

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Originating Department

Council Meeting Of: February 5, 2019

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: Jan. 22, 2019

Agenda Title: Oxford Recreation Board Meeting, 1/17/2019

Recommendation: Approve

Attendance: Present: Ken Bogard, Holli Morrish, Craig Bennett; Kevin Ackley, Edna Southard
Liaisons: Casey Wooddell, City Staff; Deanna Barbour, Secretary
OPRD Staff: Jake Richardson, Ryan Himes, Emily Sibcy, Dustin VanWinkle
Also Present: Doug Curry, TRI Board President; Tom Holmes, TRI Board Treasurer; and Jim Squance, TRI Board member; Rick Verst and Dan Purcell, both new members to the TRI Board

Discussion:

Oxford Recreation Board (ORB) members met Thursday, January 17 at 11:30am at the LCNB Community Room. This was a joint meeting with the Oxford Recreation Board and Talawanda Recreation, Inc. (TRI) Board. These two boards meet jointly in January each year to hear annual reports and updates from Parks and Recreation staff, as well as discuss upcoming projects and ideas. Both the TRI Board and Oxford Recreation Board share an interest in the recreational needs and projects of the Oxford Community.

Jake Richardson, Sports Supervisor, provided board members with information regarding 2018 sports programs and leagues, in addition to an outlook for 2019. Dustin VanWinkle, Sports Coordinator, provided information regarding Teen Programs. Emily Sibcy, Aquatics/Program Coordinator, provided information about some new adult programs as well as the upcoming new aquatic center. Ryan Himes, Program Supervisor, provided updates regarding summer camps, preschool and other youth programs.

Casey Wooddell, Director, provided a PowerPoint presentation for the board members with an overview report of Parks and Recreation from 2018, including participation numbers, budget analysis, new and enhanced programs, grants and donations and major projects & accomplishments from the year.

Discussion between both boards at the conclusion of the meeting focused on the new aquatic center; as well as future ideas for the TRI Building expansion.

Board Positions:

This joint meeting adjourned at 12:30pm. Following the joint meeting, the Oxford Recreation Board members held an additional meeting to elect officers for the board for 2019. Ken Bogard was nominated, and accepted nomination, as the Chairperson. Members voted 5-0 in favor. Deanna Barbour was nominated, and accepted nomination, as the Secretary. Members voted 5-0 in favor.

Meeting adjourned 1:00pm.

Approved By:

Initial Date

Department Head: CDW \ 1/17/2019

City Manager: DRE \ 2-1-19

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Council Meeting Of :

2/5/2019

Account Code No. :

see below

Budgeted Amount :

Finance

Originating Department

Joe Newlin

Prepared By

1/31/2019

Date Prepared

Agenda Title: 2019 Supplemental Budget #2

Recommendation: Approve

Issue 1

To make adjustment to budget for grant revenue and equipemt purchases from unencumbered balance

Action Needed:

Revenue Side

Life Squad (210) 6,154.00 EMS Grant

Expense Side

Life Squad (210) 6,154.00 Expenditures for equipment purchas

Net Effect on Fund Balance/(s)
Increase/(Decrease)

-

Total Net Effect on Fund Balance/(s)
Increase/(Decrease)

-

Breakdown by Fund

Life Squad (210)

-

Net Effect on Fund Balance/(s)
Increase/(Decrease)

-

Approved By:

Department Head:

City Manager:

Initials

Date

JRE 1/31/19

DRE 2/1/19

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3493. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 2 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2019.

WHEREAS, additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues.

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

SECTION 1: Additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues;

SECTION 2: The following increase/(decrease) in revenues be made:

Life Squad Fund 210	6,154.00
---------------------	----------

SECTION 3: The following increase/(decrease) in appropriations from unencumbered balances be made:

Life Squad Fund 210	6,154.00
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SECTION 4: In all other respects, Ordinance No. 3493 shall remain in full force and effect.

SECTION 5: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 5, 2019

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

January 28, 2019
Date Prepared

Agenda Title: **PC-2019-01, ZONING MAP AMENDMENT**, to establish a Neighborhood Conservation Overlay District in an R1-A (Single-Family Low Density Residential) District for Heritage Vineyard Subdivision in the area of Olde Farm Road, for a total of 32 land parcels, City of Oxford, Applicant

Recommendation: **Approval**

Discussion:

The legislation for creating Neighborhood Conservation Overlay Districts was adopted by City Council in 2012. The goal was to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment. The ordinance restricts residential properties to be rented to no more than two unrelated individuals. Without the overlay, properties can be rented for up to four unrelated occupants. Families are not limited in number. The process to establish an overlay district begins by a petition with signatures of at least two-thirds of parcel owners within the proposed district. The petition goes before City Council for acceptance and referral to the Planning Commission as a zoning map amendment. There have been seventeen (17) petitions that have come before the City Council since 2014.

There are a total of 32 parcels contained in the proposed overlay (27 for Phase 1 development). No homes have been built but lots do exist for future development. There will be a total of 50 home lots when the second phase moves forward. Streets and utilities construction is underway. The Overlay was not a condition of the planned development approval. However, the developer (Bryan Price) committed that it would be done. This overlay abuts the existing Country Club Drive/Olde Farm/Contreras Road Overlay created in 2015.

The single signature on the letter exceeds the minimum two-thirds requirement at 100% per Oxford Zoning Code Section 1146.03(a)(3). This overlay does not include the typical petition because of sole ownership. There is only one owner of the land at this time. The boundary also meets the block requirements of the overlay Code.

The Planning Commission held a hearing on January 8 and determined that the proposed overlay met the standards of the map amendment as well as the neighborhood overlay. The Commission voted 6-0 to recommend approval to City Council.

Approved by:

	Initial	Date
Department Head:	<u>SP</u>	<u>1/29/19</u>
City Manager:	<u>DRE</u>	<u>2-1-19</u>

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT IN A R-1A (SINGLE FAMILY LOW DENSITY RESIDENTIAL) DISTRICT FOR PARCELS LOCATED WITHIN THE HERITAGE VINEYARD SUBDIVISION IN THE CITY OF OXFORD, OHIO.

WHEREAS, Council finds in accordance with Section 1146.03 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on January 8, 2019 on the City of Oxford's application for a Zoning Map Amendment to establish a Neighborhood Conservation Overlay District in a R-1A (Single Family Low Density Residential) District for parcels located within the Heritage Vineyard Subdivision in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A" and;

WHEREAS, the Oxford Planning Commission, after public hearing and deliberation, recommended granting the Zoning Map Amendment to establish a Neighborhood Conservation Overlay District, and found that the proposed request was in keeping with the intended characteristics of the neighborhood and was an appropriate classification for the parcels in question.

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

SECTION 1: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, to establish a Neighborhood Conservation Overlay District in a R-1A (Single Family Low Density Residential) District for parcels located within the Heritage Vineyard Subdivision in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: Council hereby grants the Zoning Map Amendment as requested, incorporating the application and documents submitted with the application as a term and condition of the granting of this Zoning Map Amendment and orders that the official zoning map be amended.

SECTION 3: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2019-01

Date – January 8, 2019

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for parcels located within the boundaries of the Heritage Vineyard Subdivision, City of Oxford, Applicant

DESCRIPTION

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an existing R-1A (Single-Family Low Density Residential) District in what will become the Heritage Vineyard Subdivision. This residential development was approved in 2017. The owner is following through with his commitment for the overlay prior to any homes being built. The effect would be an additional restriction on the underlying zoning that would limit the number of unrelated occupants in a rented unit from currently four, to two. Families are not restricted in number.

A request to establish a neighborhood conservation overlay district was filed by the owner, Bryan Price, on October 22, 2018. A resolution was adopted by the City Council on December 4, 2018 accepting the petition and forwarding this request to the Planning Commission. This is the 18th such overlay since 2014. The proposed overlay abuts an existing 2015 overlay covering Country Club Drive and Olde Farm Road. This overlay, if approved, would cover the entire Heritage Vineyard subdivision, which will be 50 home lots, when fully developed.

ZONING CODE

The Oxford Zoning Ordinance Chapter 1146 governs the establishment of the Neighborhood Conservation Overlay District.

COMPREHENSIVE PLAN

In the Overview Section of Chapter 7, Housing, in the Comprehensive Plan, residents echoed the same sentiments that Oxford has a unique housing market involving a large rental population that limits opportunities for family housing options and changes the community character, specifically within the Mile Square. The public input sessions also pointed out the lack of housing opportunities for families and the hope to encourage owner-occupied housing and promote the return of full-time residents to the area. The Comprehensive Plan does not explicitly point to the establishment of an overlay district to encourage owner-occupied neighborhoods, but several objectives and strategies are relevant to this idea of maintaining traditional neighborhoods and owner-occupied residential dwellings.

Objective Expand Housing options

- H2.1 Update development regulations to allow for a variety of housing types in new developments.*
- H2.4 Provide financial assistance to increase homeownership opportunities for low and moderate income residents.*

Objective: Expand homeownership opportunities

- H5.1 Encourage local employers to provide homeownership incentives.*
- H5.2 Encourage rehabilitation of owner-occupied structures within the Mile Square.*
- H5.3 Create an urban homeownership incentive program such as homeownership grants to help offset the cost of housing.*
- H5.4 Develop a revolving loan fund.*

H5.5 *Establish an Oxford Homeownership Office in partnership with Miami University.*

H5.6 *Support the University loan program to increase homeownership opportunities within the Mile Square.*

AGENCY REVIEWS

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

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

PUBLIC NOTICE

Notification was placed in the newspaper, mailed to property owners and a sign was placed in the neighborhood. One response to the mailed notice is included.

DECISION CRITERIA

A copy of the Decision Criteria for Overlay District is attached.

ANALYSIS

The idea of the neighborhood conservation overlay district was to preserve neighborhoods from converting to predominately rental property. The Housing Advisory Commission originally recommended the program to Planning and City Council. The Planning Commission went through extensive discussion about the concept for this in 2012. It was designed to provide a mechanism for neighborhoods to initiate a grass roots movement to organize together petitioning City Council for the consideration of placing more restrictions on the underlying district. The additional restriction is to reduce the allowed number of unrelated occupants from four to two. This overlay does not prevent rentals; but it does further restrict rentals. Existing rentals are allowed to continue and rentals to families of unlimited size are not restricted.

The overlay district is not uncommon in the land use arena to put in place a specific set of regulations that are more stringent than the underlying district in order to accomplish specific objectives. The most commonly used overlay district is for historic areas. Others are used for specific design standards to promote some uniformity in certain specific subset areas.

Many neighborhoods have gone through this process since the adoption of this enabling legislation in 2013. As of today, there have been 17 different neighborhoods throughout the City that have obtained the overlay district designation. These neighborhoods are typically located outside of the Mile Square.

Based on the Neighborhood Conversation Overlay District requirements, the City Council accepted the request on December 4, 2018 and forwarded the request to the Planning Commission for Zoning Map Amendment consideration. It was discussed that this request was unusual because it did not take the form of a petition due to no homes existing as of yet. However it was determined by Staff and Law Director that this was acceptable.

There are specific attached decision standards that the Planning Commission should reference in decision making. The Planning Commission also shall consider the purpose and objectives of the overlay district which are to achieve the privacy of residents and to minimum noise, congestion and nuisance impact by excessive renters and to maintain an attractive community appearance and provide a desirable living environment and finally to prevent excessive traffic and parking problems in the neighborhood.

The petition met the boundary requirements as stipulated in the Chapter 1146.03(h). The petition also met the minimum two-thirds requirements of owner signatures within the proposed boundary because there is only one owner of all properties at this time.

Please note that this process is a neighborhood driven process beginning with a petition to the City Council and followed with a public hearing before the Planning Commission for a Map Amendment

recommendation. The City Council may waive certain requirements after a positive recommendation from the Planning Commission. This process is far lengthier than normal map amendment process and has additional decision standard thresholds to meet.

