

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2020-02

Date – February 11, 2020

GENERAL INFORMATION

Applicant:	City of Oxford
Action Request:	Zoning Text Amendment – Freestanding Signs for Multi-Family Building Identification
Initiated:	December 30, 2019
Affected Code Sections:	Nonconforming signs, Section 1137.10 and Signs for Residential Structures with more than three dwelling units, Section 1151.05(d)

PROPOSAL SUMMARY

The City of Oxford's Community Development Department has initiated a proposed text amendment to Oxford's Planning and Zoning Code to accommodate requests for freestanding sign installations for multi-family buildings in the Mile Square.

AGENCY REVIEWS

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

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

PUBLIC COMMENTS

The proposed text amendment was legally advertised as required. No public comments have been received as of the writing of this report.

STAFF RECOMMENDATION

Based upon a review of the Decision Standards, staff recommends **approval** of the text amendment. The Commission can cite the staff findings or make its own in its recommendation to City Council.

STAFF COMMENTARY

Background

In Board of Zoning Appeals Case #2017-10, held August 15, 2017, a sign variance was denied. The variance request was for a 24 sq ft freestanding sign for a seven building multi-family building complex where the code allowed only a 6 sq ft wall sign. The owner and applicant chose to file the variance request rather than request a text amendment. In the 2017 hearing, the applicant cited similar size and placement of other signs that were allowed in similar contexts; but by different code provisions. No sign was installed. On April 16, 2019, the City of Oxford agreed to an unrelated settlement with the same property owner (Hoelzer/Kacachos/Park Place). One of the conditions of the settlement was that city staff would initiate this text amendment through the review process.

The proposed amendments do two things:

1. Removes the prohibition of new signage for nonconforming uses, essentially deferring the administration of signs on such properties to the sign chapter, 1151.
2. Adds the R3MS district to the list of districts where freestanding signs are permitted.

The proposed amendment is narrowly written for this specific situation in the R3MS district. The R3MS district was recently expanded; however, it contains mostly single and two family buildings, which limits the potential for impact of this text amendment.

Two Sections Being Amended – shown in exhibits

Section 1137.10 d) is being deleted as follows: “No new signs are permitted for nonconforming land uses”

AND:

Section 1151.05 d) (1) is being amended to add R3MS to the list of zones:

(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, **R3MS** and R4 zoning districts:

- 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

The full text of both chapters are also attached as Exhibit C.

Decision Standards

Oxford Zoning Code Chapter 1135 outlines the text amendment process and decision standards that the Planning Commission must follow in making its recommendation to Council. At least one of the criteria must be met in order to recommend approval. The decision criteria are as follows (with comments in *italics*) and attached in the Appendix:

- A. The proposed amendment will make the Code conform more closely with the Comprehensive Plan.**
The Urban Design Chapter 4 Goal is: “Honor and preserve the historic character of Oxford while embracing high quality design that complements existing development.”
The chapter articulates the importance of the Mile Square built environment. Any code changes, such as this one, should maintain or enhance that character, rather than degrade it. Signs are not specifically mentioned in the 2008 Comp Plan.
- B. The proposed amendment will improve the health, safety, and general welfare of Oxford.**
The amendment could assist with building and property identification which is somewhat related to safety.
- C. The proposed amendment will clarify the intent of the Code.**
The removal of the prohibition in the nonconforming chapter clarifies that nonconformities are allowed to continue, within certain limits; and that appropriate signage is permitted for such uses. In 2013, the nonconformities chapter (but not the sign chapter) was amended to relax restrictions on additions and remodels of nonconforming residential land uses. Therefore this is the strongest criteria for approval of any of these five.
- D. The proposed amendment will better implement the intent of the Code.**

One of the purposes of the sign code in 1151.01 is to protect residential areas from the adverse impacts of excessive signage. Another is to provide owners and occupants an opportunity for effective identification. There are several statements in this section that can guide decision making for sign administration, sign code amendments and future plans for signs as the industry evolves.

E. The proposed amendment will improve enforcement of the Code.

There is no confusion about the enforcement of the code that this amendment would help with. Staff's opinion is that the amendment does not meet this criteria; however only one criteria is necessary for approval.

SUBMITTED BY:



Sam Perry, AICP
Community Development Director

DATE: February 4, 2020

APPENDIX CONTENTS

EXHIBIT A – CHAPTER 1135 ZONING CODE AMENDMENT EXCERPTS

EXHIBIT B – AMENDED TEXT BOTH SECTIONS SHOWN IN SURROUNDING CONTEXT

EXHIBIT C – FULL TEXT OF CHAPTERS 1137 AND 1151 WITH AMENDMENTS SHOWN

EXHIBIT A
CHAPTER 1135 ZONING CODE AMENDMENT EXCERPTS

Chapter 1135 governs amendments to the Zoning Code:

1135.01 – General.

- (a) This Zoning Code is generally intended to provide for long-term land use and site planning in Oxford. However, there are times that the public necessity, convenience, general welfare, or good zoning practice require amendments to this Code. This section provides the procedures and standards by which this Code will be amended.
- (b) There are two types of possible amendments to this Code. A text amendment changes the written text of the Code, which equally affects all land and improvements that are subject to such regulation. A map amendment (also called rezoning) changes the boundaries between zoning districts on the Zoning Map, which equally affects all of the land that is so rezoned.

1135.02 – Procedure.

- (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.

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

 - (1) **Referral to Planning Commission.**

After the proper initiation of a text amendment, the Zoning Administrator shall place the item on the Planning Commission agenda as required by Section 1129.09, Application Administration.
- (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.

All applications:

 - 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.

Also required for text amendments:

 - A. Any existing section number and text that is proposed to be deleted or amended.
 - B. Any new or amended text as it is proposed to be codified including its proposed location in the Code. (section numbers)
 - C. A narrative statement that describes the expected effects of the proposed text.
 - D. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

Also required for map amendments:

 - A. A legal description of the area to be rezoned.
 - B. The proposed zoning of the area.
 - C. The current zoning of the area.
 - D. A description of existing uses in the area.
 - E. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.

- F. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned.
- (2) Reapplication.
No application for a Zoning Code amendment that is substantially similar to an application that has been denied, wholly or in part, shall be accepted for one year from the date of 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. An applicant may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals.
- (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 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.
- Map Amendments
- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
 - B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.
 - C. There has been a substantial change in area conditions that necessitates the amendment.
 - D. There is a legitimate need for additional land area in the zoning district that will be expanded.
- (d) Action by Planning Commission and Council.
- (1) The Planning Commission shall recommend to Council approval, approval with modifications, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
 - (2) Council shall base its decision on the recommendation of Planning Commission and the decision standards of this section.
- (e) Implementation of Amendment.
- (1) The Zoning Administrator shall implement all Code amendments approved by Council when the ordinance approving the amendment becomes effective, regardless of when the amendment appears in the Zoning Code text or on the Zoning Map.
 - (2) Zoning Code amendments do not expire.

EXHIBIT B

AMENDED TEXT BOTH SECTIONS SHOWN IN SURROUNDING CONTEXT

1137.10 – Nonconforming signs.

(a) Determination of Legal Nonconformity:

- (1) An existing sign that does not conform to the specific provisions of this Code may be eligible for the designation of a "legal nonconforming sign" provided that the sign was covered by a valid permit or variance, or complies with all applicable laws on the effective date of this Code, and amendments thereto.

(b) Loss of Legal Nonconforming Status:

A legal nonconforming sign loses the legal nonconforming designation if:

- (1) The sign is relocated;
- (2) The sign is replaced;
- (3) The structure or size of the sign is altered in any way except towards compliance with this Chapter. This provision does not refer to general maintenance, changeable marquees, or face and copy changes.
- (4) The sign is part of an establishment that discontinues its operation for a period of 1 year.
- (5) The sign has not been used for a continuous period of six (6) months.

(c) Maintenance and Repair of Nonconforming Signs:

- (1) Normal maintenance shall be permitted, which includes painting of chipped or faded signs; replacement of faded or damaged surface panels; or repair or replacement of electrical wiring or electrical devices. A non-conforming sign shall not be structurally altered to prolong the life of the sign.
- (2) If the sign suffers damage to an extent greater than 60% of the estimated replacement value, the sign shall be replaced with a sign that complies with Chapter 1151.

~~(d) — No new signs are permitted for nonconforming land uses.~~

1151.05 Permanent Signs Excerpt

- (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, **R3MS** 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

EXHIBIT C

FULL TEXT OF CHAPTERS 1137 AND 1151 WITH AMENDMENTS SHOWN

Chapter 1137 – Nonconformities

1137.01 – Purpose.

The purpose of this Chapter is to recognize the existence of uses, buildings, lots and structures that lawfully existed at the time of this Code's enactment, or amendment thereto, but which now do not conform with one or more of the regulations contained in this Code. This Chapter regulates the disposition of legally established nonconforming uses, buildings, lots and structures which are subject to regulations limiting their use, restoration, reconstruction, extension, and substitution. Such nonconforming status shall be permitted to continue only in conformance with this Chapter. The provisions are intended to encourage the reduction of nonconformity with this Zoning Code in the short-term and elimination of nonconformities in the long-term, while respecting vested interests in the existing uses and improvements.

(Ord. 3206. Passed 3-19-13.)

1137.02 – Administration.

- (a) The provisions of this Chapter shall apply only to nonconformities that have been legally established. A nonconformity that was not legally established shall not qualify for any of the protections provided.
- (b) An applicant and/or owner for any development review procedure that deals with nonconformities shall bear the burden of proof in demonstrating that the use was a legal nonconformity on the effective date of this Code.
- (c) Board of Zoning Appeals shall have all powers conferred upon it as per Section 713.15 of the Ohio Revised Code, or as authorized by the City of Oxford Charter and in compliance with state law.
- (d) The Zoning Administrator shall determine if a use, lot, structure, or site is less nonconforming than another use, lot, structure, or site based upon criteria such as required parking spaces, trip generation, potential nuisances, setbacks, bulk, or other criteria relevant to the intent of this Code.

(Ord. 3206. Passed 3-19-13.)

1137.03 – Avoidance of undue hardship.

- (a) To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently.
- (b) Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner.
- (c) Where demolition or removal of an existing building has substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

(Ord. 3206. Passed 3-19-13.)

1137.04 – Nonconforming land uses.

Any use of any structure or lot that was conforming or validly nonconforming and otherwise lawful at the enactment date of this Code and is nonconforming under the provisions of this Code or that shall be made nonconforming by a subsequent amendment, may be continued so long as it remains otherwise lawful, subject to the standards and limitations of this Section.

(a) General Regulations and Development Standards.

- (1) A nonconforming use may not move in whole or in part to any other location of the lot unless the use satisfies the provision of this Section.

- (2) A nonconforming use may be enlarged, expanded or extended to occupy parts of another structure or portions of a lot that it did not occupy on the effective date of this Ordinance, provided such enlargement shall comply with the provisions of this Chapter. Additionally, such expansion, extension and enlargement shall not increase the degree of nonconformity, or increase in intensity.
- (3) Any building or structure containing a nonconforming use may be enlarged up to 25% of the existing total gross floor area on the effective date of this Ordinance, provided that the expanded portion complies with all coverage and site development requirements of the zone in which it is located.
- (4) A porch addition to the front façade of an existing residential building that contains a nonconforming use may be permitted, provided that the proposed addition satisfies the design standards, setback and lot coverage regulations of the District. Such porch addition shall not be enclosed and shall be open at least on 2 sides.
- (5) Any proposed addition under Section 1137.04(a)(3) shall be considered as reconfiguration to an existing structure and shall comply with the conditions set forth in this Chapter.
- (6) The enlargement of a nonconforming use that has the effect of making a structure nonconforming, other than as described in subsection (c) above, shall not be permitted, but rather shall be construed as a request for a variance.
- (7) Any nonconforming vehicle management shall be made in conformance with the current regulations when the improvement to the structure is considered a reconfiguration and reconstruction.
- (8) A legal nonconforming land use may be extended throughout those parts of an existing building, provided that the extension shall not create any new nonconformity. Such improvement is considered as reconfiguration and shall comply with the conditions outlined below.
- (9) Change to another Nonconforming Use. Except as provided in this Section, a nonconforming use may be changed only to a use that conforms to the Ordinance. Once changed to a conforming use, no use may revert to a nonconforming use.

(b) Improvements to a Structure.

Improvements to a structure containing a nonconforming use may be permitted, but are subject to the following conditions:

- (1) Such improvements result from being remodeled, damaged or demolished voluntarily.
- (2) Such improvements shall not cause a new nonconformity, nor shall it increase the degree of nonconformity or noncompliance existing prior to such remodeling or improvements, except permitted in this Section.
- (3) For nonconforming residential uses in residential districts: Improvements fall within the following three categories (as defined in Section 1159.19):

(4) Renovation:

For renovation, the following shall apply:

- A. Any structure may be maintained to its original footprint, no reduction in occupancy.

(5) Reconfiguration:

For reconfiguration, the following shall apply:

- A. Any structure that has more occupancy than permitted in the underlying zoning district shall have its occupancy reduced by at least 30% from the approved rental occupancy, or the allowable occupancy permitted in the underlying district, whichever is larger.
- B. The use and structure remain nonconforming unless they satisfy the requirements of that District.
- C. All fractional numbers of residential occupancy greater than or equal to 0.5 shall be rounded up to the next whole number.
- D. Proposed enlargement that is above and beyond 25% of the existing total gross floor area on the effective date of this Code may be allowed, provided additional reduction in occupancy from the approved rental permit based on the ratio of each one percent of the additional enlargement, one percent of reduction in occupancy is required subject to the approval of the Planning Commission.

