

## ORDINANCE NO. 3582

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 1141.01(c) ENTITLED ACCESSORY USE PROVISIONS FOR ALL ZONING DISTRICTS IN CHAPTER 1141 ENTITLED ACCESSORY, TEMPORARY, SUPPLEMENTAL AND ENVIRONMENTAL REGULATIONS AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 1141.01(c) ENTITLED ACCESSORY USE PROVISIONS FOR ALL ZONING DISTRICTS IN CHAPTER 1141 ENTITLED ACCESSORY, TEMPORARY, SUPPLEMENTAL AND ENVIRONMENTAL REGULATIONS.

WHEREAS, the City of Oxford has explored the adoption of short-term rental regulations for some time, so that the City's prescribed zoning provisions may properly observe and adapt to changing trends in the sharing economy; and

WHEREAS, the renting of residential property on a periodic basis is found to have many positive benefits including providing additional supplemental income for owner occupants as well as boosting the local economy and tourism; and

WHEREAS, the Oxford Zoning Code currently does not define or permit use of principal residential property for short-term rentals or bookings; and

WHEREAS, in April 2019 the Oxford City Council adopted legislation by Ord. No. 3523 requiring all short-term rentals to register with the City administration, in order to gain a better understanding of rentals currently in operation; and

WHEREAS, the Community Development department has partnered with the Miami University Farmer School of Business to conduct additional research on rentals operating in Oxford and surrounding areas, to better help inform the drafting of legislation; and

WHEREAS, the Community Development department conducted an outreach effort in the summer of 2020 to acquire additional feedback from short-term rental hosts and stakeholders in the community; and

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held a public hearing on August 11, 2020, and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1141.01(c) entitled Accessory Use Provisions for All Zoning Districts in Chapter 1141 entitled Accessory, Temporary, Supplemental and Environmental Regulations, and adopting new Oxford Codified Ordinance Section 1141.01(c) entitled Accessory Use Provisions for All Zoning Districts in Chapter 1141 entitled Accessory, Temporary, Supplemental and Environmental Regulations.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION I: Council hereby repeals Section 1141.01(c) entitled Accessory Use Provisions for All Zoning Districts in Chapter 1141 entitled Accessory, Temporary, Supplemental and Environmental Regulations and adopts new Section 1141.01(c) entitled Accessory Use Provisions for All Zoning Districts in Chapter 1141 entitled Accessory, Temporary, Supplemental and Environmental Regulations as follows:

- (c) Accessory Use Provisions for All Zoning Districts.
- (1) Handicap Ramps As regulated in the City of Oxford Buildings Codes.
  - (2) Accessory building or use shall be erected on the same lot on which a principal structure already exists.
  - (3) An accessory building or use which is attached to the main building shall comply with all the requirements of the zoning district regulations that are applicable to the principal building.
  - (4) Fences, walls and hedges.

The intent of these provisions is to outline the regulations for accessory fences, walls and hedges. Such structures and plantings shall generally improve the aesthetic appearance of a site. Where buffer yard or other screening requirements pursuant to the provisions of this Ordinance differ from the provisions of this section, the more stringent requirements shall apply.

- A. Residential fences, walls, and hedges:
  - 1. May not exceed four feet in height front yards.
  - 2. Cannot exceed eight feet in height in side and rear yards.
  - 3. Shall not obstruct visibility at intersections per Section 1141.03(e).
  - 4. May not be located closer than two feet to the front lot lines.
- B. Non-residential fences, walls, and hedges:
  - 1. May not exceed six feet in height in the front yards or four feet in height in the Uptown "UP" Zoning District.
  - 2. May not exceed twelve feet in height in side and rear yards.
  - 3. Shall not obstruct visibility at intersections per Section 1141.03(e).
  - 4. May not be located closer than two feet to the front lot lines, except in the Uptown district.
  - 5. If fencing or a gate blocks the access drive to the property, there shall be a sufficient queuing space provided.
- C. Barbed wire and electrified fences are not permitted.

(5)

Home Occupations.

A home occupation does not require a zoning permit. If the Zoning Administrator determines that a business is operating in a residential or commercial district and that it does not meet the regulations of this section, the property owner of the property on which the business is operating shall be guilty of a violation of the Zoning Code. A home occupation shall:

- A. Have person(s) residing in the premises engaged in the business activity.
- B. Be conducted entirely within an existing dwelling unit and/or one enclosed accessory structure.
- C. Occupy a maximum of 25 percent of the floor area of the residence and/or enclosed accessory structure, including all operations and storage.
  - 1. Attached garages as well as unfinished basements or attic areas shall not be counted towards the total floor area of the dwelling unit. In situations where there are two or more dwelling units attached, the calculation of the total floor area shall be limited to the area of the dwelling unit in which the operation will be located.
  - 2. Such accessory structure shall not be utilized for a home occupation if it is the required parking space for the principal use.
- D. Home Occupations located in the R1A, R1B, RO and GB zoning districts are permitted to have two (2) non-resident employees, however no more than one non-resident employee is permitted on the premises at one time. One (1) non-resident employee is permitted in the R1MS, R2A, R2MS, R3, R4 and R3MS zoning districts.
- E. Any nonconforming residential use in the GB zoning district that exceeds the requirements herein for a home occupation shall lose its nonconforming status.
- F. Not change the outside appearance.
- G. Have no deliveries or clients before 9 a.m. or after 9 p.m.
- H. Have fewer than 10 business visitors per week.
- I. Have no more than 1 business visitor at a time.
- J. Have only 1 non-illuminated sign a maximum of two square feet, mounted flat against the wall of the principal building.
- K. Not generate a greater volume of traffic or parking need than would normally be expected in a residential neighborhood.
- L. Not generate noise, vibration, fumes, odors, electrical interference, or other offensive effects and noxious omissions generated by the home occupation detectable outside of the dwelling unit (or off of the lot at single-family

residences).

M. Prohibited Home Occupations.

1. Homes that serve as a gathering point for employees engaged in the business operation that takes place off the premises. This may include, but it is not limited to, landscape and/or lawn care business offices, construction offices, or a trucking business where drivers or employees gather at the home before being dispatched from the home for the purposes of the home occupation.
2. Operations that require fire safety inspections.
3. Operations involving biohazard materials or hazardous waste that poses substantial or potential threats to public health or the environment.
4. Operations that require the use of mechanical ventilation systems to exhaust the by-products of the home occupation; or
5. Operations that involve the use of controlled substances.
6. Any operation that is listed as a Conditional Use in Chapter 1147 of this Zoning Code.

