CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

Internal Use Only:
Case No. PC-2016-08
Date Filed 4/29/16 June

Zoning Code Text Amendment Application

Applicant Information

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

Name * Jung-Han Chen

Mailing Address * 101 E. High Street

City, State & Zip Code * Oxford, OH 45056

Telephone Number(s) * 513-524-5204

Email Address jhchen@cityofoxford.org

Amendment Description * Chapter 1133, Provisions of Zoning District

Submission Requirements and Documentation

From Section 1135.02 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

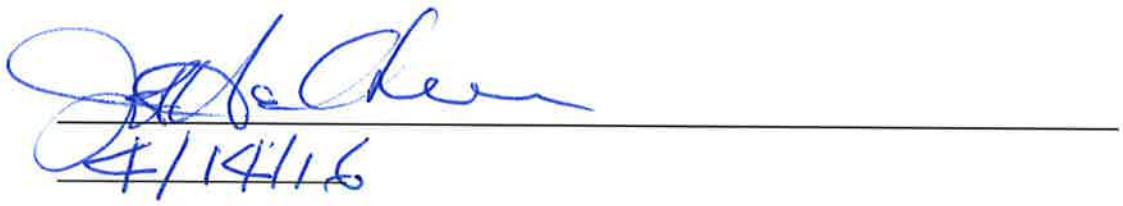
The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider 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 * 4/14/16

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date * NA Receipt Number * _____

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

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2016-08 **Date – June 14, 2016**

APPLICATION

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

DESCRIPTION

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

ZONING CODE

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

COMPREHENSIVE PLAN

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

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

AGENCY REVIEWS

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

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

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

RECOMMENDATION

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

SUBMITTED

BY:

Jung-Han Chen
Community Development Director

DATE: May 28, 2016

ATTACHMENT

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

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

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

Text Amendments

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

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

Drawings reviewed by: _____ Date: 5-24-16

John Detherage
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

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To: Fire Department Engineering Division Police Department Econ Dev Department

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Drawings are returned: w/comments without/comments

Drawings reviewed by: V. Popescu Date: 5-24-16

VICTOR POPESCU
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 5/26/16

John A Jones
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 6-7-16

C. Ann Evans
PRINTED NAME

CHAPTER 1133
Provisions for Zoning Districts

1133.01 Establishment of Zoning Districts.
1133.02 Compliance with regulations.
1133.03 Essential services exempted.
1133.04 Zoning districts for newly annexed territory.

1133.01 ESTABLISHMENT OF ZONING DISTRICTS.

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

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

(b) In this Code and in all matters relating to this Code, the abbreviated terms shall be construed to have the same meaning as their corresponding district titles.
(Ord. 3198. Passed 2-19-13.)

Cincinnati Bell
connecting what matters

221 East Fourth Street, Cincinnati, Ohio 45202

May 24, 2016

Mr. Jung-Han Chen
Community Development Director
City of Oxford
101 East High Street
Oxford, Ohio 45056

RE: Planning Commission Meeting June 14, 2016

Dear Mr. Chen:

Cincinnati Bell Telephone is requesting an opportunity to present at the City of Oxford's Planning Commission Meeting on June 14, 2016. Cincinnati Bell Telephone has been working with the City of Oxford's Service Department on the location and pole type for the three proposed wireless small cells, and has received approval at the locations identified. As a result CBT would now like to present to the Planning Commission concerning small cell technology, and the benefit it brings to communities like the City of Oxford.

I have attached a copy of the presentation package for your review and use. If any additional information is required to be on the agenda for June 14th, please let me know.

I look forward to hearing back from you, and presenting to the planning commission in June.

Sincerely

David A. Kramer
Director – Planning and Engineering
Cincinnati Bell Telephone

(513) 565-1429 - Office
(513) 608-7236 - Cell
david.kramer@cinbell.com

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

Cincinnati Bell Telephone – City of Oxford Planning Commission

WIRELESS SMALL CELL PRESENTATION

WIRELESS SMALL CELLS...

What is a small cell ?

- *Small cells' is an umbrella term for operator-controlled, low-powered radio access nodes, including those that operate in licensed spectrum and unlicensed carrier-grade Wi-Fi. Small cells typically have a range from 10 meters to several hundred meters.*

- *Types of small cells include femtocells, picocells and microcells – broadly increasing in size from femtocells (the smallest) to microcells (the largest).*

Why use small cells versus traditional macro towers ?

- *According to a recent Cisco study, global mobile data traffic will increase nearly 11-fold between 2013 and 2018. This means carriers urgently need to increase network capacity. They can do this by moving to 4G/5G technology, improving spectrum efficiency, Wi-Fi offload, and so on. But nothing comes close to frequency reuse through increased numbers of cell sites using small cells – this can improve capacity by up to 1600x. In addition, small cells yield important benefits for the macro network: We've shown how placing four small cells within one macro, not only delivers data offload of over 50%, but also improves macro network performance by 315%.*

WIRELESS SMALL CELLS...

What are the top drivers for small deployments ?

- *Improved cell site capacity*
- *Fill capacity holes*
- *Reduce cost of data*
- *Improve coverage*
- *New revenue from value added services*

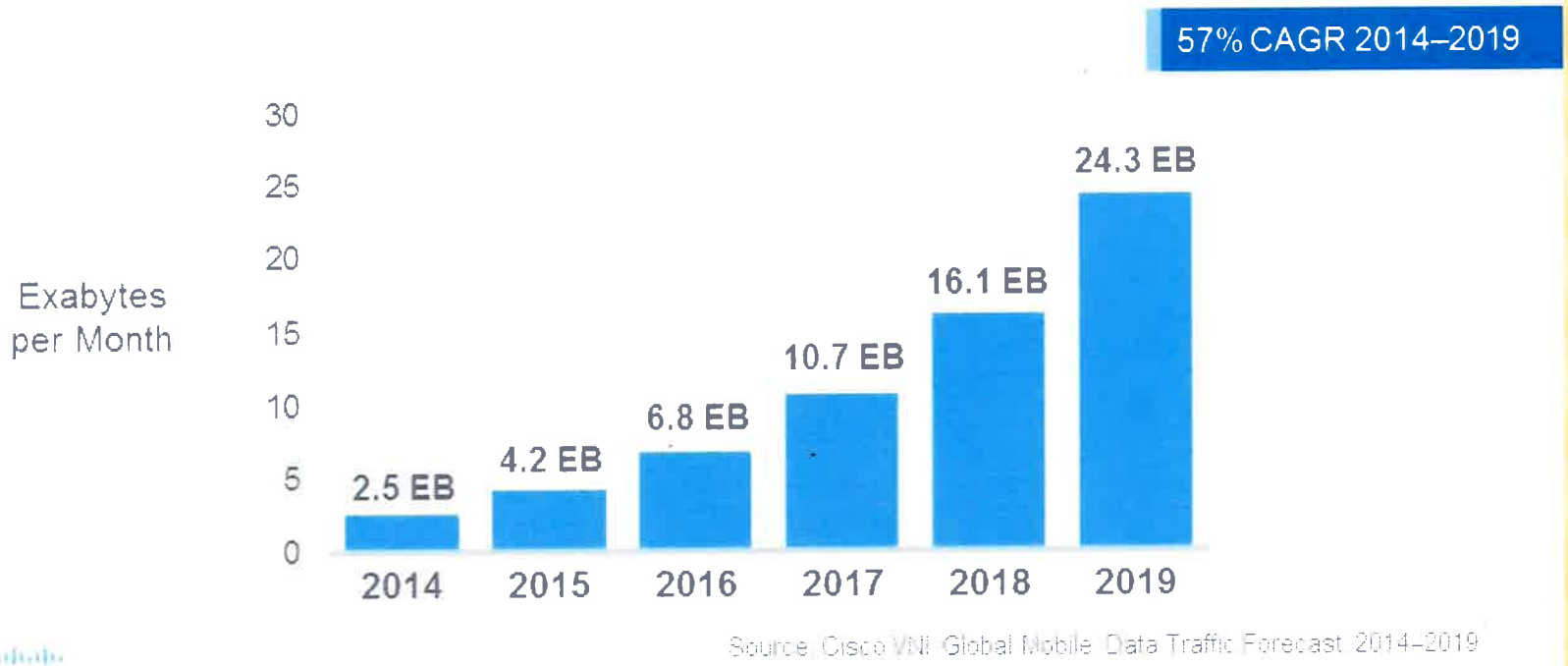
Key Statistics

- *13.3 Million small cells shipped to date worldwide*
- *In 2015 small cell shipments doubled worldwide*
- *Small cell shipments will grow by 270% in 2016*
- *Small cell revenue is forecasted to reach 6.7 Billion by 2020*
- *The North American small cell deployments to is projected to grow at a 43% compound annual rate from 2015-2020*
- *LTE (5G) technology will account for 70% of the equipment deployed (non-voice technology)*
- *Smartphone subscriptions are set to double by 2020, by this time, 70% of the worlds population will have a smartphone. 90% of the worlds population will have a mobile phone by 2020.*
- *Connected devices are the second fastest growing segment in wireless devices*

WIRELESS SMALL CELLS...

Global Mobile Data Traffic Growth / Top-Line

Global Mobile Data Traffic will Increase 10-Fold from 2014–2019



Source: Cisco VNI Global Mobile Data Traffic Forecast 2014–2019

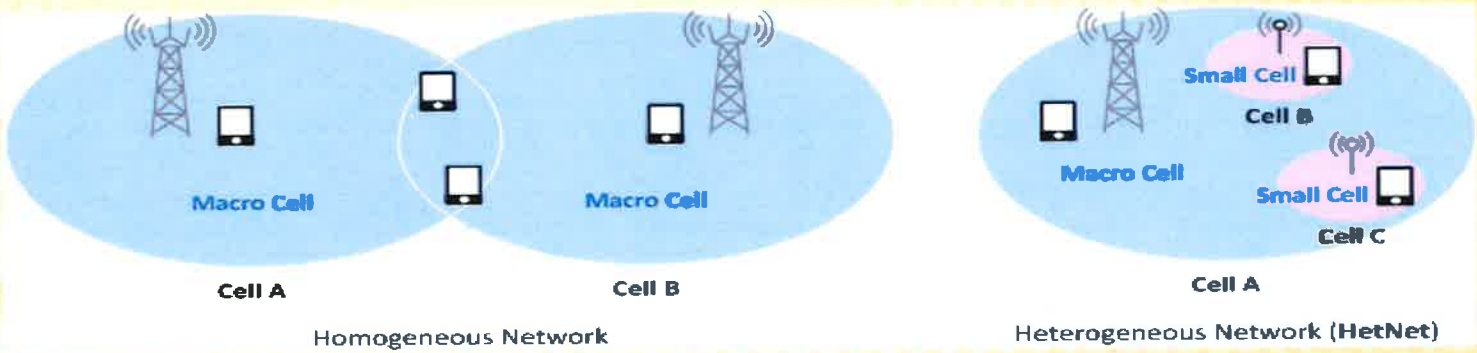
cisco

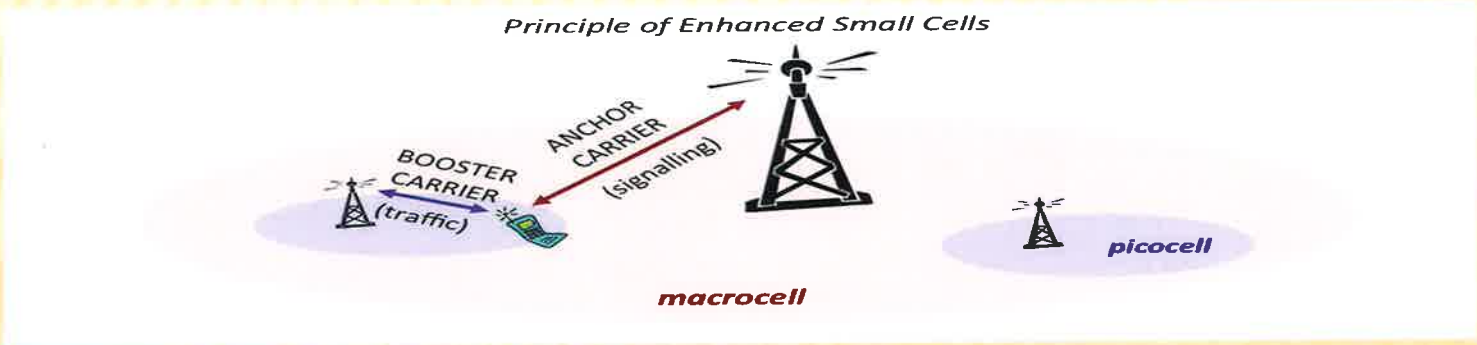
WIRELESS SMALL CELLS...

WIRELESS SMALL CELLS...

Small cell infrastructure...

- *Traditional macro-cell design is limited by the number f users that can be connected at any one given time. Adding additional capacity at the macro-location is no longer an option in some cases.*
- *Small cells allow the wireless carrier to "offload" portions of the macro network, easing congestion, and increasing the capacity of the cell site.*





WIRELESS SMALL CELLS...

Current Coverage

Post Small Coverage

WIRELESS SMALL CELLS...

Barriers to entry to the small market...

- *Wireless operators will not initiate large-scale small cell roll-outs until they can tick a long list of boxes related to cost, technology, standards, business models, and confidence. The small cell deployment process needs to be "industrialized" like the carriers have seen for the macro cell site deployments.*
  - ***Ease of Deployment***
    - *Power and backhaul issues must be resolved*
    - *Speed to market, local barriers to deployments must be reduced and time frames shortened*
  - ***Return on Investment***
    - *Most of the deployments are for capacity related problems, and produce very little additional revenue for the carrier.*
  - ***Impact on the existing wireless network***
    - *Interference can be a major issue to address in small cell deployments, and is one of the reasons that outdoor urban small cell deployment is still considered by many to be in its infancy*
  - ***Timing of Deployment***
    - *Wireless carriers are experiencing a capacity crunch! Deployment timelines exceed their ability to add the necessary capacity.*
  - ***Indoor versus Outdoor Deployments***
    - *Both will be required, however, which one provides the greatest benefit and minimizes network interference will have to be determined on a case by case basis*

WIRELESS SMALL CELLS...

E911 implications...

- *The current deployments are for wireless data only, but voice over LTE (VOLTE) is currently being deployed by Verizon and other carriers in select markets. This will allow voice calls to be made to local PSAP's with a greater degree of location accuracy. Carriers are being mandated by the FCC to drastically improve E911 accuracy by the end of 2018.*

Collocation concerns...