(6) Reconstruction:

For reconstruction, the following conditions shall apply:

- A. The new building shall satisfy all the site development regulations of that District.
- B. The use shall satisfy the underlying use regulations.

(7) For other nonconforming uses:

Nonconforming use may be expanded, as described in Section 1137.04(a)(3). In no instance, shall the uses increase in intensity.

(Ord. 3206. Passed 3-19-13.)

1137.05 – Nonconforming lots.

- (a) A lot in a residential zoning district that does not satisfy the site development regulations for any permitted use in that District may have erected on it a single-family dwelling if the lot has a minimum area of 3,000 square feet and a minimum lot width of 33 feet. This provision shall apply even though the lot fails to meet the requirements for lot areas, lot depth, lot width, or any combination thereof that are generally applicable in the zoning district provided that the new single-family conforms to the height, lot coverage, vehicular access and yard or setback requirements of the District where the property is located.
- (b) Additions to a conforming/permitted use and structure on a nonconforming lot are permitted if the addition satisfies all site development regulations of the District where the property is located.
- (c) The lot on which there is located a nonconforming use or structure, shall not be reduced in any of the dimensional requirements to further increase the structure's nonconformity.

(Ord. 3206. Passed 3-19-13.)

1137.06 – Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) Additions to a nonconforming structure are permitted if the addition satisfies all dimensional requirements of the code and the use occupying the building is an approved permitted or conditional use.

- (b) No nonconforming building or structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- (c) A nonconforming building or structure shall not be enlarged or extended unless the proposed extension is in compliance with the regulations of the District in which it is located, and will not increase any existing nonconformity in any other portion of the building or structure.
- (d) A nonconforming building or structure shall not be moved in whole or in part to any other location on the lot or to another premise(s) unless the building is made to conform to the regulations of the District in which it is to be located.
- (e) A building or structure that contains a dwelling unit, that has less than the minimum required lot or dwelling square foot area may be changed in any way that does not make the dwelling unit area more nonconforming and does not violate any other provision of this code.
- (f) Reconstruction of damaged and demolished nonconforming structures may be permitted provided that the reconstructed portion satisfies the site development regulations of the District.

(Ord. 3206. Passed 3-19-13.)

1137.07 – Discontinuance of nonconformities.

- (a) A nonconforming land use, structure, or portion thereof, shall not be reinstated if it is discontinued for a continuous one-year period and thereafter any use of the premises shall conform to the use regulations of the District in which the building or lot is located. The intent to continue a nonconforming use shall not be assumed to be evidence of its continuance.
- (b) A nonconforming structure or lot that has been made conforming shall not be made nonconforming.

(Ord. 3206. Passed 3-19-13.)

1137.08 – Restoration of nonconforming building damaged by fire, explosion, act of God or the public enemy.

Any building which has been damaged by fire, explosion, act of God or the public enemy may be repaired and reconstructed and used as before the time of damage provided that a complete application for such repairs or reconstruction is filed within one year of the date of such damage and such repair or reconstruction is substantially completed within one year of the issuance of a zoning certificate.

(Ord. 3206. Passed 3-19-13.)

1137.09 – Nonconforming vehicle management.

- (a) A conforming land use that does not have a sufficient number of parking spaces to satisfy this Code, or an amendment thereto, may continue indefinitely; however, the vehicle management and landscaping requirements for the entire use shall be satisfied if the use is expanded within the existing structure, if the structure is expanded or if the use is changed or substituted.
- (b) A use that is required to meet the nonresidential vehicle management area regulations and that does not satisfy the design criteria of this Code may continue indefinitely; however, the design criteria for the entire site shall be made to comply with all provisions of this Code if the footprint of the principle structure is expanded upon a change of use.

(Ord. 3206. Passed 3-19-13.)

1137.10 – Nonconforming signs.

- (a) Determination of Legal Nonconformity:

- (1) An existing sign that does not conform to the specific provisions of this Code may be eligible for the designation of a "legal nonconforming sign" provided that the sign was covered by a valid permit or variance, or complies with all applicable laws on the effective date of this Code, and amendments thereto.

(b) Loss of Legal Nonconforming Status:

A legal nonconforming sign loses the legal nonconforming designation if:

- (1) The sign is relocated;
- (2) The sign is replaced;
- (3) The structure or size of the sign is altered in any way except towards compliance with this Chapter. This provision does not refer to general maintenance, changeable marquees, or face and copy changes.
- (4) The sign is part of an establishment that discontinues its operation for a period of 1 year.
- (5) The sign has not been used for a continuous period of six (6) months.

(c) Maintenance and Repair of Nonconforming Signs:

- (1) Normal maintenance shall be permitted, which includes painting of chipped or faded signs; replacement of faded or damaged surface panels; or repair or replacement of electrical wiring or electrical devices. A non-conforming sign shall not be structurally altered to prolong the life of the sign.
- (2) If the sign suffers damage to an extent greater than 60% of the estimated replacement value, the sign shall be replaced with a sign that complies with Chapter 1151.

~~(d) — No new signs are permitted for nonconforming land uses.~~

(Ord. 3206. Passed 3-19-13.)

Chapter 1151 – Signs

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.

(Ord. 3365. Passed 8-16-16.)

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.

(Ord. 3365. Passed 8-16-16.)

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.

(Ord. 3365. Passed 8-16-16.)

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.

(Ord. 3365. Passed 8-16-16.)

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) 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) 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) 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) 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 not 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, semipublic, 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, R3MS and R4 zoning districts:
 - 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.

(Ord. 3365. Passed 8-16-16.)

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.

(Ord. 3365. Passed 8-16-16.)

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 eave, 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. 3365. Passed 8-16-16.)

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.

(Ord. 3365. Passed 8-16-16.)

City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 10, 2020

To: **Fire Department** Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2020-02, ZONING CODE TEXT AMENDMENT, regarding freestanding signs for multi-family identification, Chapter 1137.10 Nonconforming Signs, and 1151.05(d) Permanent Signs, addition of the R3MS District, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **February 4, 2020** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:


John Detherage, Fire Chief

Date: 1-13-2020

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 10, 2020

To: Fire Department **Engineering Division** Police Department Econ Dev Department

From: Community Development Department

PC-2020-02, ZONING CODE TEXT AMENDMENT, regarding freestanding signs for multi-family identification, Chapter 1137.10 Nonconforming Signs, and 1151.05(d) Permanent Signs, addition of the R3MS District, City of Oxford, Applicant

 X Review Revisions Other

Please return no later than: **February 4, 2020** 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:

Scott Otto

Date:

1/31/2020

Scott Otto

PRINTED NAME



City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 10, 2020

To: Fire Department Engineering Division Police Department **Econ Dev Department**

From: Community Development Department

PC-2020-02, ZONING CODE TEXT AMENDMENT, regarding freestanding signs for multi-family identification, Chapter 1137.10 Nonconforming Signs, and 1151.05(d) Permanent Signs, addition of the R3MS District, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **February 4, 2020** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

Date: _____

G. ALAN KYCEN
PRINTED NAME



Internal Use Only:	
Case No.	PC-2020-02
Date Filed	12/18/2019

Feb

Zoning Code Text Amendment Application

Applicant Information

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

Name * Sam Perry, City of Oxford

Mailing Address * 15 South College Ave

City, State & Zip Code * Oxford, Ohio

Telephone Number(s) * 513-524-5204

Email Address sperry@cityofoxford.org

Amendment Description * Freestanding sign provision for multi-family bldg in R3MS dist.

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) Initiation. A text amendment may be initiated by the Chair of the Planning Commission, by adoption of a motion by Council or the Planning Commission, or by application to Planning Commission by a landowner or a resident of the City of Oxford.
- (b) Application. If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

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

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

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

Decision Process

From Section 1135.02(c)(1) Decision Standards¹.

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

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

Planning Commission and Council Review

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

Fees & Receipt

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

Sign and Date

Applicant Signature *



Date *

12-17-19

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, 15 South College Avenue, 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 *

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-2020-03

Date – February 11, 2020

GENERAL INFORMATION

Applicant:	City of Oxford
Action Request:	Zoning Text Amendment – Landscaping & Tree Preservation Ordinance
Initiated:	December 30, 2019
Affected Code Sections:	1101.4(400)(B)(1) 1101.4(403) 1101.4(410)(A) Attachment H 1143.03(c)(13)(A) 1143.05(c)(13)(A) 1143.07(d)(13)(A) 1143.12(d)(2) 1143.16(d)(1) 1145.01(a)(1) 1145.05(a) 1145.06(b) 1147.02(a)(1) 1147.02(c)(2) 1148 *New Chapter* 1149.05(e)(6)(B)(1)

PROPOSAL SUMMARY

The City of Oxford's Community Development Department has initiated a proposed text amendment to Oxford's Planning and Zoning Code to incorporate more robust tree planting and preservation requirements which would primarily affect new developments and major changes to existing developments.

AGENCY REVIEWS

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

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

PUBLIC COMMENTS

The proposed text amendment was legally advertised as required. No public comments have been received as of the writing of this report.

STAFF RECOMMENDATION

Based upon a review of the Decision Standards, staff recommends approval of the text amendment request. The Commission can cite the staff findings or make its own in its recommendation to City Council.

STAFF COMMENTARY

Background

For approximately 3 years, the Oxford Environmental Commission (EC) has worked on developing legislation to better protect mature trees and heavily vegetated areas within the city limits. This effort originally arose from concerns over clear cutting of large trees at the site of the new Heritage Vineyard subdivision. The EC's original proposed zoning text amendments were reviewed by the Planning Commission and then went before City Council for a first reading on March 19, 2019; during this meeting, Community Development Director Sam Perry objected to the policy provisions proposed, so Council directed the EC to work together with Mr. Perry to revise the language.

On October 18, 2019, the EC released another official set of recommendations to the Community Development Department, with the hopes that it would be more palatable to City staff. Staff then proceeded to draft a new set of regulations, drawing inspiration from EC's recommendations, professional experience, and other codes/regulations in the region. Staff initiated these drafted amendments on December 30, 2019, at the direction of the City Manager and Acting Planning Commission Chair. On January 8, staff met with the EC to explain the proposal, answer questions, and gather input from EC members. At its meeting on January 14, the Planning Commission considered staff's language along with an official memo from the EC documenting concerns over the present proposal. Following staff's presentation and comments from EC Chair Wright Gwyn, the Commission directed staff to revise the language to include more robust provisions for tree replacement, in order to dis-incentivize the destruction of mature trees.

Proposal Description

To better streamline administration and application of "tree-related" standards, staff proposes a completely new chapter (1148) entitled Landscaping and Tree Preservation. To account for the new chapter and ensure consistency across the entire Code, a number of other minor amendments are proposed in various sections of Chapters 1101, 1143, 1145, 1147 and 1149, as well as adding a sample Tree Survey and Tree Protection Detail to Attachment H in the City's Subdivision Regulations. These pages are included in Exhibits B and C of the Appendix and distinguished by:

- **Yellow highlighting**, to call attention to provisions that are related to trees or landscaping within the Code (only on pages where edits are proposed);
- **Blue underlined text**, to identify new language to be inserted into the Code; and
- **Red struck-through text**, to identify existing language to be deleted from the Code.

Below is a summary of staff's proposal section by section out of Chapter 1148:

1148.01 – Purpose

- Staff has incorporated the Environmental Commission's originally recommended purpose statement, which among other things mentions a need to *promote the public health, safety and welfare through new plantings as well as preservation of existing vegetation, especially established areas of mature vegetation.*

1148.02 – Applicability

- The following uses/situations are exempt from complying with the chapter:
 - Existing single-, two-, and three-family dwellings
 - Development in the Uptown (UP) zoning district
 - Principal uses where trees are already an integral part of the use (golf courses, parks, etc.)
 - Minor modifications to existing development that do not constitute a "substantial expansion" as defined.

1148.03 – Street Tree Requirement

- Trees must be planted in the tree lawn or other appropriate locations within the right-of-way for all development projects, subject to the discretion of the City Engineer or other applicable authority. Currently street trees are only required for new Major Subdivisions.

1148.04 – Tree Planting Requirements

- Applies to the private property being developed outside of existing right-of-way, i.e. the “development site.”
- Requires front yard trees for new single-, two-, and three-family dwellings
- For nonresidential and multi-family developments, the following applies:
 - Minimum of 1 tree for every 10 feet of linear lot frontage (corner lots consider only the longest frontage), to be planted anywhere on the development site (“Overall Site Trees”)
 - Minimum of 1 tree for every 25 feet of linear lot frontage, to be planted anywhere in the front yard of the development site (“Front Yard Trees”)
 - Parking area trees required by Chapter 1149 can count as Overall Site Trees, but not as Front Yard Trees
- Each required tree must be at least 2-inch caliper, and a species that appears on the City’s Tree List or is deemed acceptable.
- Existing trees 2-inch caliper or greater that are preserved can each count as required trees. Existing trees that are 10 inches DBH or greater can count as 2 required trees.
- Required trees that become dead or diseased after planting must be replaced.