(6) Transient Guest Lodging

- (A) Transient Guest Lodging is allowed as an accessory use only in Single-, Two- and Three-Family Dwellings, including any that are condominiums. Transient Guest Lodging is prohibited for all other principal uses and building types, including Multi-Family Dwelling structures with four (4) units or more.
- (B) The principal use to which the Transient Guest Lodging is associated must be one that is permitted by the underlying zoning district.
- (C) For Two- and Three-Family Dwellings, only one (1) unit at a time within a building may be used for Transient Guest Lodging.
- (D) There shall be no more than one (1) Transient Guest Lodging Booking per dwelling unit at a time.
- (E) Transient Guest Lodging is permitted by-right when the number of cumulative days booked per year does not exceed ninety (90) for the entire structure. A Conditional Use Permit is required in order to be allowed more than ninety (90) days.
- (F) A Transient Guest Lodging use that cannot meet the standards provided above may seek approval of a Conditional Use Permit as a Bed & Breakfast in accordance with Chapter 1147.
- (G) All dwellings being utilized for Transient Guest Lodging shall be registered with the City pursuant to Chapter 743 of the Oxford Codified Ordinances.

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

  
MAYOR

ADOPTED: September 15, 2020

ATTEST:  
  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

## ORDINANCE NO. 3583

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTIONS 1143.01(b)(1), 1143.02(b)(1), 1143.03(b)(1), 1143.04(b)(1), 1143.05(b)(1), 1143.06(b)(1), 1143.065(b)(1), 1143.07(b)(1), 1143.09(b)(1) AND 1143.15(b)(1) ALL ENTITLED PERMITTED USES IN CHAPTER 1143 ENTITLED DISTRICTS AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTIONS 1143.01(b)(1), 1143.02(b)(1), 1143.03(b)(1), 1143.04(b)(1), 1143.05(b)(1), 1143.06(b)(1), 1143.065(b)(1), 1143.07(b)(1), 1143.09(b)(1) AND 1143.15(b)(1) ALL ENTITLED PERMITTED USES IN CHAPTER 1143 ENTITLED DISTRICTS TO BE IN COMPLIANCE WITH OXFORD CODIFIED ORDINANCE SECTION 1141.01(c) ENTITLED ACCESSORY USE PROVISIONS FOR ALL ZONING DISTRICTS.

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held a public hearing on August 11, 2020, and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Sections 1143.01(b)(1), 1143.02(b)(1), 1143.03(b)(1), 1143.04(b)(1), 1143.05(b)(1), 1143.06(b)(1), 1143.065(b)(1), 1143.07(b)(1), 1143.09(b)(1) and 1143.15(b)(1) all entitled Permitted Uses in Chapter 1143 Entitled Districts, and adopting new Oxford Codified Ordinance Sections 1143.01(b)(1), 1143.02(b)(1), 1143.03(b)(1), 1143.04(b)(1), 1143.05(b)(1), 1143.06(b)(1), 1143.065(b)(1), 1143.07(b)(1), 1143.09(b)(1) and 1143.15(b)(1) all entitled Permitted Uses in Chapter 1143 entitled Districts to be in compliance with Oxford Codified Ordinance Section 1141.01(c) entitled Accessory Use Provisions for All Zoning Districts.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION I: Council hereby repeals Oxford Codified Ordinance Sections 1143.01(b)(1), 1143.02(b)(1), 1143.03(b)(1), 1143.04(b)(1), 1143.05(b)(1), 1143.06(b)(1), 1143.065(b)(1), 1143.07(b)(1), 1143.09(b)(1) and 1143.15(b)(1) all entitled Permitted Uses in Chapter 1143 entitled Districts and adopts new Oxford Codified Ordinance Sections 1143.01(b)(1), 1143.02(b)(1), 1143.03(b)(1), 1143.04(b)(1), 1143.05(b)(1), 1143.06(b)(1), 1143.065(b)(1), 1143.07(b)(1), 1143.09(b)(1) and 1143.15(b)(1) all entitled Permitted Uses in Chapter 1143 entitled Districts to be in compliance with Oxford Codified Ordinance Chapter 1141.01(c) entitled Accessory Use Provisions for All Zoning Districts as follows:

[Section 1143.01(b)(1) – R-1A District]:

- (1) Permitted uses.
  - A. Single-family dwellings.
  - B. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
  - C. Day Care Home Type B family.

[Section 1143.02(b)(1) – R-1B District]:

- (1) Permitted uses.
  - A. Single-family dwellings.
  - B. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
  - C. Day Care Home Type B family.

[Section 1143.03(b)(1) – R-1MS District]:

- (1) Permitted uses.
  - A. Single-family dwellings.
  - B. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
  - C. Day Care Home Type B family.

[Section 1143.04(b)(1) – R-2A District]:

- (1) Permitted uses.
  - A. Single-family dwellings.
  - B. Two-family dwellings.
  - C. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
  - D. Day Care Home Type B family.

[Section 1143.05(b)(1) – R-2MS District]:

- (1) Permitted uses.
  - A. Single-family dwellings.
  - B. Two-family dwellings.
  - C. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
  - D. Day Care Home Type B family.

[Section 1143.06(b)(1) – R-3 District]:

- (1) Permitted uses.
  - A. Single-family dwellings.
  - B. Two-family dwellings.
  - C. Multi-family dwellings.
  - D. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
  - E. Day Care Home Type B family.

[Section 1143.065(b)(1) – R-4 District]:

- (1) Permitted uses.
  - A. Single-family dwellings.
  - B. Two-family dwellings.
  - C. Multi-family dwellings.
  - D. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
  - E. Day Care Home Type B family.

[Section 1143.07(b)(1) – R3MS District]:

- (1) Permitted uses.
  - A. Single-family dwellings.
  - B. Two-family dwellings.
  - C. Three-family dwellings.
  - D. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
  - E. Day Care Home Type B family.

[Section 1143.09(b)(1) – RO District]:

- (1) Permitted uses.
  - A. Single-family dwellings.
  - B. Two-family dwellings.
  - C. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.

- D. Professional offices of doctors, dentists, chiropractors, lawyers, engineers and similar-type professions limited to 2,500 square feet of gross floor area.
- E. Hospitals
- F. Real estate, insurance and similar-type offices limited to 2,500 square feet of gross floor area.
- G. Barber and beauty shops.
- H. Instructional studios.

[Section 1143.15(b)(1) – AOS District]:

- (1) Permitted Uses.
  - A. The conduct of agricultural operation such as: farming, apiculture, horticulture, viticulture.
  - B. Horse ranches, horse boarding stables, riding stables and academies, and structures normally associated with such as; stables and training facilities.
  - C. Single-family dwelling.
  - D. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
  - E. Day Care Home Type B family.