- *Small cell colocation presents greater obstacles to wireless carriers than traditional "macro" collocation barriers. Two carriers must have the same "coverage issue" for a small cell deployment. Since small cells cover a limited areas, finding a colocation match will prove to be more difficult for carriers. Urban areas will have the most potential opportunities due to the density of the population (i.e. coverage is needed where people congregate and use their smartphones.)*

Maximum Permissible Exposure (MPE)

- *Maximum Permissible Exposure or MPE, provides quantitative limits for the safe exposure to Radio Frequency energy (RF). CBT follows the FCC's established limits for MPE, and ensures that the small cell installation provides the safety measures for the public and utility employees.*

Use of Existing Electric Poles

- *Current JUR requirements between CBT and Duke limit CBT's ability to utilize existing electric poles. Location of existing electric pole lines also significantly impact CBT's options on where to locate small cells.*

WIRELESS SMALL CELLS...

Questions ?

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-2016-11 **Date – June 14, 2016**

APPLICATION

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

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DESCRIPTION

Following a conceptual presentation to Planning Commission on March 8, 2016, this formal application has been submitted for recommendation. This application is for a Preliminary Planned Development of 23 acres of vacant land between Olde Farm Road and Country Club Drive, north and west of Heritage Subdivision. Heritage Subdivision is accessed by Contreras Road. The Planned Development purpose statement from Oxford Code Section 1145.01 is:

> To incorporate land uses and development patterns that are intended to permit and encourage creative and flexible land development that is not permitted by-right under the administrative regulations of underlying zoning districts. The planned development is particularly well suited to address two distinct goals of the Comprehensive Plan: to provide for environmentally sensitive and cohesive developments that are an attractive alternative to traditional subdivision and infill development that fully utilizes available land and existing utility resources where they already exist.

The process of the Planned Development requires the Planning Commission review and a recommendation to be forwarded to City Council. The Preliminary is then valid for two years and allows the review of the Final Planned Development to proceed through the same process of Planning Commission and City Council.

SITE HISTORY

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

DECISION STANDARDS

The Planning Commission and City Council must review a request for a planned development approval based upon Section 1145.06 of Oxford Zoning Code. Because it is a subdivision by definition it must also follow the Subdivision Code Section 1101 with the exception of the dimensional regulations of the underlying zoning district.

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

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

The general decision standards for approval of a preliminary and final planned development are substantially similar. The final plan requires greater detail and is subject to additional decision standards.

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

(a) Burden of Proof. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. This Zoning Code assumes that a planned development is appropriate only if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

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

(b) General Decision Standards. All planned developments shall satisfy these general decision standards:

(1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed. **Yes**

(2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied. **N/A**

(3) The uses and site plan will satisfy the general intent of this Zoning Code.

(4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.

(5) The size and shape of the site are sufficient for the proposed planned development.

(6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district. **No**

(7) The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions. **No**

(8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses. **Yes**

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

(10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. **Yes**

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

(12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets. **Yes**

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

PURPOSE STATEMENTS

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

R1A Underlying Zoning: Section 1143.01(a) Purpose: This district is intended to provide areas for low-density single-family residential development, generally located within the outlying areas of the City. Such development would be located and designed to protect and enhance the open space character of selected areas within the City.

Planned Development Common Goals from Section 1145.01(a)

(1) Planned developments share these common goals:

A. Protect the neighbors of a planned development and the City in general to at least the same degree normally inherent in the Zoning Code.

B. Produce a development equal to or better than that resulting from single-use or traditional subdivision

C. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings

D. Result in a design in which the placement, height, and uses of buildings, vehicle management areas, and open spaces efficiently utilize potentials of the site

E. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development

F. Be functional within a time period that helps ensure a viable development

(2) Infill (already within corporate limits) development also satisfies the following goals:

A. Fully utilize sites that could not be fully utilized because of their shape or because of their location relative to available public access.

B. Increase geographic efficiencies of existing utilities such as public streets, water, sewer, electric, telephone, and cable by using them where they are already available.

C. Help keep development from sprawling to and beyond the municipal boundaries of Oxford.

DESIGN REQUIREMENTS

Below are the design requirements for Planned Developments:

Section 1145.12

(a) Arrangement. The physical arrangement of a planned development is **not subject to the specific dimensional regulations that apply in the underlying zoning district**, except as specifically noted in this Chapter. Land uses may be distributed throughout the site and throughout individual buildings in whatever manner is best suited to a particular planned development. Structures, vehicle management areas, open spaces, landscaping, and other elements may be distributed throughout the site in whatever manner is best suited to a particular planned development and the surrounding area.

(b) Land Area. A planned development shall be a minimum of 1 (one) contiguous acre or more.

(c) Land Use.

(1) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing residential zoning district:

A. **Any land use permitted in any residential zoning district** in this Code, except Mobile Homes. **Single-family arts and crafts style cottages are proposed.**

B. Institutional, public, and semi-public land uses that serve the planned development or the general public.

C. Commercial land uses, if the total land area of the planned development is greater than 10 acres and if the commercial land use is intended to serve the planned development only. Such commercial land uses shall be limited as follows:

1. No signs that are visible from outside of the development.
2. No direct vehicular access to a public thoroughfare.
3. No less than 95 percent of the total land area shall be devoted to residential land uses.
4. No separate structure intended to be used, in whole or part, for commercial land uses shall be constructed prior to the construction of not less than 50 percent of the dwelling units.

(2) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing commercial zoning district:

A. Any land use permitted in the underlying zoning district.
B. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.

(3) The following land uses are permitted only in the portions of a planned development that overlay an existing industrial zoning district:
A. Any land use permitted in the underlying zoning district.

(4) The land uses permitted in a planned development may be distributed as follows:
A. If a single planned development overlays more than one zoning district, then the land uses permitted according to this Section may be distributed throughout the entire planned development site.
B. If a planned development includes land uses permitted only in an industrial zoning district, then those land uses may only be located in that portion of the planned development that overlays the industrially zoned land.

(d) Residential Density. Residential density shall not exceed 110 percent of the density permitted in the underlying zoning district. Residential land uses in a planned development that overlays a commercial zoning district shall not exceed the density of the R1B Single-Family Medium-Density Residential Zoning District. Area devoted entirely to non-residential land uses, including buildings, vehicle management areas, and other associated land use elements shall be excluded from the area used to calculate residential density. **Although the lots are smaller, the overall residential density of the proposed development is less than R1A zoning district requirements because of the substantial open space areas.**

(e) Dimensional Regulations.
(1) Building Heights shall be limited as in the underlying zoning district, regardless of land use.
(2) Front setbacks shall be limited as in the underlying zoning district.
(3) All buildings and vehicle management areas shall be setback from the perimeter of a planned development no less than:
A. Residential zoning district – 25 feet. **In compliance**
B. Commercial zoning district – 25 feet.
C. Industrial zoning district – 50 feet.

(f) Open Space.
(1) No planned development shall have less than 20 percent open space, which includes any area not less than 50 by 50 feet, not including the required setbacks, and includes nothing other than natural area.
(2) Lot coverage shall be regulated according to the underlying zoning district, except that lot coverage for the residential portion of any planned development shall not exceed 40 percent. **No detailed lot build-outs presented at this time.**

(g) Environmental. A 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands. Development of this area is regulated as follows:
(1) Natural vegetation shall be maintained. **The 100 foot buffer around mapped wetlands poses a conflict with building lots 22-27 making them un-buildable. The applicant requests a waiver from the buffer requirement.**
(2) No structures shall be built or improvements made, except as follows:
A. Walking paths, bicycling paths, and the like, including infrastructure necessary to facilitate their development are permitted anywhere within the buffer.
B. Roads and associated infrastructure are permitted in the buffer to facilitate crossing such water elements.
C. Any improvements approved in a final plan.
D. Any public safety or public utility improvements not associated with the planned development, but deemed necessary by the Service Director or Chief of Police.

(h) Landscaping and Screening.
(1) A planned development shall satisfy all landscaping elements required by other sections of this Code.

(2) The required perimeter setback area shall be retained in natural woods or suitably landscaped with grass, ground cover, shrubs, trees, or earthen mound. **The preliminary plan does not give any details on the drawing about what actual vegetation currently exists and how it will be preserved. All that is shown are bubbled areas. The application states that the tree line along the east property line will be maintained but there is no detail.**

(3) A planned development that overlays a commercial or industrial zoning district that is adjacent to a residential zoning district shall be screened from the residential zoning district by a dense evergreen hedge a minimum of 8 feet tall and 10 feet wide at planting and that will maintain at least 90 percent opacity over time.

(i) Access and Mobility.

(1) At residential densities greater than would be permitted in the R-1A District, have direct and principal access from a collector or arterial road. **N/A**

(2) Bicycle rack spaces shall be provided at all planned developments that overlay a commercial zoning district at a rate of 3 per acre.

(3) Adequate pedestrian connectivity shall be provided to and through a planned development. **Five foot wide sidewalks are proposed within the development; however there is no sidewalk along the portion of Country Club Drive between Old Farm Road and Contreras Road.**

(j) Utilities and Infrastructure. Electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be located underground. **No information is known about electric, telephone or street lights at this time. It is expected that street lights will follow the subdivision code requirements.**

(k) Plan-Specific. Any other design elements deemed necessary by Planning Commission and Council to ensure that a planned development satisfies the decision criteria of this Chapter.

COMMENT FORMS

All property owners within 200 feet have been notified by letter, a sign has been posted on the property and a notice has been placed in the newspaper. Additionally, the developer conducted their own informational outreach.

AGENCY REVIEWS

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

Police:	Returned without comment
Fire:	Returned without comment
Service/Engineering:	Returned with comment re: drainage and traffic
Econ. Dev.	Not returned

ANALYSIS

Necessity and Layout

The proposed planned development meets the requirements for dwelling unit density, setbacks and open space. There are less than 20 traditional subdivision lots that are vacant in the City of Oxford; indicating demand for additional lots for development. The proposed lots do not meet the R1A lot size or setback requirements; therefore a Planned Development is an appropriate process, as long as the purpose and intent goals are met for Planned Development design. The applicant has submitted a letter indicating that the Neighborhood Conservation Overlay District will be in place for this entire development.

Justification for Planned Development

The development balances the smaller lots uncharacteristic of R1A with five acres of proposed open space dispersed throughout the development. Additionally, some existing vegetation and wetland is planned to be conserved. Additional information about the mapped wetland areas is needed in order to justify the lack of buffering. Some additional detail on the seven undeveloped lots could be submitted to clarify how they will be maintained or if any are suitable for a future small pocket park for the residents' enjoyment. The open space definitions in Subdivision and Planned Development Sections require active or passive recreation. Additional detail will be needed with the Final Plan to demonstrate the recreational

function. The front yard setback area of the undeveloped lots should be required to be kept clear of undergrowth. All undeveloped lots are required to be labeled as Outlots per Section 1101.7 definitions. This will ensure that the seven unnumbered lots will receive a letter label differentiating them from buildable lots. Section 1101.411-412 requires that the maintenance of the improvements in the common areas be properly accounted for, such as in the form of a home owner association.

Utilities

City staff does not find any concerns with utility infrastructure capacity and preliminary design to serve this site as indicated by the City Engineer's review.

Connectivity

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

Streets

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

Financial Security

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

RECOMMENDATION

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

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

SUBMITTED BY: Sam Perry

Sam Perry, AICP, Planner
DATE: June 8, 2016

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 11, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 5-16-16

John Dethmage
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 11, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

SEE ATTACHED MEMO DATED 5-16-16.

Drawings reviewed by: _____ Date: 5-16-16

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 – 2016-11
Preliminary Planned Development
Red Brick Development

DATE: May 16, 2016

The following are comments from the Engineering Division.

- The final design must include a "sump line", located in back of the curb. The down spouts and foundation sump drains shall be connected to the "sump line", which will discharge the storm water into catch basins.

- The Traffic Evaluation, submitted with this proposed development has been reviewed and found to be acceptable, as is. The additional traffic created by the subject proposed development will not significantly increase the existing traffic volume within the existing neighborhood. It should be noted that the traffic volume on Contreras Road in the vicinity of Olde Farm Road has decrease from 2013 to 2015 (2,328 AADT vs 2,100 AADT).

If there are questions, please contact the Engineering Division.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 11, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 5-16-16

John A. Jones
PRINTED NAME

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

PC-2016-11
Surrounding Property Owners Notifications Map

Legend

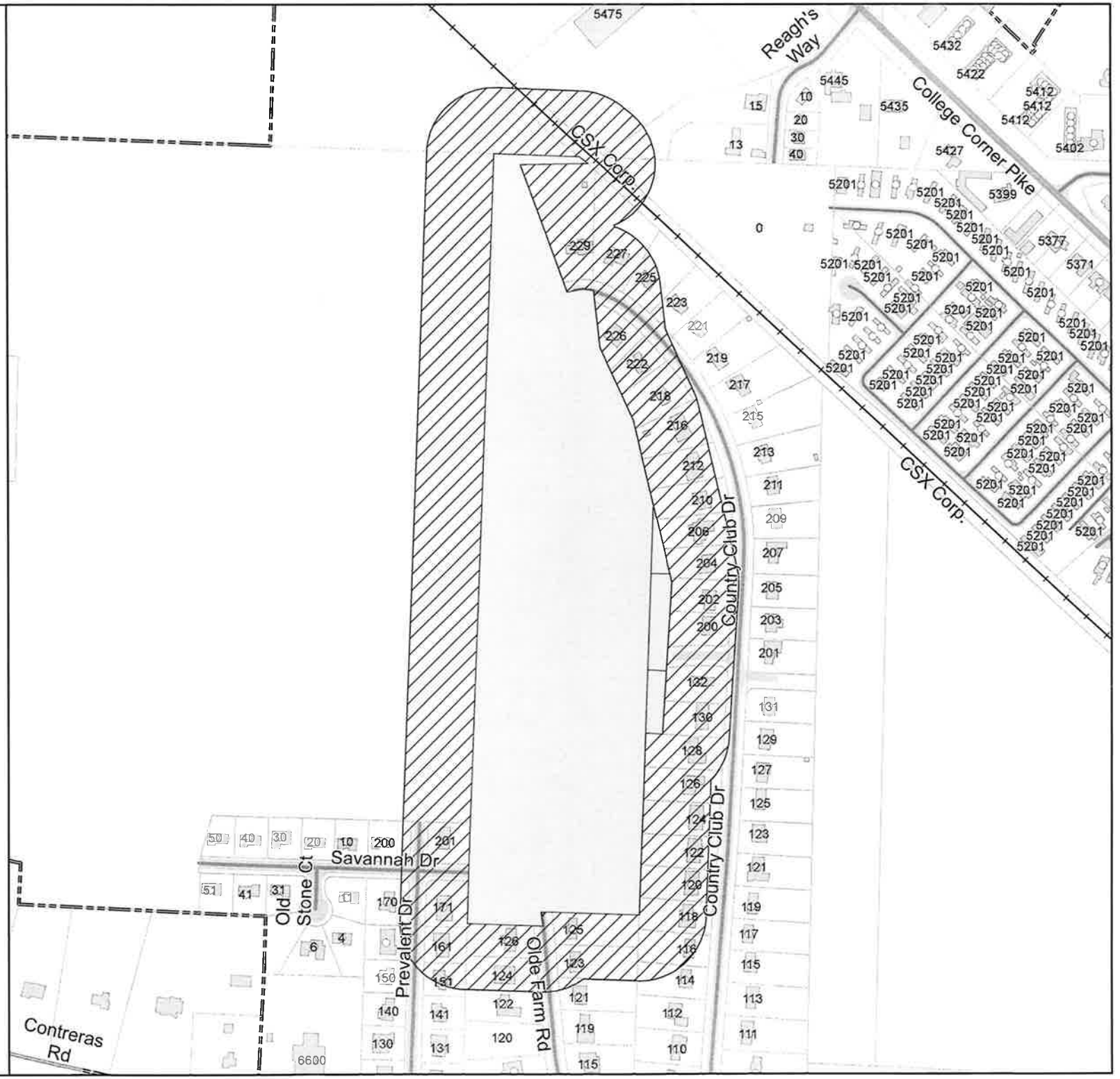
- Subject Parcels
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- Parcel
- Building Footprint
- Paved Roadway

N

1 inch = 400 feet

Prepared on Wednesday, June 01, 2016

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.



