

CITY OF OAKWOOD
COUNCIL AGENDA
JUNE 5, 2023

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF MAY 1 REGULAR SESSION & WORK SESSION, MAY 15 WORK SESSION & EXECUTIVE SESSION AND MAY 25 EXECUTIVE SESSION
- V. STATUS REPORTS
 - Update on Sustainability Measures
- VI. VISITORS
- VII. LEGISLATION
 - An Ordinance to consider proposed text amendments addressing permitted and special uses in the Neighborhood Business District, Vice Mayor Byington
 - An Ordinance to consider proposed text amendments addressing permitted and special uses in the Community Business District, Vice Mayor Byington
 - An Ordinance to consider proposed text amendments addressing miscellaneous clarifications to other provisions in the business zoning districts, Vice Mayor Byington
 - A Resolution of necessity for the renewal of a 3.75 mill property tax issue, Vice Mayor Byington
- VIII. AN OAKWOOD MOMENT
- IX. CITY MANAGER'S REPORT
- X. COUNCIL COMMENTS
- XI. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR JULY 17, 2023

AN ORDINANCE

BY: _____ NO. _____

AMENDING SECTIONS 701.2, *PERMITTED USES*, AND 701.3, *SPECIAL USES*, OF THE OAKWOOD ZONING ORDINANCE TO AUTHORIZE ADDITIONAL USES WITHIN THE NEIGHBORHOOD BUSINESS (NB) ZONING DISTRICT.

WHEREAS, proposed text amendments to the Oakwood Zoning Ordinance were presented to the Planning Commission in a duly-noticed public hearing held on May 3, 2023, and the Planning Commission by a vote of 4-0, with one member absent, recommended approval thereof; and

WHEREAS, the proposed amendments have been presented to Council in a duly-noticed public hearing held on June 5, 2023, and as required by Section 1003.6(B) of the Zoning Code, Council has reviewed the proposed amendments and finds that they are consistent with the purposes of the Zoning Code, the Comprehensive Plan, and the interests of the city of Oakwood as a whole;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

Existing Section 701.2, *Permitted Uses*, of the Oakwood Zoning Ordinance, is hereby amended to read as follows, with new text appearing in **bold** font and deleted text appearing in ~~strike-through~~ font:

701.2 Permitted Uses

The following uses are permitted in the NB District:

- Art/school supply
- Antique Store
- Bakeries
- Banks/financial institutions
- Barber shops
- Beauty parlor/**salon/spa**
- Book/stationary store
- Brokerage firm
- Candy/ice-cream
- China/glassware
- City of Oakwood uses and structures
- Coffee shop
- Custom dressmaking
- Dry cleaning
- Fitness/health/wellness service**
- Florist
- Furrier shop
- Gift shop
- Hobby shop
- Interior decorating
- Jewelry store
- Leather goods
- Music store
- Offices, service and business
- Office supply
- Personal services**
- Shoe stores
- Shoe/clothing/hat repair
- Tailor shop
- Tanning booth
- Temporary uses and events*
- Tobacco shop
- Travel bureau
- Wearing apparel

* See Section 404, *Temporary Uses and Events*

SECTION II.

Existing Section 701.3, *Special Uses*, of the Oakwood Zoning Ordinance, is hereby amended to read as follows, with new text appearing in **bold** font and deleted text appearing in ~~strike-through~~ font:

701.3 Special Uses subject to the requirements of Title 10, Section 1004, *Special Use Permits*, as follows:

- Catering services
- Child Day Care Center*
- Delicatessens*
- Dwelling units above first floor*
- Museums owned by the City of Oakwood
- Outdoor seating
- Planned development – business
- Public libraries
- Public utility and service uses
- Shared parking**
- Structured Parking (integrated w/principal use)
- Uses operating before 7:00 am/ after 9:00 pm
- Retail or service uses of scale and intensity similar to uses permitted under Section 701.2 but not permitted as of right**

**Subject to Title 9, Design and Performance Standards.*

***Subject to Title 11, Off-Street Parking and Loading.*

SECTION III.

Consistent with the amendments set forth above, the new permitted uses shall be and are hereby added to the list of Off-Street Parking Requirements set forth as Table 1 within Section 1102 of the Zoning Code, as follows:

- a. The reference to “Beauty shop” as a business retail use shall be amended to read “Beauty shop/salon/spa,” requiring 4 parking spaces per 1,000 sq.ft. of gross floor area.
- b. “Fitness/health/wellness service” and “Personal services” shall be added to the list of business service uses, requiring 3 parking spaces per 1,000 sq.ft. of gross floor area.

SECTION IV.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, if required, in compliance with all legal requirements including Ohio R.C. 121.22.