1148.05 – Tree Preservation Requirements

- Existing trees that are 10 inches DBH or greater must be replaced at a rate of 1 inch caliper for every 2 inches caliper removed, except when removed for a listed development purpose (e.g. building foundation, parking area, utilities, etc.) or when posing a potential danger to life or property. Trees that are undesirable, an interference, or diseased are also exempt from replacement.
- Caliper inches planted to comply with 1148.04 can count toward caliper inches removed.
- In all cases, site plans must identify which trees will be saved and which will be removed. Trees to be saved must be protected during construction.
- A tree survey is required for nonresidential, multi-family, and Major Subdivisions. The survey does not need to account for exempted trees, areas that are deemed to be a reasonably safe distance away from construction activity for single-site developments, and areas of Major Subdivisions that are to be permanently conserved by means of an easement or suitable legal restrictions.
- Should an applicant violate agreed upon conservation restrictions, they are subject to the normal surveying and replacement requirements as if they were never exempted

1148.06 – In-Lieu Fee Option

- Applicants are given an option to pay fees in-lieu of tree replacements when under discretionary review (Major Subdivisions, Planned Developments and Conditional Uses) or Landscape Plan Review

1148.07 – Review Procedures

- Cases not involving discretionary approval can be reviewed administratively by staff. The Zoning Administrator has the authority to administer the chapter and make interpretations as necessary.
- Landscape Plan Review is provided as an alternate process whereby the Planning Commission renders a vote on the landscaping elements proposed for a site. The applicant or staff can elect to follow this process at any time.
- In conducting a Landscape Plan Review, the Planning Commission has the ability to issue waivers to the standards of Chapter 1148 if it finds the proposal is consistent with the decision criteria provided and the overall goals of the chapter.

Decision Standards

Oxford Zoning Code Chapter 1135 outlines the text amendment process and decision standards that the Planning Commission must follow in making its recommendation to Council. At least one of the criteria must be met in order to recommend approval. The decision criteria are as follows and attached in the Appendix:

A. The proposed amendment will make the Code conform more closely with the Comprehensive Plan.

*Comprehensive Plan Objectives pertinent to this proposed tree ordinance are listed below (**emphasis added**). Staff believes these text amendments will bring the Code in closer alignment with the Comprehensive Plan recommendations.*

Land Use Objective 8 – Expand urban green space

*LU 8.1 – Continue the city's **street tree program**.*

*LU 8.2 – **Require trees and landscaping in future subdivisions and commercial properties.***

*Land Use Objective 9 – Create **new residential areas** with traditional neighborhood qualities*

*LU 9.3 – Create standards that require high quality pedestrian streets with sidewalks, **street trees**, adequate lighting, and **tree lawns in newly developed residential areas.***

Housing Objective 7 – Encourage and utilize sustainable building practices

*H 7.4 – Promote **street tree plantings** and **natural stormwater management in new residential developments.***

Community Facilities and Services Objective 3 – Improve city services

*CF 3.6 – Continue to implement the **street tree program.***

B. The proposed amendment will improve the health, safety, and general welfare of Oxford.

Trees provide many environmental and community benefits that contribute to residents' health, welfare, and quality of life. The purpose statement as proposed in Chapter 1148 effectively summarizes many of the reasons to require minimum tree plantings and incentivize the preservation of mature vegetation.

C. The proposed amendment will clarify the intent of the Code.

Current landscaping-related standards within the Zoning Code provide little in terms of an expressly worded intent clause or purpose statement. The proposed text amendments better clarify the intent.

D. The proposed amendment will better implement the intent of the Code.

The standards for minimum tree plantings and tree preservation provided in the proposed text are greater than current requirements and wider reaching in their application.

E. The proposed amendment will improve enforcement of the Code.

By consolidating the large majority of the Code's landscaping-related provisions into one new chapter (with the exception being parking area trees required by Chapter 1149), this will help streamline the application and enforcement of these provisions and reduce the potential for standards or requirements being overlooked.

SUBMITTED BY:



Zachary Moore, AICP
Planner

DATE: February 6, 2020

APPENDIX CONTENTS

EXHIBIT A – RELEVANT ZONING CODE PROVISIONS

EXHIBIT B – CHAPTER 1148, CHANGES SINCE JANUARY 14 VERSION

EXHIBIT C – PROPOSED TEXT AMENDMENTS (READER VERSION)

EXHIBIT D – PROPOSED TEXT AMENDMENTS (LEGAL VERSION)

EXHIBIT A

RELEVANT ZONING CODE PROVISIONS

Chapter 1135 governs amendments to the Zoning Code:

1135.01 – General.

- (a) This Zoning Code is generally intended to provide for long-term land use and site planning in Oxford. However, there are times that the public necessity, convenience, general welfare, or good zoning practice require amendments to this Code. This section provides the procedures and standards by which this Code will be amended.
- (b) There are two types of possible amendments to this Code. A text amendment changes the written text of the Code, which equally affects all land and improvements that are subject to such regulation. A map amendment (also called rezoning) changes the boundaries between zoning districts on the Zoning Map, which equally affects all of the land that is so rezoned.

1135.02 – Procedure.

(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.

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

(1) **Referral to Planning Commission.**

After the proper initiation of a text amendment, the Zoning Administrator shall place the item on the Planning Commission agenda as required by Section 1129.09, Application Administration.

(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.

All applications:

- 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.

Also required for text amendments:

- A. Any existing section number and text that is proposed to be deleted or amended.
- B. Any new or amended text as it is proposed to be codified including its proposed location in the Code. (section numbers)
- C. A narrative statement that describes the expected effects of the proposed text.
- D. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

Also required for map amendments:

- A. A legal description of the area to be rezoned.
- B. The proposed zoning of the area.
- C. The current zoning of the area.
- D. A description of existing uses in the area.
- E. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.

- F. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned.
- (2) Reapplication.
No application for a Zoning Code amendment that is substantially similar to an application that has been denied, wholly or in part, shall be accepted for one year from the date of 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. An applicant may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals.
- (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 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.
- Map Amendments
- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
 - B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.
 - C. There has been a substantial change in area conditions that necessitates the amendment.
 - D. There is a legitimate need for additional land area in the zoning district that will be expanded.
- (d) Action by Planning Commission and Council.
- (1) The Planning Commission shall recommend to Council approval, approval with modifications, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
 - (2) Council shall base its decision on the recommendation of Planning Commission and the decision standards of this section.
- (e) Implementation of Amendment.
- (1) The Zoning Administrator shall implement all Code amendments approved by Council when the ordinance approving the amendment becomes effective, regardless of when the amendment appears in the Zoning Code text or on the Zoning Map.
 - (2) Zoning Code amendments do not expire.

EXHIBIT B

CHAPTER 1148, CHANGES SINCE JANUARY 14 VERSION

Chapter 1148 – Landscaping and Tree Preservation

1148.01 – Purpose.

The purposes of the landscaping and tree preservation standards outlined in this chapter are to promote clean air quality; to reduce noise, heat and glare; to improve surface drainage and minimize flooding; to provide visual buffers; to beautify and enhance both improved and undeveloped areas; to advance the aesthetic quality of the community; to maintain property values and the quality of life in the City; and to promote the public health, safety and welfare through new plantings as well as preservation of existing vegetation, especially established areas of mature vegetation. The regulations included in this chapter are also intended to prevent the complete deforestation of lands with the wanton removal of trees. As a recognized “Tree City USA” community by the national Arbor Day Foundation, the City of Oxford demonstrates adherence to core standards of sound urban forest management, thus promoting a greener, healthier community.

1148.02 – Applicability.

Except as provided by this section, all property that is being developed within the City is subject to the requirements of this chapter. The following lots, uses and situations shall be exempt from compliance with this chapter:

- (a) Lots used for single-family, two-family or three-family dwellings, where initial construction of the unit(s) has been completed are exempt. In cases where an existing single-, two- or three-family dwelling has been demolished, the requirements of this chapter shall apply when any new dwelling unit is constructed. All landscaping requirements found herein shall apply individually to lots within new subdivisions until issuance of a Certificate of Code Compliance, however such lots shall continue to be bound by all other requirements and conditions as may be related to approval of the subdivision.
- (b) Any lot within the UP Uptown District is exempt. However, this does not exempt parking areas on private property from complying with the landscaping provisions of Chapter 1149.
- (c) Golf courses, parks, playgrounds, and similar types of uses are exempt.
- (d) Expansions or alterations to developments which do not constitute a “substantial expansion” are exempt. Should one of the criteria for a substantial expansion outlined below be met, the entire site must come into conformance with the provisions of this chapter. A substantial expansion is hereby defined as:
 - (1) An expansion to a building that is 50% or greater when the combined floor area of the existing structure(s) is less than 1,000 square feet; or
 - (2) An expansion to a building that is 40% or greater when the combined floor area of the existing structure(s) is greater or equal to 1,000 square feet and less than 10,000 square feet; or
 - (3) An expansion to a building that is 30% or greater when the combined floor area of the existing structure is greater than or equal to 10,000 square feet and less than 25,000 square feet; or
 - (4) An expansion to a building that is 20% or greater when the combined floor area of the existing structure(s) is greater than or equal to 25,000 square feet and less than 50,000 square feet; or
 - (5) An expansion to a building that is 10% or greater when the combined floor area of the existing structure(s) is greater than or equal to 50,000 square feet.

1148.03 – Street Tree Requirement.

- Trees shall be planted in the tree lawn or other appropriate areas in street rights-of-way as required in Chapter 935 of the City of Oxford Codified Ordinances, subject to the discretion of the City Engineer or other applicable

authority for changes in the public right-of-way. Trees planted in the tree lawn shall be installed by the applicant requesting development approval and maintained in good condition until project construction is complete.

1148.04 – ~~Tree Planting~~Property Landscaping Requirements.

~~(a) — Site tree planting requirements.~~

(a1) Development sites, defined as all property contained within one or more parcels to be developed exclusive of existing right-of-way, shall be landscaped with trees and ground cover and shall comply with the standards of this section as applicable.

(b2) Residential Single-, Two- and Three-Family Standards

~~(1)A-~~ On single-family lots, a minimum of one (1) tree shall be planted within the required front yard area.

~~(2)B-~~ On two-family lots, a minimum of one (1) tree for each unit shall be planted within the corresponding required front yard area.

~~(3)C-~~ On three-family lots, a minimum of two (2) trees shall be planted within the required front yard area.

~~(c3)~~ Nonresidential and Residential Multi-Family Standards

~~(1)A-~~ Overall Site Trees

A minimum of one (1) tree for every ten (10) feet of linear lot frontage on a public street right-of-way shall be provided on the development site. However in the case of corner lots with frontage on two public streets, the amount of required trees shall be calculated based only on the street with the longest frontage.

~~(2)B-~~ Front Yard Trees

A minimum of one (1) tree for every twenty five (25) feet of linear lot frontage on a public street right-of-way shall be provided within the required front yard area; such trees may contribute toward fulfilling the overall site planting requirement specified in subsection ~~(1)A~~ above. In the case of corner lots with frontage on two public streets, the amount of required trees shall be calculated based only on the street with the longest frontage.

~~(3)C-~~ Parking Area Trees

Trees in parking lot areas as may be required by Section 1149.05(e)(6) may also contribute toward fulfilling the overall site planting requirement specified in subsection ~~(1)A~~ above, but shall not count toward fulfilling subsection ~~(2)B~~ above.

~~(d4)~~ Upon planting, each required tree shall be a minimum two (2) inch caliper and must be a species that appears on the City's Tree List or is deemed by the Zoning Administrator (or his/her designee) to be an acceptable species for the location.

~~(e5)~~ Each existing tree meeting the standards for minimum caliper and placement~~standard~~ that is preserved may be counted as ~~a~~one (1) required tree, and each existing tree that is ten (10) inches or greater~~at least six (6) inches~~ in diameter at breast height (DBH) may be counted as two (2) required trees, provided that any such trees are documented in accordance with 1148.05(b)~~as described in subsection (c)~~ below.

- (f6) Any dead or severely diseased trees used to fulfill these regulations shall be replaced at the request of the Zoning Administrator. ~~For cases involving discretionary approval by a public body (i.e. subdivisions requiring preliminary plat approval, Planned Developments and Conditional Uses), an agreement may be made to accept funds into the City's planting program in lieu of up to fifty (50) percent of the trees required by this section.~~

1148.05 – Tree Preservation Requirements.