April 19, 2016

To whom it may concern:

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

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

Sincerely,

Joan Diane Brown

Joan Diane Brown

First Financial Bank Trust

Trust Officer & Vice President

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

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

Planned Development Application

Application Type

Choose One

☑ Preliminary ($400) ☐ Final ($400) ☐ Preliminary & Final ($400)

Applicant Information

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

Name * Red Brick Development LLC

Mailing Address * 4676 Somerville Road

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 513-615-4138 Email Address bryan@straitgatehomes.com

Owner Information

Name * Joan Diane Brown & First Financial Bank, TR.

Mailing Address * PO Box 156

City, State & Zip Code * Honor, MI 49640

Telephone Number * 513-523-6358 Email Address

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address * 110 South College Avenue, Suite 101

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 513-336-6600 Email Address EttaReed@bayerbecker.com

Location and Lot Information

Name of Subdivision * Heritage Subdivision

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

Legal Description * Lot 1728

Zoning District * R-1A Total Area * 23.189 Acres

Submission Requirements and Documentation

The application requirements (Section 1145.05[1]) for a preliminary and final planned development are different. The final planned development application requires a greater degree of accuracy and completeness than does the preliminary planned development application. This section describes the application content requirements for each step of the process.

Thirteen (13) complete sets of all information shall be submitted with each preliminary and final application. If any information is submitted in color or on non-standard paper, more copies may be required. The Zoning Administrator may modify this requirement based upon

O. Other information as required by the Planning Commission or Council.

(7) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.

(8) Other. Photographs of the existing site and its surroundings.

(b) Final Plan.

(1) The same items and information as required for the preliminary plan, except that the approximations shall be refined to specific locations, dimensions, and descriptions.

(2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer

(3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.

(4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate 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.

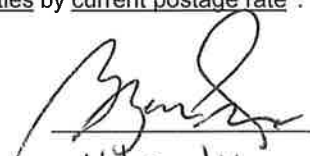
Decision Process

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval. The review is based on the General Decision Standards found in Section 1145.06[1].

Fees & Receipt

The required fee for preliminary and final is $400.00 plus $100 per acre, plus postage charge. To calculate the postage charge, multiply the number of adjoining properties by current postage rate[3].

Sign and Date

Applicant Signature * 

Date * 4/29/16

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date * 4/29/16 Receipt Number * 0734

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

[2] Butler County Auditor Real Estate Search: http://www.butlercountyauditor.org/

[3] The United States Postal Service: http://www.usps.com/

Red Brick Development LLC

4676 Somerville Rd

Oxford, Ohio 45056

(513) 523-1212

April 29, 2016

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

Re: Red Brick Estates
Neighborhood Conservation Overlay District

Dear Mr. Perry,

Upon approval of the Preliminary Development Plan and acquisition of the property known as parcels H4000-022-000-007, 008, 009, and 010, Red Brick Development LLC intends to request approval of a Neighborhood Conservation Overlay District to be placed on the Red Brick Estates Development.

Should you have any questions or wish to discuss further, please feel free to contact me.

Sincerely,

Bryan Price
Red Brick Development, LLC

bayer becker

Where Creativity Meets Functionality

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

April 29, 2016

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

Re: Red Brick Estates
Preliminary PUD Submittal

Dear Mr. Perry:

Enclosed please find the following items in support of Red Brick Development LLC's Application for Preliminary Planned Development approval for Red Brick Estates to be located at the end of Country Club Drive, Savannah Drive and Olde Farm Road:

1) Executed Planned Development Application.
2) A check in the amount of $2,738.17 made payable to the City of Oxford for the application fee.
3) Thirteen individual packets containing one (1) copy of each of the following:
    a. Executed Planned Development Application.
    b. An Affidavit from Joan Diane Brown and First Financial Bank, TR granting Red Brick Development LLC permission to submit applications for the approval of a Preliminary Planned Development.
    c. List of property owners within 200 feet of the site.
    d. Legal description of the property.
    e. Traffic Evaluation.
    f. Site Layout Plan.
    g. Preliminary Utility Plan.
    h. Typical Building Elevations.
    i. Preliminary Landscape Plan.
    j. Photos of the subject site and surrounding area.
    k. Draft of proposed covenants and restrictions.
    l. Letter from Red Brick Development LLC regarding intention to request a Neighborhood Conservation District Overlay.
4) A CD containing a pdf of the aforementioned items.
5) Applicant:
    Red Brick Development LLC
    4676 Somerville Road
    Oxford, Ohio 45056
    513-615-4138

Owner:

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

6) Design Professionals:
Engineer, Surveyor & Landscape Architect:
Bayer Becker
110 S. College Ave., Suite 101
Oxford, OH 45056
513-336-6600

7) Description of use and site:
   a. A legal description of the boundary of the proposed development is enclosed.
   b. The property is currently vacant.
   c. The property is zoned R-1A, Single Family Low-Density Residential District.
   d. A description of the proposed planned development:
      i. The number of housing units by size and type proposed within each phase.

      Red Brick Estates will contain a total of 50 single family residential lots to be constructed in 2 phases. Each phase is to consist of approximately 25 lots. Lots shall have a minimum lot frontage of 75 feet and contain a minimum 8,250 SF. Front yard setbacks shall be 30 feet, rear yard 25 feet and 7.5 feet for each side yard.

      ii. A description of any nonresidential operations, including types of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.

      Not applicable.

      iii. The hours of operation of any nonresidential use.

      Not applicable.

      iv. A phased development schedule, if applicable, that indicates the location and timing of phases and demonstrates that each completed phase would form a reasonably independent unit if succeeding phases were abandoned.

      Phase 1, approximately 25 lots, will consist of the southern portion of the property and will include the extension of Olde Farm Road, Savannah Drive and the existing street stub (Grace Lane). Phase 2, consisting of approximately 25 lots, will be located at the northern portion of the property and will include the extension of Country Club Drive.

   e. A narrative statement that evaluates the compatibility of the proposed planned development with the general vicinity and adjacent properties.
      i. How the proposed uses are similar to or different from existing area uses and if there will be any interaction between the proposed site and adjacent sites.

      The proposed use, single family residential lots, will be compatible with the existing single family lots located to the south and east. Additionally, the property to the west is currently vacant and zoned R-1B for single family medium density residential.

Savannah Drive, Olde Farm Road, Country Club Drive and the existing street stub (Grace Lane) will be extended into Red Brick Estates in order to provide connectivity with the existing Heritage and Plantation West Subdivisions. Red Brick Estates will be constructing 5' wide sidewalks along both sides of all streets within Red Brick Estates development, as required by the Subdivision Regulations. Said sidewalks will connect to the existing sidewalk on Olde Farm Road, Savannah Drive, Country Club Drive and the Grace Lane.

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

The proposed homes to be constructed within Red Brick Estates will be comparable in size and contain similar building materials as the existing homes in the Heritage and Plantation Subdivisions.

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

The proposed use, residential, will not involve any operations that create potential nuisances.

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

Red Brick Estates will not have a negative effect on adjacent land. The properties to the south and east contain single family residences. While the property to the west, is a vacant field. Railroad tracks currently run to the north of the property. Red Brick Development LLC intends to maintain the existing tree buffer along the east property line of the development.

f. A statement about why the location proposed is appropriate for the planned development.

The subject property is an ideal location for Red Brick Estates for several reasons:

1) *Per the Comprehensive Plan, Red Brick Estates is located in an area designated for future neighborhood growth, Character Area – Neighborhood General 3.*
2) *The property is zoned appropriately for residential development, R-1A single family low density residential.*
3) *Proposed density of the development is 2.16 units/acre. Existing density of the adjacent Heritage and Plantation Subdivisions is 1.66 and 2.46 units/acre, respectively.*
4) *The property contains several natural features that will be preserved within common open space.*
5) *Red Brick Estates will contain a Neighborhood Conservation Overlay District, similarly to the existing Heritage Subdivision to the east.*
6) *The infrastructure is currently in place to support a residential development of this nature.*

g. A statement of the necessity or desirability of the proposed planned development to the neighborhood or community.

There is a shortage of available single family residential lots within the City of Oxford for individuals to construct a new home. Red Brick Estates will fulfill this need. Furthermore, the development will contain over 20% open space and maintain the existing tree line along the east property line.

h. Proposals for the provision of public utilities and services, if insufficient or not available for the planned development, or for the provision of suitable private utilities and services.

Public water and sanitary sewer are available to the property. Stormwater detention will be provided in 2 locations within the development. Overall impact from this development on the community is limited as the City has long planned for this area to be incorporated into the City's infrastructure.

i. A general analysis of expected traffic impact, including vehicular and pedestrian safety resulting from the proposed development.

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

j. The substance of proposed covenants, easements and other restrictions on the land and structures.

k. Enclosed please find a summary of proposed covenants and restrictions for Red Brick Estates.

Please place this item on the June 14th Planning Commission Meeting agenda.

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

Sincerely,

Etta M. Reed, PE

Red Brick Development LLC

4676 Somerville Rd

Oxford, Ohio 45056

(513) 523-1212

PRELIMINARY RESTRICTIONS FOR RED BRICK ESTATES

OXFORD, OHIO

SECTION 1: LAND USE

No lot in this subdivision shall be used except for residential purposes. No structure shall be erected on any lot except one single-family dwelling house, with a private garage, which must be attached, hereto, for not less than two automobiles but no more than three automobiles.

SECTION 2: SQUARE FOOTAGE OF STRUCTURE

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

SECTION 3: ARCHITECTURAL CONTROL

Construction is prohibited on any structure, fence, wall, or building until the plans and specifications have been first approved by Bryan D. Price designee. Bryan D. Price or his designee shall have the sole discretion of approving or rejecting all plans as to design, grades, exterior materials, and the location of the building or buildings on the lot. Prior to building permit application, excavation or construction, the lot owner shall deliver to the developer two complete sets of plans and specifications for approval. Within fifteen 15-calendar days, the developer shall notify the owner of approval or disapproval of the plans.

SECTION 4: START OF CONSTRUCTION

Within one (1) year from the start of construction of a dwelling house upon any lot, said house shall have completed exterior appearance including but not limited to finished walkway, driveway of asphalt or concrete, landscaping, laying of sod or grass seeding, installed gutters and downspouts, installation of all windows and completed exterior painting.

Red Brick Development LLC

4676 Somerville Rd

Oxford, Ohio 45056

(513) 523-1212

SECTION 5: MATERIALS

All homes in the subdivision shall be constructed of not less than a Premium Maintenance Free Vinyl Product approved by Bryan D. Price or designee. Any combination of brick, stone, siding or shakes may be used. Bryan D. Price or his designee reserves the right to waive this restriction on individual request. Waiver must be in writing.

SECTION 6: VEHICLES

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

SECTION 7: BOATS AND TRAILERS

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

SECTION 8: ANIMALS

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

SECTION 9: STORAGE BARNS

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

Red Brick Development LLC

4676 Somerville Rd

Oxford, Ohio 45056

(513) 523-1212

SECTION 10: MAILBOXES

No brick mailboxes may be used.

SECTION 11: FENCES

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

SECTION 12: BUSINESS OR TRADE

No business or trade shall be conducted on any lot, nor shall any lot be used in any way or for any purpose which may endanger the health or unreasonably disturb the quiet of any persons residing in said subdivision.

SECTION 13: SERVERABILITY

In validation of any one of these covenants by judgement or court order shall in no way affect any of the provisions which shall remain in full force or effect.

SECTION 14: ENFORCEMENT

Enforcement shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violations or to recover damages.