SECTION V.

This ordinance shall take effect as of the earliest date permitted by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this _____ day of _____, 2023.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish by incorporating into the Codified Ordinances of the city.

City Attorney Robert F. Jacques

AN ORDINANCE

BY: _____ NO. _____

AMENDING SECTIONS 702.2, *PERMITTED USES*, AND 702.3, *SPECIAL USES*, OF THE OAKWOOD ZONING ORDINANCE TO AUTHORIZE ADDITIONAL USES WITHIN THE COMMUNITY BUSINESS (CB) ZONING DISTRICT.

WHEREAS, proposed text amendments to the Oakwood Zoning Ordinance were presented to the Planning Commission in a duly-noticed public hearing held on May 3, 2023, and the Planning Commission by a vote of 4-0, with one member absent, recommended approval thereof; and

WHEREAS, the proposed amendments have been presented to Council in a duly-noticed public hearing held on June 5, 2023, and as required by Section 1003.6(B) of the Zoning Code, Council has reviewed the proposed amendments and finds that they are consistent with the purposes of the Zoning Code, the Comprehensive Plan, and the interests of the city of Oakwood as a whole;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

Existing Section 702.2, *Permitted Uses*, of the Oakwood Zoning Ordinance, is hereby amended to read as follows, with new text appearing in **bold** font and deleted text appearing in ~~strike-through~~ font:

702.2 Permitted Uses

The following uses are permitted in the CB District:

- Antique store
- Art/school supply
- Appliance store
- Bakeries
- Banks/financial institutions
- Barber shops
- Beauty parlor/**salon/spa**
- Book/stationary store
- Brokerage firm
- Business/office machine
- Camera/photography
- Candy/ice-cream
- Carpet/rug
- Catering services
- China/glassware
- City of Oakwood uses and structures
- Coffee shop
- Consumer electronics
- Copy center - retail printing services
- Custom dressmaking
- Delicatessens*
- Department store
- Drug store/pharmacy
- Dry cleaning
- Electronics store
- Fitness/health/wellness service**
- Florist
- Food/grocery/supermarket
- Furniture store
- Furrier shop
- Garden supply
- Gift shop
- Hardware store
- Hobby shop
- Houseware and Kitchen
- Interior decorating

Interior furnishing
Jewelry store
Leather goods
Medical/dental office
Medical/dental laboratory
Music store
Musical instrument sales
Newspaper distribution agency
Offices, service and business
Office supply
Optical sales
Pet Grooming Studio
Personal services
Photographic studio
Post Office
Restaurants*
Shoe stores
Shoe/clothing/hat repair
Sporting goods
Tailor shop
Tanning booth
Temporary Uses and Events**
Tobacco shop
Travel bureau
Undertaking/funeral parlor
Veterinary hospital or clinic
Wearing apparel
Wine shop

*** See Section 404, Temporary Uses and Events.*

**Subject to Title 9, Design and Performance Standards.*

SECTION II.

Existing Section 702.3, *Special Uses*, of the Oakwood Zoning Ordinance, is hereby amended to read as follows, with new text appearing in **bold** font and deleted text appearing in ~~strike-through~~ font:

702.3 Special Uses subject to the requirements of Title 10, Section 1004, *Special Use Permits*, as follows:

Child day care centers*
Coffee shops and delicatessens selling beer and wine*
Commercial parking lots and structures
Dwelling units above first floor*
Museums owned by the City of Oakwood
Off-site, off-street parking
Outdoor sales
Outdoor Seating
Planned development – business
Printing and publishing establishments
Public libraries
Public utility and service uses
Restaurants/coffee shops (not meeting standards)*
Shared parking**
Structured parking (integrated w/principal use)
Theaters
Uses operating before 7:00 am/ after 9:00 pm
Retail or service uses of scale and intensity similar to uses permitted under Section 702.2 but not permitted as of right

**Subject to Title 9, Design and Performance Standards.*

***Subject to Title 11, Off-Street Parking and Loading.*

SECTION III.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all

deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, if required, in compliance with all legal requirements including Ohio R.C. 121.22.

SECTION IV.

This ordinance shall take effect as of the earliest date permitted by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____, 2023.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish by incorporating into the Codified Ordinances of the city.

City Attorney Robert F. Jacques

AN ORDINANCE

BY: _____ NO. _____

AMENDING SECTION 402.1, *ACCESSORY STRUCTURES AND USES*; SECTION 402.2, *PERMITTED OBSTRUCTIONS IN YARDS*; AND SECTION 1010.5, *PENALTIES*, OF THE OAKWOOD ZONING ORDINANCE; TO CLARIFY CERTAIN PROVISIONS AND TO ENSURE CONSISTENCY WITH STATE LAW.

