Lot Coverage (1st Floor) (Commercial)	?	70% 12,950	70% 12,950	70% minus SB 9,847
Lot Size for "FAR"	na	100% 18,500	100% 18,500	100% minus SB 14,067
Residential	42,201 3 floors	37,000 2:1 Ratio	37,000 2:1 Ratio	28,134 2:1 Ratio
Number of Units	18	Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants 100% gross area	72 3 units / bldg	104 37,000 x 100% =37,000 37,000 / 1,400 =26 26 units x 4 res 4 BR apts	148 37,000 x 100% =37,000 37,000 / 1,000 =37 37 units x 4 res 2 BR apts	70 14,067 / 200
Number of occupants 70% of gross area	72 3 units / bldg	72 37,000 x 70% =25,900 25,900 / 1,400 =18 18 units x 4 res 4 BR apts	100 37,000 x 70% =25,900 25,900 / 1,000 =25 25 units x 4 res 2 BR apts	70 14,067 / 200



April 7, 2008

Robert N. Farquhar¹
Marshall D. Ruchman²
Dennis J. Adkins
Philip B. Herron
Stephen M. McHugh
Scott A. Liberman
Donald K. Scott
Dalma C. Grandjean
Peter R. Certo, Jr.
Jonathan B. Freeman
Matthew D. Stokely³
David E. Larson

Julie Cape Hammond
Robert F. Jacques
Kelly A. Bennington
Amelia N. Blankenship
Thomas F. Schmitt
Isidora Tsionis

Hugh H. Altick
1905 - 1990
Robert K. Corwin
1913 - 1998

¹ Also admitted in Michigan
² Also admitted in Indiana
³ Also admitted in New York & Connecticut

1700 ONE DAYTON CENTRE
ONE SOUTH MAIN STREET
DAYTON, OHIO 45402-2026

(937) 223-1201 (VOICE)
(937) 223-5100 (FAX)
info@altickcorwin.com (E-MAIL)

VIA ELECTRONIC MAIL
Mr. Paul Brady
Planning Commission Member
City of Oxford
101 East High Street
Oxford, OH 45056 1887

Re: Density Zoning Regulation

Dear Mr. Brady:

You asked that I research for the Uptown Revitalization Committee if the City of Oxford could structure its zoning code based on a density ratio per lot size. The example you gave was a ratio of one person for every 200 square feet of lot size. It is my opinion, that nothing explicitly prohibits doing so, but I caution that a zoning code structure that is based on a ratio could be replete with difficulties that would have to be addressed and could in the future cause significant problems.

The first issue with enforcement will arise from the United States Supreme Court decision with regards to the Equal Protection Clause. The U.S. Supreme Court has held that a city zoning ordinance cannot restrict the right of related individuals to reside together. The Court ruled this in a decision involving *Village of Belle Terre v. Boraas*, 416 U.S. 1 (1974). The Supreme Court essentially stated that a zoning ordinance could restrict the number of unrelated individuals living together, but could not restrict related individuals. Several years later, the Supreme Court returned to the issue and stated that a city was unable to restrict the number of related individuals who resided together. *Moore v. City of East Cleveland, Ohio*, 431 U.S. 494 (1977).

As a result of these two Supreme Court decisions, the City of Oxford in creating zoning systems that limits the number of persons based on a ratio or square footage to a lot will have to create an exception for all families. Under such a carve out, individuals living on the lot if related by affinity or consanguinity, will have to be exempted from zoning requirements restricting density. The purpose for which the building is to be constructed and the density to be applied in the construction will have to be addressed early on. The occupation of the building will become critical in determining how and under what circumstance the building is to be constructed.

The Ohio Supreme Court has expanded the definition of "family" to those who act as a family unit, even if not related by blood or marriage. In particular, a group home could constitute a family, such as a foster home for children.

Mr. Paul Brady
Page 2
April 7, 2008

The Court has ruled that a family unit is a unit that performs the social function of child-rearing regardless of relationship or composition or whether it includes foster children as well as natural children. The Court found that families are protected against governmental intrusion not supported by a compelling governmental interest. Based on two United States Supreme Court decisions it will be difficult to not exempt families based on a compelling governmental interest. In designing a system based on density, it is critical how the word family is defined.