Date: April 28, 2016

Description: 23.189 Acres
Part of Lot #1728

Location: City of Oxford
Butler County, Ohio

Situated in the State of Ohio, Congress Lands West of the Miami River, Section 21, Town 5, Range 1, Oxford Township and now being part of Lot #1728 of the City of Oxford, Butler County and being part of the lands of Joan Diane Brown as recorded in Official Record 8738, Page 1592 of the Butler County, Ohio, Recorder's Office and being further described as follows:

Beginning at the northwest corner of Heritage Subdivision #3 as recorded in Plat Envelope 640, Page "C" and on the easterly line of Plantation West Subdivision, Section Two as recorded in Plat Envelope 2619, Page "A" of the Butler County, Ohio, Recorder's Office and being the **True Point of Beginning**;

thence, leaving the northerly line of said Heritage Subdivision #3 and with the easterly line of said Plantation West and with the easterly line of Lot #2794, North 00° 31' 00" West, 2301.65 feet to the south line of Lot #2798;

thence, leaving the easterly line of said Lot #2794 and with the southerly line of said Lot #2798, North 88° 35' 00" East, 95.73 feet to the westerly boundary of Heritage Subdivision #4 as recorded in Plat Envelope 806, Page "D" of the Butler County, Ohio, Recorder's Office;

thence, leaving the southerly line of said Lot #2798 and with the westerly boundary of said Heritage Subdivision #4 for the following six courses:

1) South 22° 05' 00" East, 435.54 feet;
2) with a curve to the right, having a central angle of 32° 31' 13", a radius of 125.00 feet, an arc length of 71.00 feet, and a chord bearing and distance of, North 89° 17' 00" East, 70.00 feet;
3) South 08° 56' 00" East, 175.00 feet;
4) South 26° 05' 00" East, 233.42 feet;
5) South 16° 11' 00" East, 225.00 feet;
6) South 15° 48' 15" East, 253.74 feet to the northwest corner of Heritage Subdivision #2 as recorded in Plat Envelope 563, Page "B" of the Butler County, Ohio, Recorder's Office;

thence, leaving the westerly boundary of said Heritage Subdivision #4 and with the westerly boundary of said Heritage Subdivision #2 for the following three courses:

1) South 00° 48' 00" West, 460.00 feet;
2) North 89° 12' 00" West, 53.94 feet;
3) South 00° 43' 00" East, 553.05 feet to the northerly boundary of said Heritage Subdivision #3;

6900 Tylersville Road, Suite A
Mason, OH 45040
513-336-6600

110 South College Ave, Suite 101
Oxford, OH 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

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

http://www.bayerbecker.com

thence, leaving the westerly boundary of said Heritage Subdivision #2 and with the northerly boundary of said Heritage Subdivision #3 for the following three courses:

1) South 89° 17' 00" West, 324.91 feet;
2) South 07° 20' 00" East, 40.00 feet;
3) South 89° 17' 00" West, 197.17 feet to the **True Point of Beginning** containing 23.189 acres of land more or less and being subject to all legal highways, easement, restrictions and agreements of record.

bayer becker

Where Creativity Meets Functionality

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

April 29, 2016

Mr. Victor Popescu, P.E.
City of Oxford
101 East High Street
Oxford, Ohio 45056

Re: Red Brick Estates Traffic Evaluation – Vehicular and Pedestrian Impacts

Dear Mr. Popescu,

Bayer Becker has completed the following Traffic Evaluation relative to vehicular and pedestrian impacts for Red Brick Estates, a proposed residential development consisting of approximately 26 acres of property located at the end of Savannah Drive, Olde Farm Road, and Country Club Drive in the City of Oxford, Butler County, Ohio.

Trip generation calculations for the proposed development, which includes 50 single-family residential lots, were determined for the weekday average daily traffic (ADT) and for the AM and PM peak hours of adjacent street traffic using the procedures outlined in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition* and the ITE *Trip Generation Manual, 9th Edition, User's Guide and Handbook*. Site trips are presented in the following table and ITE trip generation rate information excerpts are provided by attachment.

Land Use	ITE Code	Size	Units	ADT			AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Single-Family Detached Housing	210	50	D.U.	278	277	555	11	34	45	35	21	56

Olde Farm Road, Country Club Drive, and Savannah Drive are classified as local roadways per the City of Oxford Roadway Alternatives and Classifications map, while Contreras Road is classified as an urban major collector. Based on the Ohio Department of Transportation (ODOT) traffic counts, the 2015 ADT for Contreras Road west of Patrick Drive is 2,100 vehicles per day. Because of the existing low traffic volumes on Contreras Road, the impact of the additional traffic generated by Red Brick Estates will be minimal. The ODOT traffic count data is attached.

In addition to vehicular traffic, the proposed development will accommodate pedestrian circulation via the construction of 5' wide sidewalks on both sides of all proposed roadways in accordance with the City of Oxford Subdivision Regulations. The proposed sidewalks will connect to the existing sidewalks on Savannah Drive, Olde Farm Road, and Country Club Drive, which will enable residents wishing to walk safely to the Oxford Community Park to do so via sidewalks on Savannah Drive to Prevalent Drive to Contreras Road and through the Knolls of Oxford development to the entrance of the park.

Based upon engineering judgment and the minimal amount of vehicular traffic to be generated, the proposed development will have a negligible impact on the operations of Contreras Road. Furthermore, the construction of the proposed sidewalk within Red Brick Estates will provide pedestrians a safe place to walk while also providing a connection to the adjacent subdivisions.

Should you have any questions or need anything further, please do not hesitate to contact us.

Sincerely,

Kathryn M. Dillenburger, P.E.

cc: Bryan Price, Red Brick Development LLC

15-0108 Oxford 160429 Traffic Evaluation.docx

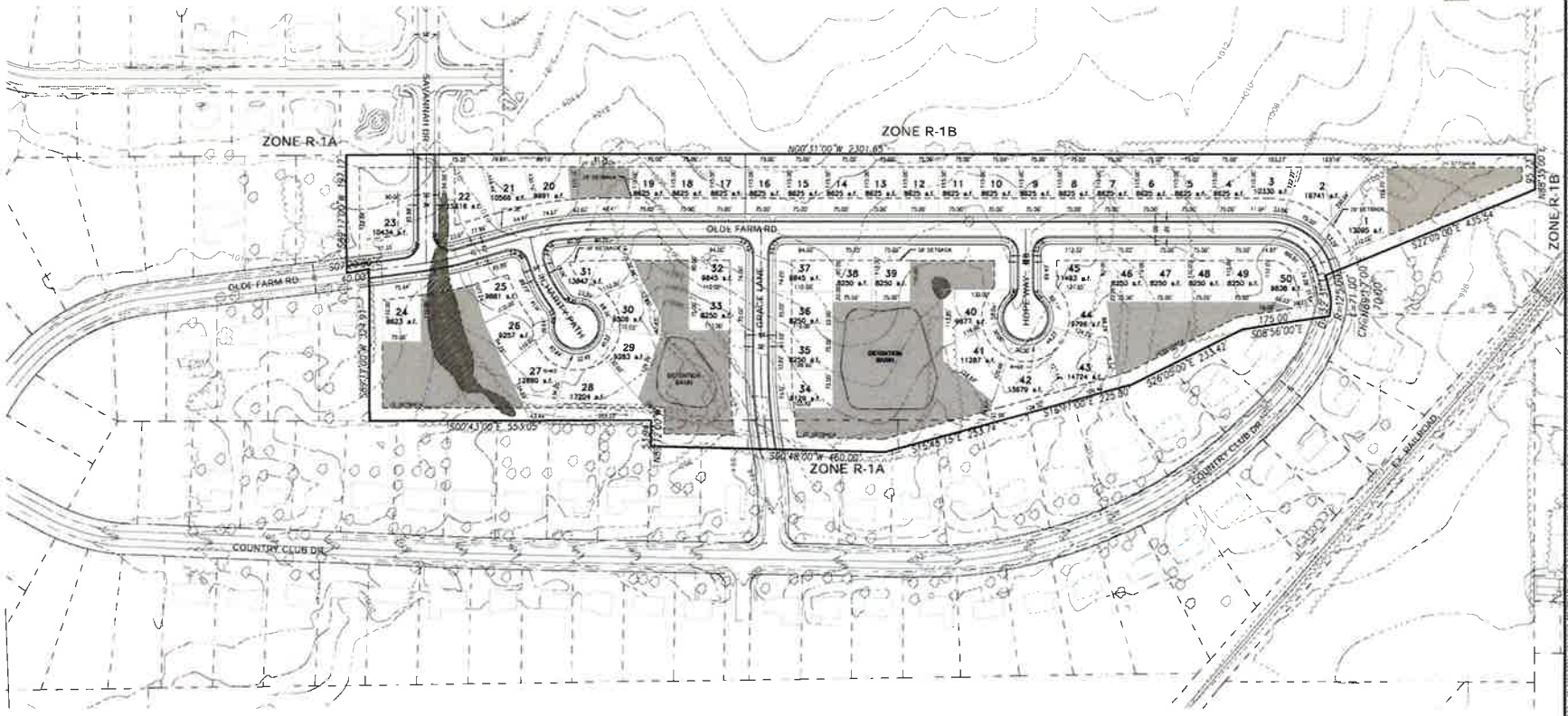
6900 Tylersville Road, Suite A
Mason, OH 45040
513-336-6600

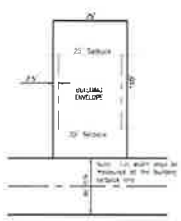
110 South College Ave, Suite 101
Oxford, OH 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

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

http://www.bayerbecker.com





75' LOTS
8250 S.F. MIN.

TYPICAL LOT LAYOUT
NOT TO SCALE

OWNER:
JOAN DIANE BROWN &
FIRST FINANCIAL BANK TRUST
P.O BOX 158
HONOR, MI 49640

DEVELOPER:
RED BRICK DEVELOPMENT
4679 SOMERVILLE RD.
OXFORD, OH 45056

DEVELOPMENT SUMMARY

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

TOTAL ACREAGE: 23.189 ACRES
PROPOSED NUMBER OF SINGLE FAMILY RESIDENTIAL LOTS: 50 LOTS
PROPOSED DENSITY: 2.16 UNITS/ACRE
OPEN SPACE: 4.85 ACRES 20.9% (20% MIN. REQUIRED)

VICINITY MAP
(n.t.s.)

LEGEND
OPEN SPACE
WETLANDS

RED BRICK ESTATES

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

PRELIMINARY DEVELOPMENT PLAN

bayer becker
www.bayerbecker.com
110 S College Avenue, Ste 101
Oxford OH 45056 513.220.0070

15-3106 PL_UTIL LAYOUT
MTM
EMR
04-29-16

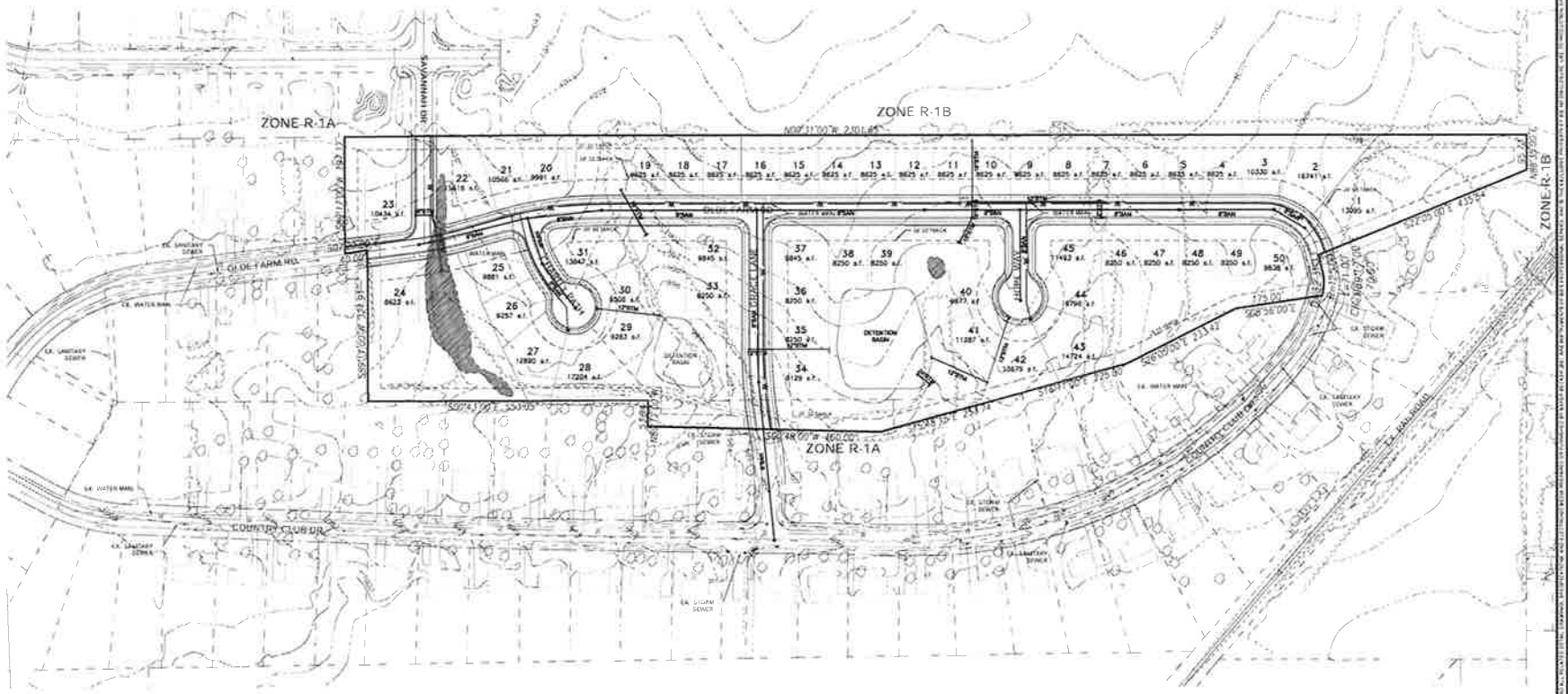
P-1

NOTES

1. ALL WATER SUPPLY SHALL BE IN ACCORDANCE WITH THE CITY OF OXFORD WATER AND SANITARY SEWER IMPROVEMENT SPECIFICATIONS MANUAL
2. ALL SANITARY SEWER LINES SHALL BE CONSTRUCTED IN ACCORDANCE WITH REGULATIONS AND REQUIREMENTS OF THE CITY OF OXFORD WATER AND SANITARY SEWER IMPROVEMENT SPECIFICATIONS MANUAL
3. ALL STORM SEWER LINES SHALL BE IN ACCORDANCE WITH THE CITY OF OXFORD STORM WATER MANAGEMENT DESIGN MANUAL
4. DESIGNER AND DEVELOPER SHALL MEET WITH THE FIRE CHIEF DURING THE DESIGN PHASE TO MAKE SURE THE APPROPRIATE NUMBER OF FIRE HYDRANTS ARE PROVIDED

LEGEND

WETLANDS



Item	Revision Description	Date	Dsn.	Chk.

