City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2017-14 **Date – June 13, 2017**

APPLICATION

Applicant:	Kid Camp Learning LLC (Phil Young)
Location:	5500 College Corner Pike
Owner:	Zeus Apartment Buildings Inc.
Action Request:	Conditional Use Permit Application
Current Use:	Vacant Office Building
Zoning:	GB (General Business District)
Surrounding Existing Land Uses:	Retail Service, Automobile Service, Vacant Agricultural, Light Industry

GENERAL DESCRIPTION

As follow-up to a March 24, 2017 building permit application, the applicant is seeking a recommendation of approval of a conditional use for a daycare. The day care business is to be located in an existing vacant office building in the General Business District. The location is 5500 College Corner Pike (U.S. 27 North), briefly known as Bill's Art Store and formerly The Planning Forum office. The 1.65 acre property is bounded by a retail strip center and an undeveloped agricultural tract.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a notice sign was placed in front of the property. No comments were received as of this writing.

AGENCY REVIEWS

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

Police:	Returned without comments.
Fire:	Returned without comments.
Engineering:	Returned with comments.
Econ. Dev.:	Returned with comments.

ZONING CODE REVIEW

Below is an excerpt from Oxford Zoning Code Section 1147.03, Use-Specific Regulations with staff comments in ***bold/italic***:

(21) Day Care Centers and Nursery Schools.

A. Potential Concerns

1. Location and adequacy of planned outdoor play area. ***[meets state requirements per applicant] [see Engineering comment re: ditch]***
2. Noise. ***[not neighboring residential uses]***
3. Adequate drop-off facilities. ***[provided in rear; requires staff oversight for safety]***

B. Regulations.

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

General Decision Standards for Conditional Uses — Section 1147.02(c)(2)

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

A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.

Yes, the use can be allowed as a conditional use.

B. The use and site will satisfy the general intent of this Zoning Code.

Yes

C. The use and site will be compatible with the general intent of the Comprehensive Plan.

Yes

D. The size and shape of the site are sufficient for the proposed use.

Yes

E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

None expected.

F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.

No excessive nuisance conditions expected.

G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.

No additional accessory uses expected.

H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.

Opportunity for comment has been provided to Police, Fire and Service Department.

I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.

Opportunity for comment has been provided to Police, Fire and Service Department.

J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.

No new construction is proposed.

K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.

Opportunity for comment has been provided to Police, Fire and Service Department. A pull-off alongside the existing drive may reduce any potential negative impact to the public street.

L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

No features for protection are known.

M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

Yes, as stated by applicant.

Below is an excerpt of Oxford Zoning Code Section 1149.02 Parking and Site Access:

(a) Any new development, redevelopment, or change to a use or structure or site (whether conforming or nonconforming) shall meet the current parking and site access regulations for the entire use and structure and site. Any nonconforming uses, structures or sites shall follow the provisions in Chapter 1137.

Regarding subsection A, above, the proposal is considered a change to the use which requires existing parking to meet current design requirements such as access, aisles and setbacks. **Those that are not met will be considered waived (see attachment) if a recommendation of approval is forwarded.** A list of the parking-related code topics, along with others is below:

- ***The parking is hard surface, sufficient number of stalls and not in the required front yard setback.***
- ***There is no perimeter curbing around the parking lot.***
- ***The parking is fully in the rear, as partially required by GB code.***
- ***Security lighting level is unknown because a photometric plan was not provided. However, three operational security lights do exist around the rear parking perimeter. Security lighting in the front is recommended.***
- ***No bicycle parking is provided***
- ***No dedicated sidewalk from the street to the building entry is provided, as required by GB code.***
- ***The property is two tracts which should be consolidated into one in order to avoid the need for easements and prevent setback nonconformance.***

ANALYSIS

The proposed daycare at this property is permitted conditionally by Oxford Zoning Code and presents the Commission with an opportunity to recommend a viable use for this long vacant property. There would be very little, if any nuisance to adjacent properties, based upon existing conditions. Staff has expressed some concerns to the applicant regarding the safety of children walking through or along the edge of the rear parking lot during drop off. Based upon the applicant's experience at two other sites, they have ensured City staff that they will implement a robust safety plan that does not require modifying the parking lot design.

RECOMMENDATION

Based upon the zoning code review within and the above analysis, if the Planning Commission finds the proposal to meet the general and site specific requirements, it can forward a recommendation of approval to the City Council with the following potential conditions:

1. Lot consolidation application submittal prior to building permit issuance and plat recordation prior to issuance of final certificate of occupancy.
2. Installation of security lighting in the front of the facility.

Staff recommends forwarding a recommendation of approval to City Council with the above conditions.

SUBMITTED BY:

Sam Perry, AICP
Planner

DATE: June 6, 2017

ATTACHMENT

(c) Planning Commission Review. The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

(1) Burden of proof.

A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an Applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

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

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

A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.

B. The use and site will satisfy the general intent of this Zoning Code.

C. The use and site will be compatible with the general intent of the Comprehensive Plan.

D. The size and shape of the site are sufficient for the proposed use.

E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.

G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.

H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.

I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.

J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.

K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.

L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

(d) Action by Planning Commission.

(1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.

(2) The Planning Commission shall base its recommendation to Council upon how well the application satisfies the General Decision Standards and the Decision Standards for the proposed use. **In its recommendation, Planning Commission may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.**

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-14, CONDITIONAL USE, 5500 College Corner Pike, to allow for a daycare in the GB (General Business) District, **Kid Camp Learning LLC, Phil Young, Applicant/Agent**

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 5-11-17

John Detherage
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-14, CONDITIONAL USE, 5500 College Corner Pike, to allow for a daycare in the GB (General Business) District, **Kid Camp Learning LLC, Phil Young, Applicant/Agent**

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

SEE MEMO DATED 5-11-17

Drawings reviewed by: _____ Date: 5-11-17

VICTOR POPESCU
PRINTED NAME

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

Memo

Service Department
Engineering Division
513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, PE
City Engineer

RE: PC – 2017-14
Conditional Use – Kid Camp Learning LLC
5500 College Corner Pike

DATE: May 11, 2017

The following are comments from the Engineering Division.

- Although it is stated that the Play Area will be fenced, we must point out that the facility is adjacent to a ditch that carries storm water under USR 27 from the west to the east by way of a 72 inch culvert.

- A steep slope, leading to the ditch on the south side of the property, poses danger, not only to adults, but to children, as well. It is recommended that consideration be given to installing a fence along the ditch.

If there are questions, please contact the Engineering Division.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

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From: Community Development Department

PC-2017-14, CONDITIONAL USE, 5500 College Corner Pike, to allow for a daycare in the GB (General Business) District, **Kid Camp Learning LLC, Phil Young, Applicant/Agent**

____X_____ Review _____ Revisions _____Other

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

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

Drawings reviewed by: _____ Date: 5/16/17

John A. Jones
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-14, CONDITIONAL USE, 5500 College Corner Pike, to allow for a daycare in the GB (General Business) District, **Kid Camp Learning LLC, Phil Young, Applicant/Agent**

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

IN MY OPINION THERE IS THE NEED FOR ORGANIZED DAY-CARE IN OXFORD AND THIS LOCATION HAS PLENTY OF INDOOR & OUTDOOR AREA.

Drawings reviewed by: _____ Date: 6-6-17

G. ALAN MCCLAIN
PRINTED NAME

"In my opinion there is the need for organized daycare in Oxford and this location has plenty of indoor and outdoor area."

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

PC-2017-14
Surrounding Property Owners Notifications Map

Legend

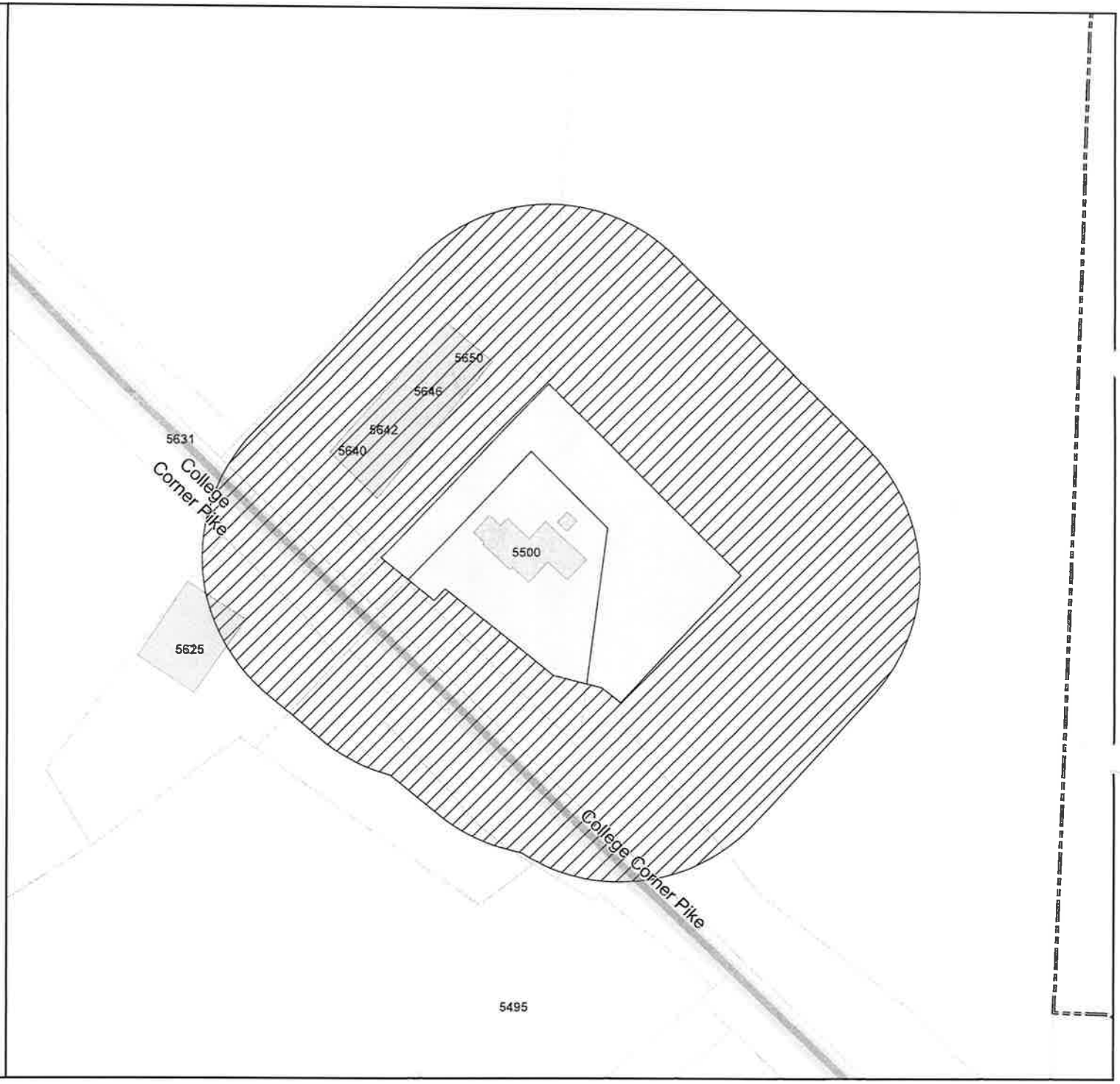
- Subject Parcels
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- Parcel
- Building Footprint
- Paved Roadway

N

1 inch = 150 feet

Prepared on Tuesday, May 23, 2017

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



Letter of Agency

To whom it may concern:

Please be advised that Phil Young has permission to represent our interest with the City of Oxford Board of Planning Commission and City Council, and act on our behalf regarding a conditional use for the proposed daycare located at 5500 College Corner Pike, Oxford, Ohio 45056.

Thank you,

Signed _____ 3 31 2017
Argeri Lagos, Zeus Apartment Buildings Inc. Date

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

Internal Use Only:
Case No. PC-2017-14
Date Filed 4/4/17

Conditional Use Permit Application

Applicant Information

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

Name * Kid Camp Learning LLC
Mailing Address * 2520 Ross Millville Rd
City, State & Zip Code * Hamilton, OH 45013
Telephone Number(s) * 513 760 6222
Email Address Kidcamplearning@gmail.com

Owner Information

Name * Zeus Apartment Buildings Inc.
Mailing Address * 750 Shrine Rd.
City, State & Zip Code * Springfield, OH 45504
Telephone Number(s) * 937-925-3670
Email Address

Location and Lot Information

Location of Property * 5500 college Corner Pk
Legal Description * Parcel H-4100028000001 AND H-4100028000008
Zoning District * GB
Total Area * 1.0595 → *Check One* * Acres ☑ Square Feet ☐
Existing Use Description * Business - Retail - Art Store
Proposed Use Description * Daycare

Submission Requirements and Documentation

From Section 1147.02(a)[1].

(1) Contents of application for conditional use permit. Thirteen complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. Please contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.

A. Application Fee.
B. Description of Use and Site.
A written, detailed description shall include the following information. A separate response is required for each subsection.
1. The name, mailing address, and telephone number of the applicant and the property owner.
2. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.
3. A legal description of the site, including all separate lots.

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

Fees & Receipt

The required fees are $400.00 plus $10.00 for postage. You may write a $410.00 check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Date * 3/29/2017

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only
Fee Paid Date * 4/4/17 Receipt Number * 14334

[1] City of Oxford Codified Ordinances: http://www.cityofoxford.org/fees-ordinances-and-charter/
[2] Butler County Auditor Real Estate Search: http://www.butlercountyauditor.org/

Jung-Han Chen
Community Development Director
City of Oxford
Municipal Building
101 E. High Street
Oxford, Ohio 45056

Re: Application for Conditional Use
Proposed Daycare
5500 College Corner Pike
Parcel H4100028000001

March 28, 2017

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a conditional use for a proposed daycare located at 5500 College Corner Pike in the GB Zoning District.

The attached proposal has been prepared for and with assistance from the following:

Property owners:
Zeus Apartment Buildings Inc
750 Shrine Rd
Springfield, Oh 45504

Applicant:
Kid Camp Learning LLC
2520 Ross Millville Rd
Hamilton, Oh 45013

Architect:
Richard Drake
35 Rockridge Rd Suite D
Englewood Oh, 45322

1) Thirteen Individual packets containing one copy of each of the following items:
    a. Conditional Use Application
    b. List of property owners within 200 feet of the site
    c. Site Plan
    d. Existing pictures of the site
    e. Letter of Agency

A. Application Fee is attached
B. Description of Use and site.
    1. Applicant- Kid Camp Learning LLC 2520 Ross Millville Rd Hamilton Ohio 45013

Owner- Zeus Apartment Buildings Inc 750 Shrine Rd Springfield Oh 45504

2. Letter of Agency is attached
3. The site is located on the following parcels H-4100028000001 and H-4100028000008
4. The property has been vacant for 3 years but the most recent use was Business- Retail- Art Store
5. The property is situated in the GB Zoning District
6. A description of proposed use:
   a. A description of operations, including types of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.

      Kid Camp Learning primarily operates daycare/child care facilities in Butler County, Ohio under the Young Leaders Learning Center brand. This proposed facility will be the third location for Kid Camp Learning providing high quality state licensed education based child care services to children beginning at 6 weeks of age. The owner of Kid Camp Learning (Tiffany Young) has over 15 years' experience instilling the love of education in children. She currently holds a Master's of Education degree from Miami University in Oxford. Kid Camp Learning expects to provide service to 81 children. Outdoor play will occur in a fenced area located on the property away from traffic as required by the Ohio Department of Job and Family Services. Outdoor play areas are regulated by ODJFS and are required to be 50 sq ft per child at play. Noise levels will be minimal and will not negatively affect the existing or future properties near the proposed site. 14 parking spaces will be provided to adequately meet the parking requirement for daycare facilities in the City of Oxford (1 space for every 6 children served). 81children/6= 13.5 parking spaces needed. Adequate barriers (stop blocks & mental barriers) will be provided to protect children during drop off.

   b. The hours of operation.
      Hours of operation will be Mon-Fri 6am to 6pm. Outdoor play will occur in designated areas between the hours of 10am and 5pm weather permitting.

7. A Narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties.
   a. How the use is similar to or different from the existing area uses and if there will be any interaction between the proposed use and existing uses.

      The use of the property will change from general business to educational daycare. This use is different from the existing uses but does not conflict with any of the existing uses of the adjacent properties. The property is located adjacent to a retail strip center on one side and an empty lot on the other. Limited interaction may occur between the proposed use and existing use solely by customer exposure. The proposed use will not take away from business abilities of the existing uses.

   b. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.

      The existing building exterior and site will remain unchanged any updates to paint or cosmetic improvements will be designed to fit into the existing neighborhood.

c. If the use will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibrations or emissions.

The proposed use will not involve any operations that create potential nuisances. Existing exterior lighting (3 parking lot street lamps) will remain. No new exterior lighting will be installed.

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

The proposed daycare will not have a negative effect on adjacent land.

8. A statement about why the location proposed is more appropriate for the use than other locations.

The site has sat vacant for many years and previously was used as an art studio/retail shop. The daycare will serve the child care needs not being provided by the existing child care providers in the City of Oxford. The location is more appropriate for the use because it is located along a well-travelled business route just outside of the main strip making it easily accessible to residents in need of child care.

9. A statement of the necessity or desirability of the proposed use to the neighborhood or community.

The daycare will serve children and families in the Oxford area. There is currently a need for high quality child care in this area as the area is currently underserved based on existing population numbers, currently leaving families with limited options.

10. Separate, detailed statements that individually address each of the items listed as potential concerns for the proposed use.

Potential concerns for daycares per section 1147.03(21) of the Zoning Code:

i. Location and adequacy of the planned outdoor play area

The location of the outdoor fenced play area will be located in the rear of the building in a grass area as generally shown on the site plan. The proposed fenced outdoor play area is 2400 square feet. Per ODJFS standards 50 sq ft of play area must be provided for each child at play. 2400 square feet will allow up to 48 children to play at the same time in the play area but under normal operation children will be restricted to under 24 children in the play area at one time to provide exceptional safety viewing capability by staff.

ii. Noise

Noise will be virtually undetectable during normal operation and will not negatively affect surrounding properties. A limited amount of noise may be detectable during outside play times but will not be excessive or disruptive to surrounding properties.

iii. Adequate drop of facilities

Drop off will occur between the hours of 6am and 9am. Adequate staff will be provided to assist during drop off times. Parents will park and walk children into the building. A visual safety path will be provided to ensure parking lot safety.

iv. Regulations- Use of outdoor play areas shall be limited to between the hours of 8am and 8pm daylight hours only.

11. A list of the names and addresses of all the land owners within 200 feet of the site is attached.

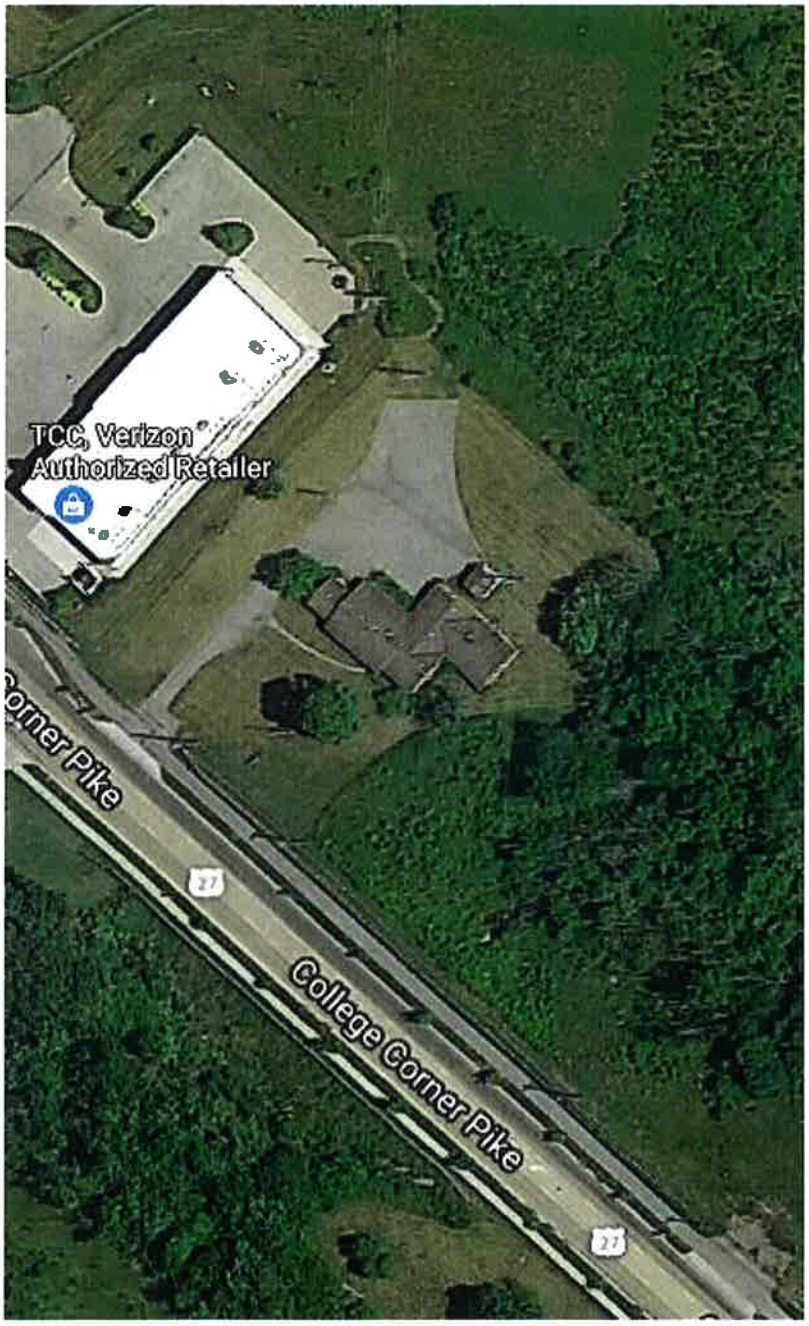
Please place this item on the next available commission meeting agenda.