~~(b) — Preservation of wooded areas.~~

- ~~(1) — Effort must be made to preserve existing natural vegetation areas. Consideration shall be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens. It is further required that heavily wooded areas shall be maintained as natural areas to the greatest extent possible.~~
- ~~(2) — A tree survey shall be required for nonresidential and multi-family developments, as well as all subdivisions requiring preliminary plat approval. The survey shall show wooded areas, both existing as well as areas to be preserved, along with estimated numbers, genus and ranges of diameter provided. In all such cases, clearing limits are to be marked and fenced off in the field according to such plans before construction or clearing can begin. So long as preservation is properly documented by means of a tree survey, nothing precludes trees in heavily wooded areas from being counted toward the site tree planting requirements required by subsection (a).~~

~~(c) — Preservation of individual trees to be documented.~~

~~Existing individual trees outside of a wooded area with a diameter at breast height of ten (10) inches or greater shall be labeled on the applicable required site plan or a separate tree survey as either "To Be Removed" or "To Be Saved." Trees smaller than ten (10) inches DBH to be preserved and counted toward the requirements of subsection (a) shall also be labeled. Those trees that are labeled "To Be Saved" shall be protected from construction equipment through methods as depicted in the Tree Protection Detail or through other means found acceptable to the Zoning Administrator or designee.~~

~~(ad) Tree Replanting preservation & replanting encouraged.~~

~~(1) All existing trees ten (10) inches DBH or greater in size shall be replaced at a rate of one (1) inch caliper for every two (2) inches caliper removed, except as provided in subsection (2) below.~~

~~(21) It is encouraged that trees subject to destruction be preserved by replanting of such trees on a lot. All existing trees having a trunk diameter at breast height of six (6) inches or greater should be preserved, except in the following situations: The following trees shall be exempted from required planting:~~

- ~~A. Trees within future public rights-of-way or private accessways ~~or construction/utility easements;~~~~
- ~~B. Trees within the building footprint of proposed structures or within fifteen (15) feet from the perimeter of such structures;~~
- ~~C. Trees that are damaged, diseased, over-mature, interfere with utility lines, or are an inappropriate or undesirable species for that specific location;~~
- ~~D. Trees removed for a stormwater retention pond or detention basin; ~~necessary drainage purposes; or~~~~

- E. Trees within five (5) feet of hard-surfaced parking areas, driveways, or walkways;~~required vehicular use areas; or~~
 - F. Trees that pose potential danger to life or property;~~Any other reasonable circumstance which necessitates the removal of trees.~~
 - G. Trees removed for necessary utility installations or are within utility easements;
 - H. For individual single-family lots, all trees within the front and side yards.
- (32) Nothing prevents caliper inches planted to comply with the requirements of Section 1148.03 or Section 1148.04 from counting toward any tree replacements required by this section. The applicant shall be responsible for calculating how tree replacements are to be fully or partially compensated by required plantings.~~The provisions of this section do not in any way reduce or diminish the minimum number of tree plantings required by subsection (a).~~

(b) Documentation

(1) General Requirements

- A. Existing trees with a DBH of ten (10) inches or greater shall be labeled on the applicable required site plan as either "To Be Removed" or "To Be Saved." Trees smaller than ten (10) inches DBH to be preserved and counted toward the site tree planting requirements of Section 1148.04 shall also be labeled.
- B. Those trees that are labeled "To Be Saved" shall be protected from construction equipment through methods as depicted on the Tree Protection Detail in Attachment H or through means found acceptable to the Zoning Administrator or designee.
- C. Clearing limits are to be marked and fenced off in the field according to such plans before construction or clearing can begin.

(2) Tree Survey

- A. A tree survey shall be required for nonresidential and multi-family developments, as well as all Major Subdivisions.
- B. The tree survey shall document the location, DBH, and species for each individual tree, except as provided in subsection C. below. The Zoning Administrator may, at his/her discretion, accept estimations of these details for heavily wooded areas or sites over one (1) acre. In considering estimates, the Zoning Administrator may allow the use of techniques such as site photographs, aerial photographs, site visits, or survey sampling.
- C. The tree survey need not account for the following areas:
 - 1. Areas comprising trees exempted by Section 1148.05(a)(2);
 - 2. For developments that are not Major Subdivisions: Areas of the development property more than one hundred (100) feet away from the nearest proposed structure/improvement that in the judgment of the Zoning Administrator are a reasonably safe distance away from the area to be impacted/disturbed by construction activities; and
 - 3. For Major Subdivisions: Areas that are delineated on the applicable site plan and proposed to be legally protected in perpetuity. The burden shall be on the

applicant to demonstrate how trees within such identified areas are to be permanently preserved, excepting removal of dead or invasive vegetation which shall be allowed in all instances. One or more of the following methods shall be utilized:

- a. A duly executed and recorded conservation easement to be held by a qualified organization approved by the City; or
- b. A set of covenants and restrictions corresponding to a conservation area clearly delineated on the record plat, or delineated and described through means of a separate legal instrument.

D. Any area designated for conservation pursuant to Section 1148.05(b)(2)(C)(3) above that is disturbed in a manner contrary to the agreed upon restrictions shall be subject to the surveying and replanting requirements of this chapter. In such cases, the applicant shall compensate the City for the loss of protected trees either by replanting as applicable and/or paying in-lieu fees in accordance with Section 1148.06 below.

1148.06 – In-Lieu Fee Option.

For cases involving discretionary approval by a public body (i.e. Major Subdivisions, Planned Developments and Conditional Uses) or Landscape Plan Review, an agreement may be made to accept funds into the City's planting program in-lieu of up to fifty (50) percent of the total number of trees to be planted as required by Section 1148.04 and/or replanted as required by Section 1148.05.

1148.075 – Review Procedures.

(a) Discretionary Review

For cases involving discretionary approval by a public body (i.e. ~~Major Subdivisions~~~~subdivisions requiring preliminary plat approval~~, Planned Developments and Conditional Uses), the procedures as required within respective chapters of this Zoning Code shall be followed.

(b) Administrative Review

For cases not involving discretionary approval by a public body, the Zoning Administrator or designee shall have the authority to administer the regulations of this chapter, as well as to make interpretations in applying the standards of this chapter.

(c) Landscape Plan Review

- (1) Landscape Plan Review is provided as an alternate review process to achieve compliance with the provisions of this chapter. This process is available to all development projects that would normally be subject to subsection (b) above.
- (2) The Planning Commission shall serve as the approving authority for Landscape Plan Review. A majority vote is required to approve.
- (3) The Zoning Administrator may, at any time, consult the Planning Commission in making a determination on a plan's compliance with the standards of this chapter, and thus has the ability to require Landscape Plan Review for any development project to which this chapter is applicable per Section 1148.02.
- (4) An applicant/developer also has the right to request in writing a Landscape Plan Review by the Planning Commission, either to accommodate an alternative landscape site design which does

not strictly adhere to the standards of this chapter, or to appeal the Zoning Administrator's application or interpretation of the standards of this chapter.

- (5) In conducting Landscape Plan Review in accordance with the criteria outlined in subsection (6) below, the Planning Commission shall have the ability to waive or modify any numerical regulations of this chapter.

(6) Decision Criteria

The Planning Commission shall utilize the following criteria in making a determination on whether to approve or deny a Landscape Plan:

- A. The proposed plan embodies the overall spirit and intent of this chapter and adheres to the general purposes as stated;
- B. The proposed plan demonstrates careful planning of buildings, uses, and all other development components in a way that is as harmonious as possible with existing natural features and resources; and
- C. The proposed plan would result in a more attractive visual appearance and result in a greater prevalence of trees and vegetation than the present conditions.

EXHIBIT C

PROPOSED TEXT AMENDMENTS (READER VERSION)

bond, or by drawing upon the letter of credit, or shall take the necessary steps to require performance by the bonding company.

(Ord. 3149. Passed 5-17-11.)

1101.3 – Submittal requirements.

Refer to Attachments A-G for all required submission material for Concept Plan, Preliminary Plat, Construction Drawings, Final Plat, Record Plat and Minor Resubdivisions, Lot Splits and Lot Consolidations.

(Ord. 3149. Passed 5-17-11.)

1101.4 – Design standards and construction standards.

400 – General Statement

(A) In laying out a subdivision, the subdivider shall comply with the following design standards and requirements. The regulations contained herein, the Zoning Ordinance, Comprehensive Plan, Stormwater Drainage Plan, Water System Master Plan, and the City of Oxford Thoroughfare Plan shall control the manner in which streets, lots, and other elements of a subdivision are arranged on the land. These design controls shall help ensure:

- (1) Convenient and safe streets;
- (2) Creation of useable lots;
- (3) Provision of space for public utilities;
- (4) Reservation of land for recreation uses;
- (5) To minimize the impact on natural resources and the environment, and
- (6) To ensure that planning of attractive, connected and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, unconnected, undirected, haphazard growth.

(B) The Planning Commission has the responsibility for reviewing the layout of each future subdivision early in its design development. The development shall be laid out

- (1) To minimize
 - (a) The effect on ground water and aquifer recharge;
 - (b) Excavation and embankment;
 - (c) Unnecessary impervious cover; and
 - (d) The complete removal of mature trees.
- (2) To provide adequate access to lots and sites; and
- (3) To mitigate adverse effects of noise, odor, traffic, drainage, utilities and increased storm water runoff on neighboring properties.

401 – Suitability of Land

If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to poor drainage, flood hazard, topography, inadequate water or sewer supply, slippage potential, unstable subsurface conditions due to poor soils or other reasons and other such conditions which may endanger health,

403 – Typical Sections

Subdivisions shall be designed and constructed to conform to the Typical Sections incorporated by reference herein as Attachment H. The Typical Sections adopted as the standards for construction and design in the City are the following:

- (A) Principal Arterial street typical section;
- (B) Minor Arterial street typical section;
- (C) Major Collector street typical section;
- (D) Minor Collector street typical section;
- (E) Local street typical section;
- (F) Alley typical section;
- (G) Typical cul-de-sac details;
- (H) Temporary turn around;
- (I) Dead End/ Stub Street typical section (Hammerheads);
- (J) Multi-Use Path typical section;
- (K) Utility typical section; Utility locations;
- (L) Tree Protection Detail;
- (M) Tree Survey;
- (N) Typical Lot Consolidation/Split;
- (O) Standard Plat of Survey;
- (P) Record Plats
- W.1: Standard Record Plat Title Sheet;
- W.2: Standard Record Plat.

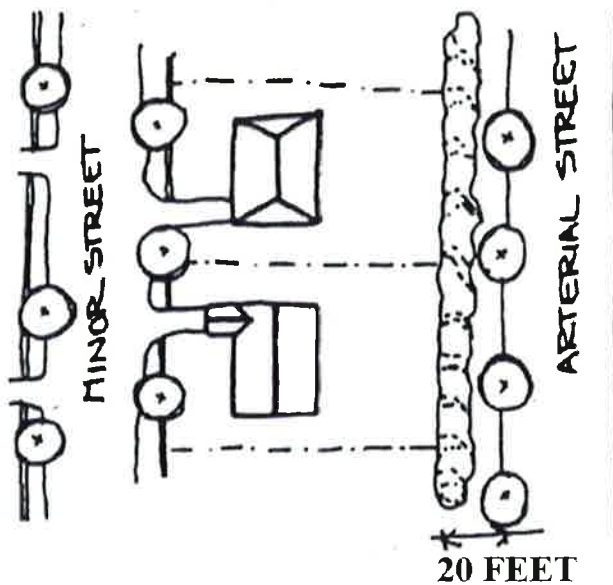
404 – Streets

The purpose of a street network is to connect spatially separated places and to enable movement from one place to another. More specifically, the street network provides continuous and direct routes; provides greater emergency vehicle access; provides convenience and safety to drivers and pedestrians and to provide access to residents for goods and services.

Although the Planning Commission has established general street guidelines, many of the specific technical standards governing the Public Streets are regulated by the City of Oxford's Engineering Division.

(A) Relation to Adjoining Street System

- (1) The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas, or their proper projection where adjoining land is not subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the possible future development of adjacent tracts. The Planning



- (I) Twenty (20') feet minimum, of additional lot depth or a buffer strip, in accordance with the landscape standards of Chapter 1149 of the Zoning Code, Chapter 935 of the Codified Ordinance and Section 410 below, may be required where a residential lot in a subdivision backs up to a railroad right-of-way, a high pressure gasoline or natural gas line, open drainage ditch, an arterial street or highway, an industrial area or other existing land use which may have a detrimental effect on the residential use of the property.
- (J) Lands abutting State or Federal highways, collector streets, or arterials should be platted with the view of making the lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic on such trafficways; and with the view also to minimizing interference with traffic on such trafficways as well as the accident hazard.
- (K) Panhandle or flag lots are specifically prohibited.
- (L) All lot numbers shall be assigned by the Butler County Auditor's office and addresses will be provided by the City of Oxford Community Development Department.

410 – Landscape Plan

- (A) A landscape plan shall be submitted with each plat application for proposed developments in accordance with Chapter 1149 of the Zoning Code and Chapter 935 of the City of Oxford Codified Ordinance, unless an exception is granted by the Planning Commission pursuant to these Regulations.
 - (1) The landscape plan shall identify existing and proposed trees, shrubs, and ground covers; natural features such as rock outcroppings; and other landscaping elements.
 - (2) Where existing plants are to be retained, the applicant shall include in the plans proposed methods of protecting them during construction such as but not limited to the Tree Protection Detail.
 - (3) The landscape plan shall demonstrate compliance with the requirements of Chapter 1148.
- (B) Buffering

Buffering is the provision of an area between different land uses that attempts to minimize negative environmental impacts from one to the other. Buffers shall provide a year-round visual screen in order

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



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

(12) Driveways & Parking Lots.

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

(13) Landscaping.

- A. Landscaping of the site shall comply with the requirements of Chapter 1148. Existing mature trees should be preserved and maintained when possible.

(14) Graphics, Signage, & Building Identification.

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

(Ord. 3440. Passed 10-17-17.)

1143.04 – R-2A Single- and Two-Family Residential District.

(a) Purpose.

This district is designed to provide and preserve neighborhoods of smaller single-family residences within and adjacent to areas of similar development. This district also provides for a limited number of two-family residences.

(b) Uses.

(1) Permitted uses.

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

- A. Landscaping of the site shall comply with the requirements of Chapter 1148. Existing mature trees should be preserved and maintained when possible.