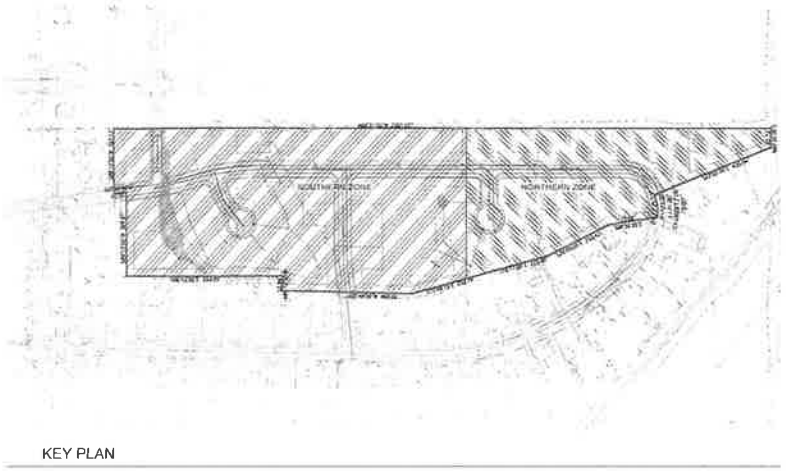
RED BRICK ESTATES

CITY OF OXFORD, BUTLER COUNTY, OHIO
SECTION 21, TOWN 6, RANGE 1
PRELIMINARY UTILITY PLAN

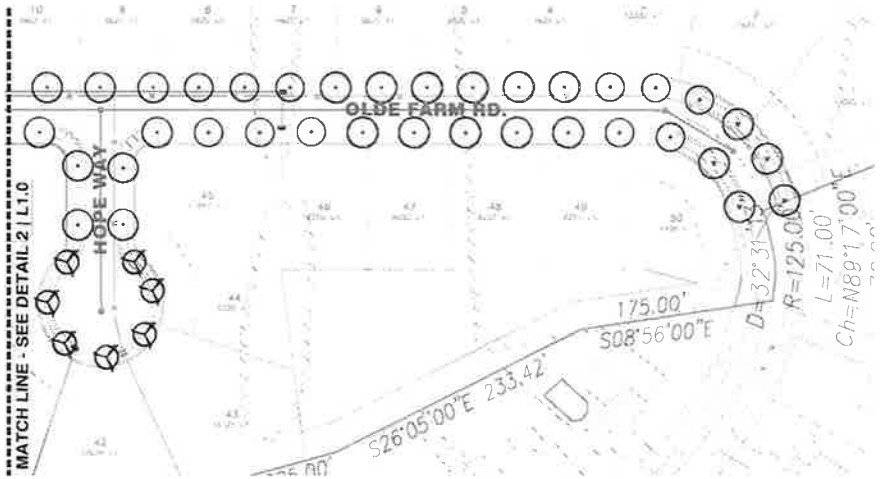
bayer becker
www.bayerbecker.com
110 S. College Avenue, Ste. 101
Oxford OH 45056 513 523-4270

Drawing	15-2106 PL_UTIL LAYOUT
Drawn By	MTM
Checked By	EMR
Issue Date	04-29-16
Sheet	P-2

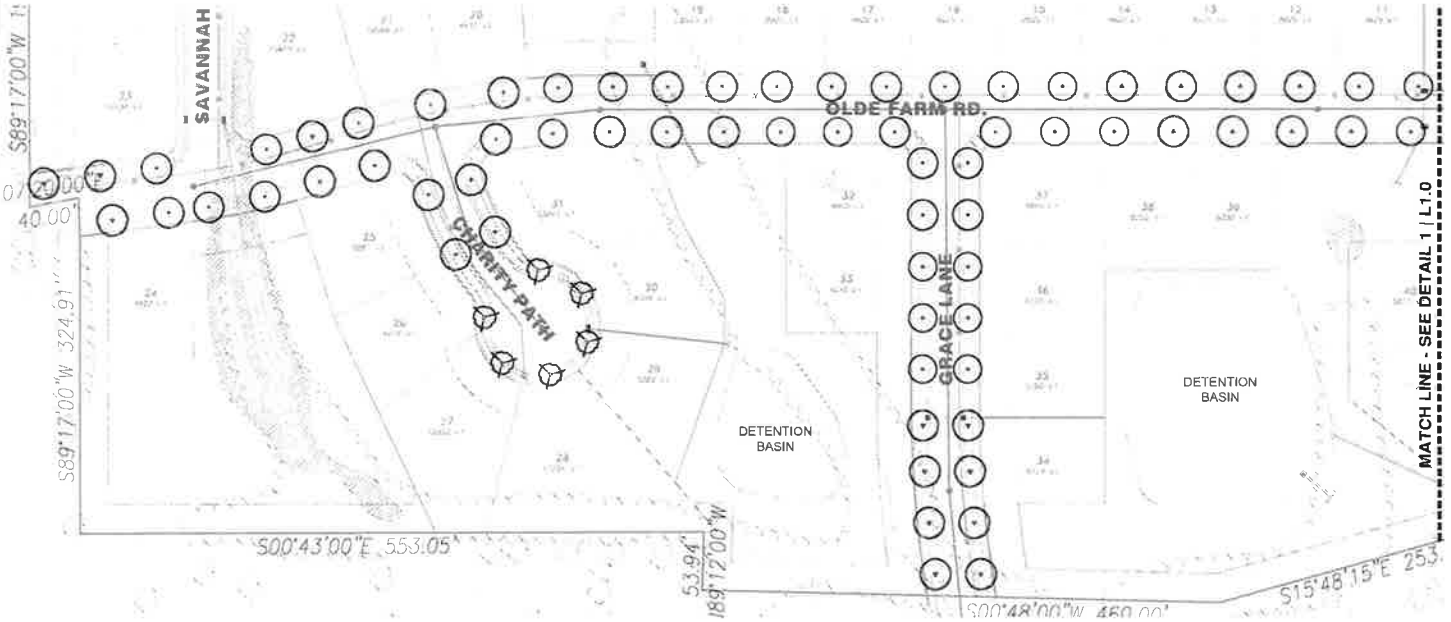
Plot time: Apr 29, 2016 - 8:57am
Drawing name: J:\2015\15-01\DWG\15-0106 PL_Util Layout.dwg, Layout Tab: Utility



KEY PLAN



TREE PLANTING PLAN - NORTHERN ZONE



TREE PLANTING PLAN - SOUTHERN ZONE

TREE PLANTING REQUIREMENTS

STREET TREE REQUIREMENT: 2 STREET TREES FOR EVERY 50 LINEAL FEET OF STREET

2,920 LF STREET / 50 LF = 58.4

58.4 X 2 TREES = 116.8

117 STREET TREES REQUIRED

PROPOSED STREET TREE DIVERSIFICATION

MEDIUM TREES

IDENTIFICATION	QUANTITY	% OF TOTAL
SPECIES A	23	19.7%
SPECIES B	9	7.7%
SPECIES C	18	15.4%
SPECIES D	23	19.7%
SPECIES E	17	14.5%
SPECIES F	8	6.8%
SPECIES G	6	5.1%

SMALL TREES

IDENTIFICATION	QUANTITY	% OF TOTAL
SPECIES H	6	5.1%
SPECIES I	7	5.0%
	117	100.0%

NOTES:

1. ALL TREES TO BE INSTALLED AT 2" CALIPER DBH
2. TREE SPECIES TO BE SELECTED FROM THE CITY OF OXFORD'S URBAN TREE MANAGEMENT PLAN DATED AUGUST 2015

RED BRICK ESTATES

CITY OF OXFORD, BUTLER COUNTY, OHIO
SECTION 21, TOWN 5, RANGE 1

PRELIMINARY PLANTING PLAN

boyer becker
www.boyerbecker.com
105 S. College Avenue, Suite 101
Oxford, OH 45056 • 513.523.4270

L-1

Plot time: Aug 29, 2016 - 9:48am
Drawing name: J:\2015\15-0108\PLOW\15-0108 PLA Dwg - Layout Tab: Site

Land Use: 210
Single-Family Detached Housing

Description

Single-family detached housing includes all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision.

Additional Data

The number of vehicles and residents had a high correlation with average weekday vehicle trip ends. The use of these variables was limited, however, because the number of vehicles and residents was often difficult to obtain or predict. The number of dwelling units was generally used as the independent variable of choice because it was usually readily available, easy to project and had a high correlation with average weekday vehicle trip ends.

This land use included data from a wide variety of units with different sizes, price ranges, locations and ages. Consequently, there was a wide variation in trips generated within this category. Other factors, such as geographic location and type of adjacent and nearby development, may also have had an effect on the site trip generation.

Single-family detached units had the highest trip generation rate per dwelling unit of all residential uses because they were the largest units in size and had more residents and more vehicles per unit than other residential land uses; they were generally located farther away from shopping centers, employment areas and other trip attractors than other residential land uses; and they generally had fewer alternative modes of transportation available because they were typically not as concentrated as other residential land uses.

The peak hour of the generator typically coincided with the peak hour of the adjacent street traffic.

The sites were surveyed between the late 1960s and the 2000s throughout the United States and Canada.

Source Numbers

1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 16, 19, 20, 21, 26, 34, 35, 36, 38, 40, 71, 72, 84, 91, 98, 100, 105, 108, 110, 114, 117, 119, 157, 167, 177, 187, 192, 207, 211, 246, 275, 283, 293, 300, 319, 320, 357, 384, 435, 550, 552, 579, 598, 601, 603, 611, 614, 637, 711, 735

Single-Family Detached Housing
(210)

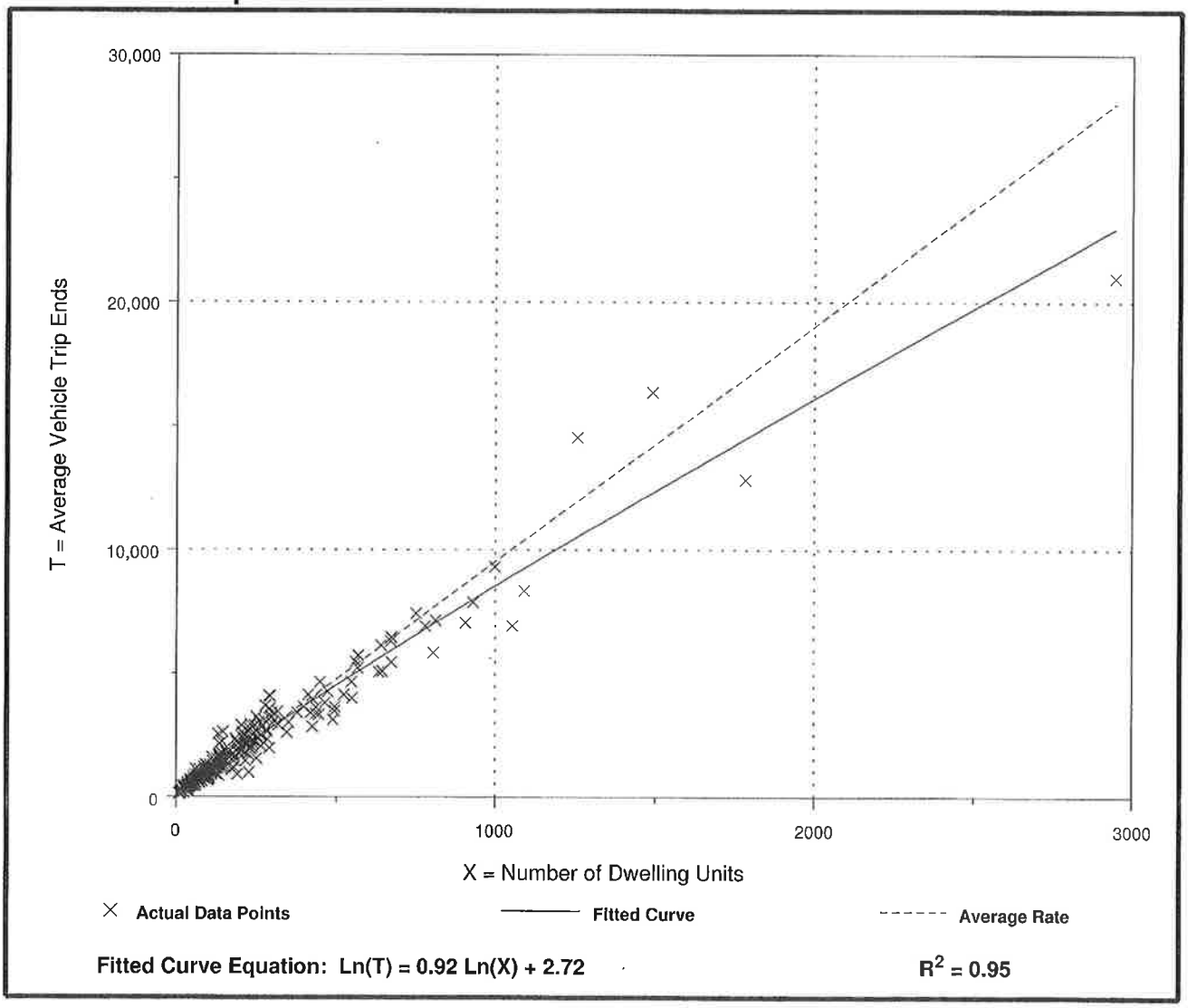
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Number of Studies: 355
Avg. Number of Dwelling Units: 198
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.52	4.31 - 21.85	3.70

Data Plot and Equation



Fitted Curve Equation: $Ln(T) = 0.92\ Ln(X) + 2.72$

$R^2 = 0.95$

Single-Family Detached Housing
(210)

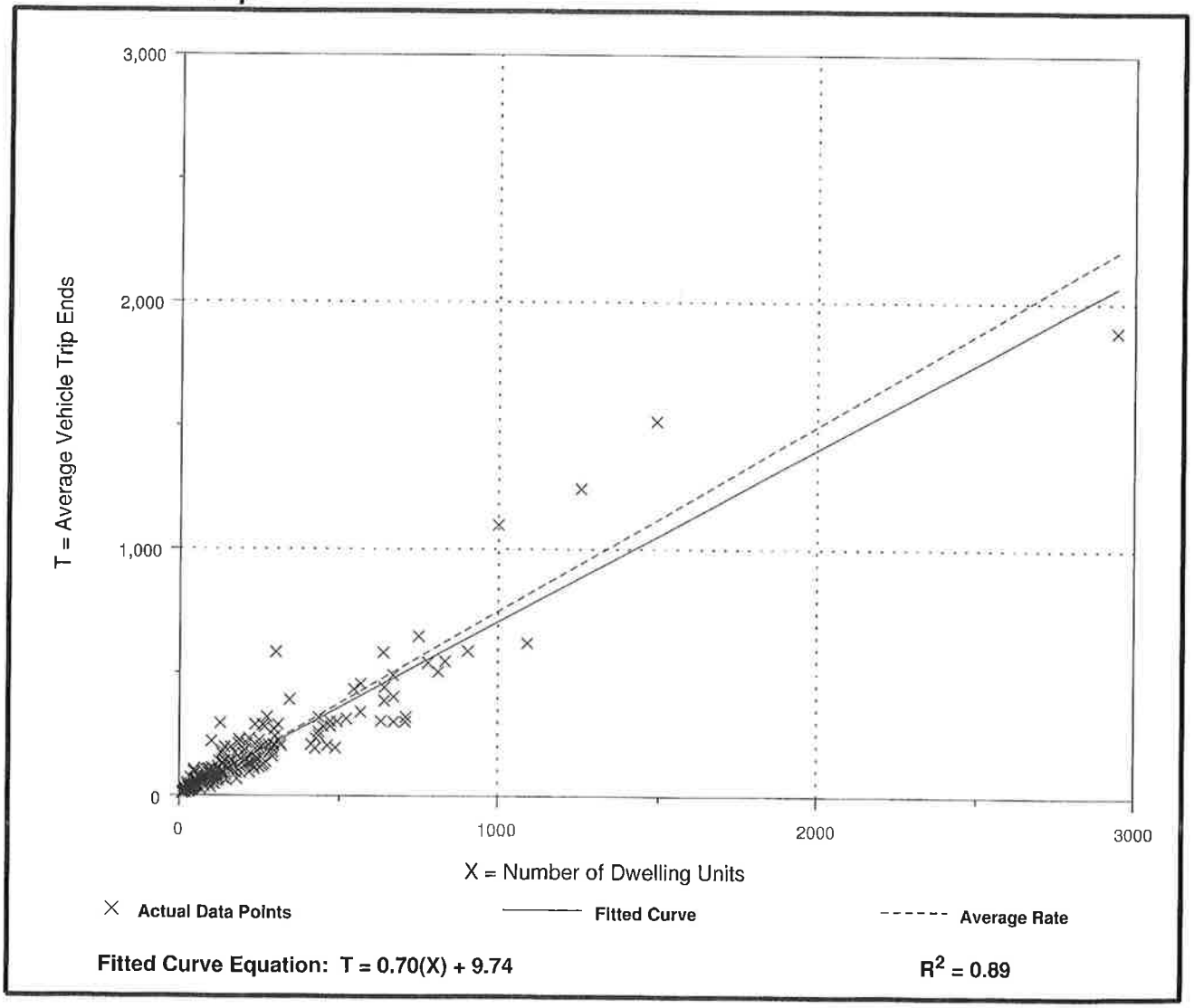
Average Vehicle Trip Ends vs: **Dwelling Units**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 292
Avg. Number of Dwelling Units: 194
Directional Distribution: 25% entering, 75% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.75	0.33 - 2.27	0.90