RECOMMENDATION

Staff recommends the Planning Commission approval of this amendment and to forward this request back to City Council for legislative action.

SUBMITTED

BY:

A handwritten signature in cursive script, appearing to read "Sam Perry", written in black ink.

Sam Perry, AICP
Community Development Director

DATE: January 3, 2019

ATTACHMENT

Chapter 1135 Zoning Map Amendment procedures and decision standards

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

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

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

Map Amendments

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely to the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

Planning Commission must utilize the Chapter 1146 Specific Decision Standards to consider the Neighborhood Conservation Overlay District and they are as follows:

1146.03(2) b Decision Standards for Considering Overlay District:

1. The proposed Overlay District meets the boundary criteria.
2. The proposed Overlay District will preserve and enhance the neighborhood character.
3. The proposed Overlay District will promote the public health, safety and general welfare of the people of the neighborhood.
4. The proposed Overlay District will promote and implement the intent of the Comprehensive Plan.
5. The proposed Overlay District will satisfy a legitimate need.



4676 Somerville Road • Oxford, Ohio 45056
Office / Fax 513-523-1212 • Cell 513-615-4138

October 22, 2018

Mr. Sam Perry
Community Development Director
15 S. College Avenue
Oxford, Ohio 45056

Re: Heritage Vineyard
Neighborhood Conservation Overlay District

Dear Mr. Perry,

Pursuant to Oxford Zoning Code Chapter 1146, Strait Gate Homes LLC requests City Council to accept this letter as their petition for the initiation of a Zoning Map amendment to create a Neighborhood Conservation Overlay District within the boundaries of the Heritage Vineyard subdivision. Said Overlay District would limit the use of the lots to not more than two unrelated persons per dwelling unit. An exhibit showing the boundary of the Heritage Vineyard Subdivision is enclosed.

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

Sincerely,

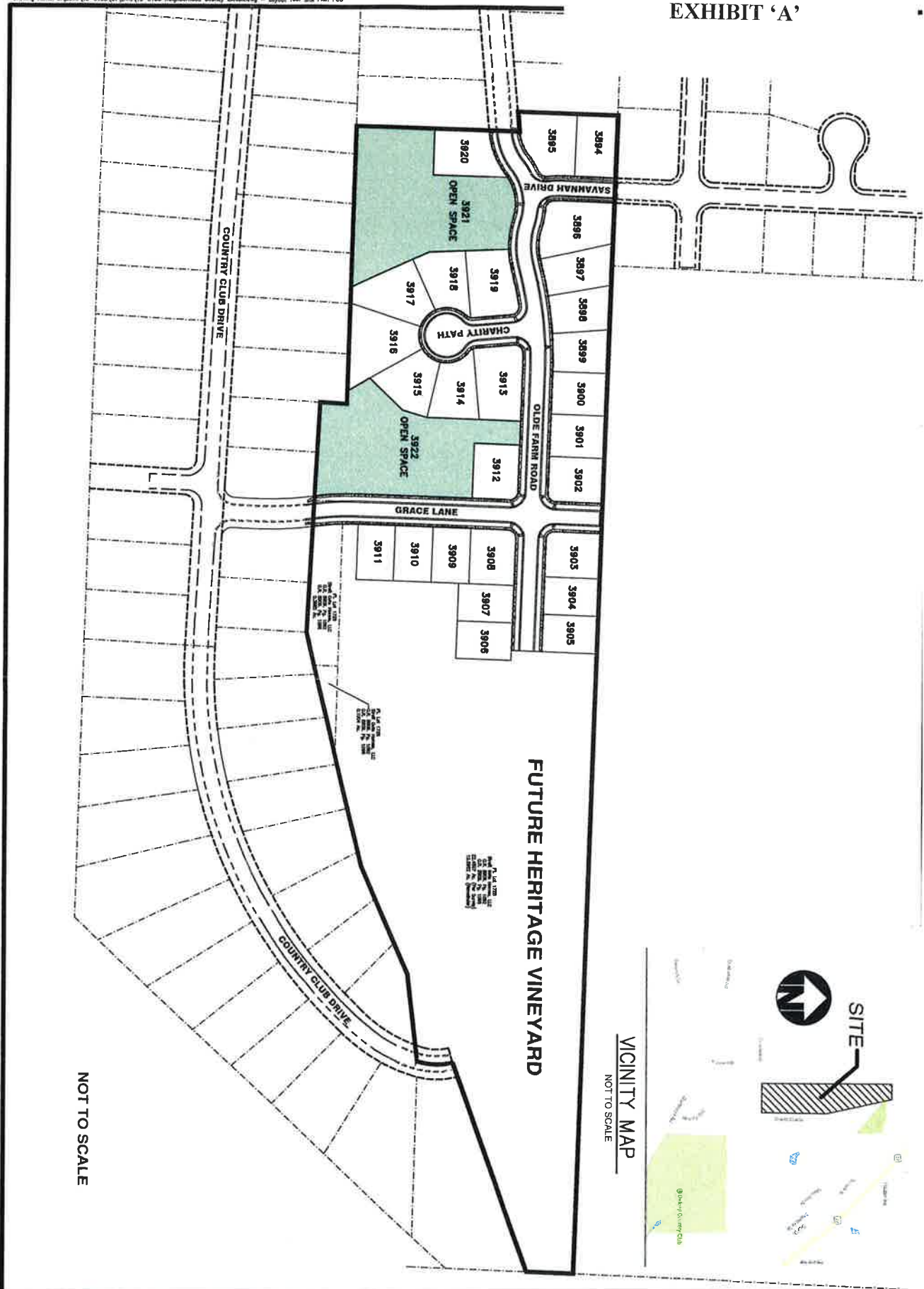
Bryan Price
Strait Gate Homes LLC

Enclosure

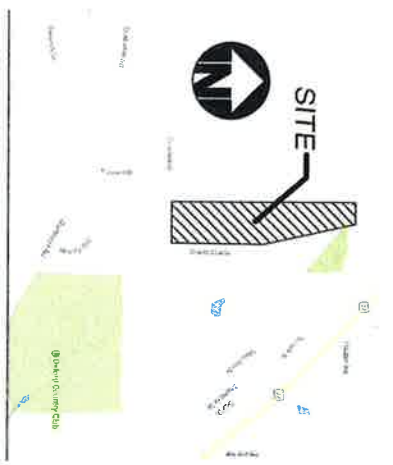
Cc: Etta Reed, Bayer Becker

Welcome Home.

EXHIBIT 'A'



VICINITY MAP
NOT TO SCALE

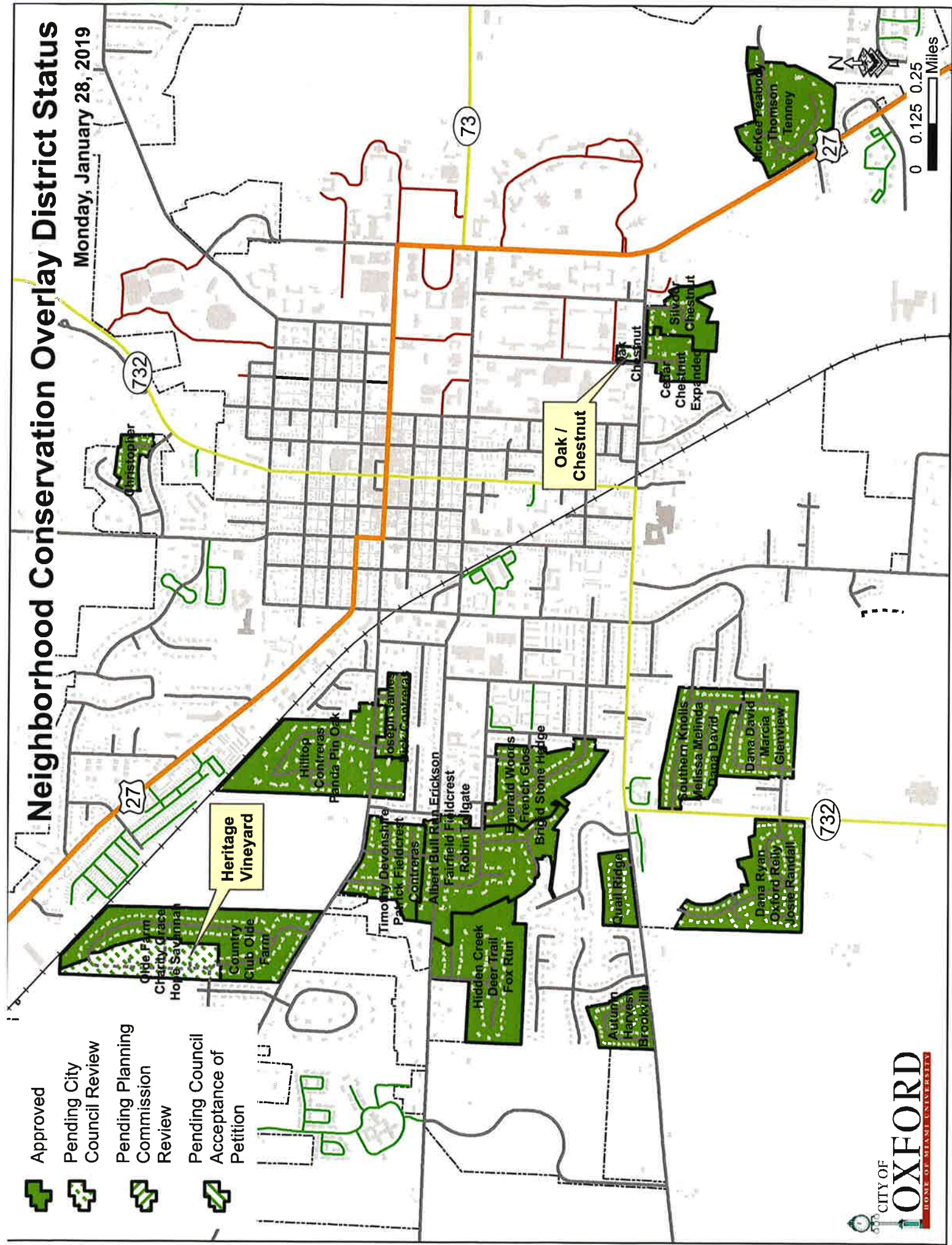


NOT TO SCALE

Neighborhood Conservation Overlay District Status

Monday, January 28, 2019

-  Approved
-  Pending City Council Review
-  Pending Planning Commission Review
-  Pending Council Review
-  Pending Acceptance of Petition



City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-01, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District for parcels located within the boundaries of the Heritage Vineyard Subdivision, **City of Oxford, Applicant**

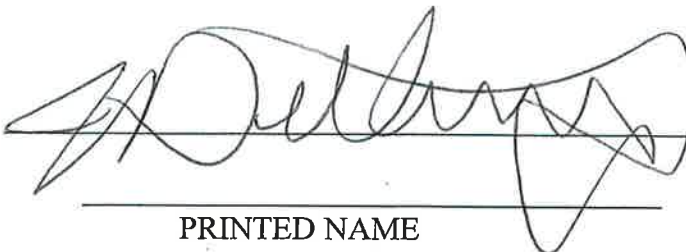
 X Review Revisions Other

Please return no later than: **January 7, 2019** 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:



PRINTED NAME

Date:

12.10.18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

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

From: Community Development Department

PC-2019-01, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District for parcels located within the boundaries of the Heritage Vineyard Subdivision, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **January 7, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:

Scott Otto

Date: 12/31/18

Scott Otto

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

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

From: Community Development Department

PC-2019-01, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District for parcels located within the boundaries of the Heritage Vineyard Subdivision, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **January 7, 2019** 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: _____