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

  
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MAYOR

ADOPTED: September 15, 2020

ATTEST:  
  
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CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

## ORDINANCE NO. 3584

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 1147.03(b) ENTITLED USES IN CHAPTER 1147 ENTITLED CONDITIONAL USES AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 1147.03(b) ENTITLED USES IN CHAPTER 1147 ENTITLED CONDITIONAL USES TO BE IN COMPLIANCE WITH OXFORD CODIFIED ORDINANCE SECTION 1141.01(c) ENTITLED ACCESSORY USE PROVISIONS FOR ALL ZONING DISTRICTS.

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held a public hearing on August 11, 2020, and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1147.03(b) entitled Uses in Chapter 1147 entitled Conditional Uses, and adopting new Oxford Codified Ordinance Section 1147.03(b) entitled Uses in Chapter 1147 entitled Conditional Uses to be in compliance with Oxford Codified Ordinance Section 1141.01(c) entitled Accessory Use Provisions for All Zoning Districts.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION I: Council hereby repeals Oxford Codified Ordinance Section 1147.03(b) entitled Uses in Chapter 1147 entitled Conditional Uses, and adopts new Oxford Codified Ordinance Section 1147.03(b) entitled Uses in Chapter 1147 entitled Conditional Uses to be in compliance with Oxford Codified Ordinance Section 1141.01(c) entitled Accessory Use Provisions for All Zoning Districts as follows:

(b) Uses.

(1) Agricultural Services.

A. Potential Concerns.

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

B. Regulations.

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

(2) Airports and Landing Strips.

A. Potential Concerns.

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

B. Regulations.

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

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

A. Potential Concerns.

1. Traffic generation from associated retail sales.
2. Location of diagnosis and outdoor activity areas relative public streets and residential zoning district.

3. Design of facilities that will help ensure humane conditions and treatment of animals.
  4. Animal noise and odor.
  - B. Regulations.
    1. Outdoor pens are not permitted.
    2. Outdoor activity shall be limited to diagnosis and temporary outdoor activity for boarded animals.
- (4) Bed & Breakfast.
- A. Potential Concerns.
    1. Disruptive impacts to surrounding neighborhood (noise, trash, late hour activity, etc.)
    2. Condition, care, and occupancy of property during times when not occupied by guests.
    3. Comparison to neighborhood character/makeup; presence of owner-occupied dwellings.
    4. Proximity to Arterial/Collector roadway(s).
  - B. Regulations.
    1. Compliance with Property Maintenance Code.
    2. Sufficient off-street parking must be provided to accommodate anticipated number of guests.
    3. Bed & Breakfasts are prohibited in Neighborhood Conservation Overlays.
    4. The Conditional Use Permit shall specify the maximum number of cumulative days the bed & breakfast may be booked throughout a calendar year period, as well as the maximum guest occupancy at any one time.
    5. All bed & breakfasts shall be registered with the City pursuant to Chapter 743 of the Oxford Codified Ordinances.
- (5) Gas Station with Convenience Store.
- A. Potential Concerns.
    1. Adequate design of vehicle management area.
    2. Location of fuel pumps and pump canopy.
    3. Outdoor sales and storage.
  - B. Regulations.
    1. All merchandise shall be located within a completely enclosed structure.
    2. Fuel pumps shall be set back a minimum of 30 feet from lot lines or 40 feet from a residential zoning district.
    3. Fuel pump canopies shall be set back a minimum of 20 feet from lot lines or 40 feet from a residential zoning district.
- (6) Vehicle Service and Repair.
- A. Potential Concerns.
    1. Proper design of vehicle management area.
    2. Proximity of service areas to lot lines and adjacent uses.
    3. Outdoor sales and storage.
    4. Tow truck storage.
  - B. Regulations.
    1. All disassembly, service, and assembly of vehicles shall be within a completely enclosed structure.
    2. All service equipment and supplies shall be within a completely enclosed structure.
    3. Vehicles being serviced or awaiting service shall not be stored in an unenclosed area for more than 7 days.
    4. Vehicle service bays shall be setback a minimum of 100 feet from a residential zoning district.
- (7) Vehicle Washing Facility.
- A. Potential Concerns.
    1. Design of vehicle management area.
    2. Enclosure of potential nuisances.
    3. Screening from adjacent uses residential.
    4. Lighting.
    5. Hours of operation.
  - B. Regulations.
    1. Wash bays shall be setback a minimum of 100 feet from a residential zoning district.

2. Outdoor equipment (such as vacuum stations) shall not be located in a yard adjacent to a residential zoning district.
  3. Queuing spaces shall not be located in a yard adjacent to a residential zoning district.
- (8) Drive-Through Banking and Pharmacy Facilities.
- A. Potential Concerns.
    1. Design of vehicle management area.
    2. Noise from operations (vehicle and loudspeaker).
    3. Screening from adjacent uses.
  - B. Regulations.
    1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district.
    2. Queue spaces shall not be located in a yard adjacent to a residential zoning district.
- (9) Drive-Through Convenience and Beverage Facilities.
- A. Potential Concerns.
    1. Design of vehicle management area.
    2. Noise from operations (vehicle and loudspeaker).
    3. Proximity to churches, schools, other similar institutions.
    4. Location and adequacy of dumpsters.
  - B. Regulations.
    1. Structure shall be set back a minimum of 50 feet from a residential zoning district.
    2. Drive-through stations shall be completely enclosed.
    3. Cue Queue spaces shall not be located in a yard adjacent to a residential zoning district.
    4. Site shall be a minimum of 500 feet from a church, school, or similar institution, except in a commercial zoning district.
- (10) Drive-Through Restaurant Facilities.
- A. Potential Concerns.
    1. Design of vehicle management area.
    2. Noise from operations (vehicle and loudspeaker).
    3. Signs and menu boards.
    4. Location and adequacy of dumpsters.
  - B. Regulations.
    1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district.
    2. Cue Queue spaces shall not be located in a yard adjacent to a residential zoning district.
    3. Drive-up stations shall be setback a minimum of 50 feet from a residential zoning district.
- (11) Bars and Taverns.
- A. Potential Concerns.
    1. Evening traffic.
    2. Noise from operations (music).
    3. Location and adequacy of dumpsters.
  - B. Regulations.
    1. Site shall be a minimum of 500 feet from a church, school, or similar institution, except in a commercial zoning district
    2. Structure shall be set back a minimum of 50 feet from a residential zoning district
- (12) Indoor Sports and Recreation Facilities such as Bowling Alleys, Skating Rinks, Tennis and Racquetball Courts, Soccer Fields, and Swimming Pools.
- A. Potential Concerns
    1. Traffic volume during group or league events.
  - B. Regulations.
    1. Entrance to structure shall not be located in a yard adjacent to a residential zoning district.
    2. Parking spaces shall not be located in a yard adjacent to a residential zoning district.
    3. Structure shall be set back a minimum of 30 feet from a residential zoning district.