(14) Graphics, Signage, & Building Identification.

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

(Ord. 3442. Passed 10-17-17.)

1143.06 – R-3 Multi-Family Residential District.

(a) Purpose.

This zone is intended to accommodate multi-family structures suited to the lifestyles of individuals and families, generally located in areas adjacent to major thoroughfares and commercial areas.

(b) Uses.

(1) Permitted uses.

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

(2) Conditional uses.

The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.

- A. Community-Oriented Residential Social Service Facilities (CORSSF's).
- B. Shared Housing and Congregate Housing for the elderly.
- C. Government owned and/or operated parks and recreation facilities.
- D. Bed and breakfast homes.
- E. Open space recreation areas that are privately or publicly owned, such as golf courses, tennis courts, parks, forests, or wildlife preserves.
- F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
- G. Schools: primary, intermediate, and secondary, both public and private.
- H. Places of worship.
- I. Nursing homes for convalescent patients.
- J. Professional Offices.

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

(1) Lot requirements.

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

(9) Fences & Gates.

- A. Chain link fences are prohibited.
- B. When fencing is to be used, traditional fence forms, such as picket fences and plain board fences, shall be utilized and shall comply with the fencing height restrictions of Section 1141.01.
- C. Fencing shall only be constructed of wood, wrought iron, decorative metal fencing, or fencing material that resembles wood materials

(10) Chimney.

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

(11) Shutters.

- A. Shutters do not have to be operable. However, when present they must appear to be



functional and they must be proportionally equal to the adjacent window opening.

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

(12) Driveways & Parking Lots.

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

(13) Landscaping.

- A. Landscaping of the site shall comply with the requirements of Chapter 1148. Existing mature trees should be preserved and maintained when possible.

(14) Graphics, Signage, & Building Identification.

5. Publicly owned and operated neighborhood recreation centers.
6. Day care facilities, including Day Care for child, Day Care Center for child, Day Care Home Type A family, and Day Care Home Type B family.
7. Schools: primary, intermediate, and secondary, both public and private.
8. Mini-Warehouse (Self-Storage Units)
9. Business Incubator
10. Any permitted or combination of any retail, personal or public services that exceed 15,000 square feet of gross floor area

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

(1) Lot requirements.

No minimum lot size or lot width is specified, however, lot size and width shall be adequate to provide for parking, access drive spacing, yard space and screening requirements.

(2)

A. Yard requirements (minimum).

Front yard	Rear yard	Side yard
35 feet	25 feet	0 feet

When a side or rear lot line abuts residential district lot lines, the minimum side or rear transitional setback distance shall be 25 feet in depth and shall be screened from the residential district by a dense evergreen hedge a minimum of 6 feet tall at planting and that will maintain at least 90 percent opacity over time. Existing vegetation may be considered as long as the anticipated overall opacity effect can be achieved. Alternatively, different types of screenings may be utilized subject to review and approval by the Zoning Administrator if the alternative material can achieve the overall 90% opacity effect.

B. Maximum front yard setback.

A maximum front yard setback of 150 feet; and at least 75% of the façade of the principal building must be setback no more than 150 feet from the front lot line.

(3) Structural requirements.

Maximum building height 45 feet

(d) Supplementary Regulations.

- (1) All merchandise, new and used, with the exception of boat, automobile, truck or farm implements and plants and garden supplies, shall be stored within a completely enclosed building. Displays of boats, automobiles, tractors, recreational trailers and/or mobile homes shall conform to the requirements as defined in Section 1141.03 (e)

(2) Landscaping of the site shall comply with the requirements of Chapter 1148. Landscaping:

The required front yard, with the exception of the area used for vehicle access shall be landscaped with trees, shrubs and ground cover. A minimum of 1 tree for every 25 linear feet of frontage shall be planted in this area provided that the placement of the trees does not interfere with sight

~~distance entering or leaving the site. Each tree shall be a minimum of 6 feet tall and have a minimum 2 inch diameter at breast height (DBH).~~

~~A. A minimum of 50% of the trees shall be hardwood type, as listed on the City's Tree List maintained by the Environmental Commission.~~

~~B. All landscaping material must be maintained in good condition. Any missing or dead materials must be replaced in a timely manner.~~

- (3) The building should be oriented so that the principal building entrance faces the principal street or the street providing main access to the site. The entrance must be connected to the street and adjacent parking with clearly marked sidewalks/walkways. The building façades facing the street must adhere to the façade treatment as outlined in the following sections. In no instance, shall the rear of the building face the public right-of-way.
- (4) Building facades that are oriented toward a right-of-way shall be provided for visual relief as follows:
 - A. Windows and transparent doors must occupy a minimum of 60% of the entire building wall area measured between 2.5 and 7 feet in height above grade along the entire front façade. Glass block, opaque or darkly tinted glass is not considered to be transparent.
 - B. Building façades must have different articulation in height and setback. Different horizontal articulations with material, color and opening shall also be utilized when building elevation is higher than 14 feet. Preferred materials include brick, stone, glass or wood.
- (5) Each development is required; where appropriate, to provide adequate space (including easements) for alternative modes of transportation such as bike paths, multi-use paths, bus stops and turnarounds. Each development is also required to provide bicycle rack space at a rate of 3 per 10,000 square feet of gross floor area.
- (6) The front façade of the principal structure shall be finished, utilizing at least 50% natural materials including brick, stone, masonry, glass, or wood. No aluminum or vinyl siding shall be used in finishing or utilized on the front façade of the building.
- (7)
 - A. All utility boxes must be screened with appropriate landscaping material such that they are not visible from a right-of-way or other publicly accessible area.
 - B. All refuse collection and recycling containers must be enclosed or screened so as not to be visible from a right-of-way or other publicly accessible area. The structure surrounding the container(s) must be enclosed on all sides, one of which includes a gate or door that can be secured. The enclosure may consist of wood or masonry walls. Containers shall not be located in any front yard. The exterior perimeter of the enclosure(s) must be landscaped, excluding the access point.

(Ord. 3362. Passed 8-16-16.)

1143.13 – OI Office & Light Industrial District.

(a) Purpose.

This district is intended to provide for research and development and professional office facilities that have minimal impact upon the surrounding environment

(b) Uses.

- K. Hotel,
- L. Animal hospital
- M. Extended business hours beyond the hours of operation as permitted.

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

(1) Lot requirements.

No minimum lot size or lot width is specified, however, lot size and width shall be adequate to provide for parking, access drive spacing, yard space and screening requirements.

(2) Yard Requirements.

A. Minimum front yard depth

20 feet in the Mile Square or the average front yard setback of the block face, whichever is higher.

30 feet outside of the Mile Square.

B. Minimum rear yard depth See table below.

C. Minimum side yard width See table below.

(3) Structural requirements.

A. Maximum building height 35 feet.

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

(4) Maximum Lot coverage 50 percent

(d) Supplementary Regulations:

(1) Landscaping of the site shall comply with the requirements of Chapter 1148. The required front yard shall be landscaped with trees, shrubs and ground cover. A minimum of 1 tree for every 25 feet of linear feet of frontage, with the exception of the area used for vehicle access. The tree spacing shall be consistent with the requirements outlined in Oxford Codified Ordinance Section 935.06. Trees shall be hardwood type, as listed on the City's Tree List maintained by the Environmental Commission. Each tree shall be a minimum 2" caliper in diameter at breast height (DBH). All landscaping material shall be maintained in good condition. Any missing or dead material shall be replaced in a timely manner.

(2) The placement of any proposed building shall be consistent with the average setback of the blockface.

Chapter 1145 – Planned Developments

1145.01 – Purpose.

(a) Purpose.

Planned developments 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.

(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. Facilitate the construction of a variety of dwelling types to serve Comprehensive Plan goals of diverse and affordable housing.
- D. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings
- E. 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
- F. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development
- G. Be functional within a time period that helps ensure a viable development
- H. Minimize removal or destruction of existing natural features such as mature trees

(2) Infill 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.

(3) Open Space development also satisfies the following goals:

- A. Retain natural areas and landscapes.
- B. Protect environmentally sensitive land and water features.
- C. Retain or create active and passive open spaces that serve the recreation needs of the development or the City generally.
- D. Lessen the land area devoted to vehicle management.
- E. Preserve natural scenic views that contribute to the Oxford setting.

- J. A general analysis of expected traffic impact, including vehicular and pedestrian safety, resulting from the proposed development.
- K. The substance of proposed covenants, easements, and other restrictions on the land and structures.
- L. A list of the names and mailing addresses of all landowners within 200 feet of the site.
- M. Such other information regarding the proposed uses, site design, or surrounding area as may be pertinent to the application or required by Planning Commission or Council.

(6) Site plan.

A scaled site plan prepared by a surveyor or engineer licensed in the state of Ohio 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.

- A. North arrow.
- B. Scale.
- C. Vicinity map.
- D. All existing and proposed lot lines within the site.
- E. Dimensions of all lots and of the entire site and any adjacent rights-of-way.
- F. The location and intended purpose of all open spaces
- G. Approximate location, height, dimensions, and use of all proposed and existing structures.
- H. Approximate location and number of different uses (i.e. dwelling types and/or commercial uses).
- I. Approximate location and design of all proposed vehicle and pedestrian routes and nonresidential vehicle management areas.
- J. Approximate location and size of all existing and proposed utilities that will serve the planned development.
- K. Approximate location, size, and type of all proposed signs.
- L. Approximate location, height, and type of all proposed screening and landscaping.
- M. Distances to residential zoning districts if within 1,000 feet.
- N. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
- O. The location of any nearby schools and commercial facilities.
- P. Other information as required by the Planning Commission or Council.

(7) Landscape plan.

- A. The plan shall demonstrate compliance with the requirements of Chapter 1148.

(87) Elevations.

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

(98) Other.

- (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.
- (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.
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.
- (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.
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (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.
- (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.
- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- (14) Proposed construction will not result in the complete elimination of existing mature tree canopy. Effort shall be made to direct disturbance and construction around or away from existing mature tree canopy without completely taking away use of the site or connectivity to existing infrastructure.

(c) Additional Final Plan Decision Standards.

- (1) The final planned development shall substantially conform to the preliminary plan.
- (2) Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process.
- (3) If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

(Ord. 2838. Passed 2-15-05.)

1145.07 – Action by Planning Commission and Council.

- (a) 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.

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. Landscape Plan.

The plan shall demonstrate compliance with the requirements of Chapter 1148.

ED. 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.

FE. 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. Proposed construction will not result in the complete elimination of existing mature trees on the site. Effort shall be made to direct disturbance and construction around or away from existing mature trees without completely taking away use of the site or connectivity to existing infrastructure.
- NM. 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

Chapter 1148 – Landscaping and Tree Preservation

1148.01 – Purpose.

The purposes of the landscaping and tree preservation standards outlined in this chapter are to promote clean air quality; to reduce noise, heat and glare; to improve surface drainage and minimize flooding; to provide visual buffers; to beautify and enhance both improved and undeveloped areas; to advance the aesthetic quality of the community; to maintain property values and the quality of life in the City; and to promote the public health, safety and welfare through new plantings as well as preservation of existing vegetation, especially established areas of mature vegetation. The regulations included in this chapter are also intended to prevent the complete deforestation of lands with the wanton removal of trees. As a recognized "Tree City USA" community by the national Arbor Day Foundation, the City of Oxford demonstrates adherence to core standards of sound urban forest management, thus promoting a greener, healthier community.

1148.02 – Applicability.

Except as provided by this section, all property that is being developed within the City is subject to the requirements of this chapter. The following lots, uses and situations shall be exempt from compliance with this chapter:

- (a) Lots used for single-family, two-family or three-family dwellings, where initial construction of the unit(s) has been completed are exempt. In cases where an existing single-, two- or three-family dwelling has been demolished, the requirements of this chapter shall apply when any new dwelling unit is constructed. All landscaping requirements found herein shall apply individually to lots within new subdivisions until issuance of a Certificate of Code Compliance, however such lots shall continue to be bound by all other requirements and conditions as may be related to approval of the subdivision.
- (b) Any lot within the UP Uptown District is exempt. However, this does not exempt parking areas on private property from complying with the landscaping provisions of Chapter 1149.
- (c) Golf courses, parks, playgrounds, and similar types of uses are exempt.
- (d) Expansions or alterations to developments which do not constitute a "substantial expansion" are exempt. Should one of the criteria for a substantial expansion outlined below be met, the entire site must come into conformance with the provisions of this chapter. A substantial expansion is hereby defined as:
 - (1) An expansion to a building that is 50% or greater when the combined floor area of the existing structure(s) is less than 1,000 square feet; or
 - (2) An expansion to a building that is 40% or greater when the combined floor area of the existing structure(s) is greater or equal to 1,000 square feet and less than 10,000 square feet; or
 - (3) An expansion to a building that is 30% or greater when the combined floor area of the existing structure is greater than or equal to 10,000 square feet and less than 25,000 square feet; or
 - (4) An expansion to a building that is 20% or greater when the combined floor area of the existing structure(s) is greater than or equal to 25,000 square feet and less than 50,000 square feet; or
 - (5) An expansion to a building that is 10% or greater when the combined floor area of the existing structure(s) is greater than or equal to 50,000 square feet.

1148.03 – Street Tree Requirement.