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

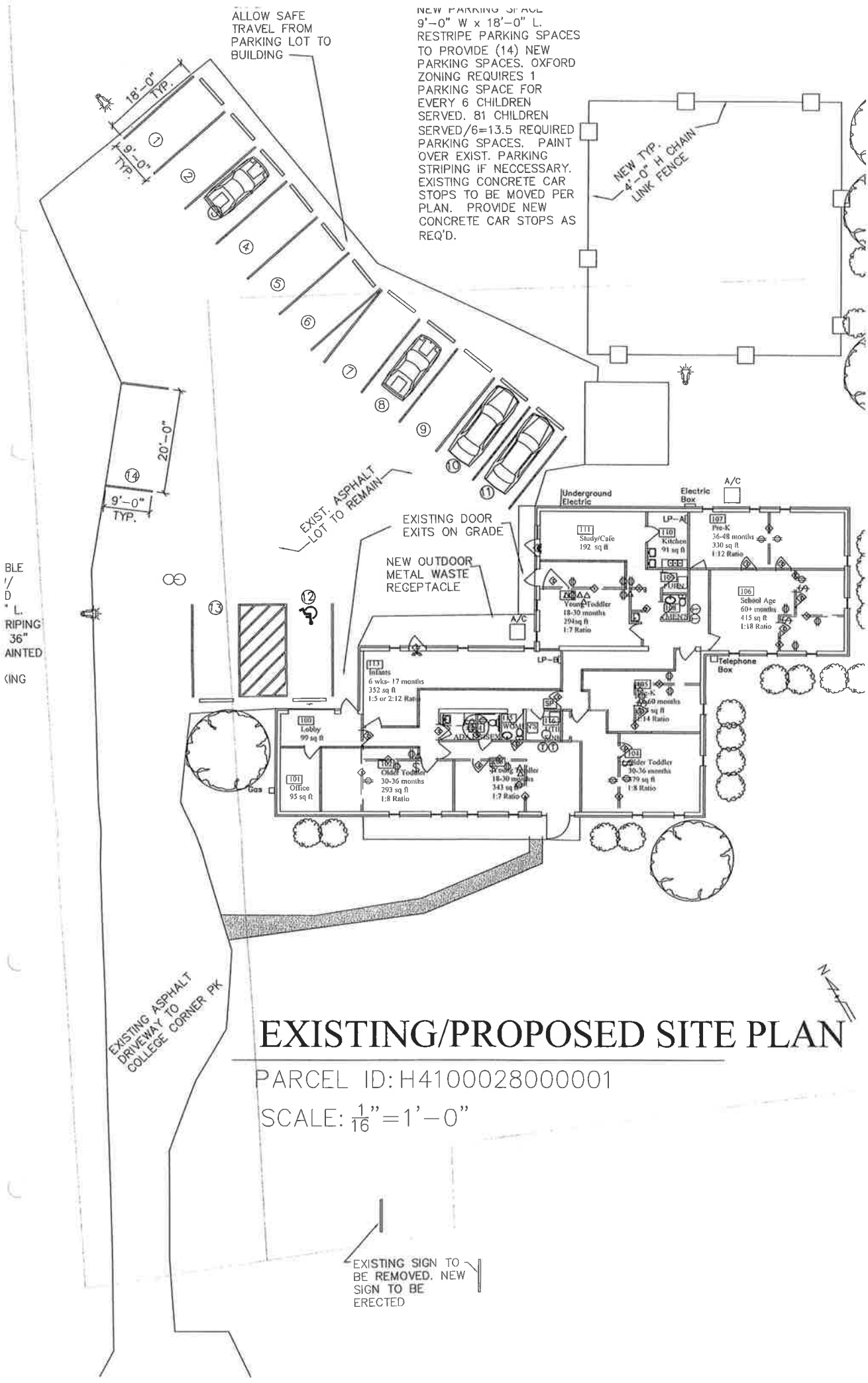
Sincerely,

Phil Young
Kid Camp Learning LLC.
2520 Ross Millville Rd
Hamilton, Ohio 45013
Cell-513.304.5668
Office-513.760.6222
Email-kidcamplearning@gmail.com
Web-youngleaderslearningcenter.com

Site Picture #1



Site Picture #2



EXISTING/PROPOSED SITE PLAN

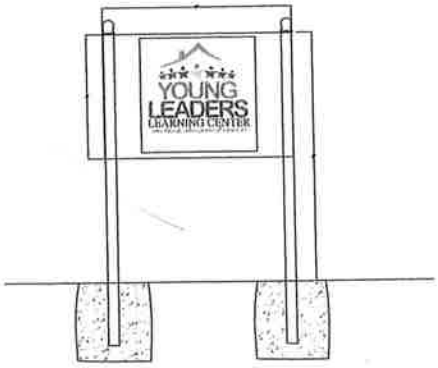
PARCEL ID: H4100028000001

SCALE: $\frac{1}{16}$"=1'-0"

SIGN NOTES:
1. LOCATE SIGN AS SHOWN ON DRAWING SHEET.
2. SIGN TO BE OF A STANDARD REFLECTIVE ALUMINUM MATERIAL.
3. HANDICAP SIGN TO BE AS SHOWN OR AS REQUIRED BY LOCAL CODE. HANDICAP SIGN MUST CONTAIN THE DESIGNATION "VAN ACCESSIBLE".
4. FASTEN SIGN TO 2" STEEL PIPE AS REQUIRED AND SET INTO 12" ROUND CONCRETE 24" DEEP.
5.BOTTOM OF THE SIGN TO BE 60" FROM FINISHED SURFACE OF THE PARKING SPACE.

NEW ADA PARKING SIGN

SCALE: NOT TO SCALE



NEW SIGN DETAIL

SCALE: $\frac{1}{4}$"=1'-0"

STATE OF OHIO
RICHARD DRAKE
14973
REGISTERED ARCHITECT

DRAKE architecture
ARCHITECTURE | DESIGN

NTER
E

NOTES:

LANDSCAPE NOTE: ALL EXISTING LANDSCAPING TO REMAIN.

SIGNAGE NOTE: 1 NEW ADA VAN ACCESSIBLE PARKING SIGN TO BE INSTALLED IN BACK OF BUILDING. EXISTING SIGN TO BE REMOVED AND REPLACED WITH A NEW DOUBLE POST SIGN AS SHOWN ABOVE. ZONING VARIANCE IS REQUESTED WITH THE CONDITIONAL USE PROCESS TO EXCEED THE 6' MAX SIGN HEIGHT ZONING CODE 1151.05(3)b.ii PERMANENT SIGNS. VARIANCE IS REQUESTED DUE TO AN EXISTING WOODEN FENCE LOCATED IN THE RIGHT OF WAY THAT OBSTRUCTS THE VIEW OF SHORTER SIGNS FROM THE STREET.

PARKING CALCULATIONS: PER CITY OF OXFORD ZONING DEPARTMENT, 1 PARKING SPACE REQUIRED PER 6 CHILDREN SERVED AT DAYCARE FACILITY.
81 CHILDREN SERVED AT THE DAYCARE FACILITY = 14 PARKING SPACES REQUIRED.

14 PARKING SPACES PROVIDED

PROPOSED TENANT FINISH FOR:

YOUNG LEADERS LEARNING CE
5500 COLLEGE CORNER PIK

SHE
NO

DATE: 3/

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2017-13 **Date – June 13, 2017**

APPLICATION

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

DESCRIPTION

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

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

ZONING CODE

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

COMPREHENSIVE PLAN

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

Objective Expand Housing options

H2.1 Update development regulations to allow for a variety of housing types in new developments.

H2.4 Provide financial assistance to increase homeownership opportunities for low and moderate income residents.

Objective: Expand homeownership opportunities

H5.1 Encourage local employers to provide homeownership incentives.

H5.2 Encourage rehabilitation of owner-occupied structures within the Mile Square.

H5.3 Create an urban homeownership incentive program such as homeownership grants to help offset the cost of housing.

H5.4 Develop a revolving loan fund.

H5.5 Establish an Oxford Homeownership Office in partnership with Miami University.

H5.6 Support the University loan program to increase homeownership opportunities within the Mile Square.

AGENCY REVIEWS

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

Departments. The following comments have been received:

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

DECISION CRITERIA

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

ANALYSIS

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

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

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

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

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

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

RECOMMENDATION

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

SUBMITTED BY: Jung Han Chen / MT

Jung-Han Chen
Community Development Director

DATE: May 27, 2017

ATTACHMENT

Chapter 1135 Zoning Map Amendment procedures and decision standards

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

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

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

Map Amendments

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

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

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

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

June

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

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

Zoning Map Amendment Application

Applicant Information

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

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

Location and Lot Information

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

Submission Requirements and Documentation

From Section 1135.02 Procedure[1].

(a) Initiation. A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.

(b) Application. If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

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

(1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.

A. Application Fee.
B. The name, mailing address, and telephone number of the applicant.
C. A general description of the proposed amendment.
D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
E. A statement that identifies potential negative consequences of the proposed amendment.
F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
G. A legal description of the area to be rezoned.
H. The proposed zoning of the area.
I. The current zoning of the area.
J. A description of existing uses in the area.

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

Surrounding Property Owners

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

Decision Process

From Section 1135.02(c)(1) Decision Standards[1].

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

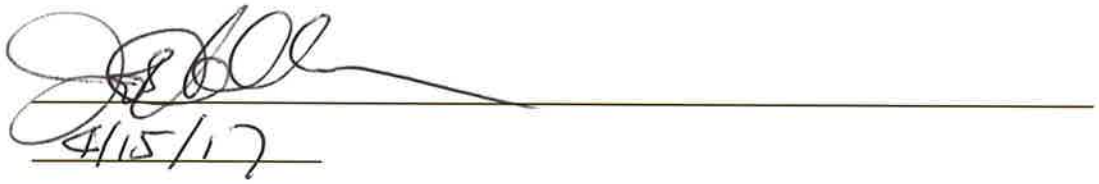
A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.
C. There has been a substantial change in area conditions that necessitates the amendment.
D. There is a legitimate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

Fees & Receipt

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

Sign and Date

Applicant Signature *



Date * 4/15/17

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

[1] City of Oxford Codified Ordinances: http://www.cityofoxford.org/fees-ordinances-and-charter
[2] Butler County Auditor Real Estate Search: http://www.butlercountyauditor.org/

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 5-11-17

_____
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: V. Popescu Date: 5-11-17

VICTOR POPESCU
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 5/16/17

JOHN A. JONES
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 5-11-17

G-ALAN KYCER
PRINTED NAME

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

PC-2017-13
Surrounding Property Owners Notifications Map

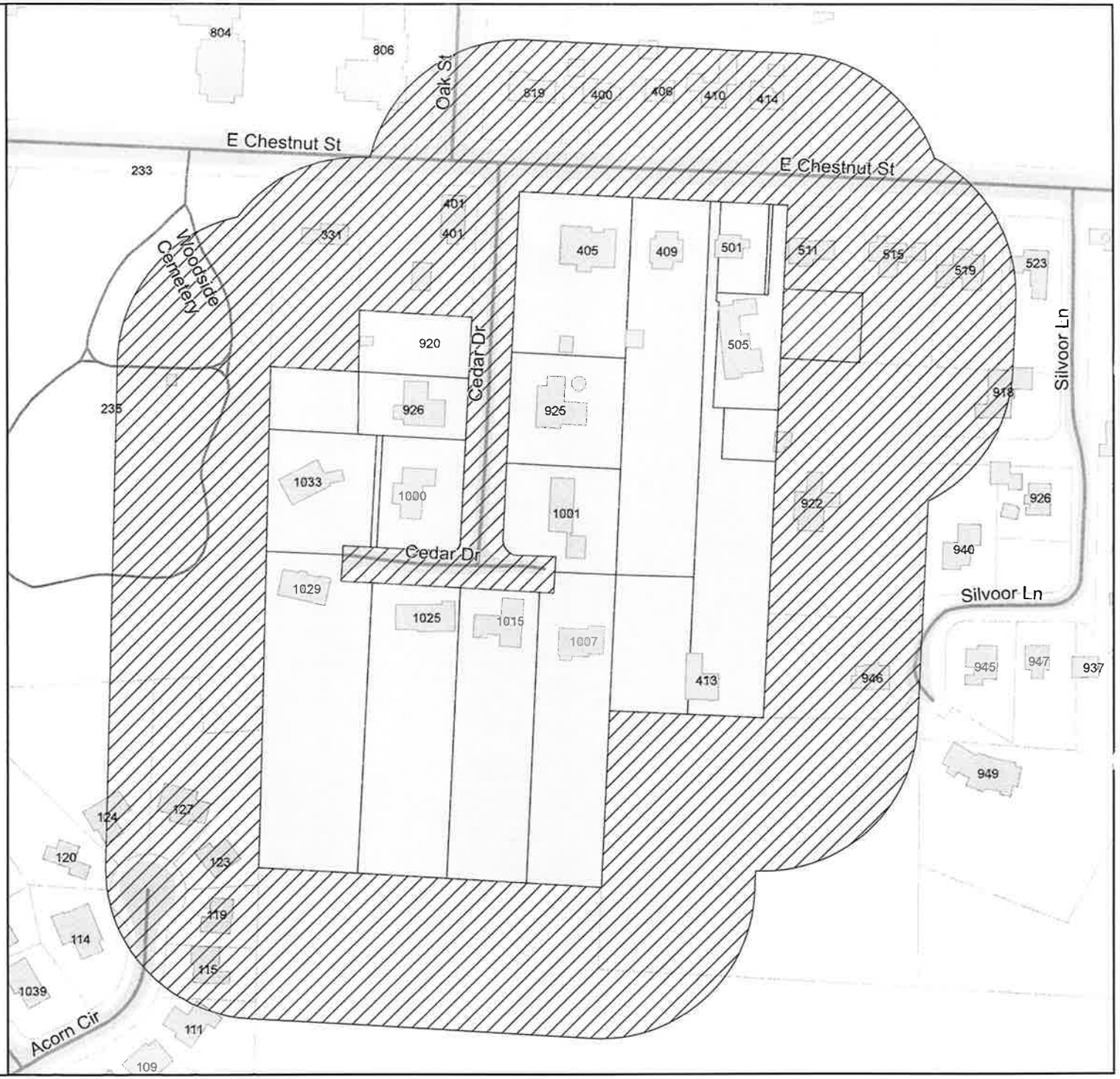
Legend

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

1 inch = 175 feet

Prepared on Tuesday, May 23, 2017

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



RESOLUTION NO. 5053

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

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

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

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

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

Kate Rousmaniere
MAYOR

ADOPTED: April 4, 2017

ATTEST:
Mary Ann Eaton
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

ORDINANCE NO. 3280

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

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

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

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

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

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

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

MAYOR

ADOPTED: September 16, 2014
ATTEST: Mary Ann Eaton
CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: KEVIN MCKEEHAN
PREPARED BY: LAW (STAFF)

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

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

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

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

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

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

Process for a neighborhood to achieve expansion of the overlay zoning

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

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

Carol Michael
409 E. Chestnut St.
523-3376

E Chestnut St
405
409
501
505
920
926
925
1033
1000
Cedar Dr
1001
Proposed Addition
1029
1025
1015
1007
Silvoor Ln
413
Acorn Cir

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

Cedar Chestnut Expanded Neighborhood Conservation Overlay District Petition Boundaries

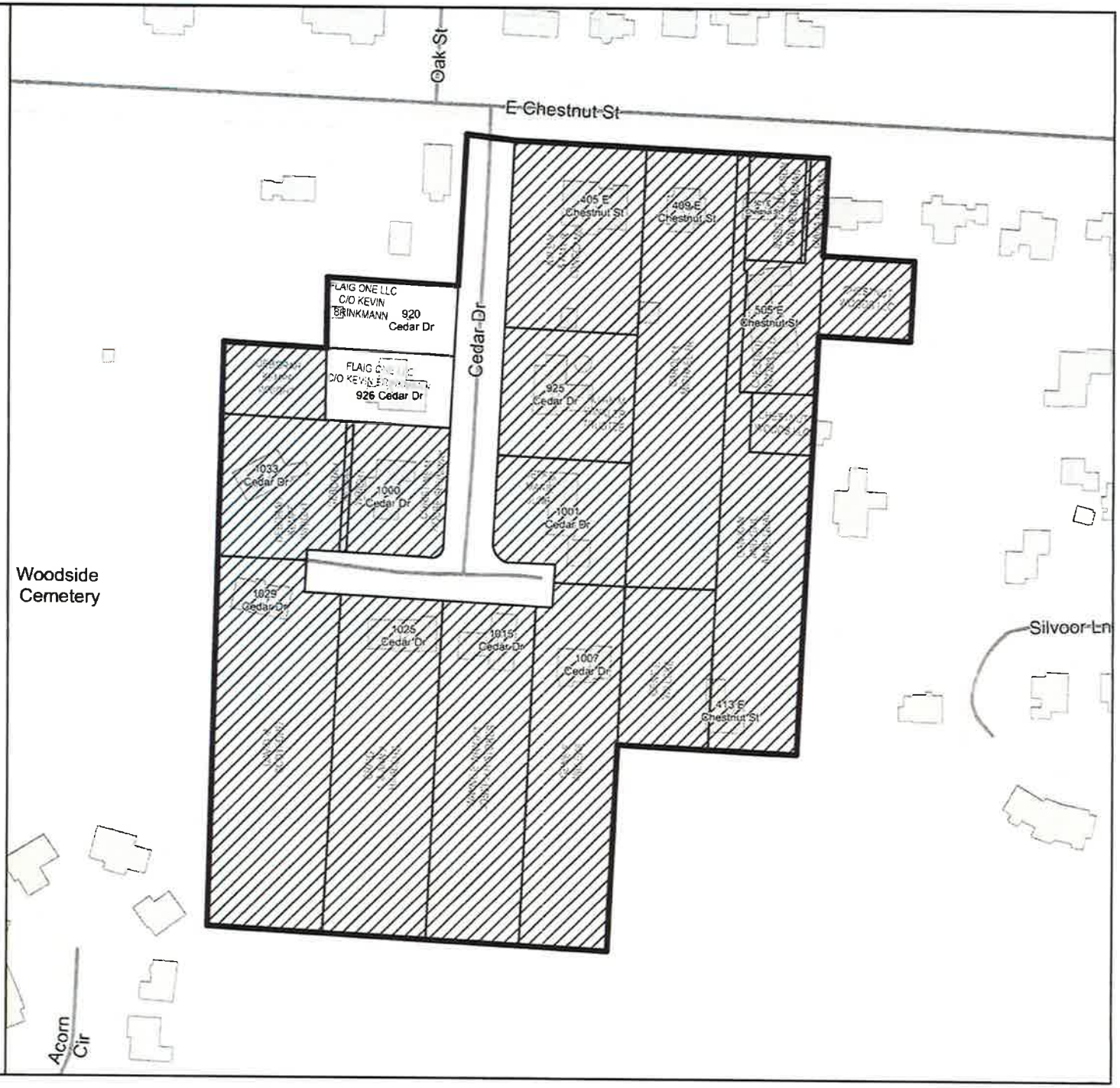
Legend

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

N

1 inch = 150 feet

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



OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

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

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

Please see the attached map for exact boundaries.