- (13) Building Materials Sales Yards.
- A. Potential Concerns
    1. Noise, dust, vibration from operations.
    2. Height and visibility of merchandise storage structures.
    3. Commercial vehicle storage.
    4. Location of loading spaces and on-site management of delivery vehicles.
    5. Unenclosed storage and display.
  - B. Regulations.
    1. Traffic management areas shall not be located in a yard adjacent to a residential district.
    2. Commercial woodworking equipment and other similar machinery shall not be permanently affixed or operated within 50 feet of a residential zoning district, except within a completely enclosed structure.
- (14) Cemeteries.
- A. Potential Concerns
    1. Location and size of structures including mausoleums, chapels, gatehouses, crematoriums, offices, and service and storage buildings.
    2. Appropriate screening, ornamental fencing, and landscaping to minimize potential nuisance.
  - B. Regulations.
    1. Driveways shall be set back a minimum of 10 feet from all lot lines.
    2. Grave markers, mausoleums, and other monuments shall be setback a minimum of 10 feet from all lot lines.
- (15) Churches, Libraries, Community and Recreation Centers.
- A. Potential Concerns
    1. Adequate lot size to permit future expansion.
    2. Location and screening of outdoor recreation areas.
    3. Bus or van storage.
    4. Lighting.
    5. Parking and traffic impact.
  - B. Regulations.
    1. None.
- (16) Clinics.
- A. Potential Concerns
    1. Extent of accessory services.
    2. Hours of operation.
  - B. Regulations.
    1. Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may not be accessible directly from the exterior of the building and may operate only during the hours of operation for the clinic.
- (17) Golf and Country Clubs.
- A. Potential Concerns.
    1. Proximity of fairways and greens to lot lines and adjacent structures.
    2. Trajectory of golf balls.
    3. Location of cart paths.
    4. Location of accessory uses such as ball fields, swimming pools, and tennis courts.
    5. Appropriate screening of high activity areas from adjacent properties.
  - B. Requirements.
    1. Cart paths shall be a minimum of 10 feet from all lot lines.
    2. Accessory uses such as clubhouses, restaurants, bars, swimming pools and similar activities are subject to any regulations that would apply to their operation as a principal use.
- (18) Service Organization Lodges.
- A. Potential Concerns
    1. Location of accessory uses such as ball fields, swimming pools, and tennis courts.
    2. Appropriate screening of high activity areas from adjacent properties.
  - B. Requirements.
    1. Accessory uses such as clubhouses, restaurants, bars, swimming pools and similar activities are subject to any regulations that would apply to their

- operation as a principal use.
- (19) Fraternity and Sorority Houses.
- A. Potential Concerns.
1. Aesthetic Concerns:
    - a. Historical characteristics of existing structures.
    - b. Residential scale and character.
    - c. Yards and landscaping.
    - d. Walls and fences.
  2. Activities Areas:
    - a. Porches and patios.
    - b. Locations of recreational areas and courts.
    - c. Locations of accessory structures.
  3. Vehicle Management:
    - a. Site access.
    - b. Required parking.
    - c. Emergency access.
    - d. Deliveries.
    - e. Occasional and excess parking management.
  4. Adequate Public Utilities:
    - a. Water.
    - b. Sewer.
    - c. Storm water management.
    - d. Other services.
  5. Nuisance:
    - a. Waste/trash management.
    - b. Noise and off-site impact.
    - c. Lighting and off-site impact.
- B. Requirements:
1. New Structures: Building shall be of a size and scale that approximates neighboring structures.
  2. Existing Structures: Exterior renovation and improvements shall be maintained to protect existing architectural details, materials and ornamentation.
  3. Addition: Building expansions shall be sympathetic to the architectural scale and style of the existing building.
  4. Outdoor Areas: Activity areas shall be designed and located to contain noise and light within the property. Activity areas shall be appropriately screened from adjacent properties.
  5. Waste facilities: Trash and recycling containers and material shall be stored in a fully enclosed area and properly screened. The waste enclosure shall be adequate for the occupancy and accessible to service vehicles.
  6. Parking and Transportation Demand Management: Parking shall meet requirements of Zoning Code Chapter 1149 and shall be properly designed, screened and maintained.
- (20) Family Community Residence, Group Community Residence, and Community Residence.
- A. Potential Concerns.
1. Maximum occupancy and staffing.
  2. Appropriate indoor and outdoor recreation areas.
  3. Proximity to and number of similar uses in Oxford.
- B. Regulations.
1. Site shall be a minimum of 891 feet from any other Community Residence
- (21) Day Care Centers and Nursery Schools.
- A. Potential Concerns
1. Location and adequacy of planned outdoor play area.
  2. Noise.
  3. Adequate drop-off facilities.
- B. Regulations.
1. Use of outdoor play areas shall be limited to between the hours of 8:00 a.m. and 8:00 p.m. daylight hours.
- (22) Drive-In Theater.
- A. Potential Concerns
1. Appropriate screening.

- 2. Setback and visibility of screen from residential zoning district and public streets.
  - 3. Design of vehicle management area, especially street access.
  - 4. Noise from operations (vehicle).
  - B. Regulations.
    - 1. No outdoor loudspeaker is permitted.
- (23) Elderly Housing, Congregate Housing.
- A. Potential Concerns.
    - 1. Proximity to existing or possible area uses that are potentially dangerous to elderly or handicapped occupants.
  - B. Regulations.
    - 1. Maximum density of 1 dwelling unit per 3,000 square feet
- (24) Funeral Homes and Mortuaries.
- A. Potential Concerns.
    - 1. Design of vehicle management areas to ensure quick and efficient access to public streets during processions.
    - 2. Adequate cue space at drop-off areas to ensure that access to parking spaces is not impeded.
  - B. Regulations.
    - 1. All hearses, limousines, and other related business vehicles shall be stored within an enclosed building when not in use
    - 2. Parking areas are exempt from provisions of the Vehicle Management regulations that would prevent a vehicle management area that is designed to facilitate funeral processions.
- (25) Gaming Arcades.
- A. Potential Concerns.
    - 1. Proximity to schools, churches, and establishments serving alcohol.
    - 2. Proximity to residential zoning district.
    - 3. Adequate screening of parking and outdoor gathering areas.
- (26) Hospitals.
- A. Potential Concerns.
    - 1. Location of parking for employees.
    - 2. Parking for visitors.
    - 3. Design of drop-off area.
    - 4. Emergency vehicle access to the site and to the building.
    - 5. Adequate lot size and shape to handle current proposal and possible additions.
    - 6. Screening.
    - 7. Access to appropriate street.
    - 8. Helicopter landing facilities.
- (27) Motels.
- A. Potential Concerns.
    - 1. Proximity to residential.
    - 2. Screening from residential.
    - 3. Appropriate street access.
- (28) Nursing Homes, Convalescent Homes.
- A. Potential Concerns.
    - 1. Adequate lot size to provide for visitors and for outdoor activities.
    - 2. Access to an appropriate street.
    - 3. Adequate screening from residential.
  - B. Regulations.
    - 1. Minimum 500 square feet per bed of on-site open space.
- (29) Riding Academies, Stables.
- A. Potential Concerns.
    - 1. Adequate lot size.
    - 2. Noise and dust from operations.
    - 3. Security fencing.
    - 4. Location of corrals and other animal areas.
    - 5. Adequate vehicle management area for transportation of animals.
    - 6. Hours of operation.
  - B. Regulations.
    - 1. Any area designed to accommodate animals used in the operations shall

be set back a minimum of 50 feet from any lot line.