Trees shall be planted in the tree lawn or other appropriate areas in street rights-of-way as required in Chapter 935 of the City of Oxford Codified Ordinances, subject to the discretion of the City Engineer or other applicable

authority for changes in the public right-of-way. Trees planted in the tree lawn shall be installed by the applicant requesting development approval and maintained in good condition until project construction is complete.

1148.04 – Tree Planting Requirements.

(a) Development sites, defined as all property contained within one or more parcels to be developed exclusive of existing right-of-way, shall be landscaped with trees and ground cover and shall comply with the standards of this section as applicable.

(b) Residential Single-, Two- and Three-Family Standards

(1) On single-family lots, a minimum of one (1) tree shall be planted within the required front yard area.

(2) On two-family lots, a minimum of one (1) tree for each unit shall be planted within the corresponding required front yard area.

(3) On three-family lots, a minimum of two (2) trees shall be planted within the required front yard area.

(c) Nonresidential and Residential Multi-Family Standards

(1) Overall Site Trees

A minimum of one (1) tree for every ten (10) feet of linear lot frontage on a public street right-of-way shall be provided on the development site. However in the case of corner lots with frontage on two public streets, the amount of required trees shall be calculated based only on the street with the longest frontage.

(2) Front Yard Trees

A minimum of one (1) tree for every twenty five (25) feet of linear lot frontage on a public street right-of-way shall be provided within the required front yard area; such trees may contribute toward fulfilling the overall site planting requirement specified in subsection (1) above. In the case of corner lots with frontage on two public streets, the amount of required trees shall be calculated based only on the street with the longest frontage.

(3) Parking Area Trees

Trees in parking lot areas as may be required by Section 1149.05(e)(6) may also contribute toward fulfilling the overall site planting requirement specified in subsection (1) above, but shall not count toward fulfilling subsection (2) above.

(d) Upon planting, each required tree shall be a minimum two (2) inch caliper and must be a species that appears on the City's Tree List or is deemed by the Zoning Administrator (or his/her designee) to be an acceptable species for the location.

(e) Each existing tree meeting the standards for minimum caliper and placement that is preserved may be counted as one (1) required tree, and each existing tree that is ten (10) inches or greater in diameter at breast height (DBH) may be counted as two (2) required trees, provided that any such trees are documented in accordance with 1148.05(b) below.

(f) Any dead or severely diseased trees used to fulfill these regulations shall be replaced at the request of the Zoning Administrator.

1148.05 – Tree Preservation Requirements.

(a) Tree Replanting

- (1) All existing trees ten (10) inches DBH or greater in size shall be replaced at a rate of one (1) inch caliper for every two (2) inches caliper removed, except as provided in subsection (2) below.
- (2) The following trees shall be exempted from required planting:
 - A. Trees within future public rights-of-way or private accessways;
 - B. Trees within the building footprint of proposed structures or within fifteen (15) feet from the perimeter of such structures;
 - C. Trees that are damaged, diseased, over-mature, interfere with utility lines, or are an inappropriate or undesirable species for that specific location;
 - D. Trees removed for a stormwater retention pond or detention basin;
 - E. Trees within five (5) feet of hard-surfaced parking areas, driveways, or walkways;
 - F. Trees that pose potential danger to life or property;
 - G. Trees removed for necessary utility installations or are within utility easements;
 - H. For individual single-family lots, all trees within the front and side yards.
- (3) Nothing prevents caliper inches planted to comply with the requirements of Section 1148.03 or Section 1148.04 from counting toward any tree replacements required by this section. The applicant shall be responsible for calculating how tree replacements are to be fully or partially compensated by required plantings.

(b) Documentation

(1) General Requirements

- A. Existing trees with a DBH of ten (10) inches or greater shall be labeled on the applicable required site plan as either "To Be Removed" or "To Be Saved." Trees smaller than ten (10) inches DBH to be preserved and counted toward the site tree planting requirements of Section 1148.04 shall also be labeled.
- B. Those trees that are labeled "To Be Saved" shall be protected from construction equipment through methods as depicted on the Tree Protection Detail in Attachment H or through means found acceptable to the Zoning Administrator or designee.
- C. Clearing limits are to be marked and fenced off in the field according to such plans before construction or clearing can begin.

(2) Tree Survey

- A. A tree survey shall be required for nonresidential and multi-family developments, as well as all Major Subdivisions.
- B. The tree survey shall document the location, DBH, and species for each individual tree, except as provided in subsection C. below. The Zoning Administrator may, at his/her discretion, accept estimations of these details for heavily wooded areas or sites over one

(1) acre. In considering estimates, the Zoning Administrator may allow the use of techniques such as site photographs, aerial photographs, site visits, or survey sampling.

C. The tree survey need not account for the following areas:

1. Areas comprising trees exempted by Section 1148.05(a)(2);
2. For developments that are not Major Subdivisions: Areas of the development property more than one hundred (100) feet away from the nearest proposed structure/improvement that in the judgment of the Zoning Administrator are a reasonably safe distance away from the area to be impacted/disturbed by construction activities; and
3. For Major Subdivisions: Areas that are delineated on the applicable site plan and proposed to be legally protected in perpetuity. The burden shall be on the applicant to demonstrate how trees within such identified areas are to be permanently preserved, excepting removal of dead or invasive vegetation which shall be allowed in all instances. One or more of the following methods shall be utilized:
 - a. A duly executed and recorded conservation easement to be held by a qualified organization approved by the City; or
 - b. A set of covenants and restrictions corresponding to a conservation area clearly delineated on the record plat, or delineated and described through means of a separate legal instrument.

D. Any area designated for conservation pursuant to Section 1148.05(b)(2)(C)(3) above that is disturbed in a manner contrary to the agreed upon restrictions shall be subject to the surveying and replanting requirements of this chapter. In such cases, the applicant shall compensate the City for the loss of protected trees either by replanting as applicable and/or paying in-lieu fees in accordance with Section 1148.06 below.

1148.06 – In-Lieu Fee Option.

For cases involving discretionary approval by a public body (i.e. Major Subdivisions, Planned Developments and Conditional Uses) or Landscape Plan Review, an agreement may be made to accept funds into the City's planting program in-lieu of up to fifty (50) percent of the total number of trees to be planted as required by Section 1148.04 and/or replanted as required by Section 1148.05.

1148.07 – Review Procedures.

(a) Discretionary Review

For cases involving discretionary approval by a public body (i.e. Major Subdivisions, Planned Developments and Conditional Uses), the procedures as required within respective chapters of this Zoning Code shall be followed.

(b) Administrative Review

For cases not involving discretionary approval by a public body, the Zoning Administrator or designee shall have the authority to administer the regulations of this chapter, as well as to make interpretations in applying the standards of this chapter.

(c) Landscape Plan Review

- (1) Landscape Plan Review is provided as an alternate review process to achieve compliance with the provisions of this chapter. This process is available to all development projects that would normally be subject to subsection (b) above.
- (2) The Planning Commission shall serve as the approving authority for Landscape Plan Review. A majority vote is required to approve.
- (3) The Zoning Administrator may, at any time, consult the Planning Commission in making a determination on a plan's compliance with the standards of this chapter, and thus has the ability to require Landscape Plan Review for any development project to which this chapter is applicable per Section 1148.02.
- (4) An applicant/developer also has the right to request in writing a Landscape Plan Review by the Planning Commission, either to accommodate an alternative landscape site design which does not strictly adhere to the standards of this chapter, or to appeal the Zoning Administrator's application or interpretation of the standards of this chapter.
- (5) In conducting Landscape Plan Review in accordance with the criteria outlined in subsection (6) below, the Planning Commission shall have the ability to waive or modify any numerical regulations of this chapter.
- (6) Decision Criteria

The Planning Commission shall utilize the following criteria in making a determination on whether to approve or deny a Landscape Plan:

 - A. The proposed plan embodies the overall spirit and intent of this chapter and adheres to the general purposes as stated;
 - B. The proposed plan demonstrates careful planning of buildings, uses, and all other development components in a way that is as harmonious as possible with existing natural features and resources; and
 - C. The proposed plan would result in a more attractive visual appearance and result in a greater prevalence of trees and vegetation than the present conditions.

from the abutting street or the building's main entrance, signs must be posted indicating their location.

B. Motorcycle and Scooter Parking.

For any nonresidential use providing 50 or more off-street spaces, a maximum of 2 required off-street parking spaces per 50 vehicle spaces may be reduced in size or otherwise redesigned to accommodate parking for motorcycles and scooters. When provided, motorcycle and scooter parking must be identified by a sign. Motorcycle and Scooter parking shall be counted concurrently as part of the minimum number of vehicle spaces required for the development.

(6) Landscaping.

A. Purpose.

1. Trees and other vegetation help to limit the negative effects of large, paved areas by improving stormwater control, reducing erosion, avoiding unnatural microclimates, and improving aesthetics. This section requires minimum landscaping requirements to satisfy this purpose.

B. Trees and Landscaped Areas

1. Trees

- a. A parking area shall have 2 trees per parking facility plus 1 tree for every 5 parking spaces or fraction thereof generally distributed throughout the parking area. Any dead or severely diseased trees used to fulfill these regulations shall be replaced at the request of the Zoning Administrator.
- b. Trees shall be selected for the local soil and climate. The area and soil depth of the site shall be adjusted to sustain the tree. Immediately following planting, each tree shall be a minimum of 6 feet tall and have a minimum 2-inch caliper. At maturity, each tree shall have a clear trunk at least four feet above the adjacent parking surface and average mature crown greater than 12 feet.
- c. Each existing healthy tree meeting the minimum caliper standard that is preserved may be counted as one (1) required tree, and each existing healthy tree with a diameter at breast height (DBH) of ten (10) inches or greater that is preserved may be counted as two (2) required trees, provided that any such trees are properly documented in accordance with 1148.05(b) and are situated no further than ten (10) feet from the proposed parking area. ~~Each existing tree that meets the minimum regulations for a newly planted tree shall count as 1 tree.~~
- d. ~~Each newly planted or existing tree with a minimum 6 inch diameter at breast height that is in a living and healthy condition shall count as 2 trees.~~
- d. Tree species shall be selected from the City's Tree List, or deemed by the Zoning Administrator (or his/her designee) to be an acceptable species for the location.

C. Landscaped areas.

All areas that are not paved shall be landscaped and shall satisfy the following regulations:

EXHIBIT D

PROPOSED TEXT AMENDMENTS (LEGAL VERSION)

Section 1101.4(400)(B)(1) shall be amended to read as follows:

- (1) To minimize
 - (a) The effect on ground water and aquifer recharge;
 - (b) Excavation and embankment;
 - (c) Unnecessary impervious cover; and
 - (d) The complete removal of mature trees.

Section 1101.4(403) shall be amended to read as follows:

403 – Typical Sections

Subdivisions shall be designed and constructed to conform to the Typical Sections incorporated by reference herein as Attachment H. The Typical Sections adopted as the standards for construction and design in the City are the following:

- (A) Principal Arterial street typical section;
- (B) Minor Arterial street typical section;
- (C) Major Collector street typical section;
- (D) Minor Collector street typical section;
- (E) Local street typical section;
- (F) Alley typical section;
- (G) Typical cul-de-sac details;
- (H) Temporary turn around;
- (I) Dead End/ Stub Street typical section (Hammerheads);
- (J) Multi-Use Path typical section;
- (K) Utility typical section; Utility locations;
- (L) Tree Protection Detail;
- (M) Tree Survey;
- (N) Typical Lot Consolidation/Split;
- (O) Standard Plat of Survey;
- (P) Record Plats
- W.1: Standard Record Plat Title Sheet;
- W.2: Standard Record Plat.

Section 1101.4(410)(A) shall be amended to read as follows:

- (A) A landscape plan shall be submitted with each plat application for proposed developments in accordance with Chapter 1149 of the Zoning Code and Chapter 935 of the City of Oxford Codified Ordinance, unless an exception is granted by the Planning Commission pursuant to these Regulations.
 - (1) The landscape plan shall identify existing and proposed trees, shrubs, and ground covers; natural features such as rock outcroppings; and other landscaping elements.
 - (2) Where existing plants are to be retained, the applicant shall include in the plans proposed methods of protecting them during construction such as but not limited to the Tree Protection Detail.
 - (3) The landscape plan shall demonstrate compliance with the requirements of Chapter 1148.

Sections 1143.03(c)(13)(A), 1143.05(c)(13)(A), and 1143.07(d)(13)(A) shall each be amended to read as follows:

- A. Landscaping of the site shall comply with the requirements of Chapter 1148.

Section 1143.12(d)(2) shall be amended to read as follows:

- (2) Landscaping of the site shall comply with the requirements of Chapter 1148.

Section 1143.16(d)(1) shall be amended to read as follows:

- (1) Landscaping of the site shall comply with the requirements of Chapter 1148.