12/17/18

John Jones
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-01, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District for parcels located within the boundaries of the Heritage Vineyard Subdivision, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **January 7, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

Date: _____


G. Alan Kycor
PRINTED NAME



PC-2019-01 Surrounding Property Owners Notifications Map

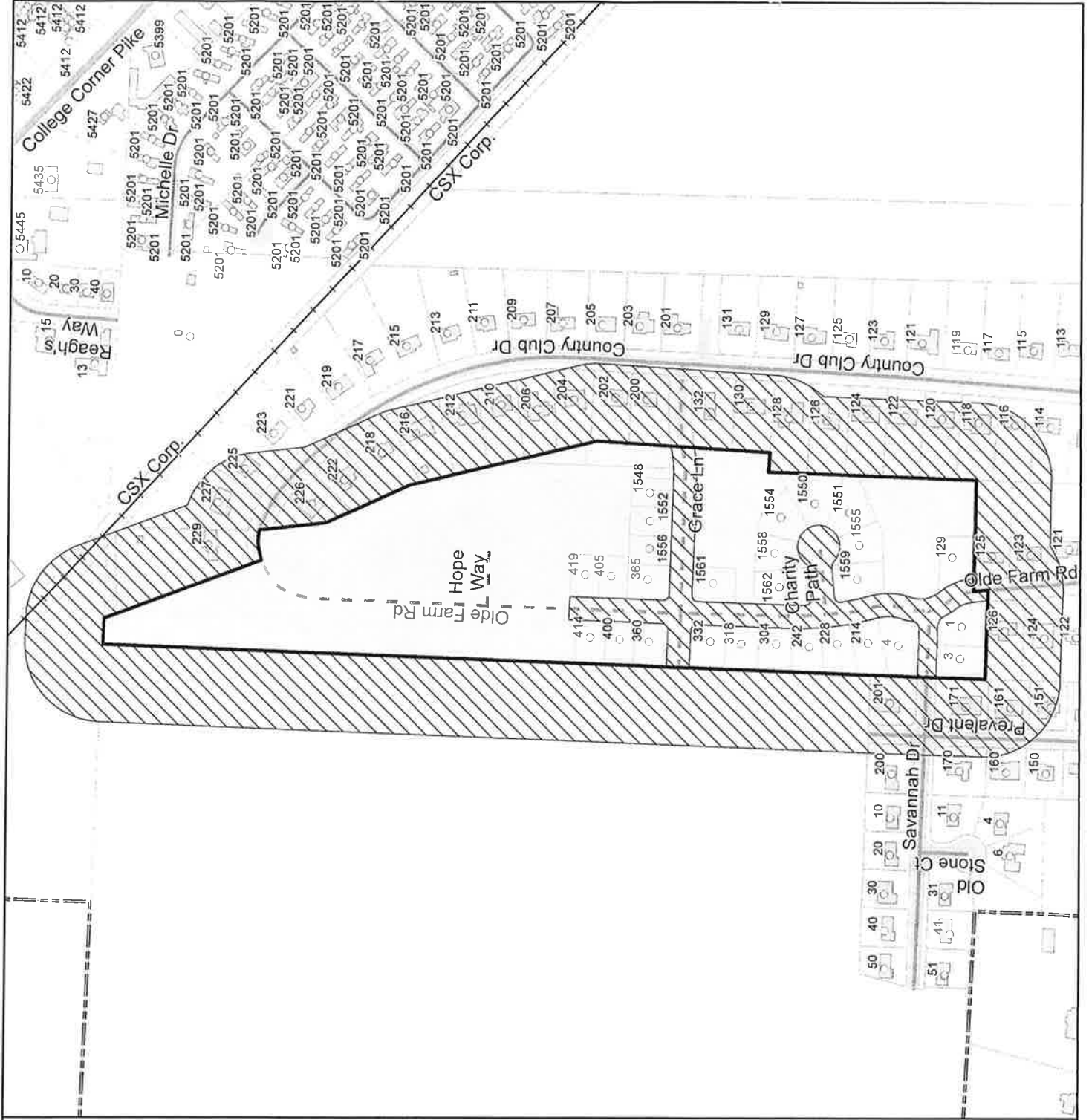
Legend

- Neighborhood Conservation District Boundary
- Subject Parcels
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- Parcel
- 16.5' Vacated ROW
- Building Footprint
- Paved Roadway



1 inch = 350 feet

Prepared on Friday, December 21, 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.





**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-2019-01

DATE OF HEARING: January 8, 2019 7:00 p.m.

ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District for parcels located within the boundaries of the Heritage Vineyard Subdivision, in the area of Olde Farm Road and Country Club Drive, **City of Oxford, Applicant**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience to Lynn Taylor, 15 S. College Avenue, Oxford, OH 45056.

Name: Dwight D. Wyer & Cynthia M. Wyer

(Print)

Address: 126 Olde Farm Rd.

Oxford, Ohio 45056-9003

Telephone: Home: 523-1247

cell
Work: 255-3212

COMMENT:

This is OK

Cynthia M. Wyer
Dwight D. Wyer
Signature

12-28-18
Date

RESOLUTION NO. 7031

RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR PARCELS LOCATED WITHIN THE HERITAGE VINEYARD SUBDIVISION AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

WHEREAS, the Clerk of Council and the Community Development Director having determined pursuant to Oxford Codified Ordinance §1146.03(b) that the Petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto conforms to the petition requirements of Oxford Codified Ordinance §1146.03 and recommends that the petition be referred to the Oxford Planning Commission to make recommendations to City Council.

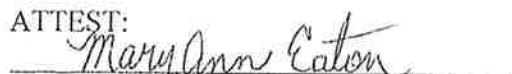
THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOVES THAT:

SECTION 1: City Council accepts the recommendation of the Clerk of Council and the Community Development Director and further refers the petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto to the Oxford Planning Commission to make recommendations to City Council.

SECTION 2: This resolution shall take effect at the earliest date allowed by law.


MAYOR

ADOPTED: December 4, 2018

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



Internal Use Only:

Case No.

PC-2019-01

Date Filed

11/30/18

Zoning Map Amendment Application

Applicant Information

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

Name *

City of Oxford

Mailing Address *

15 S College

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number(s) *

513-524-5204

Email Address

sperry@cityofoxford.org

Location and Lot Information

Location *

Heritage Vineyard Subdivision

General Description
of Proposed Amendment *

To establish a Neighborhood overlay

Current Zoning *

R1A

Proposed Zone(s) *

R1A/Neighborhood Conservation District

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) **Initiation.** A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.
- (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.
- Application Fee.
 - The name, mailing address, and telephone number of the applicant.
 - A general description of the proposed amendment.
 - A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
 - A statement that identifies potential negative consequences of the proposed amendment.
 - Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
 - A legal description of the area to be rezoned.
 - The proposed zoning of the area.
 - The current zoning of the area.
 - A description of existing uses in the area.

- K. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.
- L. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned (see later section).

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

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

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

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

Fees & Receipt

The required fee is \$150.00, plus \$10.00 postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *



Sam Perry

Date *

12-4-18

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 fee and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

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

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

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/>

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 15, 2019

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

January 9, 2018
Date Prepared

Agenda Title: **PC-2018-29, ZONING MAP AMENDMENT**, to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District, in the area of McKee Avenue, Peabody Drive, Thomson Court, and Tenney Court, for a total of 50 parcels, **City of Oxford, Applicant**

Recommendation: **Approval**

Discussion:

The legislation of creating the Neighborhood Conservation Overlay District was adopted by the City Council in 2012 to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment by restricting residential properties to be rented to no more than two unrelated individuals. Rental to families is not restricted. The process to establish this type of overlay district begins with a petition with signatures of at least two-thirds of parcel owners within the proposed district. Council accepted the petition on October 2 and Planning recommended the map amendment for approval on December 11. There have been sixteen (16) such overlays that have been approved by City Council since 2014. This petition was assembled by Anita Jones along with a team of other residents.

There are a total of 50 parcels contained in the proposed overlay. A map of the proposed area is attached. The overlay includes households in the Juniper Hill Subdivision Sections 1 and 2, which were originally platted in 1957 and 1968. The signatures in this petition exceed the two-thirds requirement at 88% per Oxford Zoning Code Section 1146.03(a)(3). The boundary also meets the block requirements of the overlay Code. The proposed overlay is the first in this part of Oxford (see attached map).

The Planning Commission determined that the proposed overlay met the standards of the map amendment as well as the neighborhood overlay. The Commission voted 5-0 to recommend approval to City Council.

Approved by:

	Initial	Date
Department Head:	<u>SP</u>	<u>1-9-19</u>
City Attorney:	<u></u>	<u></u>
City Manager:	<u>DRE</u>	<u>1-11-19</u>

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT IN A R-1A (SINGLE FAMILY LOW DENSITY RESIDENTIAL) DISTRICT FOR 50 PARCELS LOCATED ON MCKEE AVENUE, PEABODY DRIVE, THOMSON COURT AND TENNEY COURT IN THE CITY OF OXFORD, OHIO.

WHEREAS, Council finds in accordance with Section 1146.03 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on December 11, 2018 on the City of Oxford's application for a Zoning Map Amendment to establish a Neighborhood Conservation Overlay District in a R-1A (Single Family Low Density Residential) District for 50 parcels located on McKee Avenue, Peabody Drive, Thomson Court and Tenney Court in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A" and;

WHEREAS, the Oxford Planning Commission, after public hearing and deliberation, recommended granting the Zoning Map Amendment to establish a Neighborhood Conservation Overlay District, and found that the proposed request was in keeping with the intended characteristics of the neighborhood and was an appropriate classification for the properties in question.

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

SECTION 1: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, to establish a Neighborhood Conservation Overlay District in a R-1A (Single Family Low Density Residential) District for 21 parcels located on McKee Avenue, Peabody Drive, Thomson Court and Tenney Court in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: Council hereby grants the Zoning Map Amendment as requested, incorporating the application and documents submitted with the application as a term and condition of the granting of this Zoning Map Amendment and orders that the official zoning map be amended.

SECTION 3: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

PETITION FOR NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT
FOR
JUNIPER HILL SUBDIVISION AREA, OXFORD, OHIO

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONERS TO INITIATE A ZONING MAP AMENDMENT PURSUANT TO CHAPTER 1146 OF THE CITY'S ZONING CODE TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

PLEASE SEE THE BELOW TEXT, AS WELL AS ATTACHED MAP, FOR EXACT BOUNDARIES:

EAST BOUNDARY: THE EAST PROPERTY LINE OF THE TWO PROPERTIES AT THE EAST END OF MCKEE AVENUE AND PEABODY DRIVE THAT BORDER MIAMI UNIVERSITY AND THE CITY OF OXFORD WASTE WATER TREATMENT PLANT PROPERTIES.

NORTH BOUNDARY: THE PROPERTY LINES OF THE TWO NORTHERN MOST PROPERTIES AT THE END OF THOMSON COURT, THE PROPERTY LINES OF THE THREE NORTHERN MOST PROPERTIES AT THE END OF TENNEY COURT AND THE EIGHT PROPERTIES ON THE NORTH SIDE OF MCKEE AVENUE BETWEEN TENNEY COURT AND THE WASTE WATER TREATMENT PLANT.

WEST BOUNDARY: US HIGHWAY 27 SOUTH RIGHT OF WAY LINE (MILVILLE OXFORD ROAD).

SOUTH BOUNDARY: THE SOUTH PROPERTY LINE OF 3 MCKEE AVENUE AS WELL AS THE SOUTH PROPERTY LINES OF THE PROPERTIES ON THE SOUTH SIDE OF PEABODY DRIVE.

OTHER: THERE IS AN EXCLUDED MIAMI UNIVERSITY ROAD EASEMENT PERPENDICULAR TO MCKEE AVENUE BETWEEN 220 AND 300 MCKEE AVENUE.