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

Circulator's Full Name: Carol M. Michael email: michaecm@miamioh.edu
Circulator's Address: 409 E. Chestnut Street
Circulator's Signature: Carol M. Michael

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

Petition Initiator: Carol Michael, 409 East Chestnut Street

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

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

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
Sent 1/30/2017	920 CEDAR DR/ H4100114000023	FLAIG ONE LLC C/O KEVIN BRINKMANN		
1/28/2017	925 CEDAR DR/ H4100114000033	ALLAN M WINKLER TRUSTEE	Allan M. Winkler	
Sent 1/30/2017	926 CEDAR DR/ H4100114000024	FLAIG ONE LLC C/O KEVIN BRINKMANN		
2/4/17	1000 CEDAR DR/ H4100114000061	CHRISTINE M HOUSE-SHUMWAY	Christine House Shumway	
1/28/2017	1001 CEDAR DR/ H4100114000032	JEFF & MARIE JUNE	Marie June	
Sent 1/30/2017	1007 CEDAR DR/ H4100114000031	GENE E WILLEKE / Patricia	Pat a Wilt	
	E CHESTNUT ST/ H4100113000033	GENE E WILLEKE / Patricia	Pat a Wilt	
2/4/2017	1015 CEDAR DR/ H4100114000030	WAYNE E WRIGHT JOSEPH H STOKES	Wayne E. Wright	
1/28/2017	1025 CEDAR DR/ H4000114000029	CRAIG L & ANN A HINRICHS	Craig L Hinrichs	
	1029 CEDAR DR/ H4100114000028	DAVID M SCOTFORD	David Scotford w/Laura Scotford-Jedra POA	
1/28/2017	1033 CEDAR DR/ H4100114000026	DEBORAH KEMPF WRIGHT	Deborah K. Wright	

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

Petition Initiator: Carol Michael, 409 East Chestnut Street

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Please see attached map for boundaries.

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

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

Petition Initiator: Carol Michael, 409 East Chestnut Street

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

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

Petition Initiator: Carol Michael, 409 East Chestnut Street

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	926 CEDAR DR/ H4100114000024	FLAIG ONE LLC C/O KEVIN BRINKMANN		
	1000 CEDAR DR/ H4100114000061	CHRISTINE M HOUSE-SHUMWAY		
	1001 CEDAR DR/ H4100114000032	JEFF & MARIE JUNE		
3/7/17	1007 CEDAR DR/ H4100114000031	Andrew Willeke GENE E WILLEKE / Patricia	Trustee	
3/7/17	E CHESTNUT ST/ H4100113000033	Andrew Willeke GENE E WILLEKE / Patricia	Trustee	
	1015 CEDAR DR/ H4100114000030	WAYNE E WRIGHT JOSEPH H STOKES		
	1025 CEDAR DR/ H4000114000029	CRAIG L & ANN A HINRICHS		
	1029 CEDAR DR/ H4100114000028	DAVID M SCOTFORD		
	1033 CEDAR DR/ H4100114000026	DEBORAH KEMPF WRIGHT		

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2017-12 **Date – June 13, 2017**

APPLICATION

Applicant:	City of Oxford
Action Request:	**ZONING CODE TEXT AMENDMENT** to Amend Chapter 1141, Accessory, Temporary, Supplementary and Environmental Regulations by amending 1141.01 Accessory Regulations and 1141.03 Supplementary Regulations , **City of Oxford, Applicant**

DESCRIPTION

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

ZONING CODE

The attached text amendment illustrates changes to Chapter 1143.07 R3MS (Single, Two- and Three-Family Mile Square Residential) District for your information.

COMPREHENSIVE PLAN

Land Use Element:

The community's small college town character will be preserved and enhanced.

- New development and redevelopment will be sensitive to pedestrians in terms of scale and walkability.
- New architecture will add to the character of the community as opposed to corporate, franchise architecture.

Infill development and redevelopment of underutilized sites is a priority

- Reuse of vacant and underutilized sites will be encourage prior to new development.

Table 3.4 Concept Area Matrix and Table 3.5 Character Area Matrix also provided the overall theme of the Use Element of the Comp Plan. Additionally, Map 3.6 and 3.7 also show the area of neighborhood enhancement area as well as neighborhood character as well.

Urban Design

- Preserve and enhance historic resources in the Mile Square including Uptown District

Housing Element

Improve housing conditions in the Mile Square

- Ensure quality residential environment through improved housing standards.

AGENCY REVIEWS

Police:	Returned with no comments
Engineering:	Returned with no comments

Econ. Dev.	Returned with comments
Fire:	Returned with no comments

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

This is one of the two companion pieces that go with the changes to 1143.07 R-3MS to allow accessory buildings to be used as a dwelling unit, since the proposed R-3MS lists accessory dwelling units as a conditional use. The Commission would hope that the property owner may utilize the accessory building as a potential dwelling unit, instead of razing the existing building to build a new one just to accommodate one additional unit.

The Commission also went through the changes with the consultant and staff and felt that the changes are necessary to remove any potential conflict and confusion. Attached in this report are the changes to each particular section of the Zoning Code.

RECOMMENDATION

The attached revision and additional language provides detailed verbiage of the proposed text amendment. Staff recommends that the Planning Commission concur with the changes and forward to City Council for legislation.

SUBMITTED

BY:

Jung-Han Chen
Community Development Director

DATE: May 26, 2017

ATTACHMENT

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

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

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

Text Amendments

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

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

Internal Use Only:	
Case No.	PC-2017-12
Date Filed	4/28/17

Zoning Code Text Amendment Application

Applicant Information

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

Name *	Jung-Han Chen
Mailing Address *	101 E. High Street
City, State & Zip Code *	Oxford, OH 45056
Telephone Number(s) *	513-5245237
Email Address	jhchen@cityofoxford.org
Amendment Description *	Amend Oxford Zoning Code Chapter 1141,01 and 1141.03

Submission Requirements and Documentation

From Section 1135.02 Procedure[1].

(a) Initiation. A text amendment may be initiated by the Chair of the Planning Commission, by adoption of a motion by Council or the Planning Commission, or by application to Planning Commission by a landowner or a resident of the City of Oxford.

(b) Application. If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

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

(1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.

A. Application Fee.
B. The name, mailing address, and telephone number of the applicant.
C. A general description of the proposed amendment.
D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
E. A statement that identifies potential negative consequences of the proposed amendment.
F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
G. Any existing section number and text that is proposed to be deleted or amended.
H. Any new or amended text as it is proposed to be codified including its proposed location in the Code. section numbers)
I. A narrative statement that describes the expected effects of the proposed text.
J. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

Decision Process

From Section 1135.02(c)(1) Decision Standards[1].

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

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

Planning Commission and Council Review

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

Fees & Receipt

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

Sign and Date

Applicant Signature *

Date * 4/5/17

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date * NA Receipt Number * _____

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

1141.01 ACCESSORY REGULATIONS.

This section shall apply to accessory uses and structures in all zoning districts, unless otherwise provided for in the development requirements of the district in which the property is located or the respective planned development text.

(a) Permitted Accessory Uses and Structures in Residential Districts. The following provisions pertain to accessory uses and structures when located in Residential Districts. Unless otherwise stated in this Section or exempted below, detached accessory buildings and uses shall be located in the rear yard.

(1) Accessory Buildings

A. No accessory building shall be used as a dwelling unit, sleeping quarters, or business, except as may be allowed in the **R-3MS** District.

B. There shall be no more than two detached accessory buildings on a lot in a Residential Zoning District. Only one of these accessory buildings can be a garage.

C. The total square foot area of all accessory building on a lot shall not exceed 1,000 or 50% of the footprint of the principal structure whichever is smaller.

D. A detached accessory building shall be at least ten feet from any dwelling or other accessory building or structure situated on the same lot or abutting.

E. A detached accessory building shall not exceed 20 feet in height or the height of the principal structure whichever is less.

F. All parts of a detached accessory building shall be at least three feet from all lot lines.

G. Accessory buildings are not permitted in front of the principal structure or within a front yard.

H. On a corner lot all accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

1141.03 SUPPLEMENTAL REGULATIONS.

In addition to all regulations specified for the Zoning Districts and in other sections of this Ordinance, the provisions of this Section inclusive shall be used for interpretation and clarification.

(a) One Principal Building per Lot. In a Residential district, except for R-3, **R-3MS**, and R-4 **Districts**, there shall be no more than one principal building or use on one lot. In commercial or industrial districts, more than one building is permitted provided all other site development regulations of the district are satisfied.

(b) Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record and shall have its principal public entrance, upon a street bordering such lot,. For the purpose of this provision an alley is not considered as a street, **except the lots are considered alley lots with only alley access that may have its principal public entrance on either alley.**

(h) Residential Building Additions. No addition to an existing residential building that results in or enables a new dwelling unit shall be approved, unless it is permitted by the underlying zoning district. The addition shall also be subject to the following requirements:

(1) Any addition shall:

A. **Be constructed of similar materials, in similar proportions, to the façade that is being extended or altered (i.e., if the side façade of a dwelling is constructed of brick and will be extended or altered, the expanded or altered areas shall also be constructed of brick);**

B. Be designed in the same architectural style and character as the original building including maintaining or extending any architectural features on the existing building; and

C. Be designed with a similar mass and height as the existing building.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 15, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-12, ZONING CODE TEXT AMENDMENT - Chapter 1141, Accessory, Temporary, Supplementary and Environmental Regulations by Amending Section 1141.01 Accessory Regulations and 1141.03 Supplementary Regulations, **City of Oxford, Applicant**

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 5-15-17

John Dethmage
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 15, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-~~11~~ 12, ZONING CODE TEXT AMENDMENT - Chapter 1141, Accessory, Temporary, Supplementary and Environmental Regulations by Amending Section 1141.01 Accessory Regulations and 1141.03 Supplementary Regulations, **City of Oxford, Applicant**

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: V. Popescu Date: 5-16-17

VICTOR POPESCU
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 15, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-~~11~~12, ZONING CODE TEXT AMENDMENT - Chapter 1141, Accessory, Temporary, Supplementary and Environmental Regulations by Amending Section 1141.01 Accessory Regulations and 1141.03 Supplementary Regulations, **City of Oxford, Applicant**

____X_____ Review _____ Revisions _____Other

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

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

Drawings reviewed by: _____ Date: 5/16/17

JOHN A. JONES
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 15, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-12, ZONING CODE TEXT AMENDMENT - Chapter 1141, Accessory, Temporary, Supplementary and Environmental Regulations by Amending Section 1141.01 Accessory Regulations and 1141.03 Supplementary Regulations, **City of Oxford, Applicant**

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

IT IS NICE TO SEE THE CITY RE-EVALUATING THE EFFECTS OF THE 2003 ZONING RE-WRITE.

It is nice to see the City re-evaluating the effects of the 2003 zoning re-write

Drawings reviewed by: _____ Date: 6-6-17

J. ALAN HOLCOMB
PRINTED NAME

Memorandum

PC-2017-05

TO: David Prytherch, Chair
Members of the Oxford Planning Commission

FROM: Jung-Han Chen
Community Development Director

SUBJECT: Gaslight Avenue Preliminary PUD

DATE: June 8, 2017

Just want to provide an update to the Commission concerning the issues raised during the May Planning Commission regular meeting related to this project.

The Commission wanted to make sure that a discussion about the Right-of-Way vacation issues has begun, so the vacation request will be filed definitely at a later date, since the density of this project depends on the vacation of the Right-of-Way. The Developer and the applicant met with Service/Engineering and staff on May 24, 2017 and this was one of the topics discussed at that meeting. The City Engineer had also prepared an updated memo, dated May 30, 201, based on this meeting.

Additionally, the Commission members also commented individually about this project and had asked the applicant to consider incorporating those comments into the drawings and presentations for the coming meeting. Those were: density issue, open space, perimeter setbacks and the private street along with the perpendicular parking off the private street. The applicant may have something ready for the Commission at its June meeting, but staff has not received any revised information/drawings/narratives reflecting the concerns raised by the Commission that can be forwarded to the Commission with the packet.

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

Memo

Service Department
Engineering Division
513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: PC-2017-05; Preliminary Planned Development
Gaslight Ave. at Stewart Square

DATE: May 30, 2017

This memo is intended to reflect agreements made during a meeting on May 24, 2017. It is intended to address some of the issues raised in the memo dated February 10, 2017.

In attendance were:
Mike Dreisbach - Service Director
Victor Popescu - City Engineer
Jung-Han Chen - Community Development Department
Jim Clawson - Developer
Bob Champa - Developer
Scott Webb - Architect / Consultant

The following issues were discussed and agreed upon.

- Ordinance No. 2617, Section 7, refers to conditions that had to be met so that a part of Beech Street is vacated. The Ordinance directed that the conditions for the vacations were to be accomplished within a year from the date of the Ordinance's approval. The time frame expired without the Ordinance's implementation. Thus, the Ordinance has expired. Since the vacation of Beech Street is essential to the Development, the Developer has agreed that all the conditions that will be set by the Planning Commission and the City Council, for the vacation of Beech Street, will be adhered to.

- In the February 10, 2017 memo, concerned was expressed for the proposed access thru the parking area along the east side of the Hampton Hotel. The issue was discussed by the attendees, and it was agreed that traffic calming (i.e.

speed bumps) will be implemented thru the parking area. Additionally, the access will not be gated; rather it will consist of signage on each side of the entrance, identifying the Development.

- The access thru Heather Lane will be redesigned to accommodate two-way traffic. The present width of Heather Lane will be increased by approximately 14 feet. The increased in width is a result of the Developer dedicating additional land for this purpose.

- West Rose Avenue, within the existing 50 feet right-of-way, will be improved to meet City Standards. It will connect with the Development's entrance thru the vacated Beech Street.

- The need for a Traffic Study was discussed and agreed upon its need.

- The existing sanitary sewer main between College Avenue and Rose Avenue is in a questionable state (i.e. structural, capacity, etc.). This sanitary sewer has been a major concern for the City. Although it is a public utility, it is not in a recorded easement, and it is partially under an existing building that will be demolished. As part of this Development, the City will install a proper sanitary sewer, and the Developer will grant the necessary easement. Thus, guarantying a properly functioning sanitary main for the foreseeable future.

- The storm water will be discharged into the public storm sewer. During the plan development, parts of the existing storm sewer will be redesigned. The design will resolve many of the potential and existing issues related to the storm sewers integrity (i.e. structural, depth, seepage, etc.). Remaining sections of the existing storm sewer will be investigated to establish the need for repairs or replacements.

If there are questions, please contact the Engineering Division.

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2017-10 **Date – June 13, 2017**

APPLICATION

Applicant:	City of Oxford
Action Request:	**ZONING MAP AMENDMENT** to Amend the zoning designation of certain properties from R-1MS to R-2MS and from R-2MS to R-3MS, **City of Oxford, Applicant**

DESCRIPTION

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

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

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

This is the outcome from a series of work sessions the Commission had to review the issues related to the nonconforming issue, increased student enrollment and to find ways to encourage redevelopment in a managed fashion.

ZONING CODE

The attached text amendment illustrates changes to Chapter 1143.07 R3MS (Single, Two- and Three-Family Mile Square Residential) District for your information.

COMPREHENSIVE PLAN

Land Use Element:

The community's small college town character will be preserved and enhanced.

- New development and redevelopment will be sensitive to pedestrians in terms of scale and walkability.
- New architecture will add to the character of the community as opposed to corporate, franchise architecture.

Infill development and redevelopment of underutilized sites is a priority

- Reuse of vacant and underutilized sites will be encouraged prior to new development.

Table 3.4 Concept Area Matrix and Table 3.5 Character Area Matrix also provided the overall theme of the Use Element of the Comp Plan. Additionally, Map 3.6 and 3.7 also show the area of neighborhood enhancement area as well as neighborhood character as well. These

Urban Design

- Preserve and enhance historic resources in the Mile Square including Uptown District

Housing Element

Improve housing conditions in the Mile Square

- Ensure quality residential environment through improved housing standards.

AGENCY REVIEWS

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

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

This is one of the two companion pieces that go with the changes to 1143.07 R3MS to allow accessory buildings to be used as a dwelling unit, since the proposed R-3MS lists accessory dwelling units as a conditional use. The Commission would hope that the property owner may utilize the accessory building as a potential dwelling unit, instead of razing the existing building to build a new one just to accommodate one additional unit. The Commission also went through the changes with the consultant and staff and felt that the changes are necessary to remove any potential conflict and confusion. Attached in this report are the changes to each particular section of the Zoning Code.

At the beginning of the process, the Commission was given the information about nonconforming land uses in the Mile Square. Based on that information, the Commission reviewed the areas around the Campus and selected the proposed areas for rezoning consideration.

It should be noted that the 2008 Comp Plan did not include these areas for enhancement or expansion on Map 3.4 and Map 3.5. But it also needs pointed out that the student enrollment was capped for many years, until the cap was removed and the number of enrollment increased from 17,000 to nearly 20,000. For a town like Oxford, an increase of 2,000 additional students does have impact to local housing.

The locations being identified would be consistent with the Commission approach to encourage student rentals to be closer to campus. The NE Mile Square is next to the academic north quad and within walking distance to the academic central quad as well.

The Central Mile Square is next to the academic central quad and, again, is within walking distance to the north academic quad. Spring St. also is one of the east-west major corridors that allow all modes of transportation easily access to campus to the east and shopping to the west.

Other factors may have influenced the Commission on these areas also include (1) whether the changes to the zoning would encourage the elimination of nonconforming land use; (2) whether the changes to the zoning would spur redevelopment while respecting the historic character of the neighborhood; (3) whether the areas are ideal for redevelopment in the near future.

These are the areas that the Commission felt would be appropriate for rezoning consideration for the time being and would like to see some redevelopment activities occur in the areas, before making any more recommendations to amend the zoning map. It was also the Commission's hope that with the recommended changes would draw the redevelopment to these areas than in the outlying areas of the town.

There needs to be clear expectations that any changes made to the Zoning Map and/or Zoning Code may not encourage development/redevelopment right away and it may takes several years. The Commission needs to set a timeline to review these no shorter than 3 to 5 years.

RECOMMENDATION

The attached revision and additional language provides detailed verbiage of the proposed text amendment. Staff recommends that the Planning Commission concur with the changes and forward to City Council for legislation.

SUBMITTED

BY:

Jung-Han Chen
Community Development Director

DATE: May 26, 2017

ATTACHMENT

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

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

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

Map Amendments

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

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

Internal Use Only:
Case No. PC-2017-10
Date Filed 4/28/17

Zoning Map Amendment Application

Applicant Information

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

Name *	Jung-Han Chen
Mailing Address *	101 E. High Street
City, State & Zip Code *	Oxford, OH 45056
Telephone Number(s) *	513-524-5237
Email Address	jhchen@cityofoxford.org

Location and Lot Information

Location *	NW portion, Central and Southeast Mile Square
General Description of Proposed Amendment *	To change the zoning from R1MS to R2MS, R1MS and/or R2MS to R3MS
Current Zoning *	R1MS and R2MS
Proposed Zone(s) *	R2MS and R3MS

Submission Requirements and Documentation

From Section 1135.02 Procedure[1].

(a) Initiation. A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.

(b) Application. If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

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

(1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.

A. Application Fee.
B. The name, mailing address, and telephone number of the applicant.
C. A general description of the proposed amendment.
D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
E. A statement that identifies potential negative consequences of the proposed amendment.
F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
G. A legal description of the area to be rezoned.
H. The proposed zoning of the area.
I. The current zoning of the area.
J. A description of existing uses in the area.

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

Surrounding Property Owners

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

Decision Process

From Section 1135.02(c)(1) Decision Standards[1].