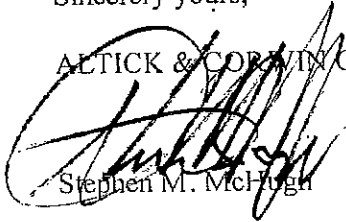
There is also a long standing position in Ohio case law that asserts that zoning should as near as is reasonably possible, deal equally with like property or property similarly situated. A zoning regulation based on a density ratio, one could argue, should be applied to all residential lots regardless of their size or location within the city as the ratio is based on lot square footage.

In conclusion, a zoning code regulation based on density is possible. I urge caution and the issue should be studied to determine what the unintended consequences of density based zoning are.

I hope that this letter is of assistance to you. If I can be of further assistance to you or the Committee, please advise.

Sincerely yours,

ALTICK & CORWIN CO., L.P.A.



Stephen M. McHugh

SMM/kah

Cc: Uptown Revitalization Committee Members
Douglas R. Elliott, Jr., City Manager
Jung-Han Chen, Director of Community Development
Kathryn Dale, City Planner

7562-001

Zoning Code Text Amendment Application
City of Oxford, Ohio



REQUIRED INFORMATION

Name of Applicant: City of Oxford
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 101 E. High Street
Oxford, OH 45056
Telephone Number(s): (513) 524-5201 or 5204

SUBMISSION REQUIREMENTS

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

All applications must include:

1. A general description of the proposed amendment.
2. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
3. A statement that identifies potential negative consequences of the proposed amendment.
4. Any existing section number and text that is proposed to be deleted or amended.
5. Any new or amended text as it is proposed to be codified including its proposed location in the Code.
(section numbers)
6. A narrative statement that describes the expected effects of the proposed text.
7. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

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

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

- a. make the Code conform more closely with the Comprehensive Plan.
- b. improve the public health, safety, and general welfare of Oxford.
- c. clarify the intent of the Code.
- d. better implement the intent of the Code.
- e. improve enforcement of the Code.

All materials and the application fee in the amount of \$150.00 payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Community Development Department at (513) 524-5204.

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

SIGNATURE OF APPLICANT: Jung-Han Chen Date: 6/27/08
PRINTED NAME: Jung-Han Chen

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: NA

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: September 2, 2008

Account Code #: N/A

Budgeted Amount: N/A

Service Department
Originating Department

Michael Dreisbach
Prepared By

August 19, 2008
September 9, 2008 *Revised*
Date Prepared

Agenda Title: Ordinance Amendment to Section 351.16 – Snow Emergency Routes

Recommendation: Approve

Discussion:

The City's Snow Emergency Ordinance was last updated in 2003 when the City instituted a threshold of 3" for the prohibition of parking on marked snow routes. Staff has recognized the need to clarify and refine the Ordinance with a minor language addition to the code.

Current language does not provide for a restriction of parking in the following two instances:

- 1) During an ice event where accumulations will be less than 3", but road conditions are still treacherous.
- 2) During a major snowfall event where snow routes have been plowed, but more accumulating snow is expected, and snow route restrictions should remain in effect.

Existing signs would be remarked with information regarding the restriction and would read "No Parking when snow is 3 inches deep or greater, *or during ANY level of Snow Emergency*".

No changes are proposed to the City's current structure of snow emergency language. This revision to the Snow Route Ordinance section clarifies the intent of the original 2003 Ordinance.

The City's current Snow Emergency Ordinance, 351.161, is attached to this report. Icy roads have previously been included in the definition of a Level 1 snow emergency and 351.161 (a) already includes any type of weather condition that will cause slippery or hazardous conditions.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial	Date
<u>MBD</u>	<u>8/26/08</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

351.161 EMERGENCY LEVELS.

(a) When, in the judgment of the City Manager, **snow**, sleet, freezing rain or other weather conditions cause or appear likely to cause slippery or hazardous conditions which might lead to serious congestion or hazard, the City Manager may declare a **snow** emergency. The City Manager shall also declare the termination of such **snow** emergency as soon as conditions permit.

(b) **Snow** emergencies are classified into one of three levels:

(1) Level I. Roadways are hazardous with blowing and drifting **snow**. Roads are also icy. Citizens should drive cautiously.

(2) Level II. Roadways are hazardous with blowing and drifting **snow**. Only those who feel it necessary to drive should be out on the roadways. Citizens should contact employers to determine if they should report to work.

(3) Level III. All roadways are closed to nonemergency personnel. No one should be out during these conditions. Those traveling on roadways may subject themselves to arrest.

(c) An individual's operation of a motor vehicle during the no-driving provision of subsection (b)(3) hereof shall constitute prima-facie evidence of misconduct at an emergency, Section 509.05(a)(2), and in addition to the penalty provided for in Section 509.05(c) such individual's vehicle shall be subject to the removal and impounding provisions of Section 303.08.