CIRCULATOR'S FULL NAME: Anita Jones

CIRCULATOR'S ADDRESS: 106 Tenney Court, Oxford, OH 45056

CIRCULATOR'S SIGNATURE: Anita Jones

DATE SUBMITTED: 9/10/18

Juniper Hill COMMITTEE MEMBER CONTACTS

Herman and Brenda Dornbusch
10 Peabody Drive
513-646-3578 (Herman)
513-280-6070 (Brenda)
hdorn1010@gmail.com

Barbara Eshbaugh
209 McKee Avenue
513-523-8305
eshbauwh@miamioh.edu

Russ and Anita Jones
106 Tenney Court
513-491-5301 (Russ)
513-491-5302 (Anita)
russ@jones4him.com
anita@jones4him.com

Bill Scott
200 McKee Avenue
513-523-3334
513-255-2336 (c)
scottwe@miamioh.edu

Juniper Hill
Conservation Overlay Petition Results
September 10, 2018

	Eshbaugh	Scott	Dornbusch	Jones
1			L21 McKee/S	
2			2 McKee/ MAIL	
3			3 McKee/MAIL	
4			6 McKee/S	
5				7 McKee/S
6				8 McKee/S
7				L19 McKee/S
8				102 McKee/S
9				104 McKee/S
10	105 McKee/MAIL			
11	107 McKee/S			
12	109 McKee/S			
13		200 McKee/S		
14	201 McKee/S			
15		204 McKee/S		
16		208 McKee/S		
17	209 McKee/S			
18	L46 McKee/S			
19		212 McKee/S		
20	213 McKee/S			
21	215 McKee/S			
22		216 McKee/S		
23	220 McKee/S			
24	225 McKee/S			
25		300 McKee/S		
26	301 McKee/S			
27		350 McKee/S		
28		350 McKee/S		
29			3 Peabody/ DOOR	
30			4 Peabody/S	

Juniper Hill
Conservation Overlay Petition Results
September 10, 2018

Eshbaugh	Scott	Dornbusch	Jones
31		5 Peabody/S	
32		6 Peabody/S	
33		7 Peabody/DOOR	
34		L37 Peabody/DOOR	
35		8 Peabody/S	
36		10 Peabody/S	
37		101 Peabody/S	
38		L36 Peabody/S	
39		102 Peabody/DOOR	
40		104 Peabody/S	
41		106 Peabody/S	
42		111 Peabody/S	
43		101 Peabody/S	
44			104 Tenney/S
45			106 Tenney/S
46			108 Tenney/S
47			L09 Tenney/S
48		102 Thomson/S	
49			106 Thomson/S
50			110 Thomson/S

Total Signatures	43
Percentage	86%

S - Signed

DOOR - packet left with resident

MAIL - packet mailed to resident

Petition for McKee, Peabody, Thomson, and Tenney Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Anita Jones, 106 Tenney Court

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
	MCKEE AVE/ H4100111000021	DAVID T & KRISLYNN A DUDLEY TR		
	2 MCKEE AVE/ H4100111000022	MICHAEL BERRY MARJA KUHLE		
	3 MCKEE AVE/ H4100111000023	GARY L & CHERYL A FARMER		
	6 MCKEE AVE/ H4100111000020	DAVID T AND KRISLYNN A DUDLEY TRS		
	7 MCKEE AVE/ H4100111000041	SCOTT R & EMILY E DAVIE		
	8 MCKEE AVE/ H4000111000018	LINDA L CONAWAY		
	MCKEE AVE/ H4000111000019	LINDA L CONAWAY		
	102 MCKEE AVE/ H4100111000053	ELIZABETH RUFF		
	104 MCKEE AVE/ H4100111000013	JONATHAN SANFORD		
Sept 10, 2015	105 MCKEE AVE/ H4100111000042	KATHRYN M HILLER <i>Kathryn M Hiller</i>	<i>Kathryn Mary Hiller</i>	<i>Mailed 8/31/18</i>

Petition for McKee, Peabody, Thomson, and Tenney Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Anita Jones, 106 Tenney Court

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Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
9/3/18	MCKEE AVE/ H4100111000021	DAVID T & KRISLYNN A DUDLEY TR	Krislynn A. Dudley	
	2 MCKEE AVE/ H4100111000022	MICHAEL BERRY MARJA KUHL		MAILED 8-27 w/SELF ADD.
	3 MCKEE AVE/ H4100111000023	GARY L & CHERYL A FARMER		MAILED 8-27 w/SELF ADD.
9/18/18	6 MCKEE AVE/ H4100111000020	DAVID T AND KRISLYNN A DUDLEY TRS	Krislynn A. Dudley	
	7 MCKEE AVE/ H4100111000041	SCOTT R & EMILY E DAVIE		
	8 MCKEE AVE/ H4000111000018	LINDA L CONAWAY		
	MCKEE AVE/ H4000111000019	LINDA L CONAWAY		
	102 MCKEE AVE/ H4100111000053	ELIZABETH RUFF		
	104 MCKEE AVE/ H4100111000013	JONATHAN SANFORD		
	105 MCKEE AVE/ H4100111000042	KATHRYN M HILLER		

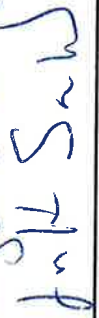
Petition for McKee, Peabody, Thomson, and Tenney Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Anita Jones, 106 Tenney Court

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Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
	MCKEE AVE/ H4100111000021	DAVID T & KRISLYNN A DUDLEY TR		
	2 MCKEE AVE/ H4100111000022	MICHAEL BERRY MARJA KUHL		
	3 MCKEE AVE/ H4100111000023	GARY L & CHERYL A FARMER		
	6 MCKEE AVE/ H4100111000020	DAVID T AND KRISLYNN A DUDLEY TRS		
9/6/18	7 MCKEE AVE/ H4100111000041	SCOTT R & EMILY E DAVIE		
09/04/2018	8 MCKEE AVE/ H4000111000018	LINDA L CONAWAY		
09/04/2018	MCKEE AVE/ H4000111000019 (Sliver)	LINDA L CONAWAY		
09/10/18	102 MCKEE AVE/ H4100111000053	ELIZABETH RUFF		
9/10/18	104 MCKEE AVE/ H4100111000013	JONATHAN SANFORD		
	105 MCKEE AVE/ H4100111000042	KATHRYN M HILLER		

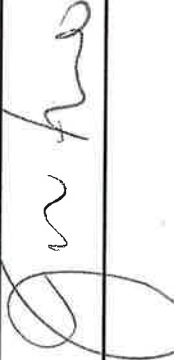
Petition for McKee, Peabody, Thomson, and Tenney Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Anita Jones, 106 Tenney Court

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Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
	106 PEABODY DR/ H400011000032	ELIZABETH S ROGERS		
	111 PEABODY DR/ H4100111000033	ERNST JAMES BEVER LIVING TR US BANK TRUSTEE		
	101 PEABODY DR/ H4100111000034	ERNST JAMES BEVER LIVING TR US BANK TRUSTEE		
9/9/18	104 TENNEY CT/ H4100111000012	LEIGHTON C PETERSON		
9/14/18	106 TENNEY CT/ H4100111000011	RUSSELL D & ANITA S JONES CO-TRS		
9-6-18	108 TENNEY CT/ H4100111000010	MARK S TIEMEYER		
9-6-18	TENNEY CT/ H4100111000009	MARK S TIEMEYER		
	102 THOMSON CT/ H4100111000017	DAVID T AND KRISLYNN A DUDLEY TRS		
9-4-18	106 THOMSON CT/ H4100111000016	BRIAN AND JESSIE M ELLIS		
8/28/18	110 THOMSON CT/ H4100111000052	JACK N LILES		

Petition for McKee, Peabody, Thomson, and Tenney Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Anita Jones, 106 Tenney Court

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Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
9/10/18	107 MCKEE AVE/ H4100111000043	ALAN LEE SEPSI HALLIE ELIZABETH WHITE SEPSI	<i>Alan E. Sepsi</i>	
9/10/18	109 MCKEE AVE/ H4100111000044	KARTHIK VISHWANATH & VRINDA KALIA	<i>[Signature]</i>	
	200 MCKEE AVE/ H4100111000008	WILLIAM E & VIRGINIA G SCOTT		
9/9/18	201 MCKEE AVE/ H4100111000045	CHARLES R SCHULER STUART G REYNOLDS	<i>Stuart Reynolds</i>	
	204 MCKEE AVE/ H4100111000054	ROBERT C AND BETH L KINGSLEY		
	208 MCKEE AVE/ H4100111000055	MARTIN D LUNA DARLA GAYLE LUNA		
8/31/2018	209 MCKEE AVE/ H4100111000047	WILLIAM ESHBAUGH III CO TR BARBARA KELLER ESHBAUGH CO TR	<i>W. Hardy Eshbaugh</i> <i>Barbara Keller Eshbaugh</i>	Sept 3, 2018
9/21/2018 9/31/18	MCKEE AVE/ H4100111000046	WILLIAM HARDY ESHBAUGH III CO TR BARBARA KELLER ESHBAUGH CO TR	<i>W. Hardy Eshbaugh</i> <i>Barbara Keller Eshbaugh</i>	Aug 31, 2018 Aug 31, 2018
	212 MCKEE AVE/ H4100111000005	SHAWNA F CAMPBELL		
	213 MCKEE AVE/ H4100111000049	JUDITH L BARTLETT	<i>Judith Bartlett</i>	9/21/18

Petition for McKee, Peabody, Thomson, and Tenney Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Anita Jones, 106 Tenney Court

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Date	Address	Name(s)	Signature	Notes
	107 MCKEE AVE/ H4100111000043	ALAN LEE SEPSI HALLIE ELIZABETH WHITE SEPSI		
	109 MCKEE AVE/ H4100111000044	KARTHIK VISHWANATH & VRINDA KALIA		
8/31/18	200 MCKEE AVE/ H4100111000008	WILLIAM E & VIRGINIA G SCOTT	Virginia G. Scott	
	201 MCKEE AVE/ H4100111000045	CHARLES R SCHULER STUART G REYNOLDS		
8/31/18	204 MCKEE AVE/ H4100111000054	ROBERT C AND BETH L KINGSLEY	Beth L. Kingsley	
8/31/18	208 MCKEE AVE/ H4100111000055	MARTIN D LUNA DARLA GAYLE LUNA	Darla Gayle Luna	
	209 MCKEE AVE/ H4100111000047	WILLIAM ESHBAUGH III CO TR BARBARA KELLER ESHBAUGH CO TR		
	MCKEE AVE/ H4100111000046	WILLIAM HARDY ESHBAUGH III CO TR BARBARA KELLER ESHBAUGH CO TR		
8/31/18	212 MCKEE AVE/ H4100111000005	SHAWNA F CAMPBELL	Shawna F. Campbell	
	213 MCKEE AVE/ H4100111000049	JUDITH L BARTLETT		

Petition for McKee, Peabody, Thomson, and Tenney Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Anita Jones, 106 Tenney Court

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Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
9/9/18	213 MCKEE AVE/ H4100111000048	MARK A MORTINE	Mark A. Mortine	9/9/18
8/31/18	216 MCKEE AVE/ H4100111000004	MICHAEL M AND ANDREW C CAMERON CO TRS		
	220 MCKEE AVE/ H4100111000003	PATRICK FLICK		
	225 MCKEE AVE/ H4100111000050	JUDITH L BARTLETT	Judith Bartlett	9/2/18
	300 MCKEE AVE/ H4100111000001	DAVID & PATRICIA DEMARCO		
9/2/18	301 MCKEE AVE/ H4100111000051	LIANG SHI	Liang Shi	
	350 MCKEE AVE/ H4100109000014	JIA LUO		
	350 MCKEE AVE/ H4100109000015	JIA LUO		
	3 PEABODY DR/ H4000111000040	JON RALINOVSKY & AMY LAMBORG		
	4 PEABODY DR/ H4100111000026	JACQUE C YOUNG JR & PEGGY F YOUNG		