- (30) Schools.
- A. Potential Concerns.
    - 1. Adequate lot size to permit future expansion.
    - 2. Bus and van storage.
    - 3. Access to streets that can handle traffic generated by the use.
    - 4. Design of vehicle management area.
    - 5. Location of outdoor facilities such as ball fields and band practice areas.
    - 6. Proximity to incompatible uses (establishments serving alcohol).
  - B. Regulations.
    - 1. Parking spaces shall not be located in a yard adjacent to a residential zoning district.
    - 2. Structure shall be setback a minimum of 30 feet from a residential zoning district.
- (31) Temporary and/or Outdoor Sales of Plants and Garden Supplies.
- A. Potential Concerns.
    - 1. Signs.
    - 2. Sight distance at corner lots.
  - B. Regulations.
    - 1. Storage of goods shall not reduce the usable number of parking spaces by more than 10 percent of the required total.
    - 2. Goods shall not be stored in a driveway required to access required parking spaces.
- (32) Mini-Warehouse (Self-Storage Units):
- A. Potential Concerns
    - 1. Adequate lot size
    - 2. Design of vehicle management area
    - 3. Outdoor storage-inoperable vehicles and junk
    - 4. Hours of operation
    - 5. Proximity to residential zoning districts
    - 6. Flammable, combustible material stored on site
    - 7. Compatibility of the scale and character of the project with surrounding properties and existing uses
  - B. Regulations
    - 1. Site shall be at a minimum of two acres, and maximum of five acres in area
    - 2. Parking area shall not be located in yard adjacent to a residential zoning district
    - 3. Outdoor security lighting shall be designed to prevent spillover to adjoining properties
    - 4. Landscaping along the public street
    - 5. Any chain-link fence shall have limited visibility from the public street, unless approved by the Planning Commission.
    - 6. Sufficient isle way width and on-site water supply (including fire hydrants locations) will be determined by the Oxford Fire Chief, between buildings for firefighting purposes.
    - 7. Design of the building and site shall be consistent with the following criteria:
      - a. The rear of the principal building shall not face the public right-of-way
      - b. The front façade of the principal building shall be finished utilizing masonry material that has textured relief. No vinyl or aluminum shall be used in finishing on the front façade of the building.
      - c. The building façade shall have different articulation in height and setbacks.
      - d. The roof of the principal building shall not be a long continuous flat roof and a break in length and elevation shall be provided in regular interval.
      - e. The entrance to the site shall be designed to allow sufficient queuing that on-street traffic will not be impacted.
      - f. Outdoor storage shall have limited visibility from the public right-

- of-way.
    - g. There shall be no employee residing on site, unless specifically approved by the Planning Commission and the City Council.
  - C. Other
    - 1. Encourage the mini-warehouse as the second principal use in conjunction with or behind other principal uses.
- (33) Business Incubator:
  - A. Potential Concerns
    - 1. Hours of operation
    - 2. Type of businesses generating noise, vibration, fumes and other obnoxious environmental concerns
    - 3. Outdoor operations
  - B. Regulations
    - 1. All activities/merchandise shall be located within a completely enclosed space.
    - 2. Sized adequately to provide all necessary business support
- (34) Off-site Parking and Shared-Use Parking
  - A. Potential Concerns
    - 1. Adequate supply of spaces for all modes of transportation
    - 2. Distance from use
    - 3. Hours of operation/schedule conflict
    - 4. Valet service
    - 5. Proximity to mass transit
    - 6. Accommodation for special needs/accessibility
    - 7. Maintenance responsibility
    - 8. Future land use changes/parking demand
  - B. Regulations
    - 1. Recorded easement agreement
    - 2. Specific distance limit for off-site
    - 3. Performance review timeframe
    - 4. Requires evidence justifying sufficient parking
- (35) Parking Lot Alternate Design Plan
  - A. Potential Concerns
    - 1. Safety of all modes of transportation
    - 2. Green space
    - 3. Storm water quality/environmental
    - 4. Storm water quantity/run off rate
  - B. Regulations
    - 1. Any additional factors that affect the practical application of this section, such as notable topographic changes, watercourses, and bodies of water
    - 2. Conditions of approval to protect the public health, safety, and general welfare
    - 3. Modifications of this chapter to protect the public health, safety and general welfare.
- (36) Floor Area Exceeding Maximum Allowable Square Footage
  - A. Potential Concerns
    - 1. Adequate lot size
    - 2. Adequate design of vehicle management area
    - 3. Setback from residential zoning setback and public streets
    - 4. Buffering and screening
    - 5. The hours of operation
  - B. Regulations
    - 1. The building exterior shall be compatible with the characteristics of neighboring structures.
    - 2. Parking shall not be in the front yard
    - 3. Other vehicular related concerns, i.e. ingress and egress, etc....
- (37) Hours of Operation Beyond Normal
  - A. Potential Concerns
    - 1. Noise generation impacting surrounding properties
    - 2. Potential exterior lighting, including signage, affecting adjoining properties
    - 3. Potential traffic during those additional hours

- B. Regulations
    - 1. Noise level be kept below allowable level, unless approved by the City Council
    - 2. Solid screening to buffer noise and outdoor lighting
- (38) Residential Units on the First Floor or Basement
- A. Potential Concerns
    - 1. Reduce available non-residential site available for development
    - 2. Potential impact to other non-residential development
  - B. Regulations
    - 1. The exterior appearance shall be consistent with adjoining properties
- (39) Accessory Building to be used as a dwelling unit
- A. Potential Concerns
    - 1. Vehicle management
    - 2. Location of the accessory building
  - B. Regulations
    - 1. Relationship of its size, mass, height and square footage to the principal building
    - 2. Building style and material
    - 3. Building orientation consistent with the principal building.
- (40) Transient Guest Lodging as an Accessory Use (greater than 90 cumulative days booked per year).
- A. Potential Concerns.
    - 1. Disruptive impacts to surrounding neighborhood (noise, trash, late hour activity, etc.)
    - 2. Condition, care, and occupancy of property during times when not occupied by guests.
    - 3. Comparison to neighborhood character/makeup; presence of owner-occupied dwellings.
  - B. Regulations.
    - 1. Compliance with Property Maintenance Code.
    - 2. Sufficient off-street parking must be provided to accommodate anticipated number of guests.
    - 3. Compliance with all other provisions applicable to Transient Guest Lodging.