Data Plot and Equation



Fitted Curve Equation: T = 0.70(X) + 9.74

R^2 = 0.89

Single-Family Detached Housing
(210)

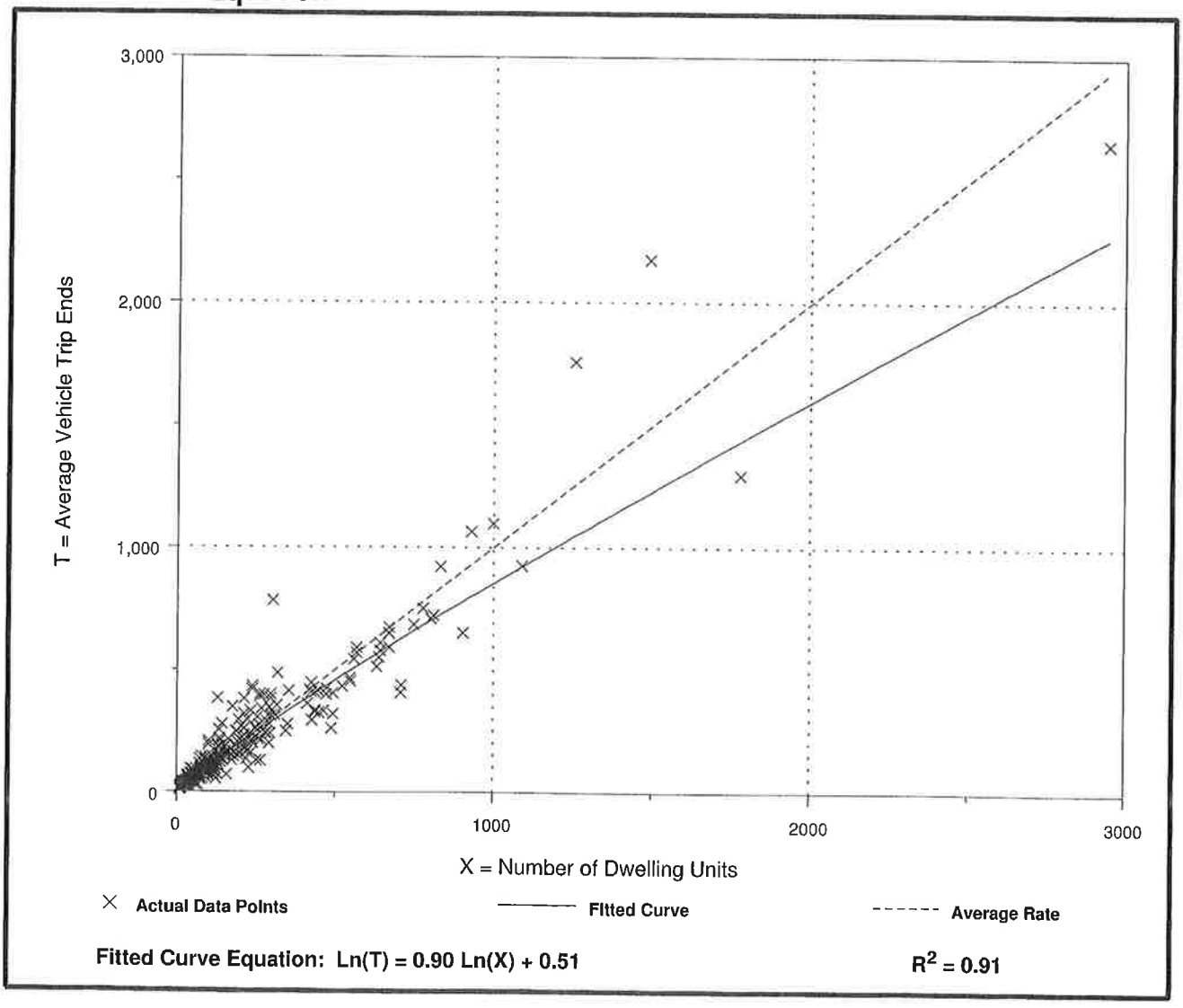
Average Vehicle Trip Ends vs: **Dwelling Units**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 321
Avg. Number of Dwelling Units: 207
Directional Distribution: 63% entering, 37% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
1.00	0.42 - 2.98	1.05

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.90 Ln(X) + 0.51

R^2 = 0.91

OHIO DEPARTMENT OF TRANSPORTATION

MS2

Transportation Data Management System

List View | All DIRs

Record 1 of 1 | go

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

PR	MP	PT

More Detail

STATION DATA

Directions: 2-WAY | EB | WB

AADT

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

Travel Demand Model

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

VOLUME COUNT

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

VOLUME TREND

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

SPEED

Date	Int	Pace	85th	Total
No Data				

CLASSIFICATION

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

WEIGH IN MOTION

	Date	Axles	Avg GVW	Total
No Data				

CLASS

	Date	Axles	85th	Total
No Data				

GAP

	Date	Int	Total
No Data			

PARTIAL COUNT

Date	Int	24-Hr Total

NOTES/RES

	Note	Date

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

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

View from the center of Olde Farm Road looking North.

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

View from the center of Savannah Drive at the West property line looking South.

View from the center of Savannah Drive at the West property line looking West.

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

View from the East property line at the unnamed stub street looking East.

View from the center of the unnamed stub street looking West.

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

View from the center of Country Club Drive looking West.

View from the center of Country Club Drive looking North.

View from the center of Country Club Drive looking Southeast.

View from the center of Savannah Drive at the West property line looking North.

317

135

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

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

Zoning Code Text Amendment Application

Applicant Information

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

Name *	Jung-Han Chen
Mailing Address *	101 E. High Street
City, State & Zip Code *	Oxford, OH 45056
Telephone Number(s) *	513-524-5204
Email Address	jhchen@cityofoxford.org
Amendment Description *	Chapter 1151, Sign

Submission Requirements and Documentation

From Section 1135.02 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

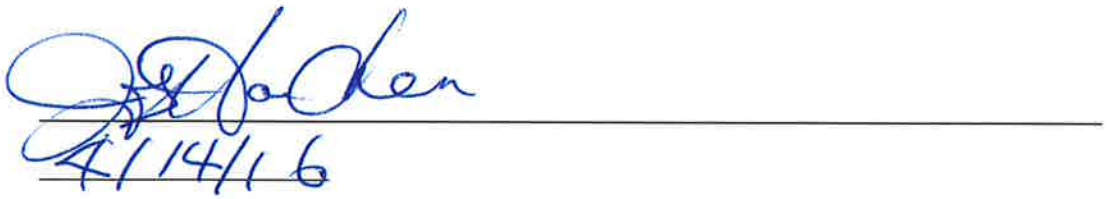
The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider 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 * 4/14/16

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date * NA Receipt Number * _____

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

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2016-10 **Date – June 14, 2016**

APPLICATION

Applicant:	City of Oxford
Action Request:	**ZONING CODE TEXT AMENDMENT** to Amend Chapter 1151, specifically Section 1150.05 Permanentt Signs, by adding sign regulations of a NB (Neighborhood Business District) District, **City of Oxford, Applicant**

DESCRIPTION

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

ZONING CODE

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

COMPREHENSIVE PLAN

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

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

AGENCY REVIEWS

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

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

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

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

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

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

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

SUBMITTED

BY:

Jung Han Chen

Jung-Han Chen
Community Development Director

DATE: May 28, 2016

ATTACHMENT

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

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

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

Text Amendments

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 5-24-16

John Detherage
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____ Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: V. Popescu Date: 5-24-16

VICTOR POPESCU
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 5/26/16

John A. Jones
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 6-7-16

G. Allan Lycan
PRINTED NAME

ZONING CODE AMENDMENTS RE: NB DISTRICT SIGNAGE

CHAPTER 1151
Signs

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

1151.01 PURPOSE.

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

(1) Provide property owners and occupants an opportunity for effective identification.

(2) Maintain and enhance the quality of the City's appearance by limiting the number, sign face area, total area, location, and design of signs permitted on all sites.

(3) Protect residential zoning districts from the adverse impacts of excessive signs both from within residential districts and from surrounding districts.

(4) Reduce sign clutter.

(5) Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment.

(6) Provide reasonable and appropriate methods to identify goods sold or produced and services rendered in all zoning districts.

(7) Control the size, location, and design of temporary and permanent signs so that the appearance of such signs will be aesthetically harmonious with their surroundings and will enhance the overall appearance of the built environment.

(8) Eliminate any conflict that could be hazardous between private signs and traffic control devices and signs.

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

1151.02 ADMINISTRATION.

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

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

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

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

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

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

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

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

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

(j) Fees. Permit fees for signs shall be as set forth by City Council.

(k) Measurement.

(1) All sign face area shall be counted towards any total sign area regulation provided in this Code. Signs that are exempted from the permit requirement of this Code are not counted towards the total sign area permitted for a site or nonresidential occupant.

(2) Where this Code regulates the total sign area or the sign face area of a sign based upon the site or structure relative to an adjacent public right-of-way, the following provisions apply:

A. If a site abuts only one public right-of-way, the area regulations are based upon only that right-of-way.

B. If a site abuts more than one public right-of-way, the number and area regulations are based upon all rights-of-way, however, the sign number and area permitted based upon each right-of-way shall only be oriented towards the right-of-way upon which the permitted sign area is based.

1151.03 GENERAL REGULATIONS.

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

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

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

(d) Design.

(1) Signs shall only describe or direct attention to a nonresidential occupant, business, commodity, service, person, product, service, or entertainment produced, provided, conducted, sold, offered, or performed on the same premises on which the sign is displayed.

(2) No sign shall approximate the design or effect of public traffic control sign.

(3) No sign shall be painted directly upon a residential structure.

(4) No wall sign shall project more than 1 inch from the side of a building or structure that is adjacent to a public alley.

(5) The following signs are specifically prohibited: moving signs, flashing or animated signs, balloons, gas or other inflated signs, portable signs, searchlights, streamers, spinners, pennants, flags (except as specifically permitted in this Chapter), and the like.

(e) Location.

(1) No freestanding sign shall be closer to a lot line or the public right-of-way than the height of the sign, except as specifically exempted in this Chapter.

(2) No sign shall be attached to a standpipe, fire escape, utility pole, utility cabinet, or other utility or safety device.

(3) No sign shall be attached to a tree or other natural vegetation.

(4) No sign shall be upon or project above a roof line.

(5) Any wall sign that extends more than 3 inches from the surface to which it is attached shall be a minimum of 8 feet above the adjacent ground.

(6) No sign or sign structure shall be attached in a place that is likely to restrict the view of any street intersection, railroad crossing, or pedestrian crosswalk.

(7) No sign shall be attached in a place or manner that is likely to restrict free ingress or egress from any door, window, or fire escape.

(f) Illumination.

(1) Sign shall be only naturally illuminated unless specifically permitted to be direct or indirect illumination elsewhere in this Chapter.

(2) No sign illumination shall be permitted that casts light towards a right-of-way or that casts light into an adjoining residential zoning district or where a light source is directly visible from off of the site.

1151.04 PUBLIC PROPERTY.

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

(a) Public Signs. Public signs and signs serving a public interest are permitted at any time, in any place, and in any manner deemed appropriate by the City Manager for the benefit of the public interest.

(b) Private Signs Over Public Property.

(1) No privately owned signs may be affixed to or placed within the public right-of-way or on other public property, except as provided for in this Code. Wall signs attached to nonpublic structures that project into the public right-of-way are subject to the same provisions regulating signs that are on private property.

(2) The owners of all signs installed in the airspace of or directly on or in a public right-of-way or other public property in accordance with this Code shall be required to maintain insurance protecting The City of Oxford, Ohio from any claims of liability relative to personal injury or property damage in the right-of-way or other public property resulting from such sign. Failure to maintain such insurance shall be cause to revoke a sign permit and shall be a violation of this Code.

(c) Sandwich Board Signs. On the public right-of-way, in the GB, UP, **NB**, and RO zoning districts each nonresidential occupant shall be permitted 1 free-standing sandwich board sign as follows:

(1) The sign shall have a maximum total area of 16 square feet. The sign may have a maximum of two sign faces. The maximum area per sign face shall be no more than 12 square feet.

(2) The sign shall not extend more than five feet into the right-of-way.

(3) The sign shall not result in less than five feet of unimpeded sidewalk area adjacent to the sign.

(4) The City is authorized to require removal of such signs at any time deemed appropriate for the convenience and protection of the public health, safety, and general welfare.

1151.05 PERMANENT SIGNS.

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

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

A. Wall Signs:

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

a. No more than 20 square feet

b. Attached between 9 and 18 feet above the adjacent ground

B. Freestanding Signs:

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

a. No more than 12 square feet per sign face

b. No closer than 10 feet to a side lot line

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

C. Illumination:

1. Signs shall have only indirect illumination.

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

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

A. Wall Signs:

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

a. No more than 20 square feet

b. Attached between 9 and 18 feet above the adjacent ground

B. Freestanding Signs:

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

a. No more than 12 square feet per sign face

b. No closer than 10 feet to a side lot line

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

C. Illumination:

1. Signs shall have only indirect illumination.

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

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

A. Wall signs:

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

a. No more than 3 feet in height that extends horizontally across the entire facade of the structure.

b. Attached between 9 and 18 feet above the adjacent ground.

c. If a building has more than one business occupant, the owner of the building shall apportion the space allotted for signs among the various business occupants in accordance with the regulations above.