Petition for McKee, Peabody, Thomson, and Tenney Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Anita Jones, 106 Tenney Court

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Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
	213 MCKEE AVE/ H410011000048	MARK A MORTINE		
Aug 31, 18	216 MCKEE AVE/ H410011000004	MICHAEL M AND ANDREW C CAMERON CO TRS	<i>Michael M. Cameron</i> Trustee	
	220 MCKEE AVE/ H410011000003	PATRICK FLICK		
	225 MCKEE AVE/ H410011000050	JUDITH L BARTLETT		
8/31/18	300 MCKEE AVE/ H410011000001	DAVID & PATRICIA DEMARCO	<i>Patricia A. DeMarco</i>	
	301 MCKEE AVE/ H410011000051	LIANG SHI		
8/31/18	350 MCKEE AVE/ H4100109000014	JIA LUO	<i>Jia Luo</i>	
8/31/18	350 MCKEE AVE/ H4100109000015	JIA LUO	<i>Jia Luo</i>	
	3 PEABODY DR/ H400011000040	JON RALINOVSKY & AMY LAMBORG		
	4 PEABODY DR/ H410011000026	JACQUE C YOUNG JR & PEGGY F YOUNG		

Petition for McKee, Peabody, Thomson, and Tenney Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Anita Jones, 106 Tenney Court

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Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
	213 MCKEE AVE/ H4100111000048	MARK A MORTINE		
	216 MCKEE AVE/ H4100111000004	MICHAEL M AND ANDREW C CAMERON CO TRS		
	220 MCKEE AVE/ H4100111000003	PATRICK FLICK		
	225 MCKEE AVE/ H4100111000050	JUDITH L BARTLETT		
	300 MCKEE AVE/ H4100111000001	DAVID & PATRICIA DEMARCO		
	301 MCKEE AVE/ H4100111000051	LIANG SHI		
	350 MCKEE AVE/ H4100109000014	JIA LUO		
	350 MCKEE AVE/ H4100109000015	JIA LUO		
	3 PEABODY DR/ H4000111000040	JON RALINOVSKY & AMY LAMBORG		LEFT PACKET 8-25-18
8/25/18	4 PEABODY DR/ H4100111000026	JACQUE C YOUNG JR & PEGGY F YOUNG	Peggy Young	

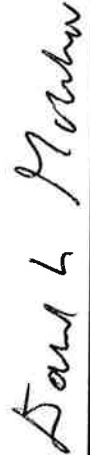
Petition for McKee, Peabody, Thomson, and Tenney Neighborhood Conservation Overlay District, Oxford, Ohio

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Date	Address	Name(s)	Signature	Notes
8/25/18	5 PEABODY DR/ H4100111000039	SHAUGHN D KERN JESSICA MCCARTY		
8/25/18	6 PEABODY DR/ H4100111000027	SCOTT A KISSELL MARGARET M RUTLEDGE KISSELL		
	7 PEABODY DR/ H4100111000038	JAMES P HENRICHSEN		LEFT PACKET 8-25
	PEABODY DR/ H4100111000037	JAMES P HENRICHSEN		LEFT PACKET 8-25
8/25/18	8 PEABODY DR/ H4100111000028	TIMOTHY J KRESSE & TAMMY S KAHRIG		
8/24/18	10 PEABODY DR/ H4100111000029	HERMAN D & BRENDA S DORNBUSCH		
8/25/18	101 PEABODY DR/ H4100111000035	DAVID L GORCHOV VIVIAN NEGRON ORTIZ		
8/25/18	PEABODY DR/ H4100111000036	DAVID L GORCHOV VIVIAN NEGRON ORTIZ		
	102 PEABODY DR/ H4100111000030	GENE H & CAROL R SEFTON		LEFT PACKET 8-30
8/25/18	104 PEABODY DR/ H4100111000031	MARY ANN RUTTENCUTTER ADAM LINVILLE		

Petition for McKee, Peabody, Thomson, and Tenney Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Anita Jones, 106 Tenney Court

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Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
8/28/18	106 PEABODY DR/ H4000111000032	ELIZABETH S ROGERS		
8/28/18	111 PEABODY DR/ H4100111000033	ERNST JAMES BEVER LIVING TR US BANK TRUSTEE		
8/28/18	101 PEABODY DR/ H4100111000034	ERNST JAMES BEVER LIVING TR US BANK TRUSTEE		
	104 TENNEY CT/ H4100111000012	LEIGHTON C PETERSON		
	106 TENNEY CT/ H4100111000011	RUSSELL D & ANITA S JONES CO-TRS		
	108 TENNEY CT/ H4100111000010	MARK S TIEMEYER		
	TENNEY CT/ H4100111000009	MARK S TIEMEYER		
9/3/18	102 THOMSON CT/ H4100111000017	DAVID T AND KRISLYNN A DUDLEY TRS		
	106 THOMSON CT/ H4100111000016	BRIAN AND JESSIE M ELLIS		
	110 THOMSON CT/ H4100111000052	JACK N LILES		

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-29

Date – December 11, 2018

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District, in the area of McKee Ave, Peabody Drive, Thomson Court and Tenney Court, City of Oxford, Applicant

DESCRIPTION

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an existing R-1A (Single-Family Low Density Residential) District in the area of McKee Ave, Peabody Drive, Thomson Court and Tenney Court. The effect would be an additional restriction on the underlying zoning that would limit the number of unrelated occupants in a rented unit from currently four, to two. Families are not restricted in number.

A petition to establish a neighborhood conservation overlay district was filed by Anita Jones on September 10, 2018. A resolution was adopted by the City Council on October 2, 2018 accepting the petition and forwarding this request to the Planning Commission. This is the 17th such overlay since 2014; and the first in this part of Oxford. Signatures were submitted by the petitioners for 88% of the 50 properties in the proposed district. The overlay includes households in the Juniper Hill Subdivision Sections 1 and 2, which were originally platted in 1957 and 1968.

ZONING CODE

The Oxford Zoning Ordinance Chapter 1146 governs the establishment of the Neighborhood Conservation Overlay District.

COMPREHENSIVE PLAN

In the Overview Section of Chapter 7, Housing, in the Comprehensive Plan, residents echoed the same sentiments that Oxford has a unique housing market involving a large rental population that limits opportunities for family housing options and changes the community character, specifically within the Mile Square. The public input sessions also pointed out the lack of housing opportunities for families and the hope to encourage owner-occupied housing and promote the return of full-time residents to the area. Even the Comprehensive Plan does not implicitly point to the establishment of an overlay district to encourage owner-occupied neighborhoods, but several objectives and strategies are relevant to this idea of maintaining traditional neighborhoods and owner-occupied residential dwellings.

Objective Expand Housing options

- H2.1 Update development regulations to allow for a variety of housing types in new developments.*
- H2.4 Provide financial assistance to increase homeownership opportunities for low and moderate income residents.*

Objective: Expand homeownership opportunities

- H5.1 Encourage local employers to provide homeownership incentives.*
- H5.2 Encourage rehabilitation of owner-occupied structures within the Mile Square.*
- H5.3 Create an urban homeownership incentive program such as homeownership grants to help offset the cost of housing.*
- H5.4 Develop a revolving loan fund.*

- H5.5 Establish an Oxford Homeownership Office in partnership with Miami University.*
H5.6 Support the University loan program to increase homeownership opportunities within the Mile Square.

AGENCY REVIEWS

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

Police:	Received without comments
Fire:	Received without comments
Engineering:	Received without comments
Econ. Dev.	Not returned

PUBLIC NOTICE

Notification was placed in the newspaper, mailed to property owners and a sign was placed in the neighborhood. Several responses to the mailed notice are included.

DECISION CRITERIA

A copy of the Decision Criteria for Overlay District is attached.

ANALYSIS

The idea of the neighborhood conservation overlay district was to preserve neighborhoods from converting to predominately rental property. The Planning Commission went through extensive discussion about this overlay district in 2012. It was designed to provide a mechanism for neighborhoods to initiate a grass roots movement to organize together petitioning City Council for the consideration of placing more restrictions on the underlying district. The additional restriction is to reduce the allowed number of unrelated occupants from four to two. This overlay does not prevent rentals; but it does further restrict rentals. Existing rentals are allowed to continue and rentals to families of unlimited size are not restricted.

The overlay district is not uncommon in the land use arena to put in place a specific set of regulations that are more stringent than the underlying district in order to accomplish specific objectives. The most commonly used overlay district is for historic areas. Others are used for specific design standards to promote some uniformity in certain specific subset areas.

Many neighborhoods have gone through this process since the adoption of this enabling legislation in 2013. As of today, there have been 16 different neighborhoods throughout the City that have obtained the overlay district designation. These neighborhoods are typically located outside of the Mile Square.

Based on the Neighborhood Conversation Overlay District requirements, the City Council accepted the petition on October 2, 2018 and forwarded the petition to the Planning Commission for Zoning Map Amendment consideration.

There are specific attached decision standards that the Planning Commission should reference in decision making. The Planning Commission also shall consider the purpose and objectives of the overlay district which are to achieve the privacy of residents and to minimum noise, congestion and nuisance impact by excessive renters and to maintain an attractive community appearance and provide a desirable living environment and finally to prevent excessive traffic and parking problems in the neighborhood.

The petition met the boundary requirements as stipulated in the Chapter 1146.03(h). The petition also met the minimum two-thirds requirements of owner signatures within the proposed boundary.

Please note that this process is a neighborhood driven process beginning with a petition to the City Council and followed with a public hearing before the Planning Commission for a Map Amendment

recommendation. The City Council may waive certain requirements after a positive recommendation from the Planning Commission. This process is far lengthier than normal map amendment process and has additional decision standard thresholds to meet. It is a process that the neighborhood has taken seriously and the neighbors have demonstrated their commitment to preserve their neighborhood and to maintain their neighborhood character by going through this extra step to initiate.

RECOMMENDATION

Staff recommends the Planning Commission approval of this amendment and to forward this request back to City Council for legislative action.

SUBMITTED

BY:

A handwritten signature in black ink, appearing to read "Sam Perry", with a long horizontal flourish extending to the right.