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

  
MAYOR

ADOPTED: September 15, 2020

ATTEST:  
  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

## ORDINANCE NO. 3585

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 1159.03 ENTITLED DEFINITIONS (BEGINNING WITH LETTER “B”) AND SECTION 1159.21 ENTITLED DEFINITIONS (BEGINNING WITH LETTER “T”) IN CHAPTER 1159 ENTITLED DEFINITIONS AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 1159.03 ENTITLED DEFINITIONS (BEGINNING WITH LETTER “B”) AND SECTION 1159.21 ENTITLED DEFINITIONS (BEGINNING WITH LETTER “T”) IN CHAPTER 1159 ENTITLED DEFINITIONS TO BE IN COMPLIANCE WITH OXFORD CODIFIED ORDINANCE SECTION 1141.01(c) ENTITLED ACCESSORY USE PROVISIONS FOR ALL ZONING DISTRICTS.

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held a public hearing on August 11, 2020, and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1159.03 entitled Definitions (beginning with letter “B”) and Section 1159.21 entitled Definitions (beginning with letter “T”) in Chapter 1159 entitled Definitions, and adopting new Oxford Codified Ordinance Section 1159.03 entitled Definitions (beginning with letter “B”) and Section 1159.21 entitled Definitions (beginning with letter “T”) in Chapter 1159 entitled Definitions to be in compliance with Oxford Codified Ordinance Section 1141.01(c) entitled Accessory Use Provisions for All Zoning Districts.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION I: Council hereby repeals Oxford Codified Ordinance Section 1159.03 entitled Definitions (beginning with letter “B”) and Section 1159.21 entitled Definitions (beginning with letter “T”) in Chapter 1159 entitled Definitions, and adopts new Oxford Codified Ordinance Section 1159.03 entitled Definitions (beginning with letter “B”) and Section 1159.21 entitled Definitions (beginning with letter “T”) in Chapter 1159 entitled Definitions to be in compliance with Oxford Codified Ordinance Section 1141.01(c) entitled Accessory Use Provisions for All Zoning Districts as follows:

### **1159.03 DEFINITIONS (BEGINNING WITH LETTER “B”).**

- (1) **BANK**  
A building, or part of a building, used principally for the deposit and withdrawal of money and other financial transactions.
- (2) **BASEMENT**  
The portion of a building which is partly underground and which has one-half or more of its ceiling height above the average finished grade of the ground adjoining the building.
- (3) **BED & BREAKFAST**  
A principal use/building, sometimes the primary residence of the owner, where sleeping accommodations are offered for compensation, with or without meals, to transients occupying a room or rooms.
- (4) **BLOCK**  
A tract of land bordered on all sides by a street, or by one or more streets and a railroad right-of-way, stream, river or un-subdivided acreage.
- (5) **BUILDING**  
Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.
- (6) **BUILDING, ACCESSORY**  
Building Height:
  - A. The vertical distance from the average elevation of the finished grade along the front of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge for gable, hip or gambrel roofs.
  - B. When referring to a telecommunications tower or steeple, sign, or other structure, the

distance measured from the ground level or the structure's point of attachment (such as the roof for a residential TV antenna) to the highest point on the tower or other structure even if said highest point is an antenna.

- (7) **BUILDING HEIGHT**  
The vertical distance from the average elevation of the finished grade along the front of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge for gable, hip or gambrel roofs.
- (8) **BUILDING LINE**  
A line parallel to the street right-of-way line at any story level of a building and representing the distance which all or any part of the building is to be set back from said right-of-way property line.
- (9) **BUILDING, MAIN**  
A building in which the principal use of the site is conducted.
- (10) **BUILDING PERMIT**  
A document certifying that the plans reviewed conform to the requirements of the Building Code.
- (11) **BUILDING, TEMPORARY**  
A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.
- (12) **BUSINESS**  
Retail, wholesale, and service establishments which cater to the community needs for goods and services.
- A. Retail Business:  
The sale of products directly to the consumer for personal, household or farm use including restaurants.
- B. Wholesale Business:  
The sale of products to retailers or to institutional, industrial, commercial and professional users.
- C. Personal Service:  
Any enterprise conducted for gain which primarily offers services to the general public including, but not limited to, shoe repair, barbershop, beauty parlor, or doctor's office.
- D. Business Services:  
Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or businesses.
- (13) **BUSINESS INCUBATOR:**  
An organization designed to accelerate the growth and success of entrepreneurial companies through an array of business support resources and services that could include physical space, capital, coaching, common services and networking connections.

#### **1159.21 DEFINITIONS (BEGINNING WITH LETTER "T").**

- (1) **TALL STRUCTURE / SUPPORT STRUCTURE**  
Any building or structure, other than a tower, which can be used for location of wireless and cellular telecommunication facilities.
- (2) **THEATER**  
A building used primarily for the presentation of live stage productions, performances, or motion pictures.
- (3) **TOWER**  
Any freestanding structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.
- (4) **TRAILER**  
A structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office.
- (5) **TRANSIENT**

A person staying at a location such as a hotel, motel, bed & breakfast, or a dwelling offering transient guest lodging for less than thirty (30) consecutive days and does not use the location as his or her permanent address.

(6) **TRANSIENT GUEST LODGING**

An accessory use occupying an entire dwelling unit or portion thereof where sleeping accommodations are offered for compensation to transients occupying a room or rooms.

A. **TRANSIENT GUEST LODGING BOOKING**

Each instance of a reservation by an individual or group for transient guest lodging.

B. **TRANSIENT GUEST LODGING HOST**

Any person who is the owner of record of residential real property, or any person who is a lessee of residential real property pursuant to a written agreement for the lease of such real property, who offers a dwelling unit, or portion thereof, for transient guest lodging.

C. **TRANSIENT GUEST LODGING HOSTING PLATFORM**


An internet-based platform that generally allows an owner or tenant to advertise the dwelling unit through a website and provides a means for potential transient users to arrange transient guest lodging and payment through the hosting platform.

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

  
\_\_\_\_\_  
MAYOR

ADOPTED: September 15, 2020

ATTEST:

  
\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

## ORDINANCE NO. 3586

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 743 ENTITLED SHORT TERM RENTALS AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 743 ENTITLED BED & BREAKFASTS; TRANSIENT GUEST LODGING TO BE IN COMPLIANCE WITH OXFORD CODIFIED ORDINANCE SECTION 1141.01(c) ENTITLED ACCESSORY USE PROVISIONS FOR ALL ZONING DISTRICTS.