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

2. No more than 1 sign per nonresidential occupant as follows, for menu box:
   a. No more than 2 square feet in area
   b. Attached between 4 and 6 feet above the adjacent ground.
   c. Incorporates no text greater than 2 inches in height.

B. Illumination:
   1. Signs shall have only indirect illumination.

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

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

A. Maximum total sign area for all signs on a development site shall be no more than 2 square feet of sign area per linear front foot of the site.
   1. Single Tenant Site: No more than a total of 2 wall or freestanding signs are permitted per site.
      a. Wall Signs: No more than 2 signs as follows:
         i. If the average front setback of the structure is less than 100 feet, then the sign may be no more than 3 feet tall. If the average front setback of the structure is 100 feet or greater then a sign may be no taller than the average front setback of the structure multiplied by 0.04, but in no case taller than 12 feet.
         ii. No wall sign may exceed the total front width of the building façade facing the public right-of-way.
         iii. If a building is on a corner lot or the corner of an alley, it is permissible to have one additional wall sign on the side of the building facing the secondary roadway in accordance with the regulations above.
      b. Freestanding Signs: No more than 1 sign as follows:
         i. No more than 48 square feet per side.
         ii. No combination of a freestanding sign support structure and sign shall be higher than 6 feet or wider than 12 feet.
   2. Multi-Tenant Site:
      a. Wall Signs: No more than 1 wall sign per tenant and the size is limited to the following:
         i. If the average front setback of the tenant is less than 100 feet, then the sign may be no

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

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

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

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

i. No more than 48 square feet per side.

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

B. Illumination:

1. Signs may be indirectly or directly illuminated.

(4)~~(5)~~ OI & LI - Office and Light Industrial District & Light Industrial District. No more than a total of 1 wall or freestanding sign is permitted per development site in accordance with the following:

A. Maximum total sign area for all signs on a development site shall be nor more than 1 square foot of sign area per front foot of the development site.

B. Wall Signs:

1. No more than 1 sign as follows:

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

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

C. Freestanding Signs:

1. No more than 1 sign as follows:

a. No more than 48 square feet per side

b. No closer than 30 feet to a side lot line

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

D. Illumination:

1. Signs may be indirectly or directly illuminated.

(b) Nonresidential Land Use Signs in Residential Zoning Districts. The following regulations describe the signs permitted for identification of nonresidential land uses such as day care, institutional, public, semi-public, charitable, non-profit, religious, or medical facilities in any residential zoning district as defined in Chapter 1133, Provisions for Zoning Districts. Such signs are primarily intended to provide for identification of such uses from off-

site. Signs for legal nonconforming nonresidential land uses are regulated according to the Nonconforming Chapter of this Code and are not entitled to the signs permitted in this section.

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

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

(1) No more than 1 wall sign per principle structure as follows, to describe the names, address, and locations within the structure:
   A. No more than 2 square feet in area
   B. Attached between 4 and 8 feet above the adjacent ground
   C. Attached either on or within 2 feet of a door.
   D. Indirect illumination only

(2) No more than 1 wall sign per secondary entrance to a principle structure, excluding that described in part 1 of this section, as follows, to describe the purpose of secondary entrances:
   A. No more than 2 square feet in area
   B. Attached on or within 2 feet of a door

(3) No more than 1 wall or freestanding sign per development site as follows, to describe parking regulations:
   A. No more than 4 square feet in area
   B. Single sign face only
   C. Display no commercial message except identification and address
   D. Indirect illumination only

(4) Any number of wall or freestanding signs as follows, to describe intended direction of vehicular travel on-site:
   A. No more than 2 square feet in area
   B. No higher than 4 feet
   C. No closer than 5 feet to any lot line
   D. Display no commercial message except identification and address

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

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

(2) No more than 1 freestanding sign per street intersection at the boundaries of a subdivision as follows, for identification of the subdivision:
   A. A maximum of 2 sign faces
   B. No more than 48 square feet per sign face
   C. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.

D. Indirect illumination only

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

(1) Street Number Signs. Signs for the display of street numbers as regulated in Oxford Code Section PM-304.3, Street Numbers.

(2) Building Identification Signs. No more than 1 wall sign per principal structure as follows:
A. No more than 6 square feet in area
B. Attached between 4 and 18 feet above the adjacent ground
C. The sign shall be naturally illuminated only.

(3) Fuel Sales. In addition to other provisions of this Chapter, a publicly available fuel dispensing station may use a 12 square foot area of no more than one permitted wall or freestanding sign for changeable copy to display the price of fuel. This may be applied on both sides of a two-sided sign.

(4) Self-service facilities. No such facility shall have more than 4 square feet of total sign area. Such signs shall be permanently attached to or be a part of the facility and shall not extend above it.

(5) Planned Developments. Signs for planned developments shall be regulated according to the approved final plan.

(6) Commemorative Structure Identification. Structure names, erection dates, commemorative plaques and the like are permitted on any structure if carved into stone or concrete or set in brick or in some other way permanently made a part of the structure or if made of metal and permanently adhered to the structure. This is intended to permit signs that will remain on the structure until it is razed and that is independent of the occupants. These signs shall be naturally illuminated only.

(7) Associations. Credit card, trading stamp, trade association window signs are permitted for any nonresidential land use in any zoning district. No symbol shall exceed 1/2 square foot in area. No more than 10 such signs are permitted per nonresidential occupant. These signs shall be naturally illuminated only.

1151.06 TEMPORARY SIGNS.

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

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

(b) Real Estate. No more than 1 sign per lot per adjacent public right-of-way as follows, to advertise real estate:
(1) No more than 24 square feet in area per side in a nonresidential zoning district.
(2) No more than 6 square feet in area per side in a residential zoning district.
(3) Must be freestanding.

(4) Must not be permanently anchored to the ground or attached to concrete, asphalt, or other natural ground surface.

(c) Construction.
(1) No more than 2 construction signs that together have a total sign area of no more than 32 square feet.
(2) The maximum number of sign faces per sign shall be limited to 1.

(d) Flags. No more than 4 flags per principle structure are permitted for any land use in any zoning district.

(e) Noncommercial and Political Signs. Any principle structure in any zoning district may display no more than 5 noncommercial or political signs. Each sign may have a maximum of 2 sign faces (a double faced sign), each face with a maximum of 12 square feet in sign area. Signs may be wall, window, or freestanding. Signs shall be naturally illuminated only.

(f) Window Signs. Any land use in any zoning district may have window signs that obstruct no more than 50 percent of the glass within a structural frame of the wall in which it is located.

1151.07 DEFINITIONS.

(a) Area, Sign Face - the area of the smallest rectangle that encloses all of the letters, figures or symbols that comprise the sign message, including any background forming an integral part of the display, but not including any structure supporting the sign, unless the support structure forms a part of the message being displayed.

(b) Area, Total - the area permitted for a residential or nonresidential occupant, structure, site or other entity that is comprised of all separate sign face areas

(c) Banner - a non-rigid cloth, plastic, paper, or canvas sign typically related to a public demonstration or for the promotion of civic, welfare or charitable enterprises.

(d) Building Identification Sign - a sign intended to identify a building from beyond the site on which the sign is located.

(e) Changeable Copy Sign - a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by mechanical, electronic, or manual means.

(f) Commercial Sign - a sign proposing or promoting a commercial transaction or directing attention to a business, commodity, or service.

(g) Construction Sign - a temporary sign identifying the persons, firms, or businesses directly connected with an ongoing construction project and other information or diagrams about the project.

(h) Development Site - Any area of land that is characterized by a single, unified, integrated development or land use regardless of ownership or underlying legal land divisions.

(i) Direction Sign - a sign intended to control the flow of pedestrian and vehicular traffic that does not contain any other commercial message.

(j) Flag - any fabric or bunting that display only the symbol of an official public entity or political jurisdiction.

(k) Flashing Sign - a sign that changes in intensity, color, or pattern of illumination at less than two-hour intervals when the sign is activated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(kk) Site, Development - See Development Site

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

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

(nn) Wall Sign - a sign painted on or affixed flat against the wall of a building or structure, or a marquee, awning, or canopy in such a manner that the wall becomes the

supporting structure for, or forms the background surface of, the sign and that does not project more than 16 inches from such building or structure.

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

1151.99 PENALTY.

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

CITY OF OXFORD

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

Zoning Code Text Amendment Application

June

Applicant Information

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

Name *	Jung-Han Chen
Mailing Address *	101 E. High Street
City, State & Zip Code *	Oxford, OH 45056
Telephone Number(s) *	524-5237
Email Address	jhchen@cityofoxford.org
Amendment Description *	Chapter 1147 Conditional Uses

Submission Requirements and Documentation

From Section 1135.02 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 * 4/25/16

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date * NA Receipt Number *

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

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2016-09 **Date – June 14, 2016**

APPLICATION

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

DESCRIPTION

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

ZONING CODE

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

COMPREHENSIVE PLAN

N/A

AGENCY REVIEWS

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

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

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

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

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

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

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

RECOMMENDATION

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

SUBMITTED

BY:

Jung Han Chen

Jung-Han Chen
Community Development Director

DATE: May28, 2016

ATTACHMENT

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

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

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

Text Amendments

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 5-24-16

John Dethrage
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: V. Popescu Date: 5-24-16

VICTOR POPESCU
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

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

Drawings reviewed by: _____ Date: 5-25-16

John A Jones
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 6-7-16

G. Allan Kycia
PRINTED NAME

CHAPTER 1147
Conditional Uses

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

1147.01 GENERAL

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

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

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

1147.02 PROCEDURE.

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

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

A. Application Fee.

B. Description of Use and Site.

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

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

C. Site Plan. A scaled site plan shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.
1. North arrow.
2. Scale.
3. Vicinity map.
4. All existing and proposed lot lines within the site.
5. Dimensions of all lots and of the entire site and any adjacent rights-of-way.
6. Location, height, and use of all proposed and existing structures.
7. Location and design of all proposed vehicle management areas.
8. Location, size, and type of all proposed signs.

9. Location, height, and type of all proposed screening and landscaping.
10. Distances to residential zoning districts if within 1,000 feet.
11. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
12. Other information as required by the Planning Commission.

D. Elevations of proposed structures, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.

E. Other. Photographs of the existing use and its surroundings.

(b) Reapplication.

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

(2) An applicant may appeal the decision of the Zoning Administrator according to the Board of Zoning Appeals.

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

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

(1) Burden of Proof.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Action by Planning Commission.

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

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

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

(1) Expiration and Reinstatement of Conditional Use Permit. A Conditional Use Permit shall automatically expire if the Conditional Use ceases operation for more than one year. Expiration of a legal nonconforming Conditional Use is subject to the provisions of Chapter 1137-Nonconformities.

(2) Period of Validity.

A. An approved Conditional Use must be substantially operational within 2 years of its approval. Applications for any construction permits necessary for the operation of the Conditional Use must be filed within 1 year of approval.

B. If an approved Conditional Use fails to meet these deadlines, the applicant may request a time extension from the Planning Commission. No application materials are required, however, the Zoning Administrator may request information he or she deems necessary for the Planning Commission to make a decision. Planning Commission will consider the request at its next regularly scheduled meeting. Such request does not require a public hearing.

C. If the scope of the approved Conditional Use has not changed and the proposed use still satisfies the decision standards, the Planning Commission shall grant a 6-month extension of time for compliance. No more than four such extensions may be granted.

(3) Revocation of Conditional Use Permit. A Conditional Use Permit may be revoked by City Council upon an affirmative recommendation from the Planning Commission if the existing Conditional Use Permit fails to meet one of the following requirements:

A. The conditions of approval are not met or maintained.

B. The property ceases to be operated as an approved conditional use.

C. The continuance of the conditional use would pose a substantial risk to the public health, safety and welfare.

(f) Changes to a Conditional Use.

(1) Minor Changes to an approved Conditional Use. An operator of an approved Conditional Use may submit a written request for approval of changes to the site or operating conditions of the use. The Zoning Administrator may administratively approve changes to a Conditional Use if such changes:

A. Do not change the use.

B. Are of a magnitude that will not substantially alter the appearance of the use from off of the site.

C. Will not substantially or detrimentally affect the provision of public services to the site or general vicinity.

D. Will not substantially or detrimentally increase potential demand on public or private utilities.

E. Are not of a scope, scale, or character, that would cause a negative impact on adjoining properties and neighborhood.

F. Are not contrary to and in no way diminish the intent of the originally approved permit.

Administrative approvals shall be clearly documented and made part of the original Conditional Use permit on file.

(2) Major Changes to an Approved Conditional Use. Any changes to an approved conditional use that do not meet the criteria of a minor change are considered a major change. A major change requires an entirely new Conditional Use application (including the fee), according to the provisions of this chapter.

(3) Changes to a Conditional Use not procedurally approved. An existing use that is listed in this code as a Conditional Use, that is in a zoning district where such use in permitted as a Conditional Use, that was never approved by a legislative, quasi-judicial, or administrative review, and that was legal at the time of its establishment is considered an approved Conditional Use and is subject to the provisions of this chapter.
An existing use that is listed in this code as a Conditional Use and is in a zoning district where such use is not permitted is considered a legal nonconformity. Any proposed changes to such uses are subject to the provisions of Chapter 1137. (Ord. 3061. Passed 7-7-09.)

1147.03 USE SPECIFIC REGULATIONS & POTENTIAL CONCERNS.

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

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

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

(a) General. Wherever no specific area, lot width, or setback requirements are specified in the provisions for specific Conditional Uses, then the dimensional regulations for the most restrictive permitted use in the applicable zoning district shall apply.

(b) Uses.

(1) Agricultural Services.

A. Potential Concerns.
1. Produce and meat storage areas.
2. Noise, dust, and odor from operations.
3. Truck routes from municipal boundary.
4. Temporary sales.

B. Regulations.
1. Farm product storage buildings shall be setback a minimum of 100 feet from a residential zoning district.
2. No outdoor farm machinery repair unless entirely enclosed within a screening fence.
3. Animal enclosures shall be setback a minimum of 200 feet from all lot lines.

(2) Airports and Landing Strips.

A. Potential Concerns.
1. Aircraft noise.
2. Dust from operations.
3. Lighting.
4. Proximity of powered aircraft on the ground to lot lines and adjacent uses.

B. Regulations.
1. Compliance with FAA regulations.
2. Runway locations will not require height restrictions on other properties less than would normally be required by dimensional regulations of the zoning district.
3. Runways and taxiing areas shall be setback a minimum of 100 feet from a residential zoning district.
4. Aircraft storage and service buildings shall be setback a minimum of 100 feet from a residential zoning district.