Sam Perry, AICP
Community Development Director

DATE: December 6, 2018

ATTACHMENT

Chapter 1135 Zoning Map Amendment procedures and decision standards

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

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

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

Map Amendments

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely to the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

Planning Commission must utilize the Chapter 1146 Specific Decision Standards to consider the Neighborhood Conservation Overlay District and they are as follows:

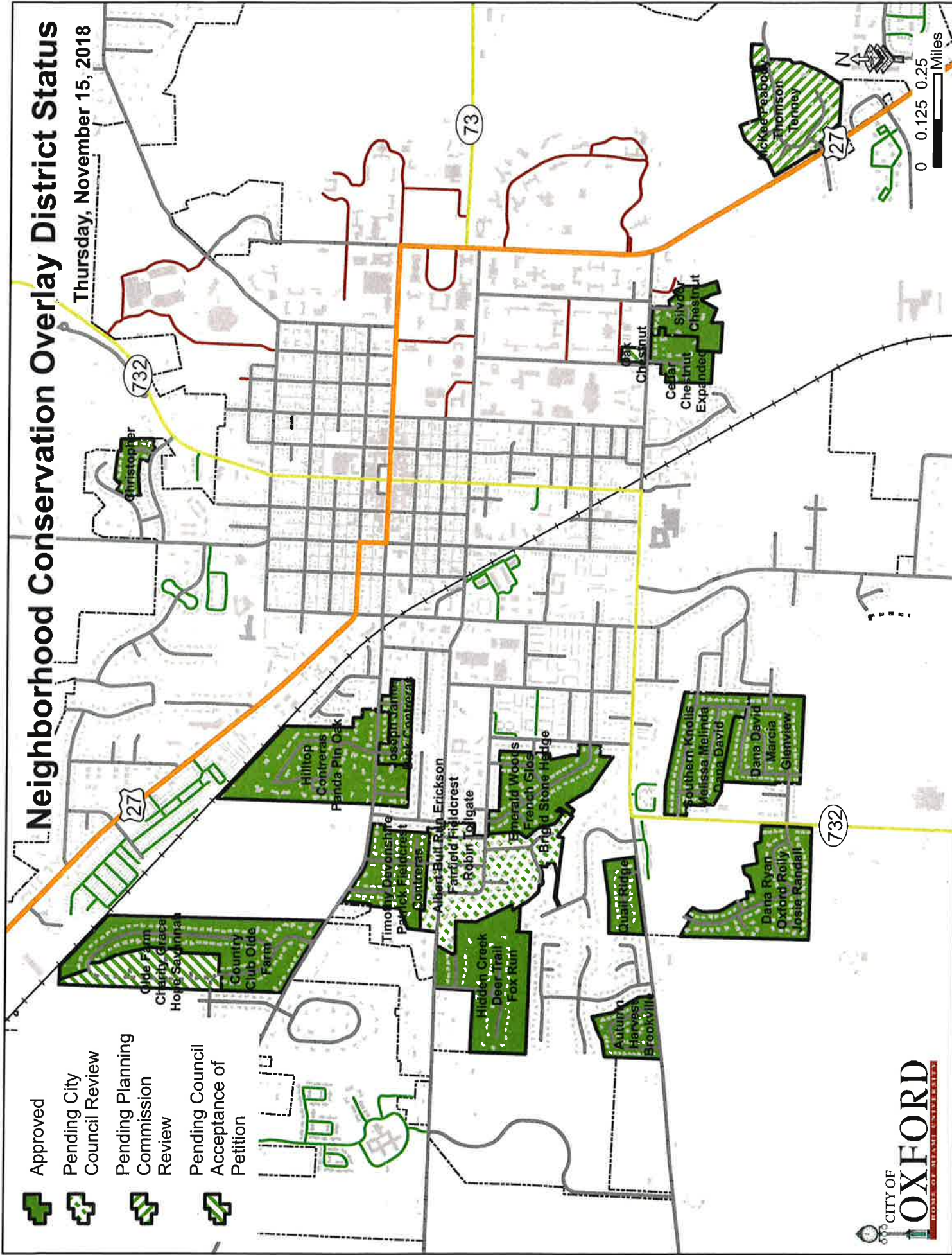
1146.03(2) b Decision Standards for Considering Overlay District:

- 1. The proposed Overlay District meets the boundary criteria.
- 2. The proposed Overlay District will preserve and enhance the neighborhood character.
- 3. The proposed Overlay District will promote the public health, safety and general welfare of the people of the neighborhood.
- 4. The proposed Overlay District will promote and implement the intent of the Comprehensive Plan.
- 5. The proposed Overlay District will satisfy a legitimate need.

Neighborhood Conservation Overlay District Status

Thursday, November 15, 2018

-  Approved
-  Pending City Council Review
-  Pending Planning Commission Review
-  Pending Council Acceptance of Petition



City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 25, 2018

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

From: Community Development Department

PC-2018-29, ZONING MAP AMENDMENT, , to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District, in the area of McKee Avenue, Peabody Drive, Thomson Court, and Tenney Court, for a total of 50 parcels, **City of Oxford, Applicant**

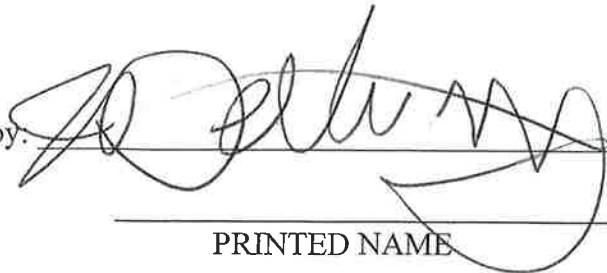
 X Review Revisions Other

Please return no later than: **December 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:



PRINTED NAME

Date: 10-25-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 25, 2018

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

From: Community Development Department

PC-2018-29, ZONING MAP AMENDMENT, , to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District, in the area of McKee Avenue, Peabody Drive, Thomson Court, and Tenney Court, for a total of 50 parcels, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **December 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: Scott Otto Date: 11/19/18

Scott Otto

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 25, 2018

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

From: Community Development Department

PC-2018-29, ZONING MAP AMENDMENT, , to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District, in the area of McKee Avenue, Peabody Drive, Thomson Court, and Tenney Court, for a total of 50 parcels, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **December 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: _____

11/5/18

John A. Jones, Police Chief

PRINTED NAME



PC-2018-29 **Surrounding** **Property Owners** **Notifications Map**

Legend

Neighborhood
 Conservation District
 Boundary

Subject Parcels

200 Ft. Buffer

Oxford Corp. Limit

Address Point

Parcel

16.5' Vacated ROW

Building Footprint

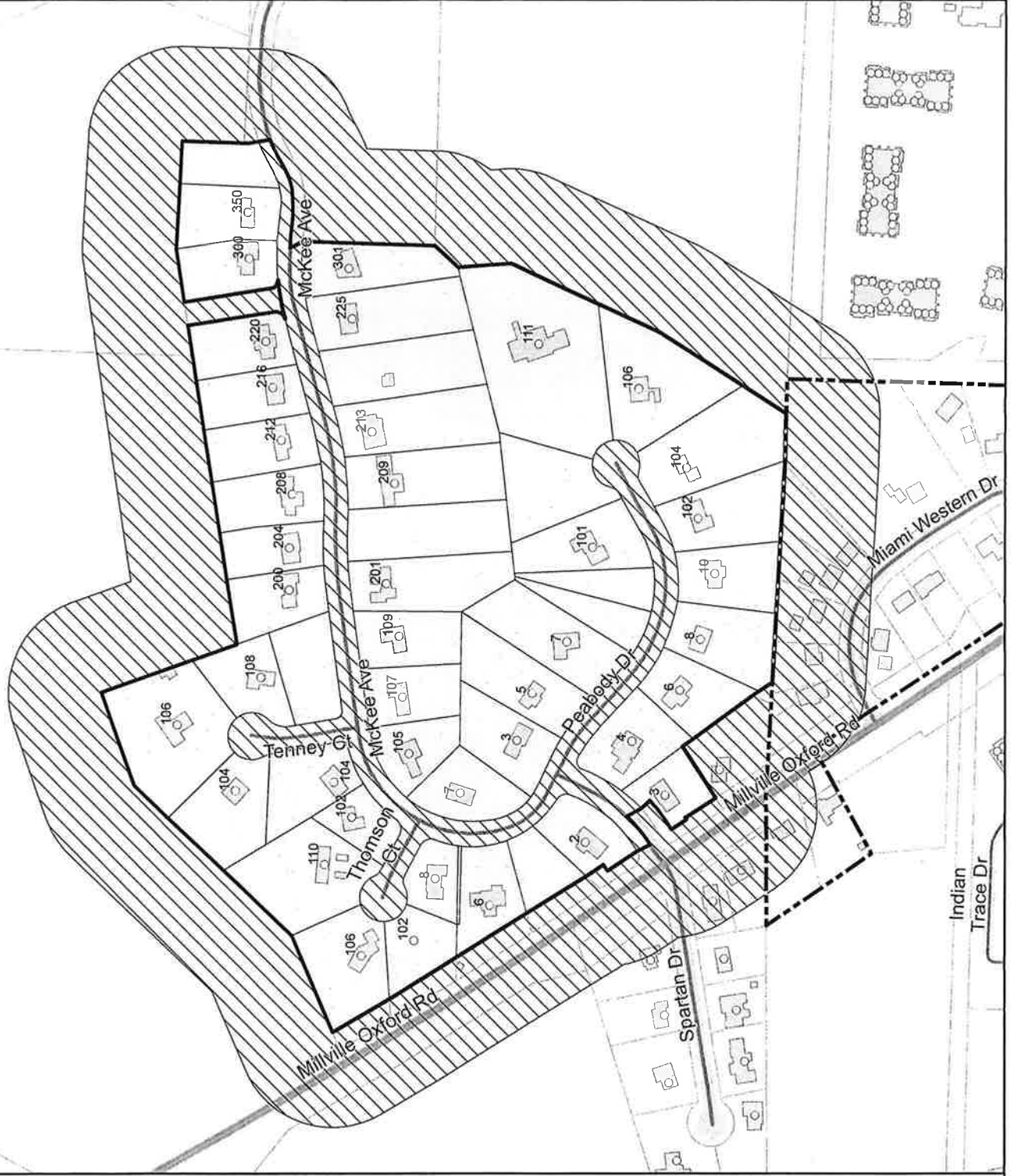
Paved Roadway



1 inch = 300 feet

Prepared on Monday, November 19, 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.





**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-2018-29

DATE OF HEARING: December 11, 2018 7:00 p.m.

ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District, in the area of McKee Avenue, Peabody Drive, Thomson Court, and Tenney Court, for a total of 50 parcels, **City of Oxford,**
Applicant

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience to Lynn Taylor, 15 S. College Avenue, Oxford, OH 45056.

Name: David Gorcho & Vivian Negrón

(Print)

Address: 101 Peabody Drive

Oxford OH 45056

Telephone: Home: 850-814-5621 Work: _____

COMMENT: We support the proposed amendment, to
establish a Neighborhood Conservation Overlay District
in our neighborhood.

David L. Negrón
Signature

11/25/2018
Date



**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-2018-29

DATE OF HEARING: December 11, 2018 7:00 p.m.

ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District, in the area of McKee Avenue, Peabody Drive, Thomson Court, and Tenney Court, for a total of 50 parcels, **City of Oxford**,
Applicant

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience to Lynn Taylor, 15 S. College Avenue, Oxford, OH 45056.

Name: LEIGHTON PETERSON

(Print)

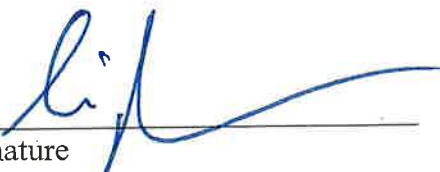
Address: 104 TENNEY CT

OXFORD OH 45056

Telephone: Home: 512-497-5077 Work: _____

COMMENT:

I support
&
approve
completely!


Signature

1 Dec 18
Date



**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-2018-29

DATE OF HEARING: December 11, 2018 7:00 p.m.

ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District, in the area of McKee Avenue, Peabody Drive, Thomson Court, and Tenney Court, for a total of 50 parcels, **City of Oxford, Applicant**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience to Lynn Taylor, 15 S. College Avenue, Oxford, OH 45056.

Name: KATHRYN HILLER

(Print)

Address: 105 McKee Ave

Oxford, Ohio 45056

Telephone: Home: 412-855-3097 Work: _____

COMMENT:

*No Comment
Not able to attend, out of town.*

Kathryn Hiller
Signature

Nov 13, 2018
Date



Internal Use Only:

Case No.

PC-2018-29

Date Filed

10/26/18

Zoning Map Amendment Application

Applicant Information

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

Name *

City of Oxford

Mailing Address *

15 S College

City, State & Zip Code *

Oxford OH 45056

Telephone Number(s) *

513-524-5204

Email Address

Sperry@cityofoxford.org

Location and Lot Information

Location *

McKee, Peabody, Thomson, Tenney

General Description
of Proposed Amendment *

Establish a Neighborhood Conservation

Current Zoning *

RIA

Overlay District

Proposed Zone(s) *

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) **Initiation.** A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.
- (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. A legal description of the area to be rezoned.
- H. The proposed zoning of the area.
- I. The current zoning of the area.
- J. A description of existing uses in the area.