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

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

Fees & Receipt

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

Sign and Date

Applicant Signature *

Date *

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

[1] City of Oxford Codified Ordinances: http://www.cityofoxford.org/fees-ordinances-and-charter
[2] Butler County Auditor Real Estate Search: http://www.butlercountyauditor.org/

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 18, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-10, ZONING CODE MAP AMENDMENT - to Amend the zoning designation of certain properties from R-1MS to R-2MS and from R-2MS to R-3MS Districts, **City of Oxford, Applicant**

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 5-19-17

John Dethrage
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 18, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-16, ZONING CODE MAP AMENDMENT - to Amend the zoning designation of certain properties from R-1MS to R-2MS and from R-2MS to R-3MS Districts, **City of Oxford, Applicant**

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

RECEIVED
MAY 18 2017
CITY OF OXFORD
ENGINEERING DIVISION

Drawings reviewed by: M. Pojescu Date: 5-18-17

VICTOR POPESCU
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 18, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-10, ZONING CODE MAP AMENDMENT - to Amend the zoning designation of certain properties from R-1MS to R-2MS and from R-2MS to R-3MS Districts, **City of Oxford, Applicant**

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 5-24-17

John A. Jones
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 18, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-~~12~~ 10, ZONING CODE MAP AMENDMENT - to Amend the zoning designation of certain properties from R-1MS to R-2MS and from R-2MS to R-3MS Districts, **City of Oxford, Applicant**

____X_____ Review _____ Revisions _____Other

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

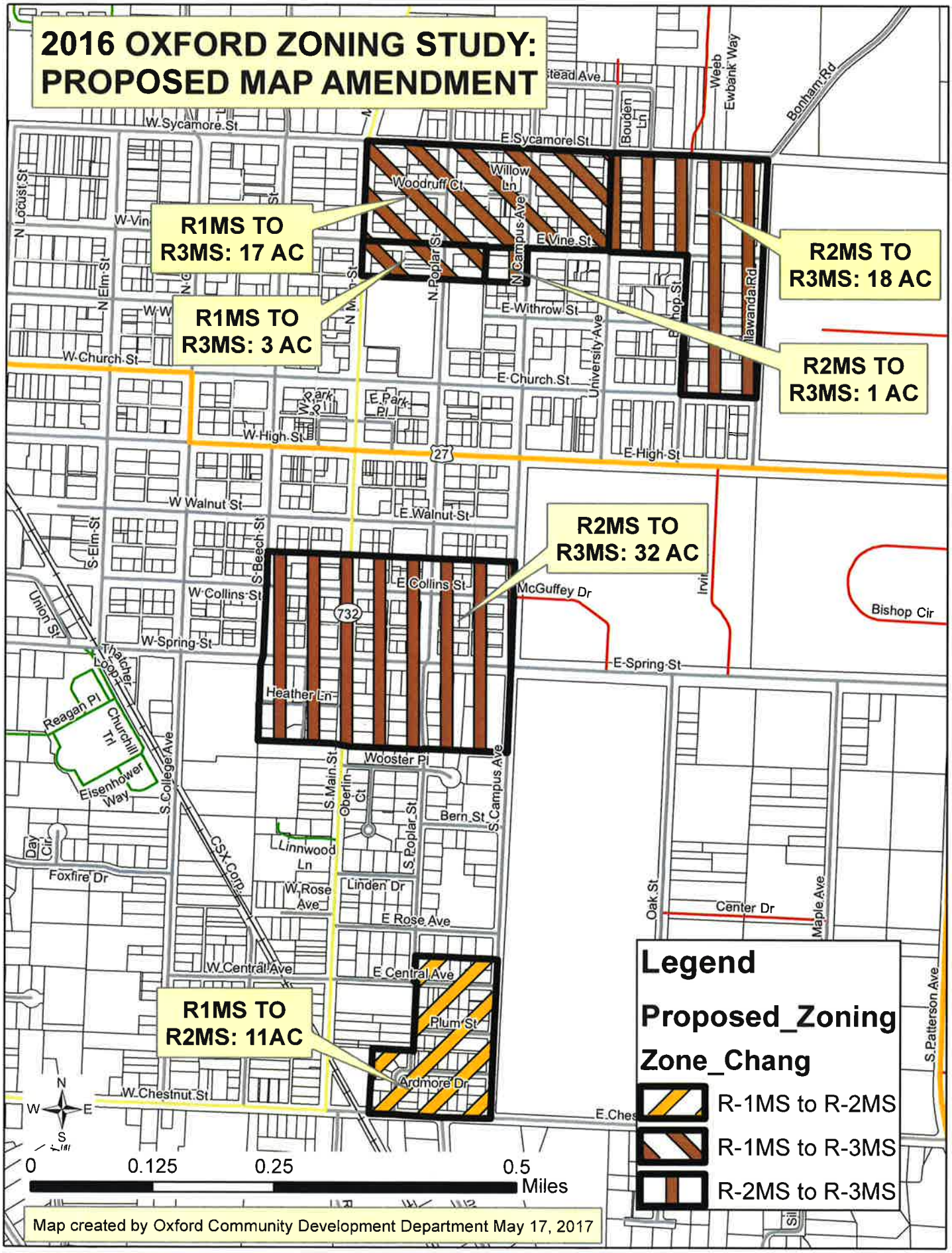
Drawings are returned: w/comments without/comments

IT IS NICE TO SEE THE CITY RE-EVALUATING THE EFFECTS OF THE 2003 ZONING RE-WRITE.

It is nice to see the City re-evaluating the effects of the 2003 zoning re-write.

Drawings reviewed by: _____ Date: 6-6-17

G. ALAN KYLER
PRINTED NAME


2016 OXFORD ZONING STUDY:
PROPOSED MAP AMENDMENT
R1MS TO R3MS: 17 AC
R1MS TO R3MS: 3 AC
R2MS TO R3MS: 18 AC
R2MS TO R3MS: 1 AC
R2MS TO R3MS: 32 AC
R1MS TO R2MS: 11AC
W Sycamore St
E Sycamore St
Woodruff Ct
Willow Ln
N Campus Ave
E Vine St
N Poplar St
E Withrow St
University Ave
Webb Ewbank Way
Bonham Rd
Bouden Ln
W Church St
E Church St
W High St
E High St
27
W Walnut St
E Walnut St
W Collins St
E Collins St
732
McGuffey Dr
Bishop Cir
W Spring St
E Spring St
Heather Ln
Wooster Pl
S Main St
S Campus Ave
Oberlin Ct
Bern St
S Poplar St
Linnwood Ln
W Rose Ave
Linden Dr
E Rose Ave
W Central Ave
E Central Ave
Plum St
Ardmore Dr
W Chestnut St
Oak St
Center Dr
Maple Ave
S Patterson Ave
Reagan Pl
Churchill Trl
Eisenhower Way
S College Ave
Thatcher Loop
Union St
S Elm St
S Beech St
N Elm St
N Locust St
Day Cir
Foxfire Dr
CSX Corp
Legend
Proposed_Zoning
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R-1MS to R-2MS
R-1MS to R-3MS
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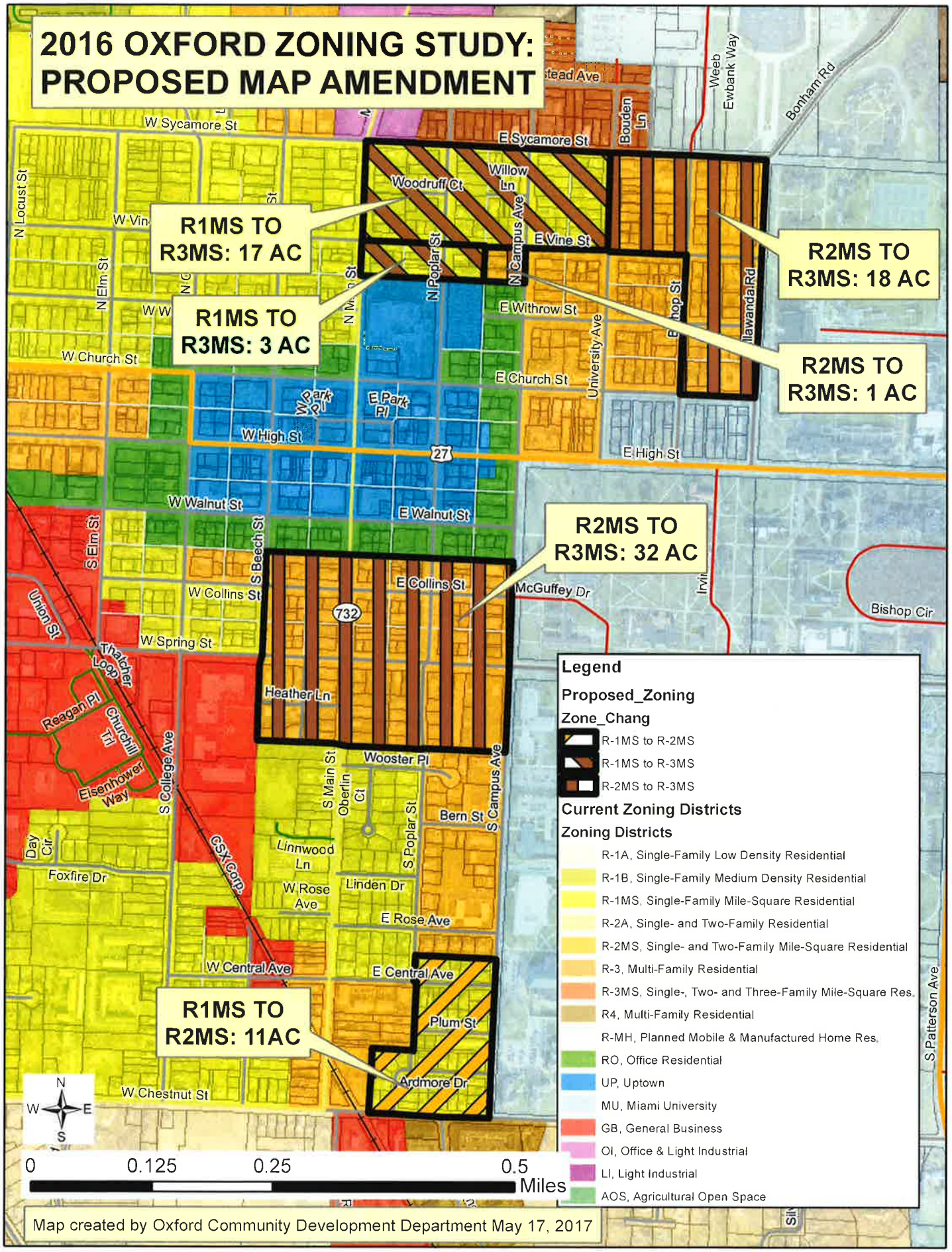
Miles
Map created by Oxford Community Development Department May 17, 2017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Proposed_Zoning
Zone_Chang
R-1MS to R-2MS
R-1MS to R-3MS
R-2MS to R-3MS
Current Zoning Districts
Zoning Districts
R-1A, Single-Family Low Density Residential
R-1B, Single-Family Medium Density Residential
R-1MS, Single-Family Mile-Square Residential
R-2A, Single- and Two-Family Residential
R-2MS, Single- and Two-Family Mile-Square Residential
R-3, Multi-Family Residential
R-3MS, Single-, Two- and Three-Family Mile-Square Res.
R4, Multi-Family Residential
R-MH, Planned Mobile & Manufactured Home Res.
RO, Office Residential
UP, Uptown
MU, Miami University
GB, General Business
OI, Office & Light Industrial
LI, Light Industrial
AOS, Agricultural Open Space
Map created by Oxford Community Development Department May 17, 2017

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-2017-06

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

APPLICATION

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

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DESCRIPTION

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

TIMELINE

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

NEW INFORMATION

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

ANALYSIS

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

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

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

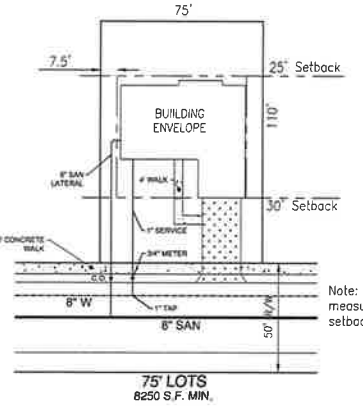
RECOMMENDATION

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

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

SUBMITTED BY:

Sam Perry, AICP, Planner
DATE: June 8, 2017



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

TYPICAL PLOT PLAN

NOT TO SCALE

OWNER/DEVELOPER:
RED BRICK DEVELOPMENT LLC
4676 SOMERVILLE RD.
OXFORD, OH 45056
513-615-4138

DEVELOPMENT SUMMARY

EXISTING ZONING: R-PUD RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT

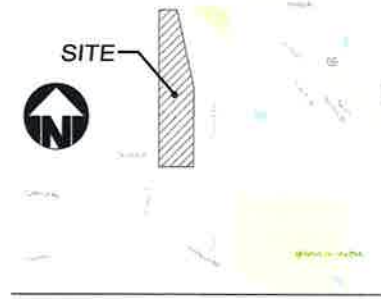
TOTAL ACREAGE: 23.279 ACRES
PROPOSED NUMBER OF SINGLE FAMILY RESIDENTIAL LOTS: 50 LOTS
PROPOSED DENSITY: 2.15 UNITS/ACRE
OPEN SPACE NOT INCLUDING SETBACKS: 5.372 ACRES 23.1% (20% MIN. REQUIRED)
SETBACKS: 30' FRONT SETBACKS
25' REAR SETBACKS

BENCHMARK

TRAVERSE POINT 1	TRAVERSE POINT 5
N: 560542.0780	N: 561117.4488
E: 1328525.0550	E: 1329433.7883
ELEVATION = 1014.02'	ELEVATION = 988.53'

SITE LAYOUT NOTES

1. SAVANNAH DRIVE, OLDE FARM ROAD, GRACE LANE, HOPE WAY AND CHARITY PATH ARE PUBLIC STREETS TO BE DEDICATED TO THE CITY OF OXFORD WITH THE RECORD PLAT
2. ALL DIMENSIONS ARE TO THE BACK OF CURB UNLESS OTHERWISE NOTED.
3. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION OF THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) "CONSTRUCTION AND MATERIAL SPECIFICATIONS," AND PROJECT SPECIFICATIONS. IN THE EVENT OF A CONFLICT, THE MORE STRINGENT STANDARD APPLIES.
4. WHERE CONNECTING TO EXISTING ASPHALT PAVEMENT, THE CONTRACTOR SHALL SAW CUT THE EXISTING EDGE OF PAVEMENT TO PROVIDE A CLEAN EDGE. ITEM 407 TACK COAT SHALL BE APPLIED TO THE ENTIRE CUT FACE OF THE EXISTING PAVEMENT PRIOR TO THE PLACEMENT OF THE PROPOSED PAVEMENT.
5. WHERE CONNECTING TO EXISTING CONCRETE WALK, THE CONTRACTOR SHALL SAWCUT THE EXISTING WALK (AT AN EXISTING JOINT IF POSSIBLE) TO PROVIDE A SOUND & CLEAN EDGE.
6. ALL PAVEMENT MARKINGS SHALL CONFORM TO ITEM 640 PAVEMENT MARKINGS AND THE OHIO MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. PAVEMENT MARKING MATERIAL SHALL BE PER ITEM 642 TRAFFIC PAINT UNLESS OTHERWISE NOTED.
7. ALL TRAFFIC SIGNS AND POSTS SHALL CONFORM TO ITEM 630 TRAFFIC SIGNS AND SUPPORTS AND THE OHIO MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
8. FRONT YARD SETBACK AREAS OF ALL OUTLOTS SHALL BE MOWED AS LAWN & MAINTAINED FREE OF UNDERGROWTH.
9. THE RED BRICK HOME OWNERS' ASSOCIATION WILL BE RESPONSIBLE FOR MAINTAINING THE PASSIVE/ACTIVE RECREATION AREAS AND DETENTION BASINS.
10. NO HOMES SHALL BE CONSTRUCTED IN THE OPEN SPACE PARCELS A-E

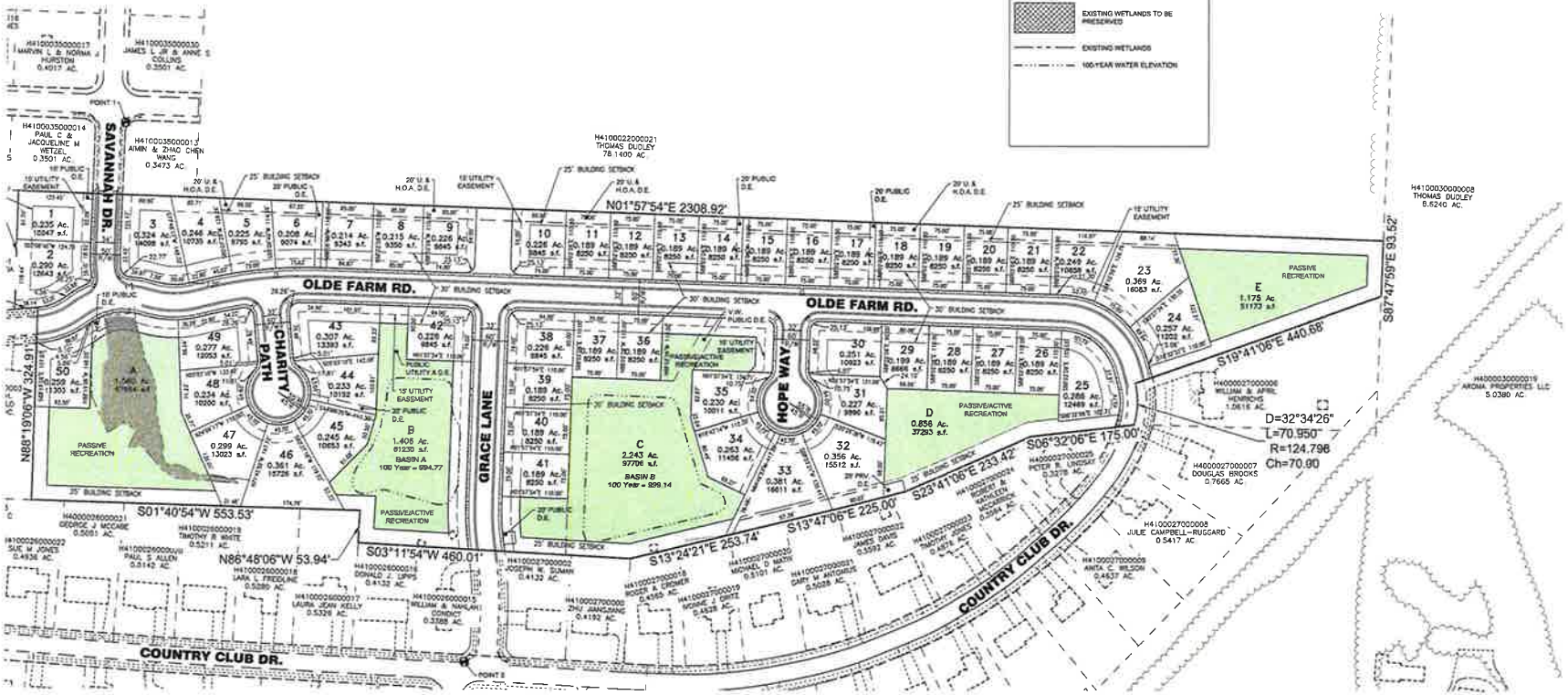


VICINITY MAP

NOT TO SCALE

LEGEND

- 5' CONCRETE SIDEWALK
- OPEN SPACE
- EXISTING BUILDING
- EXISTING WETLANDS TO BE PRESERVED
- EXISTING WETLANDS
- 100-YEAR WATER ELEVATION



Item	Revision Description	Date	Drawn	Chk.
1				
2				
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RED BRICK ESTATES
FINAL DEVELOPMENT PLAN

PART OF LOT 1738
CITY OF OXFORD, BUTLER COUNTY, OHIO
SECTION 21, TOWN 6, RANGE 1

FINAL PLANNED UNIT DEVELOPMENT

bayer becker
www.bayerbecker.com
uth College Avenue, Suite 101
t, OH 45056 - 513.523.4270

SHEETS

1
lan 2

HAVE UNTO SET OUR HAND ON THIS ___ DAY OF
, 2016

LC

S.
NT WAS ACKNOWLEDGED BEFORE ME THIS ____
A.D. 2016 BY _____
AN _____
F.

DATE

DIRECTOR DATE

NGINEER DATE

AT _____

A.D. 20____

PAGES_____

BY:_____
TY, OHIO DEPUTY

FEE_____

TY CITY COUNCIL

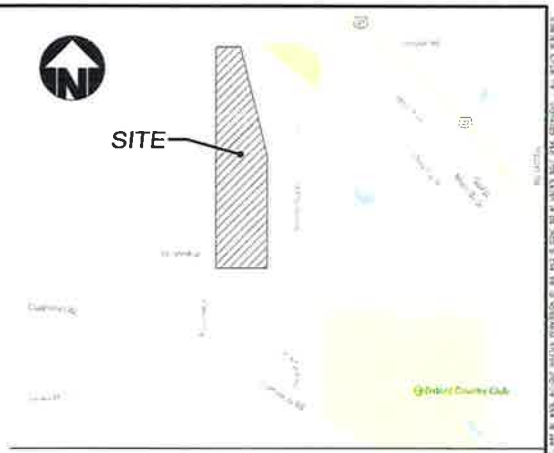
BE INSERTED)

RED BRICK ESTATES
FINAL DEVELOPMENT PLAN

PART OF LOT 1728
CITY OF OXFORD, BUTLER COUNTY, OHIO
MAY, 2017

CIVIL ENGINEER, SURVEYOR AND LANDSCAPE ARHCITECT
Bayer Becker, Inc.
6900 Tylersville Road
Mason, OH 45040
(513) 336-6600

OWNER/DEVELOPER
Red Brick Development LLC
4676 Somerville Road
Oxford, OH 45056
(513) 615-4138



VICINITY MAP
NOT TO SCALE

Item	Revision Description	Date	Drawn	Chk.
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RED BRICK ESTATES
FINAL DEVELOPMENT PLAN
PART OF LOT 1728
CITY OF OXFORD, BUTLER COUNTY, OHIO
SECTION 21, TOWN 6, RANGE 1

TITLE SHEET

bayerbecker.com
6900 Tylersville Road, Suite 101
45040 - 513 323 4270

ORDINANCE NO. 3359

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

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

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

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

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

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

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

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

MAYOR

ADOPTED: August 2, 2016

ATTEST:
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

BY-LAWS

(CODE OF REGULATIONS)

OF

RED BRICK ESTATES HOMEOWNERS' ASSOCIATION

The within By-Laws are executed and attached to the Declaration of Homeowners for the homes at Red Brick Estates ("Declaration") pursuant to Chapter 5312, Ohio Revised Code. Their purpose is to govern the Homeowners' Association. All present or future Owner, occupant, or their employees, or any other persons who might use the property or facilities of the Property in any manner, shall be subject to the covenants, provisions or regulations contained in the Declaration and these By-Laws and shall be subject to any restrictions, condition, or regulation hereafter adopted by the Board of Trustees of the Association. The mere acquisition or rental of any of the Lots located on the Property described in the Declaration, or the mere act of occupancy of any of the Lots will constitute acceptance and ratification of the Declaration and these By-Laws. These By-Laws will constitute the Code of Regulations of the Ohio nonprofit corporation called Red Brick Estates Homeowners' Association.

