

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-04

Date – April 10, 2018

APPLICATION

Applicant:	Scott Webb, Architect
Location:	6705 Ringwood Road
Owner:	Daniel Ratliff
Action Request:	Conditional Use Permit for Automotive Service Facility
Current Use:	Vacant Field
Zoning:	LI (Light Industrial)
Surrounding Existing Land Uses:	Church, Indoor Shooting Range, Concrete Plant, Hardware Store, Office/Industrial

GENERAL DESCRIPTION

On behalf of Zhuopeng Li, Architect Scott Webb is requesting a conditional use for an automotive service facility to be built on a vacant lot at 6705 Ringwood Road. The area is zoned Light Industrial with a mixture of light industry and service uses. The prospective owner of the property is planning to open an automotive service facility for specialty automobiles. The facility is intended to provide special care, modifications and repair services. Some ancillary car sales are anticipated but not the primary focus. City staff determined that the proposed use is similar to other conditional uses listed in the LI District because of the assembly aspect of vehicular modification.

PUBLIC COMMENTS

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

AGENCY REVIEWS

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

Police:	Returned without comments
Fire:	Returned without comments
Engineering:	Returned with comments
Econ. Dev.:	No comment returned

ZONING CODE REVIEW

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

- (6) Vehicle Service and Repair.
- A. Potential Concerns.
1. Proper design of vehicle management area.
The design is a typical design. However some waivers may be apparent:
- Parking in LI District 50' front yard setback (7 parking spaces are shown)
 - Bicycle parking unknown
 - Pedestrian circulation system not in design

Although there is no landscape or lighting plan, the proposed layout does not prevent compliance with Oxford Zoning Code. Lighting and landscaping can be reviewed at the time of building permit submission.

2. Proximity of service areas to lot lines and adjacent uses.

No adjacent use conflicts observed in the design. The adjacent uses are not residential. It is unknown at this time if the adjacent church would be in use during hours of operation.

3. Outdoor sales and storage.

Intended to be minimal as the storage is in the rear and the sales is limited to three, maximum, as shown on the site plan

4. Tow truck storage.

No tow truck services are intended.

B. Regulations.

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

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

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

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

Yes, the use can be allowed as a conditional use. There is no other district where this use is permitted.

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

Yes

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

Yes

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

Yes

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

None expected.

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

No excessive nuisance conditions expected.

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

No additional accessory uses expected other than car sales.

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

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

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

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

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

Harmonious design is proposed. Renderings of the proposed steel building have been provided by Mr. Webb.

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

Opportunity for comment has been provided to Police, Fire and Service Department. The site has been designed as a typical commercial parking lot; allowing cars to enter and exit the site in a forward motion. While it would have been ideal for the lots along Ringwood to have shared or otherwise coordinated entrances, that opportunity passed by when the lots were platted.

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

No features for protection are known. The lot is an open field.

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

Yes, as stated by applicant.

RECOMMENDATION

Based upon the zoning code review within and the above analysis, if the Planning Commission finds the proposal to meet the general and site specific requirements, it can forward a recommendation of approval to the City Council. Any waivers or modifications of the dimensional regulations of Oxford Zoning Code should be discussed and listed in the written recommendation.

SUBMITTED BY:



Sam Perry, AICP

Planner

DATE: April 3, 2018

ATTACHMENT

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

(1) Burden of proof.

- A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an Applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

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

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

(d) Action by Planning Commission.

- (1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) The Planning Commission shall base its recommendation to Council upon how well the application satisfies the General Decision Standards and the Decision Standards for the proposed use. **In its recommendation, Planning Commission may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.**

City of Oxford
Inter-Office Review Transmittal Sheet



Date: February 28, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-04, **CONDITIONAL USE**, to allow for an automotive service facility to be constructed on a vacant lot in the LI Light Industrial District, located at ~~5711~~ 6705 Ringwood Road, **Scott Webb, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **March 26, 2018** 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: 3-12-18

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 28, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-04, CONDITIONAL USE, to allow for an automotive service facility to be constructed on a vacant lot in the LI Light Industrial District, located at ~~6711~~ ⁶⁷⁰⁵ Ringwood Road, **Scott Webb, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **March 26, 2018** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

SEE MEMO DATED 3-23-2018.

Drawings reviewed by: *A. Popescu* Date: 3-23-18

 VICTOR POPESCU
PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.

RE: PC-2018-04
Conditional Use - Automotive Service Facility
6705 ~~6711~~ Ringwood Road

DATE: March 23, 2018

Due to the size of the proposed development and the approximate lot size of over an acre, the development may become subject to the OHIO EPA rules and permits for storm water.

Prior to initiating construction, the owner / developer are to obtain all necessary OHIO EPA storm water permits. Proof, that all necessary permits have been obtain, shall be provided to the Engineering Division.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 28, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-04, CONDITIONAL USE, to allow for an automotive service facility to be constructed on a vacant lot in the LI Light Industrial District, located at ~~6741~~ 6705 Ringwood Road, **Scott Webb, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **March 26, 2018** 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: _____

3/5/18

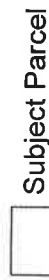
John A. Jones

PRINTED NAME

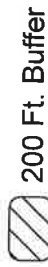
PC-2018-04

Surrounding Property Owners Notifications Map

Legend



Subject Parcel



200 Ft. Buffer



Oxford Corp. Limit



Address Point



Parcel

16.5' Vacated ROW



Building Footprint

Paved Roadway



1 inch = 100 feet

Prepared on Friday, March 09, 2018

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

College Corner Pike

Ringwood Rd

Ringwood Rd

Ringwood Rd

6705

6701

6715

6723

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Planning Commission & City Council regarding the construction of a new Auto Service facility on Ringwood Road in Oxford.

Thank you,

Signed:

Daniel E. Ratliff

dotloop verified
02/23/18 1:08PM EST
ZNXN-FZEX-XLJR-P3RD

Daniel Ratliff

Date:

2/23/18

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Planning Commission & City Council regarding the construction of a new Auto Service facility on Ringwood Road in Oxford.

Thank you,

Signed: zhuopeng Li
Zhuopeng (Jack) Li

02/22/2018
Date:



Internal Use Only:

Case No.

PC-2018-04

Date Filed

2/23/18

Conditional Use Permit Application

Applicant Information

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

Name * Scott Webb, Architect

Mailing Address * 13 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 523-3838

Email Address scott@scottwebbarchitect.com

Owner Information

Name * Marlys H. Ratliff & Daniel E. Ratliff - Property / Zhuopeng (Jack) Li Business Owner

Mailing Address * 3300 Farmersville W Alex Road / 613 Ogden Court Apt. 142

City, State & Zip Code * Farmersville Ohio 45325 / Oxford, Ohio 45056

Telephone Number(s) *

Email Address liz32@miamioh.edu

Location and Lot Information

Location of Property * 6711 Ringwood Road

Legal Description * Parcel H4100028000014

Zoning District * LI

Total Area * 44,997 → Check One * Acres ☐ Square Feet ☒

Existing Use Description * Vacant Land

Proposed Use Description * Automotive Service Facility

Submission Requirements and Documentation

From Section 1147.02(a)¹.

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

A. Application Fee.

B. Description of Use and Site.

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

1. The name, mailing address, and telephone number of the applicant and the property owner.
2. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.
3. A legal description of the site, including all separate lots.

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

Fees & Receipt

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

Sign and Date

Applicant Signature *

Date *


2/23/2018

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date *

2/23/18

Receipt Number *

191206

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

² Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

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



SCOTT
WEBB

ARCHITECT

103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838

www.scottwebbarchitect.com

Re: Application for Conditional Use
Proposed Auto Service Facility
6711 Ringwood Road
Parcel H4100028000014

6705
correct
address

February 22, 2018

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Conditional Use for an Proposed Auto Service Facility on Ringwood Road in the LI Zoning District..

The attached proposal has been prepared for and with the help of the following:

Property Owners:

Marlys H. Ratliff & Daniel E. Ratliff
3300 Farmersville W Alex Rd
Farmersville Ohio 45325

Purchaser / Business Owner:

Zhuopeng (Jack) Li
613 Ogden Court Apt. 142
Oxford, OH 45056

Architect:

Scott Webb, Architect
103 West Walnut Street
Oxford, Ohio 45056

Civil Engineer:

Bayer Becker, Engineers & Surveyors.
318 South College Avenue
Oxford, Ohio 45056

Narrative Statement describing how the proposed Conditional Use meets the following decision standards of the zoning district in which it is located.

In response to the decision standards outlined in the application, we offer the following:

- A. *The proposed use is in fact a Conditional Use in the Zoning District in which it is proposed;*

The City Planner directed my client to proceed as a conditional use in the LI District as an "other manufacturing, processing, or storage uses" considered to be of the same general character as the permitted uses.

- B. *The use and site will satisfy the general intent of the Zoning Code;*

The property is Zoned LI, and is considered by staff to be the appropriate zoning district for a use of this type.

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

The Land Use Objectives and Strategies from the Comprehensive Plan recommends identifying sites for commercial, office and industrial development along the US 27 Corridor, encourages reinvestment and favors infill over sprawl. This parcel has been vacant and on the market for over 15 years.

The Economic Development section directs us to attract new businesses consistent with the skills of the local community, quality of life and identified economic needs.

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

At over an acre, the size and shape of the site is adequate for the proposed use with the potential for expansion. The shape and size of the lot accommodates the building, maneuvering & parking, and respects all setbacks from all property lines.

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

The proposed use will not be disturbing to neighbors already providing light manufacturing, indoor firearm practice and training, or Sunday morning worship services.

It is important to note that the Church chose to locate in an Industrial District through an "Additional Use" process in 2002.

- 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.*

Automobile service facilities represent a low impact light industrial use and are permitted in other, more public commercial zoning districts.