Section 1145.01(a)(1) shall be amended to read as follows:

- (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. Facilitate the construction of a variety of dwelling types to serve Comprehensive Plan goals of diverse and affordable housing.
 - D. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings
 - E. 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
 - F. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development
 - G. Be functional within a time period that helps ensure a viable development
 - H. Minimize removal or destruction of existing natural features such as mature trees

Section 1145.05(a) shall be amended to read as follows:

- (a) Preliminary Plan.
- (1) Application fee.
 - (2) The name, mailing address, and telephone number of the applicant and all property owners.
 - (3) If the applicant is not the owner, or if there are multiple owners within the proposed area, a statement from all owners that the applicant is entitled to apply on their behalf, and that they agree to be legally bound to any decision reached according to this Chapter.
 - (4) The name, mailing address, and telephone number of any planner, engineer, surveyor, or other design professional who assisted with preparation of the plans.
 - (5) Description of use and site.
 - A written, detailed description shall include the following information. A separate response is required for each subsection.
 - A. A legal description of the site, including all separate lots.
 - B. A description of the existing uses of the site.
 - C. The zoning districts in which the site is located.
 - D. A description of the proposed planned development.
 - 1. The number of housing units by size and type proposed within each phase.
 - 2. A description of any nonresidential operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.
 - 3. The hours of operation of any nonresidential use.
 - 4. 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.
 - E. A narrative statement that evaluates the compatibility of the proposed planned development with the general vicinity and adjacent properties.
 - 1. 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.

2. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.
 3. If the proposed uses will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
 4. How any potential negative effects on adjacent land will be mitigated.
- F. A statement about why the location proposed is appropriate for the planned development.
 - G. A statement of the necessity or desirability of the proposed planned development to the neighborhood or community.
 - H. How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity, affordability and market changes (e.g. adaptability of flats versus townhomes)
 - I. 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.
 - J. A general analysis of expected traffic impact, including vehicular and pedestrian safety, resulting from the proposed development.
 - K. The substance of proposed covenants, easements, and other restrictions on the land and structures.
 - L. A list of the names and mailing addresses of all landowners within 200 feet of the site.
 - M. Such other information regarding the proposed uses, site design, or surrounding area as may be pertinent to the application or required by Planning Commission or Council.

(6) Site plan.

A scaled site plan prepared by a surveyor or engineer licensed in the state of Ohio 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.

- A. North arrow.
- B. Scale.
- C. Vicinity map.
- D. All existing and proposed lot lines within the site.
- E. Dimensions of all lots and of the entire site and any adjacent rights-of-way.
- F. The location and intended purpose of all open spaces
- G. Approximate location, height, dimensions, and use of all proposed and existing structures.
- H. Approximate location and number of different uses (i.e. dwelling types and/or commercial uses).
- I. Approximate location and design of all proposed vehicle and pedestrian routes and nonresidential vehicle management areas.
- J. Approximate location and size of all existing and proposed utilities that will serve the planned development.
- K. Approximate location, size, and type of all proposed signs.
- L. Approximate location, height, and type of all proposed screening and landscaping.
- M. Distances to residential zoning districts if within 1,000 feet.
- N. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
- O. The location of any nearby schools and commercial facilities.
- P. Other information as required by the Planning Commission or Council.

(7) Landscape plan.

- A. The plan shall demonstrate compliance with the requirements of Chapter 1148.

(8) Elevations.

- (9) Elevations of proposed structures or typical elevations if structures are not yet designed.
Other.
- (10) Photographs of the existing site and its surroundings.
Digital Submittal.
Adobe PDF version of all information submitted to also be submitted on a current digital format.

Section 1145.06(b) shall be amended to read as follows:

(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.
- (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.
- (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.
- (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.
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.
- (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.
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (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.
- (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.
- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- (14) Proposed construction will not result in the complete elimination of existing mature tree canopy. Effort shall be made to direct disturbance and construction around or away from existing mature tree canopy without completely taking away use of the site or connectivity to existing infrastructure.

Section 1147.02(a)(1) shall be amended to read as follows:

(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. Landscape Plan.

The plan shall demonstrate compliance with the requirements of Chapter 1148.

- E.** 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.

- F. Other.
Photographs of the existing use and its surroundings.

Section 1147.02(c)(2) shall be amended to read as follows:

(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. Proposed construction will not result in the complete elimination of existing mature trees on the site. Effort shall be made to direct disturbance and construction around or away from existing mature trees without completely taking away use of the site or connectivity to existing infrastructure.
- N. 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.

Chapter 1148 shall be added to read as follows:

Chapter 1148 Landscaping and Tree Preservation

1148.01 – PURPOSE.

The purposes of the landscaping and tree preservation standards outlined in this chapter are to promote clean air quality; to reduce noise, heat and glare; to improve surface drainage and minimize flooding; to provide visual buffers; to beautify and enhance both improved and undeveloped areas; to advance the aesthetic quality of the community; to maintain property values and the quality of life in the City; and to promote the public health, safety and welfare through new plantings as well as preservation of existing vegetation, especially established areas of mature vegetation. The regulations included in this chapter are also intended to prevent the complete deforestation of lands with the wanton removal of trees. As a recognized “Tree City USA” community by the national Arbor Day Foundation, the City of Oxford demonstrates adherence to core standards of sound urban forest management, thus promoting a greener, healthier community.

1148.02 – APPLICABILITY.

Except as provided by this section, all property that is being developed within the City is subject to the requirements of this chapter. The following lots, uses and situations shall be exempt from compliance with this chapter:

- (a) Lots used for single-family, two-family or three-family dwellings, where initial construction of the unit(s) has been completed are exempt. In cases where an existing single-, two- or three-family dwelling has been demolished, the requirements of this chapter shall apply when any new dwelling unit is constructed. All landscaping requirements found herein shall apply individually to lots within new subdivisions until issuance of a Certificate of Code Compliance, however such lots shall continue to be bound by all other requirements and conditions as may be related to approval of the subdivision.
- (b) Any lot within the UP Uptown District is exempt. However, this does not exempt parking areas on private property from complying with the landscaping provisions of Chapter 1149.
- (c) Golf courses, parks, playgrounds, and similar types of uses are exempt.
- (d) Expansions or alterations to developments which do not constitute a “substantial expansion” are exempt. Should one of the criteria for a substantial expansion outlined below be met, the entire site must come into conformance with the provisions of this chapter. A substantial expansion is hereby defined as:
 - (1) An expansion to a building that is 50% or greater when the combined floor area of the existing structure(s) is less than 1,000 square feet; or
 - (2) An expansion to a building that is 40% or greater when the combined floor area of the existing structure(s) is greater or equal to 1,000 square feet and less than 10,000 square feet; or
 - (3) An expansion to a building that is 30% or greater when the combined floor area of the existing structure is greater than or equal to 10,000 square feet and less than 25,000 square feet; or
 - (4) An expansion to a building that is 20% or greater when the combined floor area of the existing structure(s) is greater than or equal to 25,000 square feet and less than 50,000 square feet; or
 - (5) An expansion to a building that is 10% or greater when the combined floor area of the existing structure(s) is greater than or equal to 50,000 square feet.

1148.03 – STREET TREE REQUIREMENT.

Trees shall be planted in the tree lawn or other appropriate areas in street rights-of-way as required in Chapter 935 of the City of Oxford Codified Ordinances, subject to the discretion of the City Engineer or other applicable authority for changes in the public right-of-way. Trees planted in the tree lawn shall be installed by the applicant requesting development approval and maintained in good condition until project construction is complete.

1148.04 – TREE PLANTING REQUIREMENTS.

- (a) Development sites, defined as all property contained within one or more parcels to be developed exclusive of existing right-of-way, shall be landscaped with trees and ground cover and shall comply with the standards of this section as applicable.
- (b) Residential Single-, Two- and Three-Family Standards
 - (1) On single-family lots, a minimum of one (1) tree shall be planted within the required front yard area.
 - (2) On two-family lots, a minimum of one (1) tree for each unit shall be planted within the corresponding required front yard area.
 - (3) On three-family lots, a minimum of two (2) trees shall be planted within the required front yard area.
- (c) Nonresidential and Residential Multi-Family Standards
 - (1) Overall Site Trees

A minimum of one (1) tree for every ten (10) feet of linear lot frontage on a public street right-of-way shall be provided on the development site. However in the case of corner

lots with frontage on two public streets, the amount of required trees shall be calculated based only on the street with the longest frontage.

(2) Front Yard Trees

A minimum of one (1) tree for every twenty five (25) feet of linear lot frontage on a public street right-of-way shall be provided within the required front yard area; such trees may contribute toward fulfilling the overall site planting requirement specified in subsection (1) above. In the case of corner lots with frontage on two public streets, the amount of required trees shall be calculated based only on the street with the longest frontage.

(3) Parking Area Trees

Trees in parking lot areas as may be required by Section 1149.05(e)(6) may also contribute toward fulfilling the overall site planting requirement specified in subsection (1) above, but shall not count toward fulfilling subsection (2) above.

- (d) Upon planting, each required tree shall be a minimum two (2) inch caliper and must be a species that appears on the City's Tree List or is deemed by the Zoning Administrator (or his/her designee) to be an acceptable species for the location.
- (e) Each existing tree meeting the standards for minimum caliper and placement that is preserved may be counted as one (1) required tree, and each existing tree that is ten (10) inches or greater in diameter at breast height (DBH) may be counted as two (2) required trees, provided that any such trees are documented in accordance with 1148.05(b) below.
- (f) Any dead or severely diseased trees used to fulfill these regulations shall be replaced at the request of the Zoning Administrator.

1148.05 – TREE PRESERVATION REQUIREMENTS.

(a) Tree Replanting

- (1) All existing trees ten (10) inches DBH or greater in size shall be replaced at a rate of one (1) inch caliper for every two (2) inches caliper removed, except as provided in subsection (2) below.
- (2) The following trees shall be exempted from required planting:
 - A. Trees within future public rights-of-way or private accessways;
 - B. Trees within the building footprint of proposed structures or within fifteen (15) feet from the perimeter of such structures;
 - C. Trees that are damaged, diseased, over-mature, interfere with utility lines, or are an inappropriate or undesirable species for that specific location;
 - D. Trees removed for a stormwater retention pond or detention basin;
 - E. Trees within five (5) feet of hard-surfaced parking areas, driveways, or walkways;
 - F. Trees that pose potential danger to life or property;
 - G. Trees removed for necessary utility installations or are within utility easements;
 - H. For individual single-family lots, all trees within the front and side yards.
- (3) Nothing prevents caliper inches planted to comply with the requirements of Section 1148.03 or Section 1148.04 from counting toward any tree replacements required by this section. The applicant shall be responsible for calculating how tree replacements are to be fully or partially compensated by required plantings.

(b) Documentation

(1) General Requirements

- A. Existing trees with a DBH of ten (10) inches or greater shall be labeled on the applicable required site plan as either "To Be Removed" or "To Be Saved." Trees smaller than ten (10) inches DBH to be preserved and counted toward the site tree planting requirements of Section 1148.04 shall also be labeled.
- B. Those trees that are labeled "To Be Saved" shall be protected from construction equipment through methods as depicted on the Tree Protection Detail in Attachment H or through means found acceptable to the Zoning Administrator or designee.

- C. Clearing limits are to be marked and fenced off in the field according to such plans before construction or clearing can begin.
- (2) Tree Survey
- A. A tree survey shall be required for nonresidential and multi-family developments, as well as all Major Subdivisions.
 - B. The tree survey shall document the location, DBH, and species for each individual tree, except as provided in subsection C. below. The Zoning Administrator may, at his/her discretion, accept estimations of these details for heavily wooded areas or sites over one (1) acre. In considering estimates, the Zoning Administrator may allow the use of techniques such as site photographs, aerial photographs, site visits, or survey sampling.
 - C. The tree survey need not account for the following areas:
 - 1. Areas comprising trees exempted by Section 1148.05(a)(2);
 - 2. For developments that are not Major Subdivisions: Areas of the development property more than one hundred (100) feet away from the nearest proposed structure/improvement that in the judgment of the Zoning Administrator are a reasonably safe distance away from the area to be impacted/disturbed by construction activities; and
 - 3. For Major Subdivisions: Areas that are delineated on the applicable site plan and proposed to be legally protected in perpetuity. The burden shall be on the applicant to demonstrate how trees within such identified areas are to be permanently preserved, excepting removal of dead or invasive vegetation which shall be allowed in all instances. One or more of the following methods shall be utilized:
 - a. A duly executed and recorded conservation easement to be held by a qualified organization approved by the City; or
 - b. A set of covenants and restrictions corresponding to a conservation area clearly delineated on the record plat, or delineated and described through means of a separate legal instrument.
 - D. Any area designated for conservation pursuant to Section 1148.05(b)(2)(C)(3) above that is disturbed in a manner contrary to the agreed upon restrictions shall be subject to the surveying and replanting requirements of this chapter. In such cases, the applicant shall compensate the City for the loss of protected trees either by replanting as applicable and/or paying in-lieu fees in accordance with Section 1148.06 below.

1148.06 – IN-LIEU FEE OPTION.

For cases involving discretionary approval by a public body (i.e. Major Subdivisions, Planned Developments and Conditional Uses) or Landscape Plan Review, an agreement may be made to accept funds into the City's planting program in-lieu of up to fifty (50) percent of the total number of trees to be planted as required by Section 1148.04 and/or replanted as required by Section 1148.05.

1148.07 – REVIEW PROCEDURES.