ARTICLE I: DEFINITIONS

All the terms used herein shall have the same meanings as set forth in the Declaration recorded simultaneously herewith with the Recorder of Butler County, Ohio.

ARTICLE II: OFFICES

Section 1: *Principal Office*. The principal office of the Association shall be located in Oxford, County, Ohio.

Section 2: *Other Offices*. The Association may have such other offices, either within or without the State of Ohio, as the Trustees may designate or as the business of the Association may require from time to time.

ARTICLE III: FISCAL YEAR

Section 1: *First Year*. Unless otherwise designated by resolution of the Trustees, the first fiscal year of the Association after the adoption of this Code of Regulations shall end on December 31, 2017.

Section 2: *Subsequent Years*. Subsequently, the fiscal year of the Association shall commence on the first day of January in each year and end on the last day of the following December, or be such other period as the Trustees may designate by resolution.

ARTICLE IV: THE ASSOCIATION

Section 1: *Membership*. Membership in the Association shall be limited to Owners, and all Owners shall be members. Each Owner, upon acquisition of title to a Lot, shall automatically become a member of the Association. Membership shall terminate upon the sale or other disposition of the Lot. In the case of the sale of any Lot by means of a Land Installment Contract, the Vendor may assign his or her membership in the Association to the Vendee.

Section :. *Voting Rights*. Each Lot shall have one vote.

Section 3: *Proxies*. An Owner may vote in person or by proxy at any meeting of Owners. All proxies shall be in writing and filed with the Secretary of the Association prior to the meeting. Every proxy shall be revocable and shall automatically cease upon conveyance by an Owner of his or her Lot.

Section 4: *Quorum*. The Owners present, in person or by proxy, at any duly called and noticed meeting of the Owners, shall constitute a quorum for such meeting.

Section 5: *Voting Power*. Except as otherwise provided in any organizational documents for the Association, or by law, a majority of the voting power of Owners voting on any matter that may be determined by the Owners at a duly called and noticed meeting shall be sufficient to determine that matter. Robert's Rules of Order shall apply to the conduct of all meetings of the Owners except as otherwise specifically provided in the organizational documents of the Association or by law.

Section 6: *Annual Meetings*. Regular annual meetings of the Owners shall be held in the first calendar quarter of each year hereafter on a date and at an hour established by the Board.

Section 7: *Special Meetings*. Special meetings of the Owners may be called at any time by the President, by the Board, or upon written request of Owners entitled to exercise fifty percent (50%) of the voting power of Owners, or when required by law.

Section 8: *Notice of Meetings*. Written notice of each meeting of Owners shall be given to each Owner at least five (5) days before such meeting. Notice shall be mailed, emailed or delivered to an Owner at their address, or a different address designated by the Owner for that purposes, in writing. The notice shall specify the place and time of the meeting and in the case of a special meeting, the purpose of the meeting.

Section 9: *Action in Writing Without a Meeting*. Any action that could be taken by Owners at a meeting may be taken without a meeting in a writing or writings singed by the Owners having a majority of the voting power of Owners, or such greater proportion of the voting power as may be required by the Association documents or by law.

ARTICLE V: BOARD OF TRUSTEES

Section 1: *Number and Qualification*. The Board of Trustees shall consist of three persons. The initial Trustees shall be those three persons named as the Trustees in the Articles of Incorporation or such other person or persons as may from time to time be substituted by the Declarant.

Section 2: *Interim Trustees*. Until such time as the Owners have assumed control of the Association, the Trustees shall be selected as provided in Article V of the Declaration.

Section 3: *Terms of Office*. Each Trustee shall hold office until the next annual meeting of the members of the Association and until his or her successor is elected, or until his or her earlier resignation, removal from office or death. Any Trustee may resign at any time by delivering his or her written resignation to the Secretary of the Association. Members of the Board shall serve without compensation.

Section 4: *Organizational Meeting.* Immediately after each annual meeting of the members of the Association, the Trustees shall hold an organizational meeting for the purpose of electing officers and transacting any other business. Notice of such meeting need not be given.

Section 5: *Regular Meetings.* Regular meetings of the Trustees may be held at such times and places as shall be determined by a majority of the Trustees, but at least four (4) times per fiscal year.

Section 6: *Special Meetings.* Special meetings of the Trustees may be held at any time upon call by any one (1) Trustee. Notice of the time and place of each meeting shall be given to each Trustee by mail, email, or telephone call at least two (2) days before the meeting. Attendance of any Trustee at any meeting without protesting the lack of proper notice shall be deemed to be a waiver of notice of such meeting. Unless otherwise indicated in the notice, any business may be transacted at any organizational, regular or special meeting.

Section 7: *Quorum.* A majority of the Trustees shall constitute a quorum.

Section 8: *Action in Writing Without Meeting.* Any action that could be taken by the Trustees at a meeting may be taken without a meeting in writing or writings signed by all of the Trustees.

Section 9: *Removal of Trustees.* At any meeting of members of the Association any one or more of the Trustees selected by the members may be removed without or without cause by the vote of members entitled to exercise not less than seventy-five percent (75%) of the voting power of the Owner. A successor shall then and there be elected to fill the vacancy created.

ARTICLE VI: OFFICERS

Section 1: *Election and Designation of Officers.* The Trustees shall elect a President, a Secretary and a Treasurer. The Trustees may also appoint such other officers as in their judgment may be necessary.

Section 2: *Term of Office.* The officers of the Association shall hold office until the next organizational meeting of the Trustees and until their successors are elected. The Trustees may remove any officers at any time with or without cause by a majority vote of the Trustees. Any vacancy may be filled by the Trustees.

Section 3: *President.* The President shall be the chief executive officer of the Association. He or she shall preside at all meetings of the members of the Association and all meetings of the Trustees. The President shall have a general executive supervision of the business and affairs of the Association. He or she may execute all authorized deeds, contracts and other obligations of the Association and shall have such other authority and shall perform such other duties as may be determined by the Trustees or otherwise provided for in the Declaration or in these By-laws.

Section 4: *Secretary.* The Secretary shall keep the minutes of the meetings of the members of the Association and of the Trustees, keep such books as may be required by the Trustees, and give notices of meetings of the members and of Trustees.

Section 5: *Treasurer.* The Treasurer shall receive all money, bills, notes and similar property belonging to the Association. He or she shall keep accurate financial accounts and hold the same open for

inspection and examination by the Trustees and the members of the Association. The Treasurer shall have such authority and shall perform such other duties as may be determined by the Trustees.

ARTICLE VII: POWERS AND DUTIES OF THE ASSOCIATION

Section 1: *Powers*. The Trustees shall exercise all powers and authority not specifically and exclusively reserved to the Owner. The Board shall have the right, power and authority to:

(a) Take all actions deemed necessary or desirable to comply with all requirements of law and the Association organizational documents;
(b) Obtain insurance coverage no less than that required pursuant to the Declaration;
(c) Enforce the covenants, conditions and restrictions set forth in the Declaration;
(d) Repair, maintain and improve the common areas;
(e) Establish, enforce, levy and collect assessments as provided in the Declaration;
(f) Adopt and enforce rules and regulations governing the use of the common areas and the personal conduce of Owners, occupants and their guests and invitees, and establish penalties for the infraction thereof;
(g) Suspend the voting rights of an Owner during any period in which he or she is in default in the payment of any assessments;
(h) Authorize the officers to enter into management agreements in order to facilitate the efficient operation of the property.

Section 2: *Duties*. It shall be the duty of the Board to:

(a) Keep complete records and account for its acts to the Owners at each annual meeting or any at special meeting when an account is requested in writing by Owners representing at least fifty percent (50%) of the voting power of the Owners;
(b) Supervise all officers, agents and employees of the Association and see that their duties are property performed;
(c) Fix the amount of assessments against each Lot, as provided in the Declaration;
(d) Give written notice of each assessment to every Owner within the time limits set forth in the Declaration;
(e) Foreclose the lien against any Lot for which assessments are not paid or bring an action at law against the Owners personally obligated to pay the same, or both;
(f) Issue or cause to be issued a certificate setting forth whether or not any assessment has been paid;
(g) Procure and maintain insurance as the Trustees deem advisable;
(h) Maintain the common areas;
(i) Enforce the restrictions created by the Declaration; and
(j) Take all other action required to comply with law and the Associations organization documents.

ARTICLE VIII: GENERAL PROVISIONS

Section 1: *Books and Records of the Association*. The Association shall keep correct and complete books and records of its receipts and expenditures, minutes of the proceedings of the Owners and Board of Trustees, and records of the names and addresses of the Owners. The books and records shall be open

for inspection by any Owner or his or her representative at any reasonable time during normal business hours. Upon ten (10) days' notice any Owner shall be furnished a statement of his or her account setting forth the amount of any unpaid assessments or other charges due and owing.

Section 2: *Annual Audit*. The books of the Association shall be audited annually by the Board of Trustees prior to the annual meeting. If requested by two (2) Trustees or two (2) Owners the audit shall be made by a certified public accountant.

Section 3: *Delegation of Duties*. The Association may hire managers and provide reasonable compensation for their services as a common expense.

Section 4: *Severability*. The invalidity of any provision of these By-Laws shall not impair or affect in any manner the validity, enforceability or affect of any other provisions.

Section 5: *Captions*. The captions of the various provisions of these By-Laws are not a part of the By-Laws but are for convenience of reference only.

ARTICLE IX: INDEMNIFICATION OF TRUSTEES AND OFFICERS

Section 1: *Right of Indemnification*. The members of the Board of Trustees and the officers shall not be liable to the Owners for any mistake of judgment, negligence or otherwise except for their own individual willful misconduct or bad faith. The Association shall indemnify every Trustee and officer, his or her heirs, executors and administrations, against all loss, costs and expenses, including counsel fees, reasonably incurred by him or her in connection with any action, suit or proceeding to which he or she may be made a party by reason of his or her being or having been a Trustee or officer of the Association except as to matters as to which he or she shall be finally adjudged in such action, suit or proceeding to be liable for willful misconduct or bad faith. The Board of Trustees may purchase insurance in such amounts as it deems appropriate to provide such indemnification, and the cost of such insurance shall be a common expense. In the event of a settlement, indemnification shall be provided only in connection with such matters covered by the settlement as to which the Association is advised by counsel that the person to be indemnified has not been guilty of willful misconduct or bad faith in the performance of his duty as such Trustee or officer in relation to the matter involved. The foregoing rights shall not be exclusive of other rights to which such Trustee or officer may be entitled. All liability, loss, damage, cost and expense incurred or suffered by the Association by reason of or arising out of or in connection with the foregoing indemnification provisions shall be treated by the Association as common expenses; provided, however (a) that nothing in this Article contained shall be deemed to obligate the Association to indemnify any member or Owner who is or has been a Trustee or officer of the Association, with respect to any duties or obligations assumed or liabilities incurred by him or her under and by virtue of his membership in the Association or as an Owner, and (b) the Association will not indemnify or reimburse any person for amounts determined to be owed to the Association resulting from an action brought on or behalf of the Association.

Section 2: *Invalid Provisions*. If any part of this Article shall be found invalid or ineffective, the validity and effect of the remaining parts shall not be affected.

ARTICLE X: CONTRACTS, LOANS, CHECKS AND DEPOSITS

Section 1: *Contracts*. The Board of Trustees may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Association, and such authority may be general or confined to specific instances.

Section 2: *Loans*. No loans shall be contracted on behalf of the Association and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Trustees. Such authority may be general or confined to specific instances.

Section 3: *Checks, Drafts, Etc*. All checks, drafts or other order for the payment or money, notes or other evidences of indebtedness issued in the name of the Association, shall be signed by such officer or officers, agent or agents of the Association and in such manner as shall from time to time be determined by resolution of the Board of Trustees.

Section 4: *Deposits*. All funds of the Association not otherwise employed shall be deposited from time to time to the credit of the Association in approved banks trust companies or other depositaries. The Board of Trustees is authorized to select such depositories as it shall deem proper for the funds of the Association. The Board of Trustees shall determine who shall be authorized on the Association's behalf to sign bills, notes, receipts, acceptances, endorsements, checks, releases, contracts and other documents.

ARTICLE XI: CONSISTENCY WITH DECLARATION

If any provision of these Regulations shall be inconsistent with the Associations Declaration (now and as it may be amended from time to time), the Declaration (as so amended at the time) shall govern.

ARTICLE XII: SECTION HEADINGS

The headings contained in these By-Laws are for reference purposes only and shall not be construed to be part of and/or shall not affect in any way the meaning or interpretation of these By-Laws.

ARTICLE XIII: AMENDMENTS

Any amendment of these By-Laws shall be made only by means of an amendment to the Declaration in the manner and subject to the approval, terms and conditions set forth therein, and shall be effective from the time a certificate setting forth such amendment is delivered for recording to the Recorder of Butler County, Ohio.

DECLARATION OF HOME OWNERSHIP FOR THE
RED BRICK ESTATES HOMEOWNERS' ASSOCIATION

WHICH ESTABLISHES AND IMPOSES COVENANTS, CONDITIONS, AND RESTRICTIONS

The fact that this Declaration has been filed with the office of the Auditor of Butler County, Ohio is evidenced by the date-stamp of said Auditor on this page.

This instrument prepared by:
ROBINSON & JONES CO., L.P.A.
14 W. Park Place, Suite D
Oxford, OH 45056

DECLARATION

This is the Declaration of Homeowners at Red Brick Estates made as of this _____ day of May, 2017 pursuant to the provisions of Chapter 5312 of the Revised cod of Ohio.

Red Brick Development, LLC ("Declarant"), is the owner in fee simple of certain real property located in Butler County, Ohio and known by official plat designation as Red Brick Estates, a subdivision of the City of Oxford pursuant to a plat recorded on *[date]*, in the Plat Records of Butler County, Ohio, in Volume _____, page _____.

For the purpose of enhancing and protecting the value, attractiveness and desirability of the lots or tracts constituting this subdivision, Declarant states that all the real property described above will be held, and conveyed only subject to the following easements, covenants, conditions, and restrictions, which will constitute covenants running with the land and will be binding on all parties having any right, title, or interest in the property, and their heirs, successors, and assigns.

ARTICLE I. DEFINITIONS

Section 1. "Association" means Red Brick Estates Homeowners' Association, its successors and assigns.

Section 2. "Board" and "Board of Trustees" mean those persons who serve as the Board of Trustees of the Association.

Section 3. "Common area" means all real property owned by the Association for the common use and enjoyment of the owners. The common area to be owned by the Association at the time of conveyance of the first Lot is described as follows: _____.

Section 4. "Declarant" means Red Brick Development, LLC, its heirs, successors, and assigns provided those successors or assigns acquire more than one undeveloped lot from Declarant for the purpose of development.

Section 5. "Lot" means any plot of land shown on the recorded subdivision map referred to above except for the common area.

Section 6. "Maintenance" means the exercise of reasonable care to keep buildings, roads, landscaping, lighting, and other related improvements and fixtures in a condition comparable to their original condition, normal wear and tear excepted. Maintenance of landscaping will further mean the exercise of generally accepted garden management practices necessary to promote a healthy, weed-free environment for optimum plant growth.

Section 7. "Member" means every person or entity who holds membership in the Association.

Section 7. "Mortgage" means a conventional mortgage or a deed of trust.

Section 8. "Mortgagee" means a holder of a conventional mortgage or a beneficiary under or holder of a deed of trust.

Section 9. "Owner" means the record owner, whether one or more persons or entities, of a fee simple title to any lot which is a part of the property, and will include contract sellers, but will not include those holding title merely as security for performance of an obligation.

Section 10. "Subdivision" means the subdivided real property described in this document and any additions to that real property as may be brought within the jurisdiction of the Association as here provided.

Section 11. "Trustee" and "Trustees" mean that person or those persons serving as the Board of Trustees of the Association.

ARTICLE II. MEMBERSHIP IN ASSOCIATION; VOTING RIGHTS

Section 1. Every owner of a lot will be a member of the Association; membership will be appurtenant to and may not be separated from ownership of a lot.

Section 2. The Association will have two classes of voting members as follows:

Class A. Class A members will all be owners, with the exception of Declarant, and will be entitled to one vote for each lot owned. When more than one person holds an interest in a given lot, all those persons will be members and the vote for the lot will be exercised as they may determine among themselves. In no event will more than one vote be cast with respect to any lot owned by Class A members.

Class B. Class B member will be Declarant, who will be entitled to exercise _____ votes for each lot owned. Class B membership will cease and Declarant will cease to be a member of the Association and the Board, as described in Section 3 below, when Fifty Percent (50%) of the total Lots within the Subdivision have been sold, or on April 30, 2018, whichever first occurs.

Section 3. *The Board*

The Board initially shall be those three (3) persons named as the Trustees in the Articles, or such other persons as may from time to time be substituted by Declarant. The Board members shall serve for one (1) year or until their successors have been elected.

(a) When Fifty Percent (50%) of the Lots have been sold, the Owners, other than the Declarant, shall elect no fewer than thirty-three and one-third (33 1/3%) of the members of the board.
(b) When Seventy-Five Percent (75%) of the Lots have been sold, or five (5) years have passed from the establishment of the Association, whichever is earlier, the Owners shall elect all of the members of the board.
(c) Within thirty (30) days after the requirements of Article II, Section 3 (a) and (b) above have been met, the Association shall meet and elect the Trustees to which it is entitled. The Trustees shall take office immediately and elect the officers of the Association, who shall also take office immediately.

Section 4. *Authority of the Board*

The Board shall have all authority to manage, maintain and repair the common areas, exercise all rights provided by the Association documents, or granted to it by Ohio law that are not specifically reserved to the Owners, and assess and collect funds for such purposes.