- 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.*

A limited number of cars will be sold as a normal and customary accessory use to this type of business and not independent of the principle 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.*

All utilities are available at the proposed location. No special provisions are required.

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

No public expense is anticipated by this project.

- 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*

The proposed building is intended as a single story pre-engineered metal building, similar in scale and materials as the adjacent buildings and those permitted in the LI 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.*

Access to the site has been carefully considered for the operation of the business and the adjacency of other business entrances along Ringwood Road, providing separation between this entrance and that of the indoor shooting range.

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

The proposal contained herein is designed for a vacant piece of undeveloped land with no natural scenic or historic features.

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

A professional review of the building code has been performed, and all necessary permits and licenses can be obtained for this use in this location.

Thank you for your consideration of this proposal. If you have any questions or need any additional information, please call.

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', is written over a horizontal line.

Scott Webb, Architect

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



SCOTT
WEBB

ARCHITECT

103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838

www.scottwebbarchitect.com

Re: Application for Conditional Use
Proposed Auto Service Facility
6711 Ringwood Road
Parcels H4100028000014

February 23, 2018

Dear Mr. Chen,

In addition to the narrative statement required on the Conditional Use Application, please accept this letter as the additional narrative statement required by Section 1147.02 of the Zoning Code.

In response to the items listed in 1147.02, we offer the following:

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 & service vehicles*

The proposed building is designed to provide automotive repair & modifications inside a new building.

The building is designed to accommodate (4) cars at a time inside the building with staging areas for cars awaiting service and parking for cars waiting to be collected by their owners.

The proposed business does not anticipate high daily traffic counts, as most services are performed by appointment.

- b. *Hours of operation*

The proposed hours of operation are from 7:30 AM to 7:30 PM to allow for drop-off and pick-up of cars before and after typical business hours.

7. *A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties;*

- a. *How is the use similar to or different from existing area uses and if there will be any interaction between the proposed and existing uses*

The property is zoned LI and is surrounded by semi-industrial uses (Capital Varsity), a church, the new shooting range, and vacant agricultural uses outside the City limits. The site is designed to accommodate all functions of the business with no anticipated interaction with existing uses in the vicinity.

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

The property is currently undeveloped.

The proposed building will be a single story pre-engineered metal building, appropriate for the use and typical for the uses anticipated by the LI Zoning District.

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

Automobile service facilities represent a low impact light industrial use and are permitted in other, more public commercial zoning districts. All work takes place inside the proposed building.

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

The design of the site provides for generous setbacks, and will be provided with typical parking lot and security lighting.

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

While our Zoning Code does not currently address businesses like this in any zoning district, it was the feeling of the City Planner that this use is typically found in GB areas and would be compatible with the intent of the LI District.

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

The changing demographics of Miami students and the community at large has created an influx of exotic cars and a business opportunity in providing special care, modifications, and repairs to these customers. With limited property of this size available in the GB district, the owner broadened his search to the western edge of the City.

At just over an acre, the property in question has been on the market for over 15 years and is quite small for many potential industrial uses. As a destination business not dependent on high visibility and traffic counts, the owner has decided to investigate this property for his new business.

With the new MayDay indoor shooting range and Gillman Home Center as neighbors, the area currently accommodates retail and service businesses among the Light Industrial uses.

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

Based on the potential concerns of Vehicle Service and Repair Facilities itemized in 1147.03(b)(6) we offer the following;

A. *Potential Concerns:*

1. *Proper Design of Vehicle Management Area*

The vehicle management areas are designed to present a clear path for customers and employees to move cars through the site logically and efficiently.

The curb cut entering the property has been located to provide separation from the adjacent existing drives.

2. *Proximity of Service Areas to lot lines and adjacent uses*

All service activities will happen inside the building. .

3. *Outdoor Sales and Storage*

As is typical of this type of business, incidental cars for sale will be located as indicated on the site plan and inside the building.

Parking areas are provided for cars awaiting service and those that are finished outside the building

4. *Tow Truck Storage*

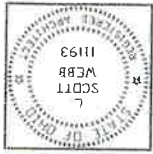
Towing services are not anticipated to be provided, so no truck storage is required.

Thank you for your consideration of this proposal. If you have any questions or need any additional information, please call.

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written in a cursive style.

Scott Webb, Architect

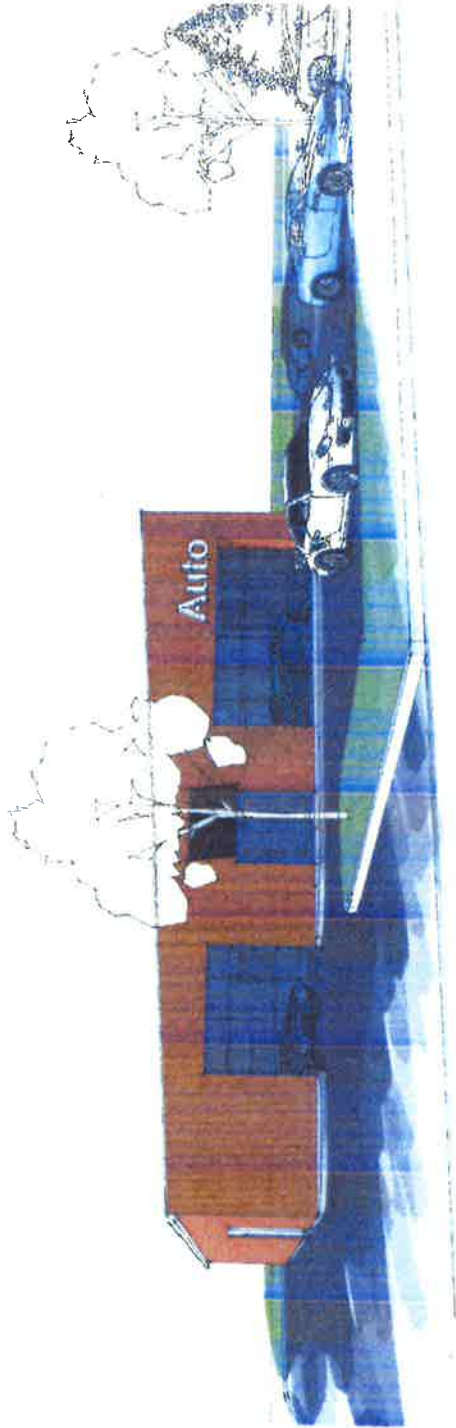


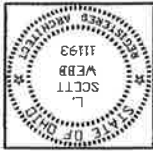
 **SCOTT WEBB**
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3839
www.scottwebbarchitect.com

PROPOSED NEW AUTO SERVICE & SALES
Kingwood Road
OXFORD, OHIO 45056

DATE	February 27, 2018
REVISIONS	

A-1



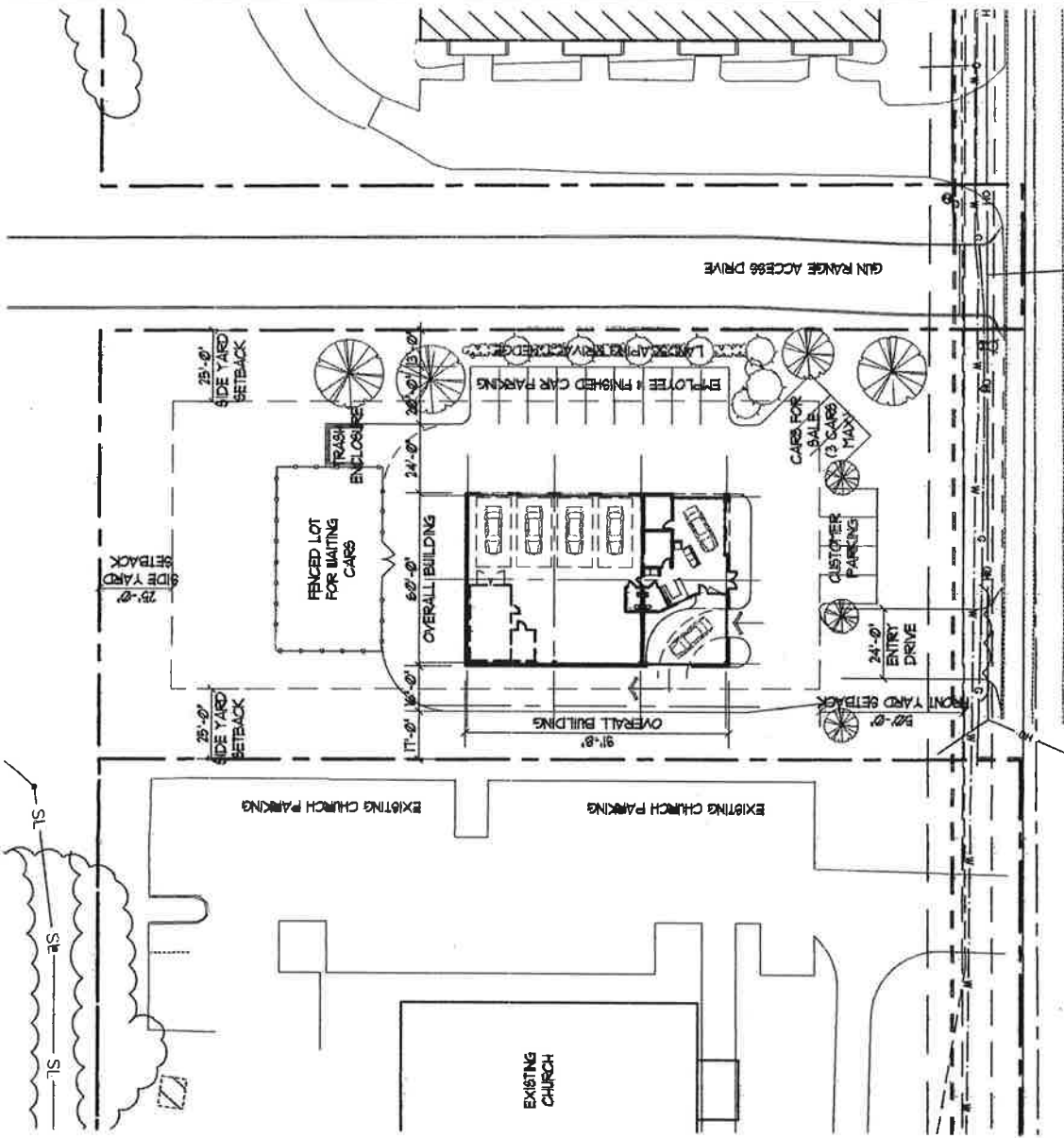


SCOTT WEBB
 ARCHITECT
 103 West Walnut Street
 Oxford, Ohio 45056
 613.928.3838
 www.scottwebbarchitect.com