WHEREAS, proposed text amendments to the Oakwood Zoning Ordinance were presented to the Planning Commission in a duly-noticed public hearing held on May 3, 2023, and the Planning Commission by a vote of 4-0, with one member absent, recommended approval thereof; and

WHEREAS, the proposed amendments have been presented to Council in a duly-noticed public hearing held on June 5, 2023, and as required by Section 1003.6(B) of the Zoning Code, Council has reviewed the proposed amendments and finds that they are consistent with the purposes of the Zoning Code, the Comprehensive Plan, and the interests of the city of Oakwood as a whole;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

Subsections (H)(1) and (H)(2) of existing Section 402.1, *Accessory Structures and Uses*, of the Oakwood Zoning Ordinance, are hereby amended so that all references to “air conditioning/heat pump equipment” shall be expanded to read “air conditioning/heat pump/**generator or similar mechanical equipment**,” with new text appearing in **bold** font for illustrative purposes.

SECTION II.

Existing Section 402.2, *Permitted Obstructions in Yards*, of the Oakwood Zoning Ordinance, is hereby amended so that the reference to “air conditioning condenser/heat pump” shall be expanded to read “air conditioning condenser/heat pump/**generator or similar mechanical equipment**,” with new text appearing in **bold** font for illustrative purposes.

SECTION III.

Existing Section 402.2, *Permitted Obstructions in Yards*, of the Oakwood Zoning Ordinance, is hereby amended so that the reference to “Window Wells (not more than two (2) feet into the yard)” shall be clarified to read “Window Wells (not more than two (2) feet into the **required** yard),” with new text appearing in **bold** font for illustrative purposes.

SECTION IV.

Existing Section 1010.5, *Penalties*, of the Oakwood Zoning Ordinance, is hereby amended so that the reference to a fine of “not more than one hundred (100) dollars per offense” is hereby increased and shall read “not more than one hundred **fifty** (~~100~~) (**150**) dollars per offense,” with new text appearing in **bold** font for illustrative purposes, thereby keeping the fine amount consistent with the provisions of state law.

SECTION V.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, if required, in compliance with all legal requirements including Ohio R.C. 121.22.

SECTION VI.

This ordinance shall take effect as of the earliest date permitted by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this _____ day of _____, 2023.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish by incorporating into the Codified Ordinances of the city.

City Attorney Robert F. Jacques

A RESOLUTION

BY: _____

NO. _____

BY THE COUNCIL OF THE CITY OF OAKWOOD, OHIO, DECLARING THE NECESSITY OF A RENEWAL LEVY IN EXCESS OF THE TEN-MILL LIMITATION AND REQUESTING THE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY OF OAKWOOD AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A SPECIFIC NUMBER OF MILLS.

WHEREAS, Council of the city of Oakwood, Ohio, hereby declares the necessity of a renewal levy in excess of the ten-mill limitation for the purpose of meeting current expenses for the general operation of the city's governmental services; and

WHEREAS, pursuant to Section 5705.03 of the Revised Code, Council is required to certify to the Montgomery County Auditor a resolution requesting the total current tax valuation of the city of Oakwood and the dollar amount of revenue that would be generated by a specified number of mills;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY COUNTY, OHIO:

SECTION I.

That pursuant to the provisions of Section 5705.19 of the Revised Code, it is necessary that a renewal tax be levied in excess of the ten-mill limitation for the benefit of the city of Oakwood, for the purpose of meeting current expenses for the general operation of the city's governmental services, at a rate not exceeding 3.75 mills for each dollar of valuation, which amounts to 37.5 cents for each \$100.00 of valuation, for a period of five years.

SECTION II.

That pursuant to the provisions of Section 5705.03 of the Revised Code, the County Auditor is hereby requested to certify to the city of Oakwood the total current tax valuation of the city of Oakwood and the dollar amount of revenue that would be generated by the number of mills specified in Section I hereof, and the Clerk of Council is hereby directed to certify forthwith a copy of this resolution to the County Auditor upon its passage.

SECTION III.

That if, upon receipt of the County Auditor's certification, Council determines to proceed with said renewal levy, the question of the passage thereof shall be submitted to the electors of the city at an election to be held on November 7, 2023. If a majority of those electors voting on this renewal levy vote in favor thereof, the renewal levy will be first placed on the tax list and duplicate for tax year 2023, for collection in calendar year 2024.

SECTION IV.

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION V.

This resolution shall take effect and be in full force immediately upon its passage.

PASSED BY COUNCIL this _____ day of June, 2023.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please certify and transmit a copy of this resolution to the office of the Montgomery County Auditor.

City Attorney Robert F. Jacques