ARTICLE III. ASSESSMENTS

Section 1. *Lien and Personal Obligation of Assessments.*
Declarant covenants for each lot within the subdivision, and each owner of a lot is deemed to covenant by acceptance of the deed for the lot, whether or not it is so expressed in the deed, to pay to the Association (1) annual assessments and (2) special assessments for capital improvements. These assessments will be established and collected as herein provided. The annual and special assessments, together with interest, costs, and reasonable attorney fees, will be a charge on the land and a continuing lien on each Lot against which such an assessment is made. Each assessment, together with interest, costs, and reasonable attorney fees will also be the personal obligation of the person or persons who owned the Lot at the time the assessment fell due, but no personal obligation will pass to the successors in title of the person or persons unless expressly assumed by them.

Section 2. *Purpose of Annual Assessments.*
The annual assessments levied by the Association will be used exclusively to promote the health, safety, welfare, and recreation of the residents in the subdivision, and for the improvement and maintenance of the common areas and of the homes situated within the subdivision. Annual assessments will include, and the Association will acquire and pay for out of the funds derived from annual assessments, the following:

(a) Maintenance and repair of the common area.

(b) Water, sewer, garbage, electrical, lighting, telephone, gas, and other necessary utility service for the common area.

(c) Acquisition of furnishings and equipment for the common area as may be determined by the Association, including without limitation all equipment, furnishings, and personnel necessary or proper for use of the recreational facilities.

(d) Maintenance and repair of *facilities not being dedicated to general public use, such as: storm drains, sanitary sewers, and private streets within the confines of the subdivision (subject to the provisions of the private street maintenance ordinance of the City of Oxford).*

(e) Fire insurance covering the full insurable replacement value of the common area with extended coverage.

(f) Liability insurance insuring the Association against any and all liability to the public, to any owner, or to the invitees or tenants of any owner arising out of their occupation and/or use of the common area. The policy limits will be set by the Association, and will be reviewed at least annually and increased or decreased in the discretion of the Association.

(g) Workmen's compensation insurance to the extent necessary to comply with applicable law, and any other insurance deemed necessary by the board of directors of the Association.

(h) A standard fidelity bond covering all members of the board of directors of the Association and all other employees of the Association in an amount to be determined by the board of directors.

(i) Any other materials, supplies, furniture, labor, services, maintenance, repairs, structural alterations, insurance, taxes, or assessments which the Association is required to secure or pay pursuant to the terms of this Declaration or by law, or which will be necessary or proper in the opinion of the board of directors of the Association for the operation of the common areas, for the benefit of lot owners, or for the enforcement of these restrictions.

Section 3. *Annual Assessment.*

(a) Until June 30 of the year immediately following the conveyance of the first Lot by Declarant to an owner, the maximum annual assessment will be $_____.

(b) From and after June 30 of the year immediately following the conveyance of the first Lot by Declarant to an owner, the maximum annual assessment may be increased each year as determined by the Board.

(c) The Board of the Association may fix the annual assessment at an amount it deems appropriate.

(d) The annual assessments shall consist of the following:

(i) The following year's estimated costs of the maintenance, repair, and other services to be provided by the Association; insurance and bond premiums to be provided and paid for by the Association; utility services not separately metered; and the operation, management and administration of the Association, including but not limited to, fees for property management, fees for legal and accounting services, costs of mailing, postage, supplies and materials for operating the Association, and the salaries, wages, payroll charges, and other costs to perform those services, and any other costs constituting common expenses not otherwise herein specifically excluded.

(ii) An amount deemed adequate by the Board to maintain a reserve for general operating costs, and the cost of unexpected repairs and replacements of capital improvements and for the repair and replacement of major improvements for which cash reserves over a period of time in excess of one year ought to be maintained.

Section 4. *Special Assessments for Capital Improvements.*
In addition to the annual assessments authorized above, the Association may levy in any assessment year a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement on the common area, including fixtures and personal property related thereto. Any such assessment must be approved by a majority of each class of members.

Section 5. *Notice and Quorum for Action Authorized Under Sections 3 and 4.*
Written notice of any meeting called for the purpose of taking any action authorized by Section 3 or 4 will be sent to all members not less than seven nor more than 30 days in advance of the meeting. In the event the proposed action is favored by a majority of the votes cast at the meeting, but less than the requisite majority of each class of members, members who were not present in person or by proxy may give their assent in writing within five days after the date of the meeting.

Section 6. *Uniform Rate of Assessment.*
Both annual and special assessments must be fixed at a uniform rate for all Lots.

Section 7. *Commencement and Collection of Annual Assessments.*
The annual assessments provided for here will commence as to all lots on the first day of the month following the conveyance of the common area. The first annual assessment will be adjusted according to the number of months remaining in the calendar year. The Board will fix the amount of the annual assessment against each Lot at least 90 days in advance of the due date and will fix the dates the amounts become due. Assessments may be made payable monthly. Notice of the annual assessments will be sent to every owner subject to them. The Association will, on demand and for a reasonable charge, furnish a certificate signed by an officer of the Association, setting forth whether the assessment against a specific Lot has been paid.

Section 8. *Effect of Nonpayment of Assessments; Remedies of the Association.*
Any assessment not paid within 30 days after the due date will be deemed in default and will bear interest from the due date at the rate of five percent (5%) per year. The Association may bring an action at law against the owner personally obligated to pay the same, or may foreclose the lien against the property. No owner may waive or otherwise escape liability for the assessments provided for here by nonuse of the common area or abandonment of the owner's Lot.

Section 9. *Subordination of Assessment Lien to Mortgages.*
The assessment lien provided for will be subordinate to the lien of any first mortgage. A sale or transfer of any lot will not affect the assessment lien. However, the sale or transfer of any lot pursuant to a mortgage foreclosure or any proceeding in lieu of foreclosure, will extinguish the assessment lien as to payments that become due prior to the sale or transfer. No sale or transfer will relieve the lot from liability for any assessments subsequently becoming due or from the lien.

ARTICLE IV. PROPERTY RIGHTS

Section 1. *Owner's Easements of Enjoyment.*
Every owner of a Lot will have a right and easement of enjoyment in and to the common area, and this right will be appurtenant to and will pass with the title to that lot, subject to the following rights of the Association:

(a) The right to charge reasonable admission and other fees for the use of any recreational facility situated within the common area;
(b) The right to suspend the right of use of recreational facilities and the voting rights of any owner for periods during which assessments against the Lot remain unpaid, and the right, after hearing by the board of directors, to suspend those rights for a period not exceeding thirty (30) days for any infraction of the published rules and regulations of the Association;
(c) The right to dedicate or transfer all or any part of the common area to any municipality, public agency, authority, or utility for any purposes and subject to any conditions agreed on by the members. No dedication or transfer will be effective unless an instrument executed by two-thirds of each class of members agreeing to the dedication or transfer has been duly recorded.

Section 2. *Delegation of Use.*
Subject to any limitations as may be imposed by the bylaws, each owner may delegate the right of enjoyment in and to the common areas and facilities to the members of the owner's family, and to guests, tenants, and invitees.

Section 3. *Easements of Encroachment.*
There will exist reciprocal appurtenant easements as between adjacent Lots and between each Lot and any portion or portions of the adjacent common area for any encroachment due to the unwillful placement, settling, or shifting of improvements constructed, reconstructed, or altered, provided the construction, reconstruction, or alteration is in accordance with the terms of this Declaration. Such an easement will exist to a distance of not more than one foot as measured from any point on the common boundary between adjacent lots, and between each lot and any adjacent portion of the common area, along a line perpendicular to such boundary at such point. No easement for encroachment will exist as to any encroachment occurring due to the willful conduct of an owner.

Section 4. *Other Easements.*

(a) Easements for installation and maintenance of utilities and drainage facilities are shown on the recorded subdivision map. Within these easements, no structure, planting, or other material will be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may damage, interfere with, or change the direction of flow of drainage facilities in the easements. The easement area of each lot and all improvements will be continuously maintained by the owner of the lot, except for improvements for maintenance of which a public authority or utility company is responsible.

(b) No dwelling unit or other structure of any kind will be built, erected, or maintained on any easement, reservation, or right-of-way, and easements, reservations, and rights-of-way will at all times be open and accessible to public and quasi-public utility corporations, their employees and contractors, and will also be open and accessible to Declarant, its successors and assigns, all of whom will have the right and privilege of doing whatever may be necessary in, on, under, and above those locations to carry out any of the purposes for which the easements, reservations, and rights-of-way are reserved.

Section 5. *Right of Entry.*
The Association, through its authorized employees and contractors, will have the right after reasonable notice to the owner, to enter any Lot at any reasonable hour on any day to perform authorized maintenance.

Section 6. *No Partition.*
There will be no judicial partition of the common area, nor will Declarant, or any owner or any other person acquiring any interest in the subdivision or any part thereof, seek judicial partition. However, nothing contained here will be construed to prevent judicial partition of any lot owned in cotenancy.

ARTICLE V. USE AND STRUCTURE RESTRICTIONS

The subdivision will be occupied and used only as follows:

Section 1. Each Lot will be used as a residence for a single family and for no other purpose. No structure shall be erected on any Lot except one single-family dwelling house, with a private garage, which must be attached, thereto, for not less than two automobiles but no more than three automobiles.

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

Section 3: Until such time as all homes are erected on all subdivision lots, construction is prohibited on any structure, fence, wall, or building until the plans and specifications have been first approved by Red Brick Development, LLC. Red Brick Development, LLC or its designee shall have the sole discretion of approving or rejecting all plans as to design, grades, exterior materials, and the location of the building or buildings on the lot. Prior to building permit application, excavation or construction, the Lot owner shall deliver to the developer two complete sets of plans and specifications for approval. Within fifteen 15-calendar days, the developer shall notify the owner of approval or disapproval of the plans.

Section 4: No truck over three-fourths ton capacity shall regularly be parked upon any Lot or in any driveway in said subdivision, and only one truck of three-fourth ton or less capacity may be so parked. The parking and/or storage of machinery, equipment, school buses, commercial vehicles other than one pick-up truck is prohibited. No Lot shall be used or maintained as a dumping ground for refuse or garbage or for the storage of disabled or junk cars.

Section 5: The parking and/or storage of boats, campers, trailers, and other vehicles of similar nature shall not be permitted.

Section 6: No business of any kind will be conducted on any residence with the exception of the business of Declarant and the transferees of Declarant in developing all of the lots as provided in Section 11.

Section 7: No noxious or offensive activity will be carried on in or on any lot with the exception of the business of Declarant and the transferees of Declarant in developing all of the lots as provided in Section 11.

Section 8: No sign of any kind will be displayed to public view on a lot or the common area without the prior written consent of the Association, except customary name and address signs and lawn signs of not more than eight (8) square feet in size, or smaller if required by City of Oxford ordinance, advertising a property for sale or rent.

Section 9: Nothing will be done or kept on a Lot or on the common area that would increase the rate of insurance relating to that area without the prior written consent of the Association, and no owner will permit anything to be done or kept on the owner's lot or the common area that would result in the cancellation of insurance on any residence or on any part of the common area, or which would be in violation of any law.

Section 10: No animals, livestock, or poultry of any kind will be raised, bred, or kept on any Lot or on the common area. However, each residence shall be permitted ordinary household pets of not more than two (2) dogs and two (2) cats, kept in an enclosure or on a leash. No commercial use or breeding of any animals shall be permitted on any lot in this subdivision.

Section 11: No rubbish, trash, garbage, or other waste material will be kept or permitted on any Lot or on the common area except in sanitary containers located in appropriate areas concealed from public view.

Section 12: No materials other than open wood, open metal, or hedge shall be used as a fence and a maximum height of four feet allowed on any lot. Fences shall be permissible only to the rear of the building line of said lots.

Section 13: Small storage barns may be used but must not have floor storage space to exceed 120 square feet (10x12). Barns must be built in a professional manner and placed on a temporary foundation. Construction materials may include wood, Brick, or hardboard siding (no metal buildings allowed). Any storage barn built on the lot must be built to the rear of the house.

Section 14: No brick mailboxes may be used.

Section 15: Nothing will be altered in, constructed on, or removed from the common area except on the written consent of the Association.

Section 16: Declarant or the transferees of Declarant will undertake the work of developing all lots included within the subdivision. The completion of that work, and the sale, rental, or other disposal of residential units is essential to the establishment and welfare of the subdivision as an ongoing residential community. In order that this work may be completed and the subdivision be established as a fully occupied residential community as soon as possible, nothing in this Declaration will be understood or construed to:

(a) Prevent Declarant, Declarant's transferees, or the employees, contractors, or subcontractors of Declarant or Declarant's transferees from doing on any part or parts of the subdivision owned or controlled by Declarant or Declarant's transferees or their representatives, whatever they determine may be reasonably necessary or advisable in connection with the completion of the work;

(b) Prevent Declarant, Declarant's transferees, or the employees, contractors, or subcontractors of Declarant or Declarant's transferees from constructing and maintaining on any part or parts of the subdivision property owned or controlled by Declarant, Declarant's transferees, or their representatives, any structures reasonably necessary for the completion of such work, the establishment of the subdivision as a residential community, and the disposition of lots by sale, lease, or otherwise;

(c) Prevent Declarant, Declarant's transferees, or the employees, contractors, or subcontractors of Declarant or Declarant's transferees from conducting on any part or parts of the subdivision property owned or controlled by Declarant or Declarant's transferees or their representatives, the business of completing such work, of establishing the subdivision as a residential community, and of disposing of lots by sale, lease, or otherwise; or

(d) Prevent Declarant, Declarant's transferees, or the employees, contractors, or subcontractors of Declarant or Declarant's transferees from maintaining such sign or signs on any of the lots owned or controlled by any of them as may be necessary in connection with the sale, lease, or otherwise of subdivision lots.

As used in this section, the words "its transferees" specifically exclude purchasers of Lots improved with completed residences.

ARTICLE VI. OWNERS' OBLIGATION TO REPAIR

Each owner will, at that owner's sole cost and expense, repair their residence, keeping the same in a condition comparable to the condition at the time of its initial construction, excepting only normal wear and tear.

ARTICLE VII. OWNERS' OBLIGATION TO REBUILD

If all or any portion of a residence is damaged or destroyed by fire or other casualty, it will be the duty of the owner, with all due diligence, to rebuild, repair, or reconstruct such residence in a manner which will substantially restore it to its appearance and condition immediately prior to the casualty. Reconstruction will be undertaken within two months after the damage occurs, and will be completed within six months after the damage occurs, unless prevented by causes beyond the control of the owner or owners.

ARTICLE VIII. ANNEXATION OF ADDITIONAL PROPERTY

Additional residential property and common area may be annexed to the subdivision with the consent of two-thirds of each class of members.

ARTICLE IX. GENERAL PROVISIONS

Section 1. *Enforcement.*
Declarant, the Association, or any owner will have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, easements, reservations, liens, and charges now or hereafter imposed by the provisions of this Declaration. Failure by Declarant, the Association, or by any owner to enforce any covenant or restriction will in no event be deemed a waiver of the right to do so.

Section 2. *Severability.*
Invalidation of any one of these covenants or restrictions by judgment or court order will in no way affect any other provisions, which will remain in full force and effect.

Section 3. *Amendments.*
Covenants and restrictions of this Declaration may be amended by recording an instrument executed and acknowledged by not less than three-quarters of each class of members.

Section 4. *Subordination.*
No breach of any of the conditions here contained or reentry by reason of such breach will defeat or render invalid the lien of any mortgage made in good faith and for value as to the subdivision or any lot; provided, however, that these conditions will be binding on any owner whose title is acquired by foreclosure, trustee's sale, or otherwise.

Section 5. *Duration.*
The covenants and restrictions of this Declaration will run with and bind the land, and will inure to the benefit of and be enforceable by the Association or any member for a period of ninety-nine (99) years from the date of this document, and will continue automatically in effect for additional periods of ninety-nine (99) years, unless otherwise agreed to in writing by the then owners of at least three-quarters of the subdivision Lots.

Executed at Oxford, Ohio on the date first written above.

RED BRICK DEVELOPMENT, LLC

By: Bryan Price, President

Witnessed by:

_____

_____

STATE OF OHIO, COUNTY OF BUTLER, SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by Bryan Price, President of Red Brick Development, LLC, an Ohio limited liability company, on behalf of the company.

_____

Notary Public

This instrument prepared by:
ROBINSON & JONES CO., L.P.A.
14 W. Park Place, Suite D
Oxford, OH 45056

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

Conservation Easement Area –

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

a. **Construction** – The placement or construction of any manmade modifications such as buildings, structures, or fences on the easement area, other than construction activities that are authorized by the mitigation plan approved by the Ohio EPA are prohibited.

b. **Dumping** – waste, garbage and unsightly or offensive materials are not permitted and may not be accumulated within the easement area.

Wetland/Conservation Easement Area –

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

a. **Construction** – The placement or construction of any manmade modifications such as buildings, structures, or fences on the easement area, other than construction activities that are authorized by the mitigation plan approved by the Ohio EPA are prohibited.

b. **Dumping** – waste, garbage and unsightly or offensive materials are not permitted and may not be accumulated within the easement area.

c. **Cutting and other Control of Vegetation** – Any cutting of trees, ground cover, or vegetation or destroying by means of herbicides or pesticides on the Wetland/Conservation Easement Area is prohibited, other than the removal or control of invasive and noxious species and control activities that are authorized by the mitigation plan approved by Ohio EPA.

d. **Water Courses** – Natural water courses and streams and adjacent riparian buffers may not be dredged, straightened, filled, channelized, impeded, diverted or otherwise altered on the easement area other than as part of activities that are authorized by the mitigation plan approved by the Ohio EPA.

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

Memo

Service Department
Engineering Division
513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

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

DATE: June 1, 2017

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

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

Most of the expressed concerns were related to existing conditions.

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

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

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

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

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

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

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

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

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2017-11 **Date – June 13, 2017**

APPLICATION

Applicant:	City of Oxford
Action Request:	**ZONING CODE TEXT AMENDMENT** to Amend Chapter 1143, Districts Sections 1143.03, 1143.05, 1143.07, R-1MS, R-2MS, R-3MS, and Chapter 1147.03 Conditional Uses, New Section 1147.03(39) Accessory Building Use, **City of Oxford, Applicant**

DESCRIPTION

This application is part of an almost year-long discussion of the Planning Commission to look at ways to encourage redevelopment to allow higher density in the area near the campus. It is also part of the thought process of encouraging meaningful redevelopment that would respect the historic character of the Mile Square while proving safe environment to renters. The new proposed language also outlines the process allowing "accessory" building" to be used as a dwelling unit a conditional use application.

The proposed language also recommends changes to the site development regulations. The attached proposed amendment shows those details.

ZONING CODE

The attached text amendment illustrates changes to Chapter 1143.07 R3MS (single, Two- and Three-Family Mile Square Residential) District for your information.

COMPREHENSIVE PLAN

Land Use Element:

The community's small college town character will be preserved and enhanced.

- New development and redevelopment will be sensitive to pedestrians in terms of scale and walkability.
- New architecture will add to the character of the community as opposed to corporate, franchise architecture.

Infill development and redevelopment of underutilized sites is a priority

- Reuse of vacant and underutilized sites will be encouraged prior to new development.

Table 3.4 Concept Area Matrix and Table 3.5 Character Area Matrix also provided the overall theme of the Use Element of the Comp Plan. Additionally, Map 3.6 and 3.7 also show the area of neighborhood enhancement area as well as neighborhood character as well.

Urban Design

- Preserve and enhance historic resources in the Mile Square including Uptown District

Housing Element

Improve housing conditions in the Mile Square

- Ensure quality residential environment through improved housing standards.

AGENCY REVIEWS

Police:	Returned with no comments
Engineering:	No comments returned
Econ. Dev.	Returned with comments
Fire:	Returned with no comments

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

The City Council allocated dollars in 2017 budget to direct staff and Planning Commission to conduct a zoning study to look at the nonconforming issue. The City retained a land use consultant, Campus Point Planning, to assist the Commission with this task. Given that nonconforming is generally created either prior to a land use regulations, or land use regulations changed after the uses are legally in place, so the focus has been on looking at the underlying district to address the nonconforming issue. Other factors also came into the mind of the Commission were the continued increasing student enrollment at Miami push for more housing demands, along with the age of the housing stock and its interior configuration to reflect the preferences of renters.