PROPOSED NEW AUTO SERVICE & SALES
Kingwood Road
 OXFORD, OHIO 45056

DATE	February 27, 2016
REVISIONS	

A-2



PRELIMINARY SITE PLAN 1" = 40'-0"

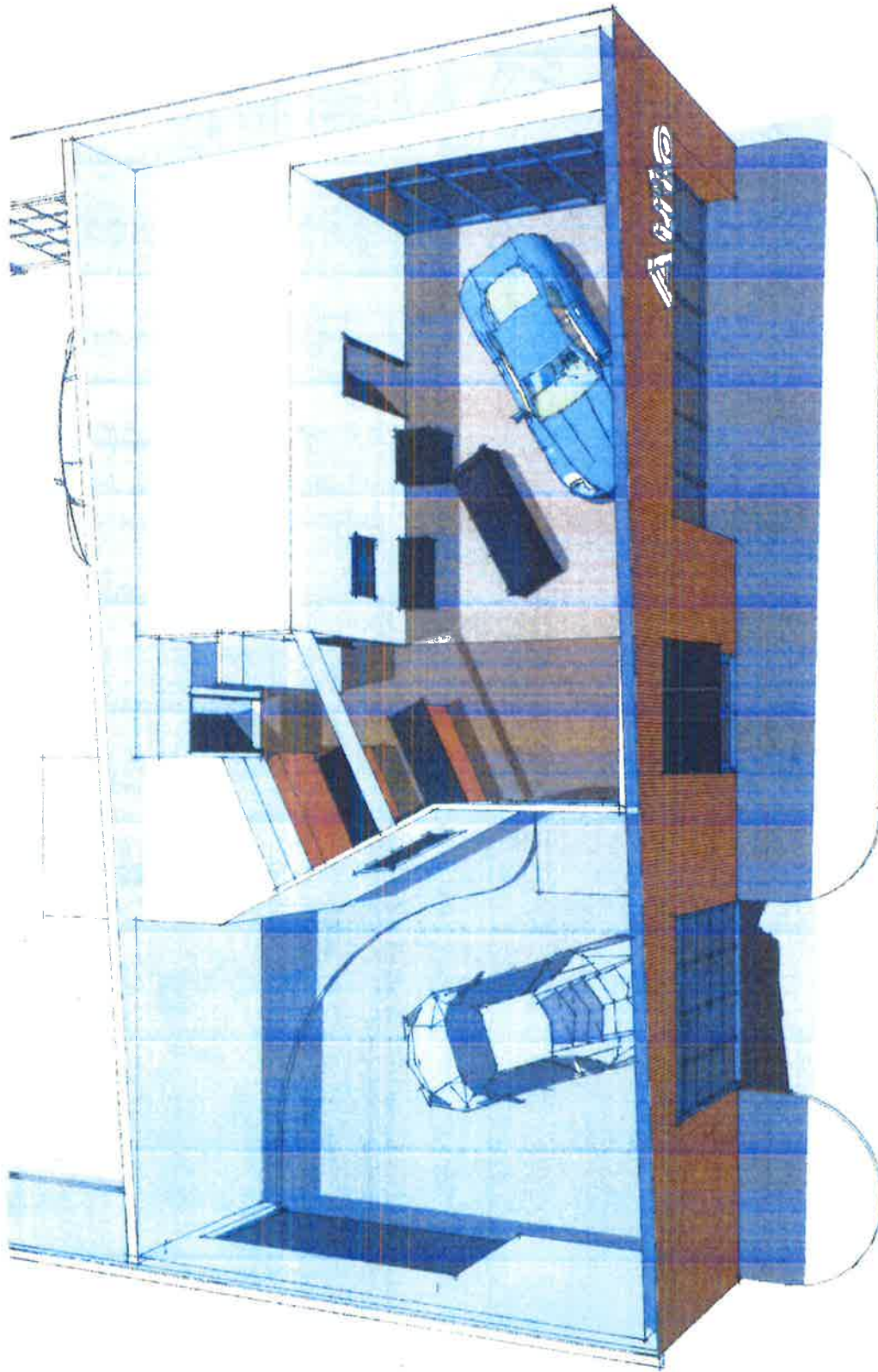


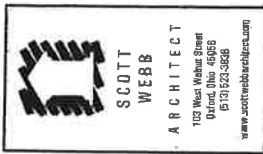
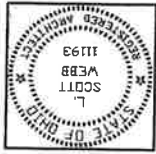

**SCOTT
WEBB**
 ARCHITECT
 103 West Walnut Street
 Oxford, Ohio 45056
 (615) 542-9828
www.scottwebbarchitect.com

PROPOSED NEW AUTO SERVICE & SALES
Kingwood Road
 OXFORD, OHIO 45056

DATE	February 22, 2008
REVISIONS	

A-4

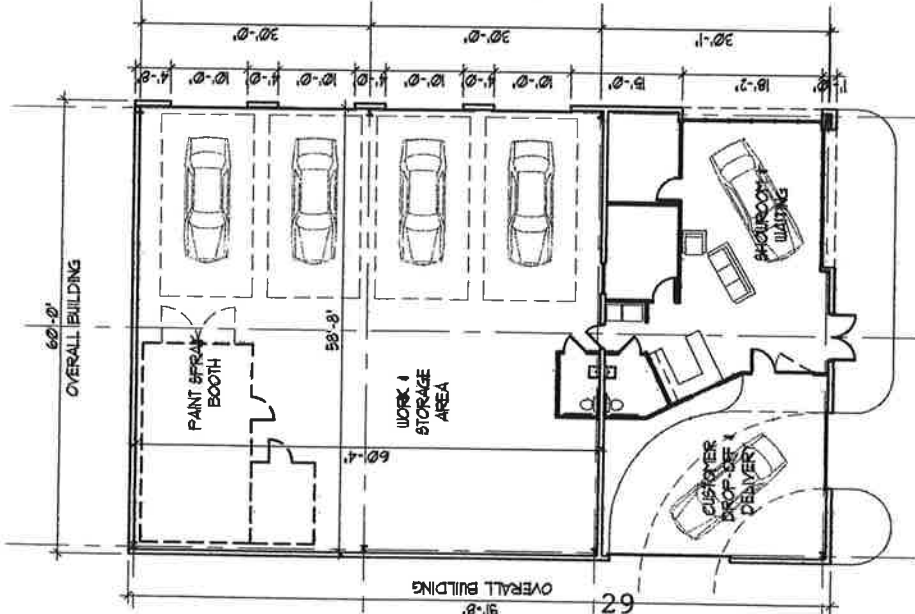
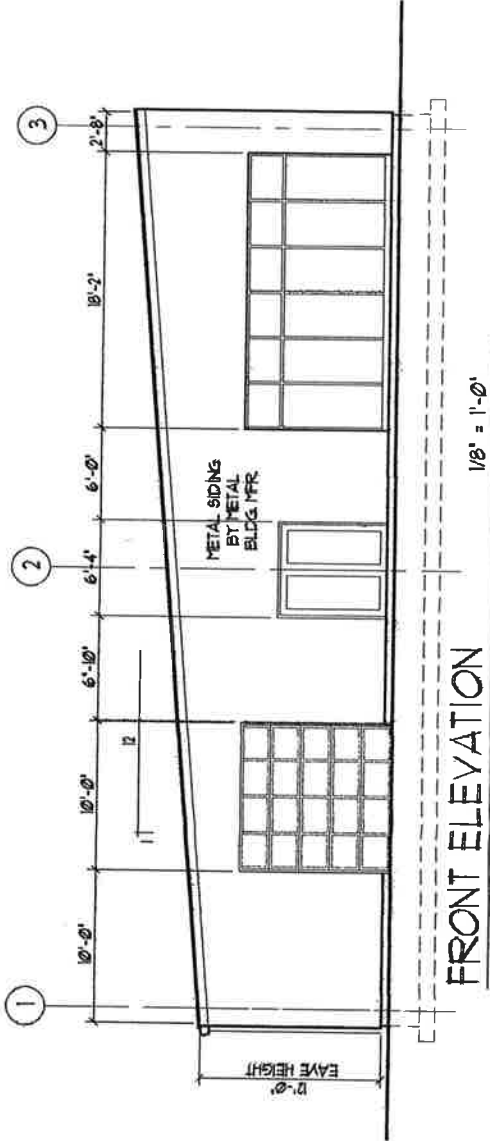
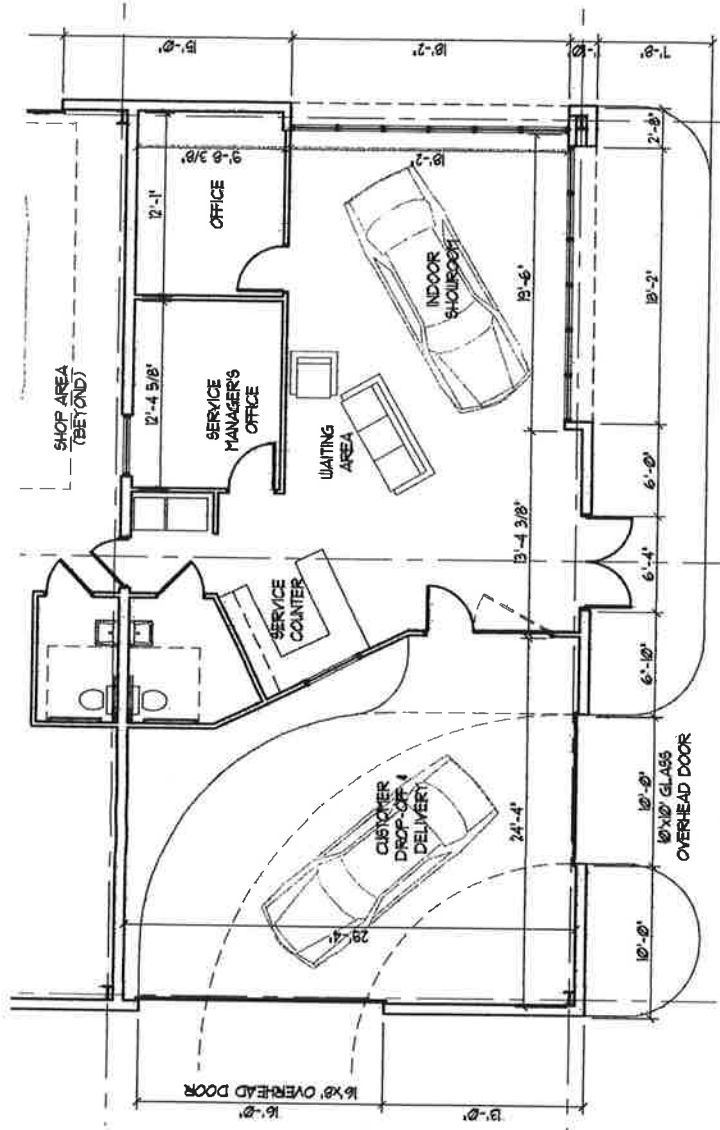