(3) Animal Hospitals, Veterinary Clinics, and Kennels.

A. Potential Concerns.

1. Traffic generation from associated retail sales.
2. Location of diagnosis and outdoor activity areas relative public streets and residential zoning district.
3. Design of facilities that will help ensure humane conditions and treatment of animals.
4. Animal noise and odor.

B. Regulations.
1. Outdoor pens are not permitted.
2. Outdoor activity shall be limited to diagnosis and temporary outdoor activity for boarded animals.

(4) Bed & Breakfast.

A. Potential Concerns.
1. Appropriate number of rooms for the neighborhood in which it is proposed.
2. Location of separate entrances.

B. Regulations.
1. No more than 8 rooms for rent in any structure.
2. Owner or manager must live in the structure.
3. At least one meal must be provided to guests on site.

(5) Gas Station with Convenience Store.

A. Potential Concerns.
1. Adequate design of vehicle management area.
2. Location of fuel pumps and pump canopy.
3. Outdoor sales and storage.

B. Regulations.
1. All merchandise shall be located within a completely enclosed structure.
2. Fuel pumps shall be setback a minimum of 30 feet from lot lines or 40 feet from a residential zoning district.
3. Fuel pump canopies shall be set back a minimum of 20 feet from lot lines or 40 feet from a residential zoning district.

(6) Vehicle Service and Repair.

A. Potential Concerns.
1. Proper design of vehicle management area.
2. Proximity of service areas to lot lines and adjacent uses.
3. Outdoor sales and storage.
4. Tow truck storage.

B. Regulations.
1. All disassembly, service, and assembly of vehicles shall be within a completely enclosed structure.
2. All service equipment and supplies shall be within a completely enclosed structure.
3. Vehicles being serviced or awaiting service shall not be stored in an unenclosed area for more than 7 days.
4. Vehicle service bays shall be setback a minimum of 100 feet from a residential zoning district.

(7) Vehicle Washing Facility.

A. Potential Concerns.
1. Design of vehicle management area.
2. Enclosure of potential nuisances.
3. Screening from adjacent uses residential.
4. Lighting.
5. Hours of operation.

B. Regulations.
1. Wash bays shall be setback a minimum of 100 feet from a residential zoning district.
2. Outdoor equipment (such as vacuum stations) shall not be located in a yard adjacent to a residential zoning district.
3. Queuing spaces shall not be located in a yard adjacent to a residential zoning district.

(8) Drive-Through Banking and Pharmacy Facilities.
A. Potential Concerns.
1. Design of vehicle management area.
2. Noise from operations (vehicle and loudspeaker).
3. Screening from adjacent uses.
B. Regulations.
1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district.
2. Queue spaces shall not be located in a yard adjacent to a residential zoning district.

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

(10) Drive-Through Restaurant Facilities.
A. Potential Concerns.
1. Design of vehicle management area.
2. Noise from operations (vehicle and loudspeaker).
3. Signs and menu boards.
4. Location and adequacy of dumpsters.
B. Regulations.
1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district.
2. Cue Queue spaces shall not be located in a yard adjacent to a residential zoning district.
3. Drive-up stations shall be setback a minimum of 50 feet from a residential zoning district.

(11) Bars and Taverns.
A. Potential Concerns.
1. Evening traffic.
2. Noise from operations (music).
3. Location and adequacy of dumpsters.
B. Regulations.
1. Site shall be a minimum of 500 feet from a church, school, or similar institution, except in a commercial zoning district
2. Structure shall be setback a minimum of 50 feet from a residential zoning district

(12) Indoor Sports and Recreation Facilities such as Bowling Alleys, Skating Rinks, Tennis and Racquetball Courts, Soccer Fields, and Swimming Pools.

A. Potential Concerns
1. Traffic volume during group or league events.

B. Regulations.
1. Entrance to structure shall not be located in a yard adjacent to a residential zoning district.
2. Parking spaces shall not be located in a yard adjacent to a residential zoning district.
3. Structure shall be setback a minimum of 30 feet from a residential zoning district./

(13) Building Materials Sales Yards.

A. Potential Concerns
1. Noise, dust, vibration from operations.
2. Height and visibility of merchandise storage structures.
3. Commercial vehicle storage.
4. Location of loading spaces and on-site management of delivery vehicles.
5. Unenclosed storage and display.

B. Regulations.
1. Traffic management areas shall not be located in a yard adjacent to a residential district.
2. Commercial woodworking equipment and other similar machinery shall not be permanently affixed or operated within 50 feet of a residential zoning district, except within a completely enclosed structure.

(14) Cemeteries.

A. Potential Concerns
1. Location and size of structures including mausoleums, chapels, gatehouses, crematoriums, offices, and service and storage buildings.
2. Appropriate screening, ornamental fencing, and landscaping to minimize potential nuisance.

B. Regulations.
1. Driveways shall be setback a minimum of 10 feet from all lot lines.
2. Grave markers, mausoleums, and other monuments shall be setback a minimum of 10 feet from all lot lines.

(15) Churches, Libraries, Community and Recreation Centers.

A. Potential Concerns
1. Adequate lot size to permit future expansion.
2. Location and screening of outdoor recreation areas.
3. Bus or van storage.
4. Lighting.
5. Parking and traffic impact.

B. Regulations.
1. None.

(16) Clinics.

A. Potential Concerns
1. Extent of accessory services.
2. Hours of operation.

B. Regulations.
1. Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may not be accessible directly from the exterior of the building and may operate only during the hours of operation for the clinic.

(17) Golf and Country Clubs.

A. Potential Concerns.

1. Proximity of fairways and greens to lot lines and adjacent structures.
2. Trajectory of golf balls.
3. Location of cart paths.
4. Location of accessory uses such as ball fields, swimming pools, and tennis courts.
5. Appropriate screening of high activity areas from adjacent properties.

B. Requirements.

1. Cart paths shall be a minimum of 10 feet from all lot lines.
2. Accessory uses such as clubhouses, restaurants, bars, swimming pools and similar activities are subject to any regulations that would apply to their operation as a principal use.

(18) Service Organization Lodges.

A. Potential Concerns

1. Location of accessory uses such as ball fields, swimming pools, and tennis courts.
2. Appropriate screening of high activity areas from adjacent properties.

B. Requirements.

1. Accessory uses such as clubhouses, restaurants, bars, swimming pools and similar activities are subject to any regulations that would apply to their operation as a principal use.

(19) Fraternity and Sorority Houses.

A. Potential Concerns.

1. Aesthetic Concerns:
   a. Historical characteristics of existing structures.
   b. Residential scale and character.
   c. Yards and landscaping.
   d. Walls and fences.
2. Activities Areas:
   a. Porches and patios.
   b. Locations of recreational areas and courts.
   c. Locations of accessory structures.
3. Vehicle Management:
   a. Site access .
   b. Required parking.
   c. Emergency access.
   d. Deliveries.
   e. Occasional and excess parking management.
4. Adequate Public Utilities:
   a. Water.
   b. Sewer.
   c. Storm water management.
   d. Other services.
5. Nuisance:
   a. Waste/trash management.
   b. Noise and off-site impact.
   c. Lighting and off-site impact.

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

(20) Family Community Residence, Group Community Residence, and Community Residence.
A. Potential Concerns.
1. Maximum occupancy and staffing.
2. Appropriate indoor and outdoor recreation areas.
3. Proximity to and number of similar uses in Oxford.
B. Regulations.
1. Site shall be a minimum of 891 feet from any other Community Residence

(21) Day Care Centers and Nursery Schools.
A. Potential Concerns
1. Location and adequacy of planned outdoor play area.
2. Noise.
3. Adequate drop-off facilities.
B. Regulations.
1. Use of outdoor play areas shall be limited to between the hours of 8:00 A.M. and 8:00 P.M. daylight hours.

(22) Drive-In Theater.
A. Potential Concerns
1. Appropriate screening.
2. Setback and visibility of screen from residential zoning district and public streets.
3. Design of vehicle management area, especially street access.
4. Noise from operations (vehicle).
B. Regulations.
1. No outdoor loudspeaker is permitted.

(23) Elderly Housing, Congregate Housing.
A. Potential Concerns.
1. Proximity to existing or possible area uses that are potentially dangerous to elderly or handicapped occupants.
B. Regulations.
1. Maximum density of 1 dwelling unit per 3,000 square feet

(24) Funeral Homes and Mortuaries.
A. Potential Concerns.
1. Design of vehicle management areas to ensure quick and efficient access to public streets during processions.
2. Adequate cue space at drop-off areas to ensure that access to parking spaces is not impeded.

B. Regulations.
1. All hearses, limousines, and other related business vehicles shall be stored within an enclosed building when not in use
2. Parking areas are exempt from provisions of the Vehicle Management regulations that would prevent a vehicle management area that is designed to facilitate funeral processions.

(25) Gaming Arcades.
A. Potential Concerns.
1. Proximity to schools, churches, and establishments serving alcohol.
2. Proximity to residential zoning district.
3. Adequate screening of parking and outdoor gathering areas.

(26) Hospitals.
A. Potential Concerns.
1. Location of parking for employees.
2. Parking for visitors.
3. Design of drop-off area.
4. Emergency vehicle access to the site and to the building.
5. Adequate lot size and shape to handle current proposal and possible additions.
6. Screening.
7. Access to appropriate street.
8. Helicopter landing facilities.

(27) Motels.
A. Potential Concerns.
1. Proximity to residential.
2. Screening from residential.
3. Appropriate street access.

(28) Nursing Homes, Convalescent Homes.
A. Potential Concerns.
1. Adequate lot size to provide for visitors and for outdoor activities.
2. Access to an appropriate street.
3. Adequate screening from residential.
B. Regulations.
1. Minimum 500 square feet per bed of on-site open space.

(29) Riding Academies, Stables.
A. Potential Concerns.
1. Adequate lot size.
2. Noise and dust from operations.
3. Security fencing.
4. Location of corrals and other animal areas.
5. Adequate vehicle management area for transportation of animals.
6. Hours of operation.
B. Regulations.
1. Any area designed to accommodate animals used in the operations shall be setback a minimum of 50 feet from any lot line.

(30) Schools.
A. Potential Concerns.
1. Adequate lot size to permit future expansion.
2. Bus and van storage.
3. Access to streets that can handle traffic generated by the use.
4. Design of vehicle management area.
5. Location of outdoor facilities such as ball fields and band practice areas.

6. Proximity to incompatible uses (establishments serving alcohol).

B. Regulations.
1. Parking spaces shall not be located in a yard adjacent to a residential zoning district.
2. Structure shall be setback a minimum of 30 feet from a residential zoning district.

(31) Temporary and/or Outdoor Sales of Plants and Garden Supplies
A. Potential Concerns.
1. Signs.
2. Sight distance at corner lots.
B. Regulations.
1. Storage of goods shall not reduce the usable number of parking spaces by more than 10 percent of the required total.
2. Goods shall not be stored in a driveway required to access required parking spaces.

(32) Mini-Warehouse (Self-Storage Units):
A. Potential Concerns
1. Adequate lot size
2. Design of vehicle management area
3. Outdoor storage-inoperable vehicles and junk
4. Hours of operation
5. Proximity to residential zoning districts
6. Flammable, combustible material stored on site
7. Compatibility of the scale and character of the project with surrounding properties and existing uses

B. Regulations
1. Site shall be at a minimum of two acres, and maximum of five acres in area
2. Parking area shall not be located in yard adjacent to a residential zoning district
3. Outdoor security lighting shall be designed to prevent spillover to adjoining properties
4. Landscaping along the public street
5. Any chain-link fence shall have limited visibility from the public street, unless approved by the Planning Commission.
6. Sufficient isle way width and on-site water supply (including fire hydrants locations) will be determined by the Oxford Fire Chief, between buildings for firefighting purposes.
7. Design of the building and site shall be consistent with the following criteria:
a. The rear of the principal building shall not face the public right-of-way
b. The front façade of the principal building shall be finished utilizing masonry material that has textured relief. No vinyl or aluminum shall be used in finishing on the front façade of the building.
c. The building façade shall have different articulation in height and setbacks.
d. The roof of the principal building shall not be a long continuous flat roof and a break in length and elevation shall be provided in regular interval.
e. The entrance to the site shall be designed to allow sufficient queuing that on-street traffic will not be impacted.

f. Outdoor storage shall have limited visibility from the public right-of-way.

g. There shall be no employee residing on site, unless specifically approved by the Planning Commission and the City Council.

C. Other

1. Encourage the mini-warehouse as the second principal use in conjunction with or behind other principal uses.

(33) Business Incubator:

A. Potential Concerns

1. Hours of operation
2. Type of businesses generating noise, vibration, fumes and other obnoxious environmental concerns
3. Outdoor operations

B. Regulations

1. All activities/merchandise shall be located within a completely enclosed space.
2. Sized adequately to provide all necessary business support

(34) Off-site Parking and Shared-Use Parking

A. Potential Concerns

1. Adequate supply of spaces for all modes of transportation
2. Distance from use
3. Hours of operation/schedule conflict
4. Valet service
5. Proximity to mass transit
6. Accommodation for special needs/accessibility
7. Maintenance responsibility
8. Future land use changes/parking demand

B. Regulations

1. Recorded easement agreement
2. Specific distance limit for off-site
3. Performance review timeframe
4. Requires evidence justifying sufficient parking

(35) Parking Lot Alternate Design Plan

A. Potential Concerns

1. Safety of all modes of transportation
2. Green space
3. Storm water quality/environmental
4. Storm water quantity/run off rate

B. Regulations

1. Any additional factors that affect the practical application of this section, such as notable topographic changes, watercourses, and bodies of water
2. Conditions of approval to protect the public health, Safety, and general welfare
3. Modifications of this chapter to protect the public health, safety and general welfare

Ord. 3308 Passed 3-17-2015)

(NEW)

(36) Floor Area Exceeding Maximum Allowable Square Footage

A. Potential Concerns

1. Adequate lot size
2. Adequate design of vehicle management area
3. Setback from residential zoning setback and public streets
4. Buffering and screening
5. The hours of operation

B. Regulations

1. The building exterior shall be compatible with neighboring characters
2. Parking shall not be in the front yard
3. Other vehicular related concerns, i.e. ingress and egress, etc....

(37) Hours of Operation Beyond Normal

A. Potential Concerns

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

B. Regulations

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

(38) Residential Units on the First Floor or Basement

A. Potential Concerns

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

B. Regulations

1. The exterior appearance shall be consistent with adjoining properties

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

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

(b) Access drives shall be located so as not to contribute to increased traffic flow upon adjacent residential streets. (Ord. 2782. Passed 5-20-03.)