Looking at ways to increase density in the area near the campus and allow redevelopment, the consultant worked with the Planning Commission during various work sessions and went through each and every change with the Commission to ensure the proposal would reflect the desire of the Commission. The Commission also directed staff to invite stakeholders that may be impacted by these changes to the work session to voice their perspectives and one final go-around before giving its final okay to move this item to the public hearing process.

The amendment involves several other changes to the existing regulations, in addition to Chapter 1143. There are slight modifications to 1141 Accessory Structure and a new Conditional Use category under 1147 for accessory building used as a dwelling unit. Those changes are accompanied to this amendment as necessary changes to make all the changes occurring concurring.

Several changes to R1MS and R2MS are proposed, particularly the purpose statement to heighten the urban setting as well as the historic characters of these two districts. Another change is to re-format the site development regulations.

The major changes to Chapter 1143.07 R3MS (single, Two-Family, Three-Family Mile Square Residential) district are as follows:

1. Reduce the lot requirement for each dwelling type.
2. Reduce the lot width for each dwelling type
3. Delineate the maximum and minimum front yard setback.
4. Increase lot coverage
5. Delete the provision of lot coverage for all enclosed building
6. Adding accessory dwelling units as a conditional use

Other changes include changes to the Mile Square Design Guidelines related to the architectural features for a new 3-family dwelling as to what design features shall be provided. The amendment also includes in this a set of design standards for the accessory dwelling unit. It outlines that the style, heights that needs to be compliant to the main structure and is subject to the Planning Commission and City Council's Conditional Use review process.

These changes would not have impacts to the existing stock if no improvements have been planned. But any future redevelopment could be beneficial due to the reduction in the lot area, lot width to have additional dwelling. However, the regulations are only part of the redevelopment requirements. The existing configuration of lot and the willingness of property also can and will become critical for the redevelopment. If the lot is not sizeable enough, it is still limited to what would be allowed based on the lot size.

Having the R3MS designation of any specific areas might be also an important step to address some nonconforming issue, particularly for those nonconforming uses that would have been allowed under R3M either being an allowable use or through conversion to become a conforming use. The area of interest the Commission has been looking at are (1) along Tallawanda Road/Sycamore; (2) central Mile Square, bordered by Church Street on the north, Campus Ave to the east and Heather Lane to the south and Beech Street to the west.

These changes are series of discussions the Planning Commission has had in hopes to increase density in the area adjacent or near the Campus that would be reasonably expected to attract students to live, and also allow existing housing stock to be able to be updated, within the stipulation of the Zoning Code, either the proposed one or the existing one.

The process of getting this proposed language for consideration has required many hours of Commission members attending the work sessions and discussed, debated and argued over what would be the end result of the changes. This may be not the best changes the Commission could come up with, but thanks to the Consultant, Wendy Muller, the Commission came to an agreement this version would be an appropriate one to move forward, but with the understanding that other changes may be under consideration in the future when necessary.

RECOMMENDATION

The attached revision and additional language provides detailed verbiage of the proposed text amendment. Staff recommends that the Planning Commission concur with the changes and forward to City Council for legislation.

SUBMITTED

BY:

Jung-Han Chen
Community Development Director

DATE:

ATTACHMENT

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

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

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

Text Amendments

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

1143.03 R-1MS SINGLE-FAMILY RESIDENTIAL MILE-SQUARE DISTRICT.

(a) **Purpose. The purpose of this district is to preserve and encourage a single family dwelling in an urban environment while maintaining the historic form and character of development within the Mile Square District.**

(b) Uses.

(1) Permitted uses.

A. Single-family dwellings.

B. Accessory buildings and uses incidental to the principal use that do not include any activity conducted as a business or dwelling unit.

C. Day Care Home Type B family.

(2) Conditional uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1141.

A. Community-Oriented Residential Social Service Facilities (CORSSF's).

B. Shared Housing for the elderly.

C. Government owned and/or operated parks and recreation facilities.

D. Bed and breakfast homes for transients.

E. Publicly owned and operated neighborhood recreation centers.

F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.

G. Schools: primary, intermediate, and secondary, both public and private.

H. Places of worship. (Ord. 2980. Passed 10-16-07.)

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

Any parcel, property or structure that is within the Historic District Overlay shall also consult the current design guidelines of the Historical Architectural Preservation Commission and Chapter 1331 of the Oxford Codified Ordinance and shall follow the procedures for approval contained therein.

Single Family Dwelling	
Lot Requirements	
Minimum Lot Area (Square Feet)	6,000
Minimum Lot Width (Feet)	60
Yard Requirements	
Minimum Front Yard Setback	20
Minimum Rear Yard Setback	35
Minimum Side Yard Setback	7 (on each side)
Structural Requirements	
Maximum Building Height	35
Lot Converage for Lots with Vechicular Acccess from a Public Street	
Lot Total	45
Front Yard	30
Lot Coverage for Lots with Vehicular Access from a Rear or Side Alley with no Access from a Public Street	
Lot Total	45
Front Yard	5

(d) Mile Square Design Standards. The Mile Square Design Standards encourages all new and renovated building to be outstanding examples of architecture and planning. These standards are a planning instrument. It does not dictate any architectural style or design. Design regulations are intended to allow imaginative design that is respectful to its neighbors. The regulations are meant to help achieve good design and to establish consistent framework for assessing proposed development. The Mile Square Design Standards are intended to be predictable. It is also intended that it be flexible. The predictability and flexibility embodied in these standards are intended to permit creativity and diversity in architectural design, because the construction, renovation, and maintenance of outstanding buildings and public spaces continue to contribute to the health, welfare, character, and history of the City and its citizens, The design of all new construction and exterior renovation in the R1-MS, Single-Family, Mile-Square Residential District shall conform to the following requirements.

(1) Streetscape.

A. The restoration or alteration of existing buildings must follow the historical characteristics of the existing building.

B. Commercial appearance at ground level must agree to the following guidelines:

1. Storefronts must be aligned with the modular bays.
2. Upper Stories must have a repetitive solid/void organization, ranging from narrow piers between openings (as in the main facade of the Bank One building) to spaces of equal width to the window openings.
3. Front facades of new buildings must follow guidelines similar to those enumerated above. Equal bays must be used with their division by wall and openings following a regular pattern. If an entry bay is to be indicated (either on center to the overall width, as in the Kyger Block, or to one side) its proportions must clearly indicate this differentiation. In either case, a clear storefront must be present at ground level to help reinforce the definition of the bays.

C. In new or altered buildings the storefront height must fall between 10 feet and 14-1/2 feet.

D. New construction must follow the rhythm of facades, overall spacing, setbacks, and proportions of existing adjacent structures of that block face, as well as those on the opposing block face.

E. For both residential and commercial structures, the buildings themselves must have their fronts oriented parallel to the adjacent street. In addition, buildings must be oriented perpendicular to the adjacent street (i.e. the building must not be situated on the lot at an irregular angle).

(2) Foundations.

A. New construction must not include exposed poured concrete, concrete block or cinder block foundations. If this material will be above grade (due to a sloped lot or other unavoidable geographic reason), historically appropriate facing treatment must be applied to the exposed portions of the foundations.

(3) Masonry.

A. Masonry veneers that face main streets shall not have exposed cinder block or concrete block, or poured concrete foundation.

B. Brick, stone, authentic stucco or material replicating stone veneer are acceptable materials.

C. The masonry of any additions must resemble the existing structure utilizing like materials and style in order to be compatible.

(4) Siding.

A. No vertical siding may be incorporated into any structure. Plank treatments are to remain horizontal in fashion.

B. Decorative, wood shingles are an acceptable treatment for the residential structures in the Single-Family, Mile Square Residential District.

C. Since artificial siding tends to differ from the original historic material in size, design, and texture, the use of artificial aluminum or vinyl siding for residential structures within the Mile Square is strongly discouraged. However, vinyl siding can be acceptable only when it meets the requirements of ASTM D3679.

D. Widths, lengths, and composition of siding must be consistent between existing structures and any new additions. Decorative trim, such as window trim, fascia boards, and cornice work must also be consistent with the existing structure.

(5) Roofs.

A. Any new roof must relate to the architectural theme and details of the existing structure.

B. Flat roofs are prohibited for residential buildings except for porch roofs.

C. New roof forms must complement existing roofs in material and style.

D. Roof pitches for residential structures must be steep. A minimum pitch ratio of 6 to 12 is required

E. Decorative cornices and parapets are encouraged.

(6) Gutters and downspouts.

A. Gutters and downspouts shall be an integrated component of the structure.

B. Gutters and downspouts are to be located on the roof corners, where they will not interfere with the appearance of the structure.

(7) Entrances and Doors.

A. For all doors, the recommended material is "wood appearing" type of material.

B. Commercial structures must avoid using doors, screen doors, and storm doors, which are clearly designed for residential purposes.

C. Screen/storm doors must be simple in design and contain full-height screening or glass. Mill finish is not allowed. Wood is the preferred material and any treatment must match the color of the existing door/trim or be a clear varnish.

D. Entrances and doors which are to be closed-off must not be removed and the hole filled in with some type of permanent material. Rather, the door must be left hanging and fixed shut so it is possible to reopen it in the future.

(8) Windows.

A. Windows must be proportionally vertical.

B. Reflective glass (such as blue or gold tinted glass) is prohibited.

C. Skylights can be added to increase the availability of natural light. These must generally be flat and unobtrusive (especially from any public ways). They must not be on front side of the roof slope facing the street.

D. All window openings, sash appearances, and materials must be consistent and architecturally appropriate to the building style.

E. Windows which are to be closed-off must not be removed and the hole filled in with some type of permanent material. Rather, the window must be maintained.

F. Original features such as corner boards, brackets, hoodmolds, and other details must be preserved, repaired, and/or replaced.

(9) Porches and stoops, decks and patios.

A. Any newly constructed or reconstructed porch or stoop must be compatible with the architectural style of the building to which it is attached.

B. New residential structures are encouraged to include porches and stoops as design elements, which serve to enhance the physical and social components of the neighborhood. Porches have roofs.

Decks are not allowed on the front façade. Stoops may not exceed 50 square feet.

C. All porches shall satisfy the required setbacks and lot coverage requirements of the applicable zoning districts.

(10) Storefronts.

A. Storefronts must be open and must utilize large amounts of glass. Window glass must extend at least from the top of the first floor to knee level. This does not necessarily mean that a large single pane of glass must be used. The openness creates an inviting feeling to pedestrians that helps set the ground floor commercial uses apart.

(11) Garages and outbuildings.

A. Street facing garages shall not comprise more than 50 percent of the ground floor building frontage. Any garage with more than two (2) car parking capacity should not directly face onto any street. The garage with more than two parking bays should have the side wall facing the street (i.e., side loading garage). All garage doors shall be compatible with the dwelling style and colors.

B. An attached garage shall not be located closer to the right-of-way than the residential structure itself (i.e., no snout garage)

C. It is recommended that a detached garage ~~to~~ be accessed from the alley if alleys are available for vehicular traffic.

(12) Awnings and canopies.

A. Awnings and canopies must be flat, downward sloping at a sharp angle, and have open ends or triangular end pieces matching the main structure. Basic design shapes (umbrella, diagonal, concave, etc.) are recommended.

B. Solid, dark colors are preferred.

C. Awnings and canopies must be proportional in size and shape to the opening or area that they are covering. Avoid irregular shapes or styles.

D. Soft, pliable materials are encouraged. Metal or other similar material is not recommended.

E. Retractable awnings and canopies are encouraged, as they can be closed in the winter months to allow more sunlight into an establishment.

F. Awnings and canopies must be designed without ground supporting members which attach to a public sidewalk.

G. The Zoning and Building Codes must be consulted for other specific requirements.

(13) Fences and gates.

A. Chain link fences are prohibited.

B. Traditional fence forms, such as picket fences and plain board fences, must be utilized and they must be kept as low as possible.

C. Traditional materials, such as wood and wrought iron, are strongly encouraged.

(14) Chimneys and flues.

A. Where a building is designed with chimneys or where a chimney is to be added to an existing structure, brick or stone are the preferred materials.

(15) Shutters.

A. Shutters do not have to be operable. However, when present they must appear to be functional and they must be proportionally equal to the adjacent window opening.

(16) Utilities.

A. This element is covered by other City Codes and standards. Please remember to consult with City staff before planning your project to learn how the codes will affect your proposal.

(17) Home security.

A. Guidelines for Entrances & Doors and Storefronts must also be consulted in relation to the recommendations given below.

(18) Driveways and parking lots.

A. Individual curb cuts for driveways are strongly discouraged. No curb cuts are allowed if an alley is present. Alleys must be utilized as much as possible to provide automobile access.

(19) Landscaping.

A. Existing mature trees should be preserved and maintained when possible.

B. Public and private space shall utilize natural landscaping materials and ground cover shall be utilized for the perimeter to delineate individual property boundary line.

(20) Graphics, signage, and building identification.

A. The Sign Code of the City of Oxford must be consulted for specific sign regulations in addition to these guidelines.

(21) Heights.

A. The scale and mass of the building shall consider the mass of the adjoining properties of that block face. Please consult with the dimensional regulations of the Oxford Zoning Ordinance for the specific zoning district which the building is located.

B. Buildings on corner lots must relate in setback and height to the structures along both adjacent blocks.

1143.05 R-2MS SINGLE- AND TWO-FAMILY MILE SQUARE RESIDENTIAL DISTRICT

(a) **Purpose. The purpose of this district is to preserve and encourage a mix of single-family and two-family dwellings within an urban environment at densities that reflect Oxford's historic development pattern within the Mile-Square District.**

(b) Uses.

(1) Permitted uses.

A. Single-family dwellings.

B. Two-family dwellings.

C. Accessory buildings and uses incidental to the principal use that does not include any activity conducted as business.

D. Day Care Home Type B family.

(2) Conditional uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1141.

A. Community-Oriented Residential Social Service Facilities (CORSSF's).

B. Shared Housing and Congregate Housing for the elderly.

C. Government owned and/or operated parks and recreation facilities.

D. Bed and breakfast homes.

E. Publicly owned and operated neighborhood recreation centers.

F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.

G. Schools: primary, intermediate, and secondary, both public and private.

H. Places of worship.

I. Fraternity and sorority houses.

J. Parking lots.

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

Any parcel, property or structure that is within the Historic District Overlay shall also consult the current design guidelines of the Historical Architectural Preservation Commission and

Chapter 1331 of the Oxford Codified Ordinance and shall follow the procedures for approval contained therein.

	Single Family Dwelling	Two-Family Dwelling
Lot Requirements		
Minimum Lot Area (Square Feet)	5,000	7,500
Minimum Lot Width (Feet)	50	75
Yard Requirements		
Minimum Front Yard Setback	20	20
Minimum Rear Yard Setback	35	35
Minimum Side Yard Setback	7 (on each side)	7 (on each side)
Structural Requirements		
Maximum Building Height	35	35
Lot Coverage for Lots with Vehicular Access from a Public Street		
Lot Total	45	45
Front Yard	30	30
Lot Coverage for Lots with Vehicular Access from a Rear or Side Alley with no Access from a Public Street		
Lot Total	45	45
Front Yard	5	5

(d) Mile Square Design Standards. The Mile Square Design Standards encourages all new and renovated building to be outstanding examples of architecture and planning. These standards are a planning instrument. It does not dictate any architectural style or design. Design regulations are intended to allow imaginative design that is respectful to its neighbors. The regulations are meant to help achieve good design and to establish consistent framework for assessing proposed development. The Mile Square Design Standards are intended to be predictable. It is also intended that it be flexible. The predictability and flexibility embodied in these standards are intended to permit creativity and diversity in architectural design, because the construction, renovation, and maintenance of outstanding buildings and public spaces continue to contribute to the health, welfare, character, and history of the City and its citizens, The design of all new construction and exterior renovation in the R1-MS, Single-Family, Mile-Square Residential District shall conform to the following requirements.

(1) Streetscape.

A. The restoration or alteration of existing buildings must follow the historical characteristics of the existing building.

B. Commercial Appearance at ground level must agree to the following guidelines:

1. Storefronts must be aligned with the modular bays.
2. Upper Stories must have a repetitive solid/void organization, ranging from narrow piers between openings (as in the main facade of the Bank One building) to spaces of equal width to the window openings.

3. Front facades of new buildings must follow guidelines similar to those enumerated above. Equal bays must be used with their division by wall and openings following a regular pattern. If an entry bay is to be indicated (either on center to the overall width, as in the Kyger Block, or to one side) its proportions must clearly indicate this differentiation. In either case, a clear storefront must be present at ground level to help reinforce the definition of the bays.

C. In new or altered buildings the storefront height must fall between 10 feet and 14-1/2 feet.

D. New construction must follow the rhythm of facades, overall spacing, setbacks, and proportions of existing adjacent structures of that block face, as well as those on the opposing block face.

E. For both residential and commercial structures, the buildings themselves must have their fronts oriented parallel to the adjacent street. In addition, buildings must be oriented perpendicular to the adjacent street (i.e., the building must not be situated on the lot at an irregular angle).

(2) Foundations.

A. New construction must not include exposed poured concrete, concrete block or cinder block foundations. If this material will be above grade (due to a sloped lot or other unavoidable geographic reason), historically appropriate facing treatment must be applied to the exposed portions of the foundations.

(3) Masonry.

A. Masonry veneers that face main streets shall not have exposed cinder block or concrete block or poured concrete foundation.

B. Brick, stone, authentic stucco or material replicating stone veneer are acceptable materials.

C. The masonry of any additions must resemble the existing structure utilizing like materials and style in order to be compatible.

(4) Siding.

A. No vertical siding may be incorporated into any structure. Plank treatments are to remain horizontal in fashion.

B. Decorative, wood shingles are an acceptable treatment for the residential structures in the Single- and Two-Family, Mile-Square Residential District.

C. Since artificial siding tends to differ from the original historic material in size, design, and texture, the use of artificial aluminum or vinyl siding for residential structures within the Mile Square is strongly discouraged. However, vinyl siding can be acceptable only when it meets the requirements of ASTM D3679.

D. Widths, lengths, and composition of siding must be consistent between existing structures and any new additions. Decorative trim, such as window trim, fascia boards, and cornice work must also be consistent with the existing structure.

(5) Roofs.

A. Any new roof must relate to the architectural theme and details of the existing structure.

B. Flat roofs are prohibited for residential buildings except for porch roofs.

C. New roof forms must complement existing roofs in material and style.

D. Roof pitches for residential structures must be steep. A minimum pitch ratio of 6 to 12 is required

E. Decorative cornices and parapets are encouraged.

(6) Gutters & Downspouts.

A. Gutters and downspouts shall be an integrated component of the structure.

B. Gutters and downspouts are to be located on the roof corners, where they will not interfere with the appearance of the structure.

(7) Entrances & Doors.

A. For all doors, the recommended material is "wood appearing" type of material.

B. Commercial structures must avoid using doors, screen doors, and storm doors, which are clearly designed for residential purposes.

C. Screen/storm doors must be simple in design and contain full-height screening or glass. Mill finish is not allowed. Wood is the preferred material and any treatment must match the color of the existing door/trim or be a clear varnish.

D. Entrances and doors which are to be closed-off must not be removed and the hole filled in with some type of permanent material. Rather, the door must be left hanging and fixed shut so it is possible to reopen it in the future.

(8) Windows.

A. Windows must be proportionally vertical.

B. Reflective glass (such as blue or gold tinted glass) is prohibited.

C. Skylights can be added to increase the availability of natural light. These must generally be flat and unobtrusive (especially from any public ways). They must not be on front side of the roof slope facing the street.

D. All window openings, sash appearances, and materials must be consistent and architecturally appropriate to the building style.

E. Windows which are to be closed-off must not be removed and the hole filled in with some type of permanent material. Rather, the window must be maintained.

F. Original features such as corner boards, brackets, hoodmolds, and other details must be preserved, repaired, and/or replaced.

(9) Porches & Stoops, Decks & Patio.

A. Any newly constructed or reconstructed porch or stoop must be compatible with the architectural style of the building to which it is attached.

B. New residential structures are encouraged to include porches and stoops as design elements, which serve to enhance the physical and social components of the neighborhood. Porches have roofs. Decks are not allowed on the front façade. Stoops may not exceed 50 square feet.

C. All porches shall satisfy the required setbacks and lot coverage of the zoning district.

(10) Storefronts.