PROPOSED NEW AUTO SERVICE & SALES
Kingwood Road
OXFORD, OHIO 45056

DATE	February 22, 2008
REVISIONS	

A-3



Memorandum

PC-2018-02

TO: Robert Bell, Chair
Members of the Oxford Planning Commission

FROM: Jung-Han Chen
Community Development Director

SUBJECT: Proposed Text Amendment related to the Short Term Rental

DATE: April 5, 2018

The Planning Commission directed staff to revise the proposed language governing the short term rental at its March meeting to reflect the discussions took place during the meeting. Attached please find the revised language for your consideration.

Given this topic appeared to have generated many comments on the social media platform, and some residents did not have the opportunities to raise their concerns related to this topic, it might be beneficial to re-open the meeting for public comments.

The revised language, along with additional public comments, may not provide the Commission necessary time to deliberate and make recommendations on this matter. However, this approach would better serve the Commission in the long haul in addressing this issue for this community.

CHAPTER 1141
Accessory, Temporary, Supplemental and Environmental Regulations

1141.01 ACCESSORY REGULATIONS NEW SECTION 1141.01(a)(5)

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

(a)

- (5) Short Term Rentals (STR's): A short term rental is conducted by the owners of a residence for transient guests. No registration or permits are required for ~~less than five (5) or less~~ stays per calendar year in any residential districts. For ~~six (6) and more~~ ~~more than five (5)~~ stays, the chart below outlines the circumstances which govern the number of guests could be accommodated and the required public hearing.

Owner- Occupied		Non owner-Occupied	
In Overlay District	Not in Overlay District	in Overlay District	Not in Overlay District
With Valid Rental Permit One additional person reservation	3 additional person reservations	2 unrelated additional reservations	4 unrelated additional reservations
No rental Permit Conditional Use (limited to 2 unrelated additional reservations)	Conditional Use	Conditional Use (limited to 2 unrelated additional reservations)	Conditional Use

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-06

Date – April 10, 2018

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING CODE TEXT AMENDMENT , to amend Chapter 1145 Planned Development and 1159 Definitions to incorporate tree preservation provisions, City of Oxford, Applicant

DESCRIPTION

This application is to amend the Oxford Zoning Code Chapter 1145 Planned Development to incorporate tree preservation provisions as part of the development review requirements. The proposed draft was developed by the Environmental Commission, with assistance from City staff to ensure consistency. Additionally, the topic of tree preservation was brought up previously by City Council who directed the Environmental Commission to develop draft language relating to tree protection and tree preservation.

ZONING CODE

Attached please find the proposed amendment to the Planned Development Chapter of the Oxford Zoning Code for your information. Please note this is a new requirement to Chapter 1145 Planned Development regulations. Additionally, new definitions, Chapter 1159 of the Oxford Zoning Code have been proposed to reflect the requirements.

COMPREHENSIVE PLAN

The 2008 Comprehensive Plan touches a lot on the strong environmental ethics from the community and the desire to continue to support the protection of critical environmental areas, protection of natural areas. Specifically, the Land Use Principals:

5. Green space and public space will be incorporated as part of future development

Oxford's natural environment includes a variety of ecological systems and open spaces. Residents have a strong environmental ethic, support the protection of critical environmental areas, and desire for open space for recreation agriculture, and protection of natural areas.

- Local watersheds are defining natural features in Oxford. The city will commit to protecting and enhancing the watersheds when development or redevelopment occurs.
- Wooded areas will be protected and integrated into new developments, and connected when possible to create a continuous open space system.
- Convenient and accessible recreational opportunities will be provided for all ages.

Existing recreational, green space, public areas, open and natural spaces will be enhanced and new areas set aside that connect people to the natural environment and promote recreational opportunities to support active and healthy lifestyles.

AGENCY REVIEWS

Police:	Received without comment
Engineering:	Received without comment
Econ. Dev.	No comments received
Fire:	Received without comments

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

The proposed language was the end result of several in-depth discussions, and a directive from Council, relating to the issue of tree protection/preservation. These discussions, along with direction from Council, stemmed from the result of a recent development project that failed to take into consideration existing trees when designing the site layout for a housing development.

City Council directed the Environmental Commission to take the lead on developing the tree protection/preservation language to be included in the Oxford Zoning Code for major development projects. Throughout the process, the Commission took a very thoughtful approach in developing the draft, by reviewing the existing ordinances from other communities in Ohio, the City of Delaware and Springfield Township, to make necessary changes, based upon current practices, legislative limitations as well as any other factors that are pertinent to Oxford. The Commission also worked with the Community Development Director in fine-tuning the draft to ensure the review process was consistent with the existing code.

Several objectives were contemplated in this draft language the Planning Commission hoped to accomplish: 1) requiring a tree inventory (details based on the review phase; 2) providing a potentially consistent source of income for the City's Tree Fund; 3) delineating a clear narrative of how projects should consider tree protection/preservation to be one of the important features for the project; and 4) encouraging the development community to be creative in their design.

The major components of the proposed language can be highlighted into the following elements:

1. Applicable to major development and redevelopment projects.
2. Integrate tree preservation and protection as part of the requirements for development projects.
3. Environmental Commission as part of the plan review for major development projects relating to tree protection and preservation efforts.
4. Define specific requirements for tree inventory, since there are typically a two-step review process before the Planning and City Council for those projects.
5. Allowing trade-offs and choices: The EC, mindful about the development, would involve site clearing for infrastructure and homes to require replacements to be planted. Should replacement not be accommodated on site, the developer is offered different options to make equitable financial contributions to the Tree Fund.
6. Ongoing site verifications for compliance purposes to meet the requirement and the best judgement of experts.

The proposed draft also provides definitions of landmark trees as well as protected trees for the purposes of tree inventory analysis. With those definitions, the site engineer can visit the site and make determinations of the existing conditions and plans for suitable site development.

This requirement would be a major shift in the review of development projects and would require a learning curve and working collaboration with the Environmental Commission. The requirements might incur some additional burden to the developer relating to the site design and is a departure from what previous projects might have received approval from the City. It is difficult to anticipate the scale of any additional workload, but the draft language does place additional workload onto City staff concerning necessary expertise, on-site verification and compliance checks. Furthermore, the additional review/verification may also put additional necessary time for the project review phase.

The Environmental Commission needs to be commended for taking this on to address tree preservation and tree protection issues. There may be some minor issues that need to be worked out, but as a whole, the draft represents a positive addition to the Oxford Zoning Code.

RECOMMENDATION

Deliberation of any zoning code change must follow the decision standards as outlined in Chapter 1135. Staff recommends that the Planning Commission review the proposed language. The Planning Commission may recommend to City Council to adopt the proposed language or require modification for another review prior to make recommendation to the City Council

SUBMITTED

Jung-Han Chen, Community Development Director

A handwritten signature in cursive script, reading "Jung Han Chen", is written over a horizontal line.

DATE: April 3, 2018

ATTACHMENT

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

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

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

Text Amendments

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

CHAPTER 1145 Planned Developments

- 1145.01 Purpose.
.....
- 1145.02 Approval requirement.
.....
- 1145.03 Effect of approval.
.....
- 1145.04 Procedure.
.....
- 1145.05 Application.
.....
- 1145.06 Planning Commission and Council review.
.....
- 1145.07 Action by Planning Commission and Council.
.....
- 1145.08 Recording, permits, and occupancy.
.....
- 1145.09 Period of validity.
.....
- 1145.10 Changes to a planned development.
.....
- 1145.11 Reapplication.
.....
- 1145.12 Design.
.....