- K. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.
- L. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned (see later section).

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

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

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

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

Fees & Receipt

The required fee is \$150.00, plus \$10.00 postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *



Samuel O. Perry

Date *

10-22-18

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 fee and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

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

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

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/>



McKee, Peabody, Thomson, and Tenney Conservation Overlay District Petition Boundaries

Legend

-  Petition Area
-  Petition Parcel: Signed
-  Petition Parcel: Not Signed
-  Oxford Corporation Limit
-  Address Point
-  Parcel
-  Building Footprint
-  Paved Roadway



1 inch = 250 feet

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.



RESOLUTION NO. 7016

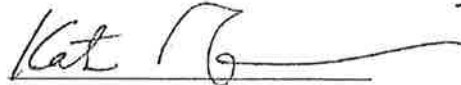
RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR PARCELS ON MCKEE AVENUE, PEABODY DRIVE, TENNEY COURT AND THOMSON COURT AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

WHEREAS, the Clerk of Council and the Community Development Director having determined pursuant to Oxford Codified Ordinance §1146.03(b) that the Petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto conforms to the petition requirements of Oxford Codified Ordinance §1146.03 and recommends that the petition be referred to the Oxford Planning Commission to make recommendations to City Council.

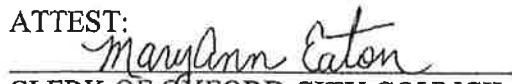
THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOVES THAT:

SECTION 1: City Council accepts the recommendation of the Clerk of Council and the Community Development Director and further refers the petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto to the Oxford Planning Commission to make recommendations to City Council.

SECTION 2: This resolution shall take effect at the earliest date allowed by law.


MAYOR

ADOPTED: October 2, 2018

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 2, 2018

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

September 23, 2018
Date Prepared

Agenda Title: Resolution Accepting a Petition to Create a Neighborhood Conservation Overlay District for the area of McKee Ave, Peabody Drive, Thomson Court and Tenney Court

Recommendation: Approval
--

Discussion:

The legislation of creating the Residential Conservation Overlay District was adopted by the City Council in 2012 to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment by restricting residential properties to be rented to no more than two unrelated individuals. The process to establish an overlay district begins with a petition with signatures of at least two-thirds of parcel owners within the proposed district. The petition goes before City Council for acceptance and referral to the Planning Commission as a zoning map amendment. There have been sixteen (16) petitions that have come before the City Council since 2014.

There are a total of 50 parcels contained in the proposed overlay. A map of the proposed area is attached. The overlay includes households in the Juniper Hill Subdivision Sections 1 and 2, which were originally platted in 1957 and 1968. The signatures in this petition exceed the two-thirds requirement at 88% per Oxford Zoning Code Section 1146.03(a)(3). The proposed overlay is the first in this part of Oxford (see attached map).

This is the first step of public notice process in creating the neighborhood conservation overlay district and requires City Council to formally accept the petition and forward this petition to the Planning Commission for review.

The petition meets the code requirements of Section 1146 therefore Staff recommends accepting the petition and forwarding the request to the Planning Commission for zoning map amendment.

Approved by:

	Initial	Date
Department Head:	<u></u>	<u>9-23-18</u>
City Attorney:	<u> </u>	<u> </u>
City Manager:	<u> </u>	<u> </u>

TO: Juniper Hill property owners

RE: Petition for "Neighborhood Conservation Overlay District"

Date: August 23, 2018

PROPOSED:

That Juniper Hill homeowners petition for making the neighborhood a "Neighborhood Conservation Overlay District." This means a zoning change that will limit the number of persons in a rented residence to no more than **two** unrelated individuals (versus **four**.) This would still allow ownership or rental of a property to a large family, a couple or one person.

PURPOSE:

As outlined in Oxford City Ordinances:

- 1) To maintain an attractive community and a desirable living environment for residents by preserving the **60-year-old, owner-occupied character** of the neighborhood.
- 2) To protect the **privacy** of residents
- 3) To **minimize** traffic and parking congestion as well as noise and **nuisance impact**
- 4) To ensure the **safety** of the **18 children** currently residing there
- 5) To maintain the **integrity** of two Miami University hiking trailheads.

CURRENT ZONING:

The 50 lots in Juniper Hill are presently "**Single Family Residence**" (**R1-A**). By definition, this means no more than 4 unrelated people may live in the dwelling. So far only one of the 50 lots (3 McKee Avenue) has a license to rent the home and may continue renting to up to four unrelated people. The petitioned zoning change will have no impact on existing licensed rental properties unless the rental permit expires.

PETITION PROCESS:

To change Juniper Hill from R1-A to a Neighborhood Conservation Overlay District, we must:

- 1) Provide information packets to all residents
- 2) Acquire signatures from 2/3 of the property owners – more than 33 of 50 lots
 - a. Petition signers must be the homeowner
 - b. Jointly owned properties need only one signer
 - c. Residents with multiple lots need to sign for each lot
- 3) Submit the petition to Oxford City Council for referral to the Oxford Planning Commission (OPC)
- 4) If approved, OPC makes a recommendation to City Council
- 5) City Council has two separate readings of the proposal

This process may take up to three months.

INFORMATION PACKET:

Juniper Hill (JH) residents will receive:

- 1) This cover-letter
- 2) JH Committee Member Contact page
- 3) JH Boundary description
- 4) JH Boundary map
- 5) Signature page (to be retained by JH committee member and forwarded to City Council)

For more details, contact anyone on the attached **JH Committee Member Contact page**. Thank you!

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 5, 2019

Sam Perry

Account Code No. #:

Prepared By

Budgeted Amount: N/A

January 30, 2019
Date Prepared

Agenda Title: Planning Commission Meeting Report- January 8, 2019
--

Annual Officers and Representatives Election: Bill Snavelly was re-elected as chair and Richard Daniels was re-elected as vice-chair. Daniels: CIC, Rosenberg: EC, Watt: HAPC

Mr. Snavelly introduced Mr. Zachary Moore as new staff planner.

In public comments, Dr. Doug Brooks asked about the status of the e-scooter pilot program, which staff responded to later in the meeting.

In reports Mr. Perry updated the Commission on news from OKI Regional Council of Governments on the coming automated and autonomous vehicles. Ms. Rosenberg provided updates from Environmental Commission.

PC-2019-01, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District for parcels located within the boundaries of the Heritage Vineyard Subdivision, **City of Oxford, Applicant**

There are a total of 32 parcels contained in the proposed overlay (27 for Phase 1 development). No homes have been built but lots do exist for future development. There will be a total of 50 home lots when the second phase moves forward. Streets and utilities construction is underway. The Overlay was not a condition of the planned development approval. However, the developer (Bryan Price) committed that it would be done. This overlay abuts the existing Country Club Drive/Olde Farm/Contreras Road Overlay created in 2015.

The single signature on the letter exceeds the minimum two-thirds requirement at 100% per Oxford Zoning Code Section 1146.03(a)(3). This overlay does not include the typical petition because of sole ownership. There is only one owner of the land at this time. The boundary also meets the block requirements of the overlay Code.

The Planning Commission held a hearing and determined that the proposed overlay met the standards of the map amendment as well as the neighborhood overlay. Two citizens provided general comments on the case. There was some confusion on the use of the term 'conservation' when the topic was not regarding natural resources. Another comment was regarding in-home care providers being un-related to the other occupants. The Commission voted 6-0 to recommend approval to City Council.

PC-2019-02, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in an MU (Miami University) District, in the area of Northeast Corner of Chestnut and Oak Streets, for a total of 10 parcels, **City of Oxford, Applicant**

There are a total of 10 parcels contained in the proposed overlay. The underlying zoning district is MU. The signatures in this petition exceed the two-thirds requirement at 90% per Oxford Zoning Code Section 1146.03(a)(3). The boundary also meets the block requirements of the overlay Code and the minimum land parcel number of 10 parcels. The proposed overlay is the third in this part of Oxford. There are two on the south side of Chestnut Street, which fit together seamlessly.

The Planning Commission held a hearing and determined that the proposed overlay met the standards of the map amendment as well as the neighborhood overlay. Two citizens spoke in favor of the case. The Commission voted 6-0 to recommend approval to City Council.

PC-2019-03, ZONING CODE TEXT AMENDMENT, to revise Chapter 1145, Planned Developments, updating application submittal requirements and clarifying the 2008 Comprehensive Plan goals of housing type diversity and affordability, **City of Oxford, Applicant**

This text amendment is part of an ongoing effort to promote housing type diversity and affordability of housing in Oxford. The 2008 Comprehensive Plan includes a chapter on "Housing" which highlights a goal of "Livable, attractive and affordable housing for a diverse population." However, some recent developments have focused on one housing type and market segment to the exclusion of others. The Housing Advisory Commission developed the proposed language to make housing diversity more explicit within Chapter 1145 Planned Developments goals, application, and site planning requirements. Specifically, the text amendment addresses the following:

- Makes explicit the purpose to "Facilitate the construction of a variety of dwelling types to serve Comprehensive Plan goals of diverse and affordable housing"
- Require applicants to supply a written statement regarding "How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity and affordability"
- Indicate location and distribution of dwelling types and/or commercial uses on their site plan
- Three other modernizations to the code: design professional licensing, digital submittal requirement and limits of waivers to code

The Planning Commission held a hearing and determined that the proposed text amendment met the standards of Chapter 1135. The Commission made minor changes to the wording and then voted 6-0 to recommend approval to City Council.

The meeting adjourned at 7:48 p.m.

Next regular meeting is 7:00 on February 12, 2019.

Approved By:

Department Head:

City Manager:

 2-1-19
 2-1-19

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 5, 2019

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

January 28, 2019
Date Prepared

Agenda Title: **PC-2019-02, ZONING MAP AMENDMENT**, to establish a Neighborhood Conservation Overlay District for 10 land parcels located at the northeast corner of Chestnut and Oak Streets, **City of Oxford, Applicant**

Recommendation: **Approval**

Discussion:

The legislation of creating the Neighborhood Conservation Overlay District was adopted by the City Council in 2012 to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment. The ordinance restricts residential properties to be rented to no more than two unrelated individuals. Without the overlay, properties can be rented for up to four unrelated occupants. Families are not limited in number. The process to establish an overlay district begins by a petition with signatures of at least two-thirds of parcel owners within the proposed district. The petition goes before City Council for acceptance and referral to the Planning Commission as a zoning map amendment. There have been seventeen (17) petitions that have come before the City Council since 2014.

There are a total of 10 parcels contained in the proposed overlay. The underlying zoning district is MU. A map of the proposed area is attached. The signatures in this petition exceed the two-thirds requirement at 90% per Oxford Zoning Code Section 1146.03(a)(3). The boundary also meets the block requirements of the overlay Code and the minimum land parcel number of 10 parcels. The proposed overlay is the third in this part of Oxford (see attached map). There are two on the south side of Chestnut Street, which fit together seamlessly.

The Planning Commission held a hearing on January 8 and determined that the proposed overlay met the standards of the map amendment as well as the neighborhood overlay. The Commission voted 6-0 to recommend approval to City Council.

Approved by:

	Initial	Date
Department Head:	<u>SP</u>	<u>1/29/19</u>
City Manager:	<u>DRE</u>	<u>2-1-19</u>

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT IN THE MU (MIAMI UNIVERSITY) DISTRICT FOR 10 PARCELS LOCATED ON CHESTNUT STREET AND ON OAK STREET IN THE CITY OF OXFORD, OHIO.