- (a) Discretionary Review
For cases involving discretionary approval by a public body (i.e. Major Subdivisions, Planned Developments and Conditional Uses), the procedures as required within respective chapters of this Zoning Code shall be followed.
- (b) Administrative Review
For cases not involving discretionary approval by a public body, the Zoning Administrator or designee shall have the authority to administer the regulations of this chapter, as well as to make interpretations in applying the standards of this chapter.
- (c) Landscape Plan Review

- (1) Landscape Plan Review is provided as an alternate review process to achieve compliance with the provisions of this chapter. This process is available to all development projects that would normally be subject to subsection (b) above.
- (2) The Planning Commission shall serve as the approving authority for Landscape Plan Review. A majority vote is required to approve.
- (3) The Zoning Administrator may, at any time, consult the Planning Commission in making a determination on a plan's compliance with the standards of this chapter, and thus has the ability to require Landscape Plan Review for any development project to which this chapter is applicable per Section 1148.02.
- (4) An applicant/developer also has the right to request in writing a Landscape Plan Review by the Planning Commission, either to accommodate an alternative landscape site design which does not strictly adhere to the standards of this chapter, or to appeal the Zoning Administrator's application or interpretation of the standards of this chapter.
- (5) In conducting Landscape Plan Review in accordance with the criteria outlined in subsection (6) below, the Planning Commission shall have the ability to waive or modify any numerical regulations of this chapter.
- (6) **Decision Criteria**
The Planning Commission shall utilize the following criteria in making a determination on whether to approve or deny a Landscape Plan:
 - A. The proposed plan embodies the overall spirit and intent of this chapter and adheres to the general purposes as stated;
 - B. The proposed plan demonstrates careful planning of buildings, uses, and all other development components in a way that is as harmonious as possible with existing natural features and resources; and
 - C. The proposed plan would result in a more attractive visual appearance and result in a greater prevalence of trees and vegetation than the present conditions.

Section 1149.05(e)(6)(B)(1) shall be amended to read as follows:

1. Trees
 - a. A parking area shall have 2 trees per parking facility plus 1 tree for every 5 parking spaces or fraction thereof generally distributed throughout the parking area. Any dead or severely diseased trees used to fulfill these regulations shall be replaced at the request of the Zoning Administrator.
 - b. Trees shall be selected for the local soil and climate. The area and soil depth of the site shall be adjusted to sustain the tree. Immediately following planting, each tree shall be a minimum of 6 feet tall and have a minimum 2-inch caliper. At maturity, each tree shall have a clear trunk at least four feet above the adjacent parking surface and average mature crown greater than 12 feet.
 - c. Each existing healthy tree meeting the minimum caliper standard that is preserved may be counted as one (1) required tree, and each existing healthy tree with a diameter at breast height (DBH) of ten (10) inches or greater that is preserved may be counted as two (2) required trees, provided that any such trees are properly documented in accordance with 1148.05(b) and are situated no further than ten (10) feet from the proposed parking area.
 - d. Tree species shall be selected from the City's Tree List, or deemed by the Zoning Administrator (or his/her designee) to be an acceptable species for the location.

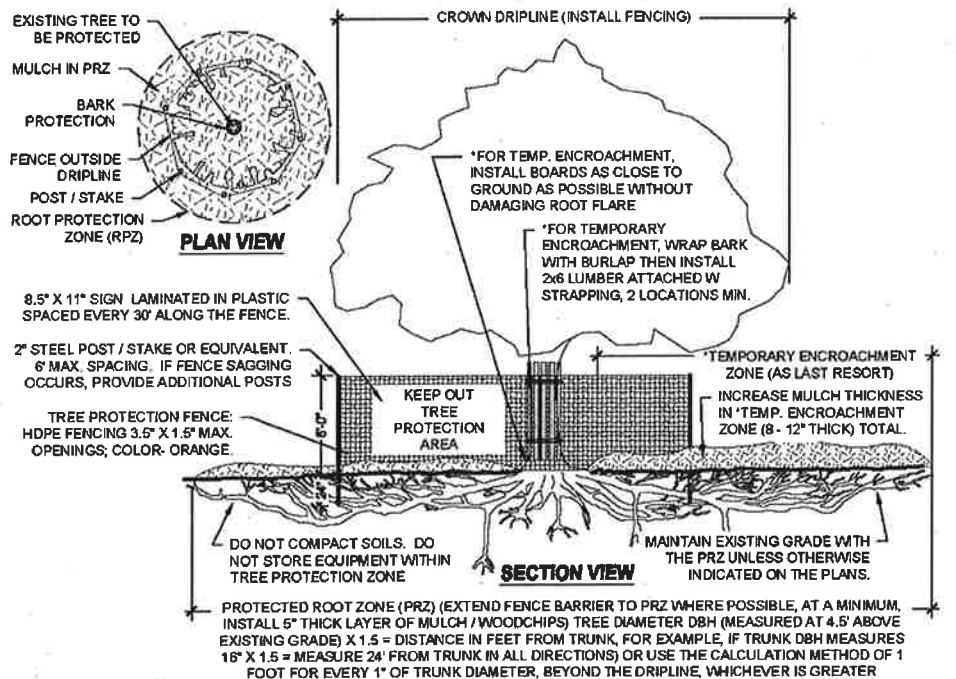
Attachment H shall be amended to add the following exhibits as follows:

TREE PROTECTION NOTES

- A TREE SUFFERING FROM CONSTRUCTION ACTIVITIES MAY EXPERIENCE SEVERAL YEARS OF DECLINE BEFORE IT'S EVENTUAL DEATH. AWARENESS & GOOD COMMUNICATION BETWEEN THE PROPERTY OWNER, ARBORIST, PROJECT MANAGER & CONTRACTOR BEFORE, DURING & AFTER CONSTRUCTION IS VITAL TO SAVING TREES. BELOW ARE ROOT & BARK PROTECTION GUIDELINES, HOWEVER, TREE PRESERVATION IS SITE SPECIFIC & OTHER METHODS MAY ALSO BE APPROPRIATE.
- PREVENTION, PRE-CONSTRUCTION ACTION: EVEN WITH A PRESERVATION PLAN IN PLACE, CONSTRUCTION NEAR A TREE AFFECTS A TREE'S ENVIRONMENT AND CAN LEAD TO DAMAGE. A TREE'S RESPONSE TO CONSTRUCTION WILL DEPEND ON THE DEGREE OF SITE MODIFICATIONS AND THE STARTING HEALTH AND SIZE OF THE TREE. PROPER WATERING IS ESSENTIAL TO THE TREE'S SURVIVAL; ENSURE IT IS WELL WATERED IN THE MONTHS PRIOR TO PROJECT START. MULCH PROTECTED ROOT ZONE TO HELP INSULATE SOILS.
- SOIL COMPACTION, MATERIALS STORAGE & CONSTRUCTION DEBRIS CAN HARM TREE ROOT HEALTH LEADING TO DIEBACK & TREE DEATH. MOST ROOTS LIE WITHIN THE UPPER 6'-24" OF SOIL. MINIMIZE TREE INJURY WITH PROPERLY PLACED & SIZED BARRICADES.
- GRADE CHANGES, EVEN AS LITTLE AS 2" OF FILL, CAN CAUSE DEATH OF A TREE. LOWERING THE GRADE CAN DESTROY MAJOR PORTIONS OF A ROOT SYSTEM, CAUSING DECLINE AND EVENTUAL DEATH. AVOID CHANGING THE GRADE WHEREVER POSSIBLE.
- IF ROOT CUTTING BECOMES NECESSARY DURING CONSTRUCTION, ONLY CUT SECONDARY & TERTIARY ROOTS (LESS THAN 2" IN DIAMETER) WITH A SHARP BLADED SAW, MAKING CLEAN CUTS PERPENDICULAR TO THE NATURAL GROWTH DIRECTION. BACKFILL WITHIN ONE HOUR OF CUTTING ROOTS, WATER THE TREE WITHIN 24 HOURS OF ROOT CUTTING. SEVERING ROOTS CAN HAVE A SIGNIFICANT IMPACT ON TREE HEALTH, SURVIVAL AND STABILITY.
- FOLLOW-UP; POST-CONSTRUCTION MAINTENANCE, PROVIDE SUPPLEMENTAL IRRIGATION DURING DRY PERIODS AND MONITOR THE TREE FOR SEVERAL YEARS FOLLOWING CONSTRUCTION.

TREE PROTECTION SPECIFICATIONS

- PROVIDE TREE PROTECTION FENCING WHEN DISTURBANCE WILL OCCUR WITHIN 25' OF THE PROTECTED ROOT ZONE (PRZ).
- NO EQUIPMENT SHALL OPERATE AND NOTHING SHALL BE STORED INSIDE THE PROTECTIVE FENCING, INCLUDING DURING FENCE INSTALLATION AND REMOVAL, WITH THE ONLY EXCEPTION BEING PROVISIONS OF TEMPORARY BARK PROTECTION.
- PROVIDE TEMPORARY BARK PROTECTION (BOARD WRAP) ONLY WHEN TREE PROTECTION FENCING MUST BE TEMPORARILY REMOVED AND ENCROACHMENT INTO PROTECTED ROOT ZONE (PRZ) IS DEEMED NECESSARY AS A LAST RESORT TO COMPLETE CONSTRUCTION WHILE ATTEMPTING TO AVOID REMOVAL OF THE TREE.
 - WRAP TRUNK IN BURLAP. INSTALL A RING OF $\pm 8'$ LONG 2"x6" PLANKS LOOSELY BANDED ONTO THE TREE WITH STRAPS (VELCRO, STEEL, GALV. WIRE OR SIMILAR), STAPLED TO PLANKS. IF LENGTHY CONSTRUCTION, INSPECT & LOOSEN BOARDS EVERY 6 MONTHS.
 - DEMOLITION OR EXCAVATION SHALL PROCEED WITH EXTREME CAUTION, USING HAND TOOLS AND OTHER LOW IMPACT EQUIPMENT SUCH AS AIR EXCAVATION TOOLS. APPLY WATER SLOWLY WITH SOAKER HOSE OR SPRINKLER FOR 4 HOURS MINIMUM, ± 12 HOURS PRIOR TO THE WORK. COVER ANY EXPOSED CUT ROOTS WITH SOIL OR WOOD CHIPS AND MAINTAIN SOIL ABOVE WILT POINT AT ALL TIMES.
- PROVIDE ADEQUATE WATER IF THERE IS NO IRRIGATION SYSTEM IN PLACE.
- PRUNING SHOULD BE PERFORMED BY AN APPROVED ARBORIST.
- THE OWNER'S REPRESENTATIVE OR MUNICIPALITY MAY INSPECT THE WORK AT ANY TIME.



TREE PROTECTION DETAIL (ROOT ZONE & ABOVE GRADE)

SCALE: NOT TO SCALE



City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 10, 2020

To: **Fire Department** Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2020-03, ZONING CODE TEXT AMENDMENTS, the addition of Chapter 1148 Landscaping and Tree Preservation, and amending multiple Sections of Chapters 1101, 1143, 1145, 1147, and 1149 for consistency with new Chapter 1148, and adding a Tree Survey and a Tree Protection Detail to Attachment H, **City of Oxford, Applicant**

☒ X ☐ Review ☐ Revisions ☐ Other

Please return no later than: **February 4, 2020** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:


John Detherage, Fire Chief

PRINTED NAME

Date: 1-13-2020

City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 10, 2020

To: Fire Department **Engineering Division** Police Department Econ Dev Department

From: Community Development Department

PC-2020-03, ZONING CODE TEXT AMENDMENTS, the addition of Chapter 1148 Landscaping and Tree Preservation, and amending multiple Sections of Chapters 1101, 1143, 1145, 1147, and 1149 for consistency with new Chapter 1148, and adding a Tree Survey and a Tree Protection Detail to Attachment H, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **February 4, 2020** 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:

Scott Otto

Date: 1/31/2020

Scott Otto

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 10, 2020

To: Fire Department Engineering Division **Police Department** Econ Dev Department

From: Community Development Department

PC-2020-03, ZONING CODE TEXT AMENDMENTS, the addition of Chapter 1148 Landscaping and Tree Preservation, and amending multiple Sections of Chapters 1101, 1143, 1145, 1147, and 1149 for consistency with new Chapter 1148, and adding a Tree Survey and a Tree Protection Detail to Attachment H, **City of Oxford, Applicant**

☒ X Review ☐ Revisions ☐ Other

Please return no later than: **February 4, 2020** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____


John A. Jones

PRINTED NAME

Date: 1/17/2020

City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 10, 2020

To: Fire Department Engineering Division Police Department **Econ Dev Department**

From: Community Development Department

PC-2020-03, ZONING CODE TEXT AMENDMENTS, the addition of Chapter 1148 Landscaping and Tree Preservation, and amending multiple Sections of Chapters 1101, 1143, 1145, 1147, and 1149 for consistency with new Chapter 1148, and adding a Tree Survey and a Tree Protection Detail to Attachment H, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **February 4, 2020** 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: 1-28-20

G. Alan Ryan
PRINTED NAME



Internal Use Only: <u>PC-2020-03</u>	
Case No.	
Date Filed	<u>12/30/19</u>

Zoning Code Text Amendment Application

Applicant Information

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

Name * Sam Perry, City of Oxford

Mailing Address * 15 South College Ave.

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-524-5204

Email Address sperry@cityofoxford.org

Amendment Description * Tree Preservation, Protection and Landscaping, Multiple Sections

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) Initiation. A text amendment may be initiated by the Chair of the Planning Commission, by adoption of a motion by Council or the Planning Commission, or by application to Planning Commission by a landowner or a resident of the City of Oxford.
- (b) Application. If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

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

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

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

Decision Process

From Section 1135.02(c)(1) Decision Standards¹.

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

Last Revised: Wednesday, May 30, 2018

- 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 *

12-30-2019

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, 15 South College Avenue, 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 *

Receipt Number *

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