1145.13 TREE PRESERVATION AND PROTECTION

The purposes of the tree preservation standards and regulations herein 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 the preservation and replacement of trees.

(a) TREE PRESERVATION ON PRIVATE PROPERTY

- (1) Consistent with the expressed purposes of this regulation, all persons shall make reasonable efforts to preserve and retain existing Protected Trees and Landmark Trees in the City of Oxford.
- (2) If any private lot is 1 or more acres, or a contiguous group of lots owned by substantially the same person or entity is 1 or more acres, then no person shall cut, destroy, cause to be destroyed, move or remove any Protected Tree or Landmark Tree on such lot or group of lots without first obtaining a permit from the Community Development Director.
- (3) A permit may be granted by the Community Development Director after review of a Tree Survey and a Tree Replacement Plan described in 411.04.
 - A. The Community Development Director shall approve, deny, or require changes to the plan.
 - B. The Community Development Director may obtain input from the Tree Authority.
 - C. The Community Development Director may approve the removal of a Protected Tree or Landmark Tree if the tree poses immediate danger to life or property.

- (4) The owner or owners have 12 months from the date of the permit to complete tree replacement, unless a different time is specified in the Tree Replacement Plan.
- (5) Any Protected Tree or Landmark Tree removed without a permit must be replanted as described in 411.09, except that the replacement rate shall be one caliper inch replaced for each caliper inch removed.
- (6) Removal without prior approval constitutes a violation of this chapter, subject to the penalties described in 503.02.
- (7) In any calendar year, removal of one Protected Tree from a lot or lots as described in (B) is allowed without permit. Removal of any Landmark Tree requires a permit.
- (8) Definition:
 - A. All definitions found in Chapter 935 apply to this Chapter.
 - B. "Landmark Tree" means a tree entered in any of the lists maintained by Ohio Department of Natural Resources Champion Tree Program. A tree may also be designated as a Landmark Tree by the Community Development Director if one or more of the following criteria is met:
 1. The tree species is rare;
 2. The tree is more than 100 years of age;
 3. The tree has been connected with a significant historical event;
 4. The tree is of an outstanding trunk diameter, or drip line for a tree of its species.
 - C. "Protected Tree" means any healthy tree with a Caliper equal to or greater than the "Minimum Protected Caliper" as specified here.
 1. A certified arborist may be used to determine whether or not a tree is healthy.
 2. The Minimum Protected Caliper for deciduous hardwoods is six caliper inches;
 3. for needle bearing evergreens is eight caliper inches; and
 4. for small trees as defined in the official comprehensive City Tree Plan of Section 935.05 is two caliper inches.
 5. No tree listed in the City Tree Plan as "Not Allowed" shall be designated a Protected Tree.

(b) TREE APPROVAL FOR DEVELOPMENT PLANS

- (1). When a person applies to Planning Commission for Preliminary Plan approval such person shall submit the following items for tree approval:
 - A. A complete tree survey, as described in 411.04;
 - B. The proposed development plan shall be overlaid on the tree survey.
- (2) When a person applies to Planning Commission for Final Subdivision approval such person shall submit the following items for tree approval:
 - A. A complete tree survey, as described in 411.04;

- B. A complete Protected Tree and Landmark Tree removal plan clearly denoting trees to be removed;
 - C. A complete list of Protected Trees and Landmark Trees sheet and associated calculations;
 - D. A landscape plan including tree placement and replanting schedule;
 - E. A description of proposed plans for tree protection and replacement in conformance with 411.07, and 411.09;
 - F. The proposed development plan shall be overlaid on the tree survey plan and the tree removal plan.
- (3) The Community Development Director and Planning Commission shall review all plans and supporting data determining whether the requirements set forth in this chapter are complied with, and based on such determination to recommend approval, recommend approval with conditions or do not recommend approval to City Council. The Planning Commission shall solicit comments from the Tree Authority as part of the review process.

(c) ACCEPTABLE TREE REMOVAL AREAS

- (1) Protected Tree removal is permitted within the area used or to be used by a permanent structure within the lot building area without replacement planting.
- (2) Protected Tree removal is permitted on the entire site for access roads, parking areas, canopies, patios, decks, sidewalks, utility installation, water retention and similar necessary development needs provided replacement trees are installed consistent with the provision of this chapter.
- (3) Every effort shall be made by the property owner/developer to protect and preserve any Landmark Tree located on the site. If a Landmark Tree cannot be preserved, the owner/developer shall provide replacement trees for any removed Landmark Tree consistent with the provisions in 411.09, even if the Landmark Tree is within the area described in 411.09.

(d) TREE SURVEY AND TREE REPLACEMENT PLAN

- (1) The tree survey shall be in the form of a to-scale map or a site plan prepared and certified by a registered land surveyor, certified arborist or qualified professional engineer, noting the location of all Protected Trees or Landmark Trees within the area to be modified from its natural state and 25 feet beyond in each direction. The tree survey map shall be drawn at the same scale as the development plan, site development plan or preliminary plan. This survey shall also identify all Protected Trees to genus level, as well as any Landmark Tree(s).
- (2) Areas of stands of trees can be outlined giving numbers, genera, and typical caliper of Protected Trees. Any Landmark Tree must be identified and located individually.
- (3) At the discretion of the Community Development Director, a recent aerial photograph may relieve the applicant of the requirement of submitting a complete Tree Survey map if number, caliper, and genera of Protected Trees are listed or indicated. Any Landmark Tree must be identified and located individually.

- (4) A schedule indicating the number and caliper inches by genus of Protected Trees to be removed. Any Landmark Trees shall be identified individually.
- (5) A tree replacement plan shall include:
 - A. A schedule indicating the number, size and species of all replacement trees. A total shall be provided for each species.
 - B. The proposed location of all replacement trees within the proposed development or redevelopment.
 - C. A date by which tree replacement is to be completed.

(e) TREE SURVEY INSPECTION

Following the receipt of the final completed tree survey map and supporting data, and before the Planning Commission considers Final Subdivision approval, the Community Development Director or a designee shall schedule and conduct an inspection of the proposed development site to verify compliance with sections 411.06 and 411.07 and to compare the tree removal plan with the tree marking. The applicant or a designee shall be advised as to the date and time of the inspection and given an opportunity to participate.

(f) TREE MARKING

Prior to commencement of construction or any tree removal on a site, the following uniform colored paint dot system shall be used by the applicant, consistent with the approved plan.

- (1) Blue for trees to be saved;
- (2) Red for trees to be removed.

(g) TREE PROTECTION DURING CONSTRUCTION ACTIVITIES

- (1) The cleaning of equipment, storage of materials or dirt, disposal of waste material such as paint, oil solvents or other harmful substances, or any other such act which may be harmful to the continued vitality of the tree(s) within the tree protection zone shall be prohibited.
- (2) Prior to commencement of any grading, construction or tree removal, a tree protection zone will be established for all Protected Trees or Landmark Trees located within 25 feet of, or that has its drip line within, any proposed grading, construction or tree removal. Trees marked for removal are exempt from this requirement.
- (3) New development/Redevelopment tree protection zones shall be consistent with those described for Street and Public Trees in 935.11. Tree protection shall be maintained during the entire construction period.
- (4) Changes in the normal drainage patterns shall be avoided and appropriate protection shall be provided for trees if a grade change is necessary in the surrounding area.
- (5) Vehicular, pedestrian and other traffic patterns should be kept away from trees to avoid soil compaction.
- (6) The size of the tree protection zone may be adjusted at the discretion of the Community Development Director and so noted on the tree approval.
- (7) Practices for the proper protection of trees on construction sites shall be in accordance with guidelines established by 935.11.
- (8) Trees to remain that are located within 25 feet of or that have a drip line within any proposed grading or construction area shall be watered with the equivalent of 1 in. of rain per week. Rain gage or NOAA local

weather information may be used to verify actual rainfall and offset amount of watering required.

(h) TREE DAMAGE

Any remaining Protected Tree or Landmark Tree, damaged during construction, or damaged as a result of such construction, shall be repaired according to the most current version of ANSI Standard A300. If a tree is removed due to damage beyond repair during construction, replanting will be required pursuant to 411.09, except that the replacement rate shall be one caliper inch replaced for each caliper inch removed.

(i) TREE REPLANTING

- (1) With respect to developments subject to the provisions of this chapter, prior to the issuance of a Certificate of Code Compliance, supplemental and replacement trees shall be planted consistent with the requirements of the approval.
- (2) Replanted trees shall have calipers of two (2) inches with an appropriate height of branching for the tree's species.
- (3) It is desirable that the replanting of trees be compatible with the sites. Ideally, the species chosen for replanting shall be similar to those trees removed.
 - A. Tree species may be selected from those listed in the City Tree Plan. Other species may be planted consistent with the approved final tree replacement plan
 - B. Distribution of species should be as recommended in the City Tree Plan.
- (4) Trees shall be planted replacing one inch caliper for every two inches of caliper of protected trees to be removed designated on the Tree Survey Map. If the site cannot physically accommodate this size requirement, Planning Commission may approve a "Tree Replacement Plan" in lieu of a specific number of caliper inches.
- (5) On-Site Replacement - A minimum of fifty percent (50%) of the required replacement trees shall be replanted on the development or redevelopment sites from which the original trees were removed, to maintain the remaining natural distribution of tree cover in the City.
- (6) Tree Fund Option - Although 100% on-site tree replacement is desired, if this is determined to be impossible or impractical, the replacement fee for each tree shall be allocated to the City Tree Fund according to the schedule of fees established by Council.