(Ord. 2795. Passed 10-7-03.)

ORDINANCE NO.

ORDINANCE AMENDING THE OXFORD CODE OF ORDINANCES BY REPEALING SECTION 351.16, SNOW ROUTES AND ADOPTING NEW SECTION 351.16, SNOW ROUTES TO PROHIBIT PARKING ON SNOW ROUTES WITHIN THE CITY DURING ANY LEVEL OF SNOW EMERGENCY.

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

SECTION 1: Council finds that there is a need to revise snow routes within the City which would permit the removal of vehicles parked in these snow routes during periods of heavy ice and snowfall.

SECTION 2: Council further finds that this Code amendment is in the best interests of the City and will serve to protect the health, safety and welfare of the citizens of Oxford.

SECTION 3: Council hereby repeals in its entirety current Section 351.16 of the Oxford Code of Ordinances and adopts new Section 351.16 which shall read as follows:

351.16 SNOW ROUTES.

(a) "Snow routes" are hereby defined as streets or portions of streets designated by official signs on one or both sides thereof, installed by order of the City Manager. The City Manager is authorized and directed to designate such streets as snow routes which, for the safety or convenience of the public and the accommodation of traffic, should be kept open and clear when snow accumulations are greater than or equal to three inches (3") or during any level of Snow Emergency.

(b) The City Manager, or designee, shall be responsible for ensuring that special signs are erected which:

- (1) indicate and identify the streets as snow routes;
- (2) state that there is no parking when snow is greater than or equal to three inches (3") deep or during any level of Snow Emergency; and
- (3) indicate that the snow routes are tow-away zones.

(c) No vehicle may be parked on any snow route when snow and/or ice accumulations are greater than or equal to three inches (3") or during any level of snow emergency.

(d) Any person who violates the provisions of subsection (c) hereof shall be guilty of a minor misdemeanor and in addition to the penalty provided for by Section 303.99, an unattended vehicle parked in violation of subsection (c) hereof shall be subject to the removal and impounding provisions of Section 303.08.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

The following information is from the *Butler County Sherriff's* Web page:

LEVEL 0

There is no snow advisory in effect.

LEVEL 1

Roadways are hazardous. *Motorists are urged to drive very cautiously.*

LEVEL 2

Roadways are hazardous with blowing and drifting snow. Roads can be very icy. *Only those who feel it is necessary to drive should be out on the roadways.* People should contact their employer to see if they should report to work. *Obviously, if you are driving, use extreme caution.*

LEVEL 3

All roadways are closed to non-emergency personnel. No one should be driving during this condition unless it is *absolutely necessary* or a personal emergency exists. All employees should contact their employer to see if they should report for work. Anyone traveling on the roads may subject themselves to arrest.

Remember, it's impossible to know the condition of EVERY road in the county. These are only guidelines for the *majority* of roads. For example if the Advisory Level is set at 1, there may possibly be secondary roads that could be rated at level 2 or even possibly Level 3!

If there is snow present, you should always assume that the road ahead is worse than the stretch of road you are currently on. In short, drive with extra regard for your speed and those around you especially on curves, hills, and the bridges which usually freeze well before the rest of the roadway. Also give yourself **PLENTY** of stopping distance especially on icy roads.

Please Drive Safely!

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: September 16, 2008

Mary Ann Eaton

Account Code No.: N/A

Prepared By

Budgeted Amount: N/A

September 10, 2008

Date Prepared

Agenda Title: Records Commission Meeting of 9/9/08

Recommendation: N/A

Discussion:

Records Commission members present at the September 9, 2008 meeting were: Doug Elliott, City Manager (Chair); Steve McHugh, City Attorney; Joe Newlin, Auditor, Secretary; Mary Ann Eaton, Deputy Clerk of Council and Bob Schmidt.

The Commission approved Certificates of Records Disposal for the Finance Department with one modification.

The Commission approved Certificates of Records Disposal for the Street Department as submitted.

The Commission approved Certificates of Records Disposal for the Service Department with two modifications.

The Commission approved Certificates of Records Disposal for the Parks and Recreation Department with one modification.

The Commission formally approved the City of Oxford's Computer Resource Policy Sections L, M, and N.

The Commission discussed future public records training opportunities for employees.

The Commission tentatively set the next meeting date for Tuesday, November 11, 2008.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