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held a public hearing on August 11, 2020, and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1141.01(c) entitled Accessory Use Provisions for All Zoning Districts, and adopting new Oxford Codified Ordinance Section 1141.01(c) entitled Accessory Use Provisions for All Zoning Districts.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION I: Council hereby repeals Oxford Codified Ordinance Chapter 743 entitled Short Term Rentals and adopts new Oxford Codified Ordinance Chapter 743 entitled Bed & Breakfasts; Transient Guest Lodging to be in compliance with Oxford Codified Ordinance Section 1141.01(c) entitled Accessory Use Provisions for All Zoning Districts as follows:

### **CHAPTER 743 Bed & Breakfasts; Transient Guest Lodging**

#### **743.01 DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (a) "Bed & Breakfast" means a building, sometimes the primary residence of the owner, where sleeping accommodations are offered for compensation, with or without meals, to transient users occupying a room or rooms.
- (b) "Director" means the Director of the City of Oxford Community Development Department or his/her designee.
- (c) "Host" means any person who is the owner of record of residential real property, or any person who is a lessee of residential real property pursuant to a written agreement for the lease of such real property, who offers a dwelling unit, or portion thereof, for transient guest lodging.
- (d) "Hosting Platform" means an internet-based platform that generally allows an owner or tenant to advertise the dwelling unit through a website and provides a means for potential transient users to arrange lodging and payment through the hosting platform.
- (e) "Transient Guest Lodging" means a dwelling unit or portion thereof where sleeping accommodations are offered for compensation to transient users occupying a room or rooms.
- (f) "Transient User" means a person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of less than 30 consecutive days duration.

#### **743.02 ANNUAL REGISTRATION REQUIRED.**

No person, firm, or corporation shall own or operate a bed & breakfast or transient guest lodging on any premises within the City of Oxford unless the associated property has been registered annually with the Community Development Department.

#### **743.03 ANNUAL REGISTRATION.**

Each annual registration for bed & breakfasts and transient guest lodging shall be per the procedure prescribed by the Director, and shall be available for paperless, online registration upon the effective date of this chapter. The registration form, at a minimum, shall include the following:

- (a) The name, address, phone number, and email address of the host and of a person residing or located within Butler County or any other county bordering Butler County who shall be responsible for addressing any maintenance or safety concerns; and

(b) The location of the bed & breakfast, or dwelling unit to be used for transient guest lodging.

**743.04 DIRECTOR AUTHORITY TO REVOKE REGISTRATION.**

If a property registered as a bed & breakfast or for transient guest lodging is subject to two (2) or more civil and/or criminal citations, the Director may revoke the registration. Civil citations may include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal citations may include, but are not limited to, reported drug activity, theft and criminal mischief.

**743.05 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.**

Each separate short term rental shall be in compliance with any currently applicable laws and regulations of the federal, state, or local governments, as may be amended from time to time including but not limited to, laws or regulations on nondiscrimination, zoning, building, safety, property maintenance, health and sanitation, fire, electrical, plumbing, mechanical, and other applicable laws.

**743.99 ENFORCEMENT AND PENALTY.**

Failure to comply with any section or provision of this chapter shall be deemed a violation. Enforcement of any of the provisions of the chapter may be by civil action and/or criminal prosecution. Whoever violates Section 743.02 is guilty of a minor misdemeanor.

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

  
MAYOR

ADOPTED: September 15, 2020

ATTEST:

  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

## ORDINANCE NO. 3587

AN ORDINANCE REPEALING OXFORD PROPERTY MAINTENANCE CODE SECTION 310 ENTITLED RENTAL PERMITS AND ADOPTING NEW OXFORD PROPERTY MAINTENANCE CODE SECTION 310 ENTITLED RENTAL PERMITS.

WHEREAS, per Oxford Codified Ordinance Section 1305.01, the International Property Maintenance Code (“IPMC”), 2012 edition, as published by International Code Council, was previously adopted by the City of Oxford as the Property Maintenance Code (“PMC”) of the City of Oxford, Ohio, for regulating and governing the conditions and maintenance of all property, buildings, and structures; and

WHEREAS, Council finds that in order to further protect the health and safety of transient guests visiting and staying in Oxford, the City’s Rental Permit Program should be expanded to cover all short term rentals (i.e. bed & breakfasts and dwellings utilized for transient guest lodging);

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION I: Council hereby repeals Oxford Property Maintenance Code Section 310 entitled Rental Permits and adopts new Oxford Property Maintenance Code Section 310 entitled Rental Permits as follows:

### SECTION 310 RENTAL PERMITS

**PMC 310.1 Permits required.** No person shall operate any residential rental unit(s), rooming house, lodging house, multiple-family dwelling, dwelling unit, or fraternity/sorority house, including for transient guest lodging (e.g. Airbnb) or as a bed & breakfast, unless he or she has a valid Residential Rental Permit issued by the code official in the name of the owner or agent for the specified residential rental unit, rooming house, lodging house, multiple-family dwelling, dwelling unit, or fraternity/sorority house. No person shall rent or lease a dwelling unit, except to a member of his or her family, without a dwelling unit Residential Rental Permit issued by the code official in the name of the owner or agent for the specific dwelling unit. Permits are not required for single family homes that are subject to a two-party agreement where no monetary compensation is paid by either party and the exchange does not exceed two (2) years in duration, whereby owners occupy each other’s single family home.

**PMC 310.2 Application process.** The owner or agent shall apply to the code official for Residential Rental Permit, certifying that the subject property is in compliance with Oxford’s Property Maintenance Code and submitting the requisite application form, floor plan, and processing fees, in the event a processing fee is required. In addition, each owner or agent of residential rental property situated in the City is required to provide the code official with a copy of any Residential Rental Property Registration form(s) by the owner or owner’s agent to the Butler County Auditor’s Office in accordance with R.C. 5323.02.

**PMC 310.2.1 Floor plan required.** Every person submitting an application for a new rental property shall provide a floor plan of property to the code official, which shall be reviewed for compliance with the Oxford PMC and Zoning Code. The floor plan will include all habitable levels as well as stairway, windows, doors, room dimensions, and bedroom closets (which are not to be included in room dimension), and shall include room label such as kitchen, dining room , bedroom, etc. The submitted floor plan will be retained by the City in the Oxford Community Development Department’s rental property file and shall be reviewed and/or updated upon any change in the property such as a change of ownership, building addition, or building alteration.

An owner or agent may be required to provide an updated floor plan if the code official deems the floor plan on file to be insufficient, inadequate, or outdated.

**PMC 310.2.2 Inspection of residential rental property.** At the time of each application for an initial or renewal of a Residential Rental Permit, and at any time thereafter when it appears an inspection is warranted, the code official may request permission of the property owner or the owner’s agent to inspect the dwelling unit for compliance with Oxford’s PMC in an effort to help ensure the safety and welfare of tenants living in its community. If the owner or agent grants the code official permission to inspect the premises, the inspection will be performed by the code official and/or another duly authorized person

conducting inspection for the City, with the owner or owner's agent present, within thirty (30) days of the owner or agent's grant of consent. The owner or agent must cooperate with the code official to ensure the timely completion of the full inspection.