(j) TREE Preservation and Replanting APPROVAL COMPLIANCE

- (1) Prior to the issuance of a Certificate of Code Compliance for the development site, the Community Development Director or a duly appointed assistant shall inspect the site to confirm that the development has satisfied the purposes, requirements and standards of this chapter as well as those in 1129.
- (2) If all requirements have been satisfied, the Certificate of Code Compliance shall be issued.
- (3) If all requirements have not been satisfied, the Certificate of Code Compliance shall not be issued. A written notice shall be provided to the applicant stating the reason for denial. An applicant may submit

revisions to a denied application to correct elements of the original application that do not satisfy these requirements or to provide more information that will ensure satisfaction of all requirements.

- (4) If the development or re-development occurs in defined phases with specified timelines, then a Certificate of Code Compliance may be issued for each completed phase once each phase has been inspected and all requirements have been satisfied.

(k) TREE MAINTENANCE REQUIREMENTS

- (1) The developer shall be required to maintain all replacement trees for one (1) year after the trees are planted and to replace any tree that dies within such one-year guarantee period, according to the following:
 - A. Upon completion of the tree planting, the landscape contractor shall contact the Community Development Director to initiate the guarantee period.
 - B. The guarantee period shall begin after the approval of the Community Development Director.
 - C. A final inspection shall be made at the end of the one-year guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the City's inspection, shall be replaced at the expense of the developer or builder.
- (2) The developer shall notify the Community Development Director within five (5) business days of the end of the guarantee period to schedule the final inspection.
- (3) If the City determines that replacement of a tree is required, such replacement shall occur within thirty (30) days of the date the City's inspection report is submitted to the developer. The one-year guarantee period shall begin anew for each replacement tree.
- (4) Preserved or replacement trees shall not subsequently be removed from a site unless approved pursuant to 411.01 and 411.09.
- (5) Where applicable, the City may require the original owner of any property on which trees have been preserved or replaced according to the requirements of this Chapter to add a restrictive covenant to the deed that shall inform subsequent purchasers, lessees or occupants of the site that trees shall not subsequently be removed from a site except when approved pursuant to 411.01 and 411.09.

CHAPTER 1159

Definitions

1159.01 PURPOSE AND APPLICABILITY.

For the purposes of this Zoning Code, the following definitions for certain terms or words used herein shall be used in the interpretation of the provisions of this Zoning Code. Words used in the present tense shall include the future tense; the singular number shall include the plural and the plural the singular; the word "person" shall include a firm, association, organization, partnership, trust company or corporation; the words "used or occupied" include the words "intended, designed or arranged to be used or occupied". The word "shall" or "will" is mandatory; and the word "may" is permissive. Any other words used and not defined herein shall be construed as having the commonly accepted meaning as defined in a standard dictionary.

- 1159.02 Definitions (beginning with letter “A”).

 1159.03 Definitions (beginning with letter “B”).

 1159.04 Definitions (beginning with letter “C”).

 1159.05 Definitions (beginning with letter “D”).

 1159.06 Definitions (beginning with letter “E”).

 1159.07 Definitions (beginning with letter “F”).

 1159.08 Definitions (beginning with letter “G”).

 1159.09 Definitions (beginning with letter “H”).

 1159.10 Definitions (beginning with letter “I”).

 1159.11 Definitions (beginning with letter “J”).

 1159.12 Definitions (beginning with letter “K”).

 1159.13 Definitions (beginning with letter “L”).

(20) LANDMARK TREE- a tree entered in any of the lists maintained by Ohio Department of Natural Resources Champion Tree Program. A tree may also be designated as a Landmark Tree by the Community Development Director if one or more of the following criteria is met:

1. The tree species is rare;
2. The tree is more than 100 years of age;
3. The tree has been connected with a significant historical event;
4. The tree is of an outstanding trunk diameter, or drip line for a tree of its species.

- 1159.14 Definitions (beginning with letter M”).

 1159.15 Definitions (beginning with letter “N”).

 1159.16 Definitions (beginning with letter “O”).

1159.17 DEFINITIONS (BEGINNING WITH LETTER “P”).

(21) PROTECTED TREE - any healthy tree with a Caliper equal to or greater than the “Minimum Protected Caliper” as specified here.

5. A certified arborist may be used to determine whether or not a tree is healthy.
6. The Minimum Protected Caliper for deciduous hardwoods is six caliper inches;
7. for needle bearing evergreens is eight caliper inches; and
8. for small trees as defined in the official comprehensive City Tree Plan of Section 935.05 is two caliper inches.
9. No tree listed in the City Tree Plan as “Not Allowed” shall be designated a Protected Tree.

- 1159.18** **Definitions (beginning with letter “Q”).**

- 1159.19** **Definitions (beginning with letter “R”).**

- 1159.20** **Definitions (beginning with letter “S”).**

- 1159.21** **Definitions (beginning with letter “T”).**

- 1159.22** **Definitions (beginning with letter “U”).**

- 1159.23** **Definitions (beginning with letter “V”).**

- 1159.24** **Definitions (beginning with letter “W”).**

- 1159.25** **Definitions (beginning with letter “Y”).**

- 1159.26** **Definitions (beginning with letter “Z”).**



Internal Use Only:	
Case No.	PC-2018-06
Date Filed	2/23/18

Zoning Code Text Amendment Application

Applicant Information

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

Name * Jung-Han Chen

Mailing Address * 101 E. High Street

City, State & Zip Code * Oxford, OH 45056

Telephone Number(s) * 513-5245237

Email Address jhchen@cityofoxford.org

Amendment Description * Amend Chapter 1145 to incorporate tree preservation provisions

1159 Definitions

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: Monday, February 23, 2015

PC-zoning-code-text-amendment-application.docx

- 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.

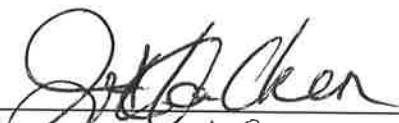
Fees & Receipt

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 *


2/23/18

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date *

NA

Receipt Number *

2/23/18

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

✓

City of Oxford
Inter-Office Review Transmittal Sheet

Date: March 13, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

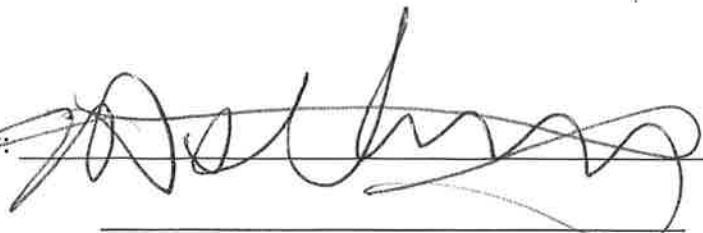
PC-2018-06, ZONING CODE TEXT AMENDMENT, to amend Chapter 1145 Planned Development Regulations, and Chapter 1159 Definitions, to incorporate tree preservation provisions, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **April 3, 2018** 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: 3-26-18

PRINTED NAME

Date: March 13, 2018

From: Community Development Department

 X Review Revisions Other

Drawings are returned: w/comments without/comments

Drawings reviewed by: TV. J. [Signature] Date: 3-21-18

62

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-05

Date – April 10, 2018

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING CODE TEXT AMENDMENT , to amend Chapter 1101 Subdivision Regulations and 1101.7 Definitions to incorporate tree preservation provisions, City of Oxford, Applicant

DESCRIPTION

This application is to amend the Oxford Zoning Code Chapter 1101 Subdivision Regulations to incorporate tree preservation provisions as part of the development review process.

The issue of tree preservation was raised during the approval process of a development project. The City Council directed the Environmental Commission as well as staff to look into developing draft language to encourage and regulate tree preservation and tree protection issues for development projects.

ZONING CODE

The attached text amendment illustrates the changes to Chapter 1101.410, 1101.411 and 1101.703 for your information.

COMPREHENSIVE PLAN

The 2008 Comprehensive Plan touches a lot about the strong environmental ethics from the community and the desires to continue to support the protections of critical environmental areas, protections of natural areas. Specifically, the Land Use Principal

5. Green space and public space will be incorporated as part of future development

Oxford's natural environment includes a variety of ecological systems and open spaces. Residents have a strong environmental ethic, support the protection of critical environmental areas, and desire open spaces for recreation agriculture, and protection of natural areas.

- Local watersheds are defining natural features in Oxford. The city will commit to protecting and enhancing the watersheds when development or redevelopment occurs.
- Wooded areas will be protected and integrated into new developments, and connected when possible to create a continuous open space system.
- Convenient and accessible recreational opportunities will be provided for all ages.
- Existing recreational, green space, public areas, open and natural spaces will be enhanced and new areas set aside that connect people to the natural environment and promote recreational opportunities to support active and healthy lifestyles.

AGENCY REVIEWS

Police:	Received without comment
Engineering:	Received without comment
Econ. Dev.	No comments received
Fire:	Received without comments

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

The proposed language was the end result of several in-depth discussions, and a directive from City Council, relating to the issue of tree protection/preservation. These discussions, along with direction from Council, stemmed from the result of a recent development project that failed to take into consideration existing trees when designing their site layout for a housing development.

City Council directed the Environmental Commission to take the lead on developing the tree protection/preservation languages to be included in the Oxford Zoning Code for major development projects. Throughout the process, the Planning Commission took a very thoughtful approach in developing the draft, by reviewing the existing ordinances from other communities in Ohio, City of Delaware and Springfield Township, to make necessary changes, based upon current practices, legislative limitations as well as any other factors that are pertinent to Oxford. The Commission also worked with the Community Development Director in fine-tuning the draft to ensure the review process was consistent with the existing code.

Several objectives were contemplated in this draft language the Environmental Commission hoped to accomplish: 1) requiring a tree inventory (details based on the review phase; 2) providing a potentially consistent source of income for the City's Tree Fund; 3) delineating a clear, narrative of how projects should consider tree protection/preservation to be one of the important features for the project; and 4) encouraging development community to be creative in their design.