A. Storefronts must be open and must utilize large amounts of glass. Window glass must extend at least from the top of the first floor to knee level. This does not necessarily mean that a large single pane of glass must be used. The openness creates an inviting feeling to pedestrians that helps set the ground floor commercial uses apart.

(11) Garages & Outbuildings.

A. Street facing garages shall not comprise more than 50 percent of the ground floor building frontage. Any garage with more than two (2) car parking capacity should not directly face onto any street. The garage with more than two parking bays should have the side wall facing the street (i.e., side loading garage). All garage doors shall be compatible with the dwelling style and colors.

B. An attached garage shall not be located closer to the right-of-way than the residential structure itself (i.e., no snout garage)

C. It is recommended that a detached garage ~~to~~ be accessed from the alley if alleys are available for vehicular traffic.

(12) Awnings & Canopies.

A. Awnings and canopies must be flat, downward sloping at a sharp angle, and have open ends or triangular end pieces matching the main structure. Basic design shapes (umbrella, diagonal, concave, etc.) are recommended.

B. Solid, dark colors are preferred.

C. Awnings and canopies must be proportional in size and shape to the opening or area that they are covering. Avoid irregular shapes or styles.

D. Soft, pliable materials are encouraged. Metal or other similar material is not recommended.

E. Retractable awnings and canopies are encouraged, as they can be closed in the winter months to allow more sunlight into an establishment.

F. Awnings and canopies must be designed without ground supporting members which attach to a public sidewalk.

G. The Zoning and Building Codes must be consulted for other specific requirements.

(13) Fences & Gates.

A. Chain link fences are prohibited.

B. Traditional fence forms, such as picket fences and plain board fences, must be utilized and they must be kept as low as possible.

C. Traditional materials, such as wood and wrought iron, are strongly encouraged.

(14) Chimney & Flues.

A. Where a building is designed with chimneys or where a chimney is to be added to an existing structure, brick or stone are the preferred materials.

(15) Shutters.

A. Shutters do not have to be operable. However, when present they must appear to be functional and they must be proportionally equal to the adjacent window opening.

(16) Utilities.

A. This element is covered by other City Codes and standards. Please remember to consult with City staff before planning your project to learn how the codes will affect your proposal.

(17) Home Security.

A. Guidelines for Entrances & Doors and Storefronts must also be consulted in relation to the recommendations given below.

(18) Driveways & Parking Lots.

A. Individual curb cuts for driveways are strongly discouraged. No curb cuts are allowed if an alley is present. Alleys must be utilized as much as possible to provide automobile access.

(19) Landscaping.

A. Existing mature trees should be preserved and maintained when possible.

B. Public and private space shall utilize natural landscaping materials and ground cover shall be utilized for the perimeter to delineate individual property boundary line.

(20) Graphics, Signage, & Building Identification.

A. The Sign Code of the City of Oxford must be consulted for specific sign regulations in addition to these guidelines.

(21) Height.

A. The scale and mass of the building shall consider the mass of the adjoining properties of that block face. Please consult with the dimensional regulations of the Oxford Zoning Ordinance for the specific zoning district which the building is located.

B. Buildings on corner lots must relate in setback and height to the structures along both adjacent blocks.

1143.07 R3MS SINGLE-, TWO- AND THREE-FAMILY MILE-SQUARE RESIDENTIAL DISTRICT

(a) **Purpose. The purpose of this district is to preserve and encourage a mix of single-family, two-family, and three-family dwellings in an urban environment while maintaining the urban form of development within the Mile-Square District. Furthermore, it is the intent of this district to be located in areas that are in close proximity to commercial services, public institutions, and adequate infrastructure to serve the residents within this district.**

(b) Uses.

(1) Permitted uses.

A. Single-family dwellings
B. Two-family dwellings
C. Three-family dwellings
D. Accessory buildings and uses incidental to the principal use that does not include any activity conducted as business.
E. Day Care Home Type B family.

(2) Conditional uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1141.

A. Community-Oriented Residential Social Service Facilities (CORSSF's).
B. Shared Housing and Congregate Housing for the elderly.
C. Government owned and/or operated parks and recreation facilities.
D. Bed and breakfast homes.
E. Publicly owned and operated neighborhood recreation centers.
F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
G. Schools: primary, intermediate, and secondary, both public and private.
H. Fraternity and sorority houses.
I. Places of worship.
J. Parking lots.
K. Accessory dwelling units

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements) Any parcel, property or structure that is within the Historic District Overlay shall also consult the current design guidelines of the Historical Architectural Preservation Commission and Chapter 1331 of the Oxford Codified Ordinance and shall follow the procedures for approval contained therein.

	Single-Family Dwellings	Two-Family Dwellings	Three-Family Dwellings
Lot Requirements			
Minimum Lot Area (Square Feet)	4,000	6,000	8,000
Minimum Lot Width (Feet)	40	55	60[1]
Yard Requirements			
Minimum Front Yard Depth	15 Feet		
Maximum Front Yard Depth	25 Feet		
Minimum Rear Yard Depth	35 Feet		
Minimum Side Yard Width	5 Feet		
Structural Requirements			
Maximum Building Height	35 Feet		

Lot Coverage for Lots with Vehicular Access from a Public Street	
Lot Total	45 Percent
Front Yard	35 Percent
Lot Coverage for Lots with Vehicular Access from a Rear or Side Alley with No Access from a Public Street	
Lot Total	45 Percent
Front Yard	5 Percent

(d) Mile Square Design Standards. All new construction, alterations, expansions, or remodeling of buildings in the R-3MS District shall conform to the following standards:

(1) Purpose and Applicability.

A. The purpose of the Mile Square Design Standards is to establish design standards for all new, expanded, or renovated buildings so they are part of the urban form and character of the Mile Square District. These standards are not intended to dictate any specific architectural style or design but rather are intended to allow imaginative design that is respectful to surrounding properties and the overall district.. The Mile Square Design Standards are intended to provide predictable requirements while also allowing for flexibility in design.

B. The design of all new construction and exterior alteration or renovation in the R3-MS District shall conform to the following requirements.

(1) Front Façade.

A. All development shall be located parallel to the associated public street with the main entry door designed to face onto the associated public street unless an alternative orientation is consistent with the majority of homes along the same block face.

Figure < >: *Example of residential development that is oriented toward the primary street.*

(2) Foundations.

A. Any new construction, including expansions, shall not include exposed concrete block or cinder block foundations.

B. Exposed concrete block or cinder block foundations that are covered by a historically appropriate facing treatment are permitted.

(3) Siding

A. Brick, stone, authentic stucco, or material replicating stone veneer are permitted building materials in all residential districts.

B. Decorative, wood shingles are an acceptable treatment for the residential structures in the Mile Square Residential Districts.

C. The use of cementious siding materials (e.g., Hardiplank) that resemble wood siding treatments is permitted.

D. The use of artificial aluminum or vinyl siding for residential structures within the Mile Square is strongly discouraged. However, vinyl siding can be acceptable only when it meets the requirements of ASTM D3679.

E. Plank siding treatments shall be horizontally oriented. Vertical planking may be allowed in a 90 degree board and batten treatment.

F. Brick or masonry that has not previously been painted shall not be painted unless the painting of brick or masonry is consistent with the architectural style or era of the building.

G. All wood siding materials shall be painted.

H. For expansions and additions of existing buildings, the widths, lengths, and composition of siding must be consistent between the existing structures and any new additions. Decorative trim, such as window trim, fascia boards, and cornice work must also be consistent with the existing structure. Any additions or expansions of an existing building shall also comply with Section 1141.03 (h) (Residential Building Additions).

(4) Roofs.

A. Flat roofs are prohibited for residential buildings except for small areas on a rear roof that are used and sized for the placement of roof-mounted mechanical systems.

C. Roof pitches for residential structures must be steep. A minimum pitch ratio of 6 to 12 is required with the exception of porch roofs that should have a minimum pitch ratio of 4 to 12.

D. Decorative cornices and parapets are encouraged.

E. The addition of antennae, satellite dishes, and skylights[2] should be place on the rear of the building, roof, or on a non-visible accessory building to the maximum extent feasible.

(5) Doors.

A. Doors shall be made of wood or "wood appearing" types of material.

B. All doors shall be constructed to be exterior doors. The use of an indoor door on the exterior of the building is prohibited.

(6) Windows.

A. Windows must be proportionally vertical.

B. Reflective glass (such as blue or gold tinted glass) is prohibited.

C. Skylights can be added to increase the availability of natural light. These must generally be flat and unobtrusive (especially from any public ways). They shall not be located on the front side of the roof slope facing the street.

(7) Porches and stoops, decks and patios.

A. New residential structures are encouraged to include porches and stoops as design elements, which serve to enhance the physical and social components of the neighborhood.

B. All porches shall satisfy the required setbacks and lot coverage requirements of the applicable zoning districts.

C. Stoops may not exceed 50 square feet.

D. Decks shall only be permitted in along the rear façade of a building.

E. Porches and stoops shall be constructed of the same building materials as the principal building. The use of treated or untreated lumber that is not painted shall be prohibited for use on the front or side façades.

(8) Garages and accessory buildings.

A. Street facing garages shall not comprise more than 50 percent of the ground floor building frontage. Any garage with more than two (2) car parking capacity should not directly face onto any street. The garage with more than two parking bays should have the side wall facing the street (i.e., side loading garage). All garage doors shall be compatible with the dwelling style and colors.

B. The front façade of any garage facing on to the street shall be set back a distance equal to or more than the front façade of the remainder of the principal building.

C. To the maximum extent feasible, a detached garage be accessed from the alley if alleys are available for vehicular traffic.

D. The architectural style and materials of any accessory building should generally be compatible with the principal building as should the roof type and roof slope. Roofs for any accessory building shall be subject to the same standards as for principal structures pursuant to Subsection (4) above.

(9) Fences and gates.

A. Chain link fences are prohibited.

B. When fencing is to be used, traditional fence forms, such as picket fences and plain board fences, shall be utilized and shall comply with the fencing height restrictions of Section 11.41.01.

C. Fencing shall only be constructed of wood, wrought iron, decorative metal fencing, or fencing material that resembles wood materials.

(10) Chimneys.

A. Where a building is designed with chimneys or where a chimney is to be added to an existing structure, the chimney shall be constructed of brick or stone materials. Other siding may be allowed if the entire building is sided in similar materials.

(11) Shutters.

A. Shutters do not have to be operable. However, when present they must appear to be functional and they must be proportionally equal to the adjacent window opening.

The shutters on the left window are appropriately shaped and sized for the related window even if they are not operable. The replacement shutters on the right are not appropriate due to the length and shape that do not correlate to the related window.

(12) Driveways and parking lots.

A. Individual curb cuts for driveways are strongly discouraged. No curb cuts are allowed if an alley is present. Alleys shall be utilized as much as possible to provide automobile access.

(13) Landscaping.

A. Existing mature trees should be preserved and maintained to the maximum extent feasible.

(14) Graphics, signage, and building identification.

A. The Sign Code of the City of Oxford must be consulted for specific sign regulations in addition to these guidelines.

(15) Architectural Features for Three-Family Dwellings

A. At least three of the following design features shall be provided on the front façade of each dwelling unit with frontage on a public street.

1. One or more dormer windows or cupolas;
2. A recessed entrance;
3. A covered porch or balcony;
4. Pillars, posts, or pilasters;
5. One or more bay windows with a minimum of 12 inch projection from the façade plane;
6. A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or
7. Multiple windows with a minimum of four inch wide trim.

B.. To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimal visual impact as seen from the street.

Illustrative example of acceptable architectural design for multi-family dwellings

Figure < >: Illustrative example of unacceptable architectural design for multi-family dwellings

(16) Accessory Dwelling Units

In addition to the standards applicable to all conditional use reviews, any new accessory dwelling unit shall be subject to the following standards:

A. An accessory dwelling unit may be in a stand-alone structure or may be located above a garage.

B. In no case shall there be more than three dwelling units on any single lot, including any approved accessory dwelling unit.

C. Accessory dwelling units shall only be allowed on lots with a minimum lot area of 5,000 square feet.

D. The maximum square footage of an accessory dwelling unit shall not exceed 1,000 square feet or 50% of the footprint of the principal structure whichever is smaller, unless approved by the Planning Commission and City Council.

E. The accessory dwelling unit shall be located in the rear yard.

F. The accessory dwelling unit shall be designed to be smaller in mass, height, and square footage than the principal dwelling.

G. The accessory dwelling unit structure shall be subject to the accessory building design guidelines of this section.

1147.03 Use Specific Regulations and Potential Concerns

(39) Accessory Building to be used as a dwelling unit

- **A. Potential Concerns:**
  - **1. Vehicle Management**
  - **2. Location of the accessory building**
- **B. Regulations:**
  - **1. Relationship of its size, mass, height and square footage to the principal building**
  - **2. Building style and material**
  - **3. Building orientation consistent with the principal building**

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

Internal Use Only:
Case No. PC-2017-11
Date Filed 4/28/17

Zoning Code Text Amendment Application

Applicant Information

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

Name * Jung-Han Chen

Mailing Address * 101 E. High Street

City, State & Zip Code * Oxford, OH 45056

Telephone Number(s) * 513-5245237

Email Address jhchen@cityofoxford.org

Amendment Description * Amend Oxford Zoning Code Chapter 1143, 1143.03, .05, .07 + 1147.03

Submission Requirements and Documentation

From Section 1135.02 Procedure[1].

(a) Initiation. A text amendment may be initiated by the Chair of the Planning Commission, by adoption of a motion by Council or the Planning Commission, or by application to Planning Commission by a landowner or a resident of the City of Oxford.

(b) Application. If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

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

(1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.

A. Application Fee.
B. The name, mailing address, and telephone number of the applicant.
C. A general description of the proposed amendment.
D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
E. A statement that identifies potential negative consequences of the proposed amendment.
F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
G. Any existing section number and text that is proposed to be deleted or amended.
H. Any new or amended text as it is proposed to be codified including its proposed location in the Code. section numbers)
I. A narrative statement that describes the expected effects of the proposed text.
J. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

Decision Process

From Section 1135.02(c)(1) Decision Standards[1].

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

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

Planning Commission and Council Review

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

Fees & Receipt

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

Sign and Date

Applicant Signature *

Date * 4/5/17

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date * NA Receipt Number *

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 15, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-10, ZONING CODE TEXT AMENDMENT- Chapter 1143, District by Amending Chapter 1143, Sections 1143.03, 1143.05, 1143.07, R1MS, R-2MS, R3MS, and Chapter 1147.03. Conditional Uses, New Section 1147.03(39) Accessory Building Use, **City of Oxford, Applicant**

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 5-15-17

John Dethrage
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 15, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-11, ZONING CODE TEXT AMENDMENT- Chapter 1143, District by Amending Chapter 1143, Sections 1143.03, 1143.05, 1143.07, R1MS, R-2MS, R3MS, and Chapter 1147.03. Conditional Uses, New Section 1147.03(39) Accessory Building Use, **City of Oxford, Applicant**

____X_____ Review _____ Revisions _____Other

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

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

Drawings reviewed by: _____ Date: 5/16/17

John A. Jones
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 15, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-11, ZONING CODE TEXT AMENDMENT- Chapter 1143, District by Amending Chapter 1143, Sections 1143.03, 1143.05, 1143.07, R1MS, R-2MS, R3MS, and Chapter 1147.03. Conditional Uses, New Section 1147.03(39) Accessory Building Use, **City of Oxford, Applicant**

____X_____ Review _____ Revisions _____Other

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Drawings are returned: w/comments without/comments

IT IS NICE TO SEE THE CITY RE-EVALUATING THE EFFECT OF THE 2003 ZONING CODE RE-WRITE

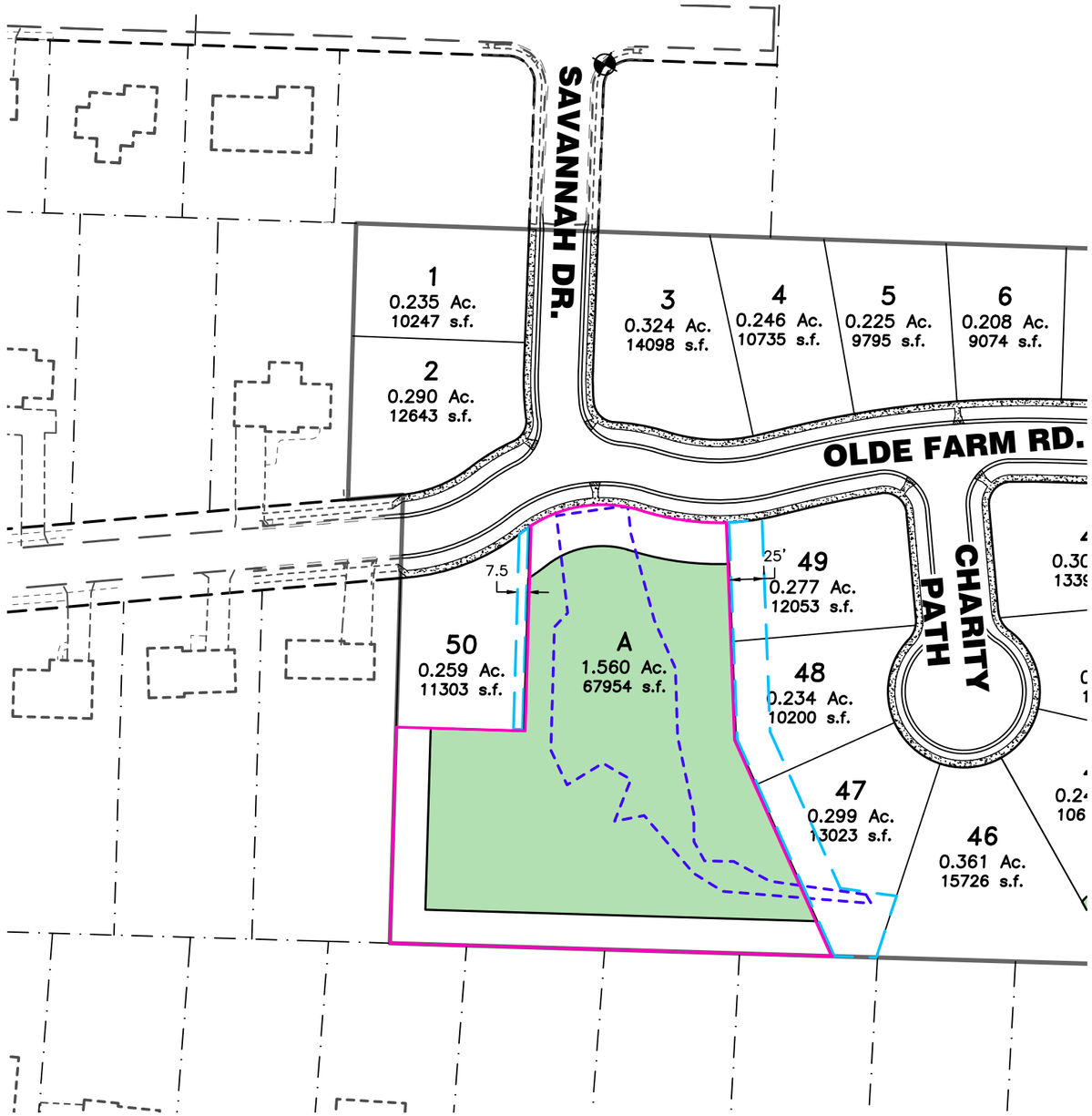
OXFORD WILL ALLWAYS HAVE A LARGE NUMBER OF RENTAL PROPERTIES IN THE SQUARE MILE. LETS MAKE THEM THE BEST POSSIBLE.

Drawings reviewed by: _____ Date: 5-16-17

G. ALAN KUCERA
PRINTED NAME

It is nice to see the City re-evaluating the effects of the 2003 zoning re-write

Oxford will always have a large number of rental properties in the Square Mile. Let's make them the best possible.



LEGEND

- OPEN SPACE
- WETLAND
- CONSERVATION EASEMENT
- WETLAND / CONSERVATION EASEMENT

bayer becker
6900 Tylersville Road, Suite A
Mason, OH 45040 - 513.336.6600

RED BRICK ESTATES

SECTION 21, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

WETLAND EASEMENT EXHIBIT

15-0108 WETLAND ESMT. EXHIBIT

Drawing:	
Scale	1"=100'
Drawn by:	ATC
Checked By:	DBL
Issue Date:	06-09-17