If the property owner or agent does not consent to the inspection, or if the owner's agent, occupant, or any other person in charge of the property refuses to permit free access and entry to the property for the inspection after the property owner's voluntary consent has been obtained, the code official may appear before any judge in court of competent jurisdiction and seek an administrative search warrant to allow an inspection of the property. Any application for an administrative search warrant shall be made within ten (10) business days after consent and/or entry to the premises has been denied. The application for the warrant shall specify the basis upon which the administrative search warrant is being sought and shall include a statement that the inspection will be limited to determination as to whether there are violations of Oxford's PMC and/or Oxford's Zoning Code.

When determining whether a warrant shall issue, the court may consider the following:

1. Any plain view violations;
2. Any eyewitness account of a violation;
3. The nature of any alleged violation;
4. Records of past violations;
5. Violations which are apparent from City records;
6. Any citizen complaints concerning the property;
7. The age and condition of the property;
8. Any documented violations concerning similar properties in the area;
9. The conditions of the entire area;
10. The number of tenants that may be residing on the property;
11. The nature of the rental unit (i.e., one-family, lodging house, etc.);
12. The passage of time since the least inspection; and
13. Any other factor the court deems relevant.

If a warrant is issued, no property owner, occupant, or agent shall fail, upon presentation of the warrant, to permit entry to the property by the code official and/or any duly authorized person conducting inspection for the City for the purpose of an inspection that is consistent with this section and the warrant obtained. If the court does not issue a warrant, or if no warrant is sought, an inspection of the property shall still take place within thirty (30) days of the owner or agent's refusal to grant consent, or the denial of access to the property for an inspection if access has been denied, but the scope of the inspection shall be limited to such areas of the property that are in plain view. A plain view inspection shall be considered as "inspection" for the purpose of this section and any other applicable provisions of the Oxford's PMC. No criminal penalties or fines shall attach, nor shall any rental permit be denied, based solely on the owner's, occupant's or agent's refusal to consent to a full inspection. In the event that only a plain view inspection is conducted prior to the issuance of a Residential Rental Permit, the permit shall note that fact on its face, and the plain view inspection shall not constitute any evidence of PMC compliance with respect to any uninspected portions of the property.

Within five (5) business days of conducting a full or plain view inspection, the code official shall:

1. In the event of a full inspection, notify the property owner, or the owner's duly authorized agent, whether the property is in compliance with Oxford's PMC and, if it is not, what repairs and/or changes are required to bring the property into compliance with the code and the date by which the repairs and/or changes must be made.
2. In the event of a plain view inspection, notify the property owner, or the owner's duly authorized agent, whether the portions of the property that are in the plain view of the code official appear to be in compliance with Oxford's PMC and, if the portion of the property that is in the plain view does not appear to be in compliance with Oxford's PMC, what repairs and/or changes are required to bring the property into compliance with the code and the date by which the repairs and/or changes must be made. In all instances of plain view inspection, the code official is making no representation as to whether the inspected property is in full compliance with Oxford's PMC, as that cannot be adequately determined without the benefit of full inspection.

If, in the event of a full or plain view inspection, an owner and/or his agent is notified by the code official that repairs and/or changes to the property are required in order to bring the property into compliance with Oxford's PMC, the owner and/or agent shall have ten (10) business days to complete the requisite repairs or changes and shall immediately notify the code official upon the

completion of the requisite repairs and/or changes. Within five (5) business days of the code official's notification that the requisite repairs and/or changes have been completed, the code official shall reinspect the property to determine if the required repairs and/or changes have been successfully completed.

**PMC 310.3. Permit issued.** A copy of any permit issued pursuant to this section shall be protected and displayed in a conspicuous place on the premises at all times and shall state the maximum occupancy permitted on the premises as well as the name of the owner and the owner's designated agent(s). Every person holding a permit pursuant to this section shall return the permit to the code official within ten (10) days after having given up the control or operation of the residential rental property or having sold, transferred, given away, or otherwise disposed of the property. Every Residential Rental Permit issued for any rooming house, lodging house, multi-family dwelling, dwelling unit or fraternity/sorority house shall expire at the end of one (1) year following the effective date of the issuance of the permit, unless sooner revoked pursuant to PMC Section 310.4, or by operation of PMC Section 110. A Residential Rental Permit may not be issued to another owner or agent without a full or plain view reinspection of the premises by the code official.

**PMC 310.4 Agent required.** Every owner of a dwelling not residing on the premises shall appoint and designate an agent to act on owner's behalf and shall notify the code official with the telephone number of the appointed agent and the notification shall contain an acceptable of such appointment signed by the designated agent. An individual may act as his or her own agent so long as he or she is a resident of Butler County or one of its surrounding counties. The agent required by this section must be a permanent resident of Butler County, Ohio, or adjoining county, or an entity operating a permanent office in Butler County, Ohio, or an adjoining county. Adjoining counties are Hamilton, Montgomery, Preble, and Warren in Ohio, and Dearborn, Franklin, and Union County in Indiana.

**PMC 310.4.1 Agent defined.** An "agent" is defined as a responsible person or entity who, except in the case of the property owner, has been retained by and acts for, or in place of, the owner of a property with the responsibility of providing a healthy and safe environment for inhabitants by complying with all applicable rules and regulations and who has been granted authority by the owner to consent to inspections.

**PMC 310.5 Revocation of rental permits.** Whenever, upon inspection or any premises requiring a Residential Rental Permit, the code official finds that conditions or practices exist which are in violation of any provisions of the Oxford's PMC, the code official shall give notice in accordance with PMC Section 107 to the owner, or owner's agent, of the property, At the end of the time period specified in the notice, the code official shall reinspect the premises and if the code official finds that such conditions or practices have not been corrected and if no appeal has been filed in accordance with Section 111 of the PMC, the code official shall give notice in writing to the owner or owner's agent that the permit has been revoked. Upon receipt of such notice, the owner or the owner's agent shall immediately take any and all action necessary to cease operation of such rental unit or rental units and shall thereafter not permit any tenant to live, sleep, or reside in the property until another Residential Rental Permit is obtained.

**PMC 310.6 Appeal of permit revocation.** Any person who has received notice that his or her permit is being revoke unless existing conditions or practices at the rental premises are corrected may, within twenty (20) days after the date of such notice, fill an appeal and shall be granted a hearing upon the matter pursuant to PMC Section 111 (Means of Appeal").

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

  
MAYOR

ADOPTED: September 15, 2020

ATTEST:  
  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)