The major components of the proposed language can be highlighted into the following elements:

1. Applicable to major development and redevelopment projects.
2. Integrate tree preservation and protection as part of the requirements for development projects.
3. Environmental Commission is part of the plan review for the major development projects related to tree protection and preservation efforts.
4. Define specific requirements for the tree inventory, sincere there is typically a two-step review process before the Planning and City Council for those projects.
5. Allowing trade-offs and choices: The EC was mindful about the development would involve site clearing for infrastructure and homes to require replacements to be planted. Should replacement not be accommodated on site, the developer is offered different options to make equitable financial contribution to the Tree Fund.
6. On-going site verification for compliance purposes to meet the requirement and the best judgement of experts.

The proposed draft also provides definitions of landmark trees as well as protected trees for the purpose of tree inventory analysis. With those definitions, the site engineer can visit the site and make determination of the existing conditions and plan for suitable site development.

These requirements would be a major shift in the review of development projects and would require a learning curve and working collaboration with the Environmental Commission. The requirements might incur additional burden to the developer related to the site design and is a departure from what previous projects might have received approval from the City. It is difficult to anticipate the scale of any additional workload, but the draft language does place additional workload onto the City staff concerning necessary expertise, on-site verification and compliance checks. Furthermore, the additional review/verification may also put additional necessary time for the project review phase.

The Environmental Commission needs to be commended for taking this on to address tree preservation and protection issues. There may be some minor issues that need to be worked out, but as a whole, the draft represents a positive addition to the Oxford Zoning Code.

RECOMMENDATION

Deliberation of any zoning code change must follow the decision standards as outlined in Chapter 1135. Staff recommends that the Planning Commission review the proposed language. The Planning Commission may recommend to City Council to adopt the proposed language or require modifications for another review before making recommendation to the City Council.

SUBMITTED

Jung-Han Chen, Community Development Director

A handwritten signature in cursive script, reading "Jung-Han Chen", is written over a horizontal line.

DATE: April 3, 2018

ATTACHMENT

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

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

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

Text Amendments

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

CHAPTER 1101

Subdivision Regulations

1101.1 Title, scope, jurisdiction.

.....

1101.2 Subdivision process.

.....

1101.3 Submittal requirements.

.....

1101.4 Design standards and construction standards.

410 STREET TREE AND BUFFERING LANDSCAPE PLAN

(A) Street tree 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. ~~The landscape plan shall identify existing and proposed trees, shrubs, and ground covers; natural features such as rock outcroppings; and other landscaping elements. Where existing plants are to be retained, the applicant shall include in the plans proposed methods of protecting them during construction.~~

(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 to minimize adverse impacts. They may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives. Multi-use paths are permitted in the buffer area. Every subdivider shall provide sufficient buffering or additional lot depth when topographical or other barriers do not provide reasonable screening and when the Planning Commission determines that there is a need to shield;

- (1) Neighboring properties from any adverse external effects of a development; or
- (2) The development from negative impacts of adjacent uses such as streets or railroads.
- (3) Requirements
 - (a) Plant materials shall be sufficiently large and planted in such a fashion that a year-round screen at least eight (8) feet in height shall be produced within three (3) growing seasons.
 - (b) All plantings shall be installed according to accepted horticultural standards.
 - (c) A five (5') foot minimum buffer width from parking lots, garbage collection, utility areas, and loading and unloading areas shall be provided.
 - (d) Twenty (20') foot width minimum from all other land uses.
 - (i) When adjoining undeveloped, vacant or agricultural land, such buffer width may be reduced to ten (10') feet.

In high-density developments, when building design and siting do not provide privacy, the Planning Commission may require landscaping, fences, or walls to screen dwelling units for privacy. Buffers shall be measured from the property line.

411 TREE PRESERVATION AND PROTECTION

The purposes of the tree preservation standards and regulations herein 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 the preservation and replacement of trees.

411.01 TREE PRESERVATION ON PRIVATE PROPERTY

- A. Consistent with the expressed purposes of this regulation, all persons shall make reasonable efforts to preserve and retain existing Protected Trees and Landmark Trees in the City of Oxford.
- B. If any private lot is 1 or more acres, or a contiguous group of lots owned by substantially the same person or entity is 1 or more acres, then no person shall cut, destroy, cause to be destroyed, move or remove any Protected Tree or Landmark Tree on such lot or group of lots without first obtaining a permit from the Community Development Director.
- C. A permit may be granted by the Community Development Director after review of a Tree Survey and a Tree Replacement Plan described in 411.04.
 1. The Community Development Director shall approve, deny, or require changes to the plan.
 2. The Community Development Director may obtain input from the Tree Authority.
 3. The Community Development Director may approve the removal of a Protected Tree or Landmark Tree if the tree poses immediate danger to life or property.
- D. The owner or owners have 12 months from the date of the permit to complete tree replacement, unless a different time is specified in the Tree Replacement Plan.
- E. Any Protected Tree or Landmark Tree removed without a permit must be replanted as described in 411.09, except that the replacement rate shall be one caliper inch replaced for each caliper inch removed.
 1. Removal without prior approval constitutes a violation of this chapter, subject to the penalties described in 503.02.
- F. In any calendar year, removal of one Protected Tree from a lot or lots as described in (B) is allowed without permit. Removal of any Landmark Tree requires a permit.
- G. Definition:
 1. All definitions found in Chapter 935 apply to this Chapter.
 2. "Landmark Tree" means a tree entered in any of the lists maintained by Ohio Department of Natural Resources Champion Tree Program. A tree may also be designated as a Landmark Tree by the Community Development Director if one or more of the following criteria is met:
 - The tree species is rare;
 - The tree is more than 100 years of age;
 - The tree has been connected with a significant historical event;
 - The tree is of an outstanding trunk diameter, or drip line for a tree of its species.
 3. "Protected Tree" means any healthy tree with a Caliper equal to or greater than the "Minimum Protected Caliper" as specified here.
 - A certified arborist may be used to determine whether or not a tree is healthy.
 - The Minimum Protected Caliper for deciduous hardwoods is six caliper inches;
 - for needle bearing evergreens is eight caliper inches; and
 - for small trees as defined in the official comprehensive City Tree Plan of Section 935.05 is two caliper inches.

- No tree listed in the City Tree Plan as “Not Allowed” shall be designated a Protected Tree.

411.02 TREE APPROVAL FOR DEVELOPMENT PLANS

- A. When a person applies to Planning Commission for Preliminary Plan approval such person shall submit the following items for tree approval:
 1. A complete tree survey, as described in 411.04;
 2. The proposed development plan shall be overlaid on the tree survey.
- B. When a person applies to Planning Commission for Final Subdivision approval such person shall submit the following items for tree approval:
 1. A complete tree survey, as described in 411.04;
 2. A complete Protected Tree and Landmark Tree removal plan clearly denoting trees to be removed;
 3. A complete list of Protected Trees and Landmark Trees sheet and associated calculations;
 4. A landscape plan including tree placement and replanting schedule;
 5. A description of proposed plans for tree protection and replacement in conformance with 411.07, and 411.09;
 6. The proposed development plan shall be overlaid on the tree survey plan and the tree removal plan.
- C. The Community Development Director and Planning Commission shall review all plans and supporting data determining whether the requirements set forth in this chapter are complied with, and based on such determination to recommend approval, recommend approval with conditions or do not recommend approval to City Council.. The Planning Commission shall solicit comments from the Tree Authority as part of the review process.

411.03 ACCEPTABLE TREE REMOVAL AREAS

- A. Protected Tree removal is permitted within the area used or to be used by a permanent structure within the lot building area without replacement planting.
- B. Protected Tree removal is permitted on the entire site for access roads, parking areas, canopies, patios, decks, sidewalks, utility installation, water retention and similar necessary development needs provided replacement trees are installed consistent with the provision of this chapter.
- C. Every effort shall be made by the property owner/developer to protect and preserve any Landmark Tree located on the site. If a Landmark Tree cannot be preserved, the owner/developer shall provide replacement trees for any removed Landmark Tree consistent with the provisions in 411.09, even if the Landmark Tree is within the area described in 411.09.

411.04 TREE SURVEY AND TREE REPLACEMENT PLAN

- A. The tree survey shall be in the form of a to-scale map or a site plan prepared and certified by a registered land surveyor, certified arborist or qualified professional engineer, noting the location of all Protected Trees or Landmark Trees within the area to be modified from its natural state and 25 feet beyond in each direction. The tree survey map shall be drawn at the same scale as the development plan, site development plan or preliminary plan. This survey shall also identify all Protected Trees to genus level, as well as any Landmark Tree(s).
- B. Areas of stands of trees can be outlined giving numbers, genera, and typical caliper of Protected Trees. Any Landmark Tree must be identified and located individually.

- C. At the discretion of the Community Development Director, a recent aerial photograph may relieve the applicant of the requirement of submitting a complete Tree Survey map if number, caliper, and genera of Protected Trees are listed or indicated. Any Landmark Tree must be identified and located individually.
- D. A schedule indicating the number and caliper inches by genus of Protected Trees to be removed. Any Landmark Trees shall be identified individually.
- E. A tree replacement plan shall include:
 - 1. A schedule indicating the number, size and species of all replacement trees. A total shall be provided for each species.
 - 2. The proposed location of all replacement trees within the proposed development or redevelopment.
 - 3. A date by which tree replacement is to be completed.

411.05 TREE SURVEY INSPECTION

Following the receipt of the final completed tree survey map and supporting data, and before the Planning Commission considers Final Subdivision approval, the Community Development Director or a designee shall schedule and conduct an inspection of the proposed development site to verify compliance with sections 411.06 and 411.07 and to compare the tree removal plan with the tree marking. The applicant or a designee shall be advised as to the date and time of the inspection and given an opportunity to participate.

411.06 TREE MARKING

Prior to commencement of construction or any tree removal on a site, the following uniform colored paint dot system shall be used by the applicant, consistent with the approved plan.

- A. Blue for trees to be saved;
- B. Red for trees to be removed.

411.07 TREE PROTECTION DURING CONSTRUCTION ACTIVITIES

- A. The cleaning of equipment, storage of materials or dirt, disposal of waste material such as paint, oil solvents or other harmful substances, or any other such act which may be harmful to the continued vitality of the tree(s) within the tree protection zone shall be prohibited.
- B. Prior to commencement of any grading, construction or tree removal, a tree protection zone will be established for all Protected Trees or Landmark Trees located within 25 feet of, or that has its drip line within, any proposed grading, construction or tree removal. Trees marked for removal are exempt from this requirement.
- C. New development/Redevelopment tree protection zones shall be consistent with those described for Street and Public Trees in 935.11. Tree protection shall be maintained during the entire construction period.
- D. Changes in the normal drainage patterns shall be avoided and appropriate protection shall be provided for trees if a grade change is necessary in the surrounding area.
- E. Vehicular, pedestrian and other traffic patterns should be kept away from trees to avoid soil compaction.
- F. The size of the tree protection zone may be adjusted at the discretion of the Community Development Director and so noted on the tree approval.
- G. Practices for the proper protection of trees on construction sites shall be in accordance with guidelines established by 935.11.

- H. Trees to remain that are located within 25 feet of or that have a drip line within any proposed grading or construction area shall be watered with the equivalent of 1 in. of rain per week. Rain gage or NOAA local weather information may be used to verify actual rainfall and offset amount of watering required.

411.08 TREE DAMAGE

Any remaining Protected Tree or Landmark Tree, damaged during construction, or damaged as a result of such construction, shall be repaired according to the most current version of ANSI Standard A300. If a tree is removed due to damage beyond repair during construction, replanting will be required pursuant to 411.09, except that the replacement rate shall be one caliper inch replaced for each caliper inch removed.

411.09 TREE REPLANTING

- A. With respect to developments subject to the provisions of this chapter, prior to the issuance of a Certificate of Code Compliance, supplemental and replacement trees shall be planted consistent with the requirements of the approval.
- B. Replanted trees shall have calipers of two (2) inches with an appropriate height of branching for the tree's species.
- C. It is desirable that the replanting of trees be compatible with the sites. Ideally, the species chosen for replanting shall be similar to those trees removed.
1. Tree species may be selected from those listed in the City Tree Plan. Other species may be planted consistent with the approved final tree replacement plan
 2. Distribution of species should be as recommended in the City Tree Plan.
- D. Trees shall be planted replacing one inch caliper for every two inches of caliper of protected trees to be removed designated on the Tree Survey Map. If the site cannot physically accommodate this size requirement, Planning Commission may approve a "Tree Replacement Plan" in lieu of a specific number of caliper inches.
- E. On-Site Replacement - A minimum of fifty percent (50%) of the required replacement trees shall be replanted on the development or redevelopment sites from which the original trees were removed, to maintain the remaining natural distribution of tree cover in the City.
- F. Tree Fund Option - Although 100% on-site tree replacement is desired, if this is determined to be impossible or impractical, the replacement fee for each tree shall be allocated to the City Tree Fund according to the schedule of fees established by Council.

411.10 TREE PRESERVATION AND REPLANTING APPROVAL COMPLIANCE

- A. Prior to the issuance of a Certificate of Code Compliance for the development site, the Community Development Director or a duly appointed assistant shall inspect the site to confirm that the development has satisfied the purposes, requirements and standards of this chapter as well as those in 1129.
- B. If all requirements have been satisfied, the Certificate of Code Compliance shall be issued.
- C. If all requirements have not been satisfied, the Certificate of Code Compliance shall not be issued. A written notice shall be provided to the applicant stating the reason for denial. An applicant may submit revisions to a denied application to correct elements of the original application that do not satisfy these requirements or to provide more information that will ensure satisfaction of all requirements.
- D. If the development or re-development occurs in defined phases with specified timelines, then a Certificate of Code Compliance may be issued for each completed phase once each phase has been inspected and all requirements have been satisfied.

411.11 TREE MAINTENANCE REQUIREMENTS

- A. The developer shall be required to maintain all replacement trees for one (1) year after the trees are planted and to replace any tree that dies within such one-year guarantee period, according to the following:
 1. Upon completion of the tree planting, the landscape contractor shall contact the Community Development Director to initiate the guarantee period.
 2. The guarantee period shall begin after the approval of the Community Development Director.
 3. A final inspection shall be made at the end of the one-year guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the City's inspection, shall be replaced at the expense of the developer or builder.
- B. The developer shall notify the Community Development Director within five (5) business days of the end of the guarantee period to schedule the final inspection.
- C. If the City determines that replacement of a tree is required, such replacement shall occur within thirty (30) days of the date the City's inspection report is submitted to the developer. The one-year guarantee period shall begin anew for each replacement tree.
- D. Preserved or replacement trees shall not subsequently be removed from a site unless approved pursuant to 411.01 and 411.09.
- E. Where applicable, the City may require the original owner of any property on which trees have been preserved or replaced according to the requirements of this Chapter to add a restrictive covenant to the deed that shall inform subsequent purchasers, lessees or occupants of the site that trees shall not subsequently be removed from a site except when approved pursuant to 411.01 and 411.09.

411 412

MAINTENANCE OF THE IMPROVEMENTS

Whenever any subdivision contains park areas, sewage treatment plants, water systems, drainage facilities or any other improvements to be used in common by persons living in the subdivision and which improvements cannot be maintained or are not maintained by an existing public agency, the deed restrictions applicable to the subdivision shall contain provisions establishing trusteeships and assessment procedures that will enable adequate care and maintenance to be provided for such improvements at the cost of persons residing in the subdivision.

412 413

DEED RESTRICTIONS AND COVENANTS

Deed restrictions or covenants running with the land may be included to provide for the creation of a Home Owner's Association, Condominium Association, or Board of Trustees in which individual owners share common responsibilities for the cost and upkeep of common open space, private driveways or streets, park areas, sewage treatment plants, water systems, drainage facilities or other facilities and the enforcement of the covenants and restrictions relating to the development. Any restrictions or easements; declaration of covenants, bylaws of a Home Owner's Association and its incorporation; Declaration of Condominium Ownership or other covenants, if any, shall be reviewed and approved by the City of Oxford Law Director and shall be recorded with the Record Plat. Enforcement of said Restrictions and Covenants is not the responsibility of the City. (Ord. 3149. Passed 5-17-11.)

1101.5 Open space residential developments.

1101.6 Minor resubdivisions, lot splits and consolidation.

1101.7 Definitions.

701 The definitions in Chapter 1159 of the Zoning Ordinance of the City of Oxford shall also be considered a part of these Subdivision Regulations.

702 Interpretation of Terms or Words

For the purpose of these Regulations, certain terms or words used herein shall be interpreted as follows:

- (1) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (3) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- (4) The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- (5) The word "lot" includes the words "plot or parcel."
- (6) The word "City" where used shall mean the City of Oxford adopting these Regulations and its legal entities.

703 For the purpose of this chapter, certain terms and words are defined as follows:

.....

Landmark Tree: A tree entered in any of the lists maintained by Ohio Department of Natural Resources Champion Tree Program. A tree may also be designated as a Landmark Tree by the Community Development Director if one or more of the following criteria is met:

- The tree species is rare;
- The tree is more than 100 years of age;
- The tree has been connected with a significant historical event;
- The tree is of an outstanding trunk diameter, or drip line for a tree of its species.

New Development Tree Species: a species of tree that is planted as part of a development project under this chapter.

Protected Tree: Any healthy tree with a caliper equal to or greater than the "Minimum Protected Caliper" as specified here.

- A certified arborist may be used to determine whether or not a tree is healthy.
- The Minimum Protected Caliper for deciduous hardwoods is six caliper inches;
- for needle bearing evergreens is eight caliper inches; and
- for small trees as defined in the official comprehensive City Tree Plan of Section 935.05 is two caliper inches.
- No tree listed in the City Tree Plan as "Not Allowed" shall be designated a Protected Tree.

Tree Authority: The Environmental Commission is designated as the City of Oxford Tree Authority, per Chapter 935 of the Oxford Codified Ordinance.

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City of Oxford
Inter-Office Review Transmittal Sheet

Date: March 13, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-05, ZONING CODE TEXT AMENDMENT, to amend Chapter 1101 Subdivision Regulations, and Chapter 1101.7 Definitions, to incorporate tree preservation provisions, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **April 3, 2018** 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:

3.26.18

City of Oxford
Inter-Office Review Transmittal Sheet

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.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:  Date: 3-21-18

VICTOR POPESCU

City of Oxford
Inter-Office Review Transmittal Sheet

Date: March 13, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-05, ZONING CODE TEXT AMENDMENT, to amend Chapter 1101 Subdivision Regulations, and Chapter 1101.7 Definitions, to incorporate tree preservation provisions, **City of Oxford, Applicant**

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

Drawings reviewed by: John A. Jones Date: 3/16/18
[Signature]



Internal Use Only:	
Case No.	PC-2018-05
Date Filed	2/13/18

Zoning Code Text Amendment Application

Applicant Information

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

Name * Jung-Han Chen

Mailing Address * 101 E. High Street

City, State & Zip Code * Oxford, OH 45056

Telephone Number(s) * 513-5245237

Email Address jhchen@cityofoxford.org

Amendment Description * Amend Chapter 1101 to incorporate tree preservation provisions
and 1101.7

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: Monday, February 23, 2015

PC-zoning-code-text-amendment-application.docx

- 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 *


2/23/18

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date *

NA

Receipt Number *

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