WHEREAS, Council finds in accordance with Section 1146.03 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on January 8, 2019 on the City of Oxford's application for a Zoning Map Amendment to establish a Neighborhood Conservation Overlay District in the MU (Miami University) District for 10 parcels located on Chestnut Street and on Oak Street in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A" and;

WHEREAS, the Oxford Planning Commission, after public hearing and deliberation, recommended granting the Zoning Map Amendment to establish a Neighborhood Conservation Overlay District, and found that the proposed request was in keeping with the intended characteristics of the neighborhood and was an appropriate classification for the properties in question.

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

SECTION 1: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, to establish a Neighborhood Conservation Overlay District in the MU (Miami University) District for 10 parcels located on Chestnut Street and on Oak Street in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: Council hereby grants the Zoning Map Amendment as requested, incorporating the application and documents submitted with the application as a term and condition of the granting of this Zoning Map Amendment and orders that the official zoning map be amended.

SECTION 3: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2019-02

Date – January 8, 2019

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for 10 parcels located at the northeast corner of Chestnut and Oak Streets, City of Oxford, Applicant

DESCRIPTION

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an existing MU (Miami University) District. The MU district is a district that contains a mixture of University-owned land and private property near University-owned land. The proposed district of 10 parcels contains 5 homes. The effect of this overlay would be an additional restriction on the underlying zoning that would limit the number of unrelated occupants in a rented unit from currently four, to two. Families are not restricted in number.

A petition to establish a neighborhood conservation overlay district was filed by one of the residents, Jim Michael, on October 15, 2018. Nine of the ten parcel owners signed the petition, which exceeds the two-thirds requirement. A resolution was adopted by the City Council on December 4, 2018 accepting the petition and forwarding this request to the Planning Commission. This is the 19th such overlay request since 2014. There are two existing neighborhood overlays across the street, which are located on the south side of East Chestnut Street.

ZONING CODE

The Oxford Zoning Ordinance Chapter 1146 governs the establishment of the Neighborhood Conservation Overlay District.

COMPREHENSIVE PLAN

In the Overview Section of Chapter 7, Housing, in the Comprehensive Plan, residents echoed the same sentiments that Oxford has a unique housing market involving a large rental population that limits opportunities for family housing options and changes the community character, specifically within the Mile Square. The public input sessions also pointed out the lack of housing opportunities for families and the hope to encourage owner-occupied housing and promote the return of full-time residents to the area. The Comprehensive Plan does not explicitly point to the establishment of an overlay district to encourage owner-occupied neighborhoods, but several objectives and strategies are relevant to this idea of maintaining traditional neighborhoods and owner-occupied residential dwellings.

Objective Expand Housing options

- H2.1 Update development regulations to allow for a variety of housing types in new developments.*
- H2.4 Provide financial assistance to increase homeownership opportunities for low and moderate income residents.*

Objective: Expand homeownership opportunities

- H5.1 Encourage local employers to provide homeownership incentives.*
- H5.2 Encourage rehabilitation of owner-occupied structures within the Mile Square.*
- H5.3 Create an urban homeownership incentive program such as homeownership grants to help offset the cost of housing.*
- H5.4 Develop a revolving loan fund.*
- H5.5 Establish an Oxford Homeownership Office in partnership with Miami University.*

H5.6 Support the University loan program to increase homeownership opportunities within the Mile Square.

AGENCY REVIEWS

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

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

PUBLIC NOTICE

Notification was placed in the newspaper, mailed to property owners and a sign was placed in the neighborhood. No written responses were received as of this date.

DECISION CRITERIA

A copy of the Decision Criteria for Overlay District is attached.

ANALYSIS

The idea of the neighborhood conservation overlay district was to preserve neighborhoods from converting to predominately rental property. The Housing Advisory Commission originally recommended the program to Planning and City Council. The Planning Commission went through extensive discussion about the concept for this in 2012. It was designed to provide a mechanism for neighborhoods to initiate a grass roots movement to organize together petitioning City Council for the consideration of placing more restrictions on the underlying district. The additional restriction is to reduce the allowed number of unrelated occupants from four to two. This overlay does not prevent rentals; but it does further restrict rentals. Existing rentals are allowed to continue and rentals to families of unlimited size are not restricted.

The overlay district is not uncommon in the land use arena to put in place a specific set of regulations that are more stringent than the underlying district in order to accomplish specific objectives. The most commonly used overlay district is for historic areas. Others are used for specific design standards to promote some uniformity in certain specific subset areas.

Many neighborhoods have gone through this process since the adoption of this enabling legislation in 2013. As of today, there have been 17 different neighborhoods throughout the City that have obtained the overlay district designation. These neighborhoods are typically located outside of the Mile Square.

Based on the Neighborhood Conversation Overlay District requirements, the City Council accepted the petition on December 4, 2018 and forwarded the petition to the Planning Commission for Zoning Map Amendment consideration.

There are specific attached decision standards that the Planning Commission should reference in decision making. The Planning Commission also shall consider the purpose and objectives of the overlay district which are to achieve the privacy of residents and to minimum noise, congestion and nuisance impact by excessive renters and to maintain an attractive community appearance and provide a desirable living environment and finally to prevent excessive traffic and parking problems in the neighborhood.

Please note that this process is a neighborhood driven process beginning with a petition to the City Council and followed with a public hearing before the Planning Commission for a Map Amendment recommendation. The City Council may waive certain requirements after a positive recommendation from the Planning Commission. This process is far lengthier than normal map amendment process and has additional decision standard thresholds to meet. It is a process that the neighborhood has taken seriously and the neighbors have demonstrated their commitment to preserve their neighborhood and to maintain their neighborhood character by going through this extra step to initiate.

RECOMMENDATION

Staff recommends the Planning Commission approval of this amendment and to forward this request back to City Council for legislative action.

SUBMITTED

BY:

A handwritten signature in black ink, appearing to read "Sam Perry", with a long horizontal flourish extending to the right.

Sam Perry, AICP
Community Development Director

DATE: January 3, 2019

ATTACHMENT

Chapter 1135 Zoning Map Amendment procedures and decision standards

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

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

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

Map Amendments

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely to the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

Planning Commission must utilize the Chapter 1146 Specific Decision Standards to consider the Neighborhood Conservation Overlay District and they are as follows:

1146.03(2) b Decision Standards for Considering Overlay District:

1. The proposed Overlay District meets the boundary criteria.
2. The proposed Overlay District will preserve and enhance the neighborhood character.
3. The proposed Overlay District will promote the public health, safety and general welfare of the people of the neighborhood.
4. The proposed Overlay District will promote and implement the intent of the Comprehensive Plan.
5. The proposed Overlay District will satisfy a legitimate need.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

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

From: Community Development Department

PC-2019-02, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in an MU (Miami University) District, in the area of Northeast Corner of Chestnut and Oak Streets, for a total of 10 parcels, City of Oxford, Applicant

 X Review Revisions Other

Please return no later than: **January 7, 2019** 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:



PRINTED NAME

Date:

12-10-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

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

From: Community Development Department

PC-2019-02, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in an MU (Miami University) District, in the area of Northeast Corner of Chestnut and Oak Streets, for a total of 10 parcels, City of Oxford, Applicant

 X Review Revisions Other

Please return no later than: **January 7, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: Scott Otto Date: 12/31/18

Scott Otto
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

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

From: Community Development Department

PC-2019-02, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in an MU (Miami University) District, in the area of Northeast Corner of Chestnut and Oak Streets, for a total of 10 parcels, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **January 7, 2019** 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: _____

12/17/18

John Jones
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-02, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in an MU (Miami University) District, in the area of Northeast Corner of Chestnut and Oak Streets, for a total of 10 parcels, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **January 7, 2019** 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: 12-17-18

G. Brown/Ku, case
PRINTED NAME



PC-2019-02

Surrounding Property Owners Notifications Map

Legend

 Neighborhood
Conservation District
Boundary

 Subject Parcels

 200 Ft. Buffer

 Oxford Corp. Limit

 Address Point

 Parcel

 16.5' Vacated ROW

 Building Footprint

 Paved Roadway

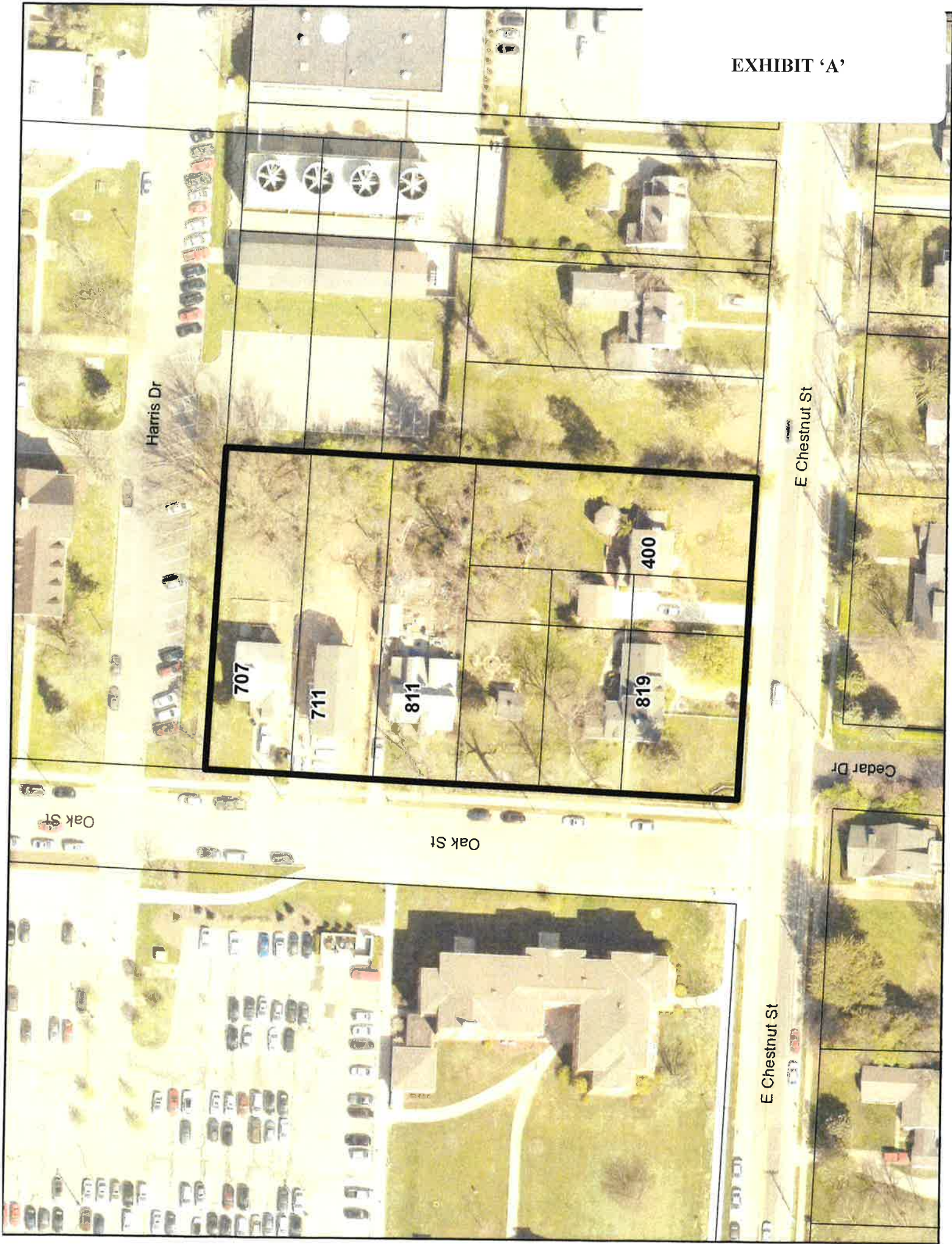


1 inch = 150 feet

Prepared on Friday, December 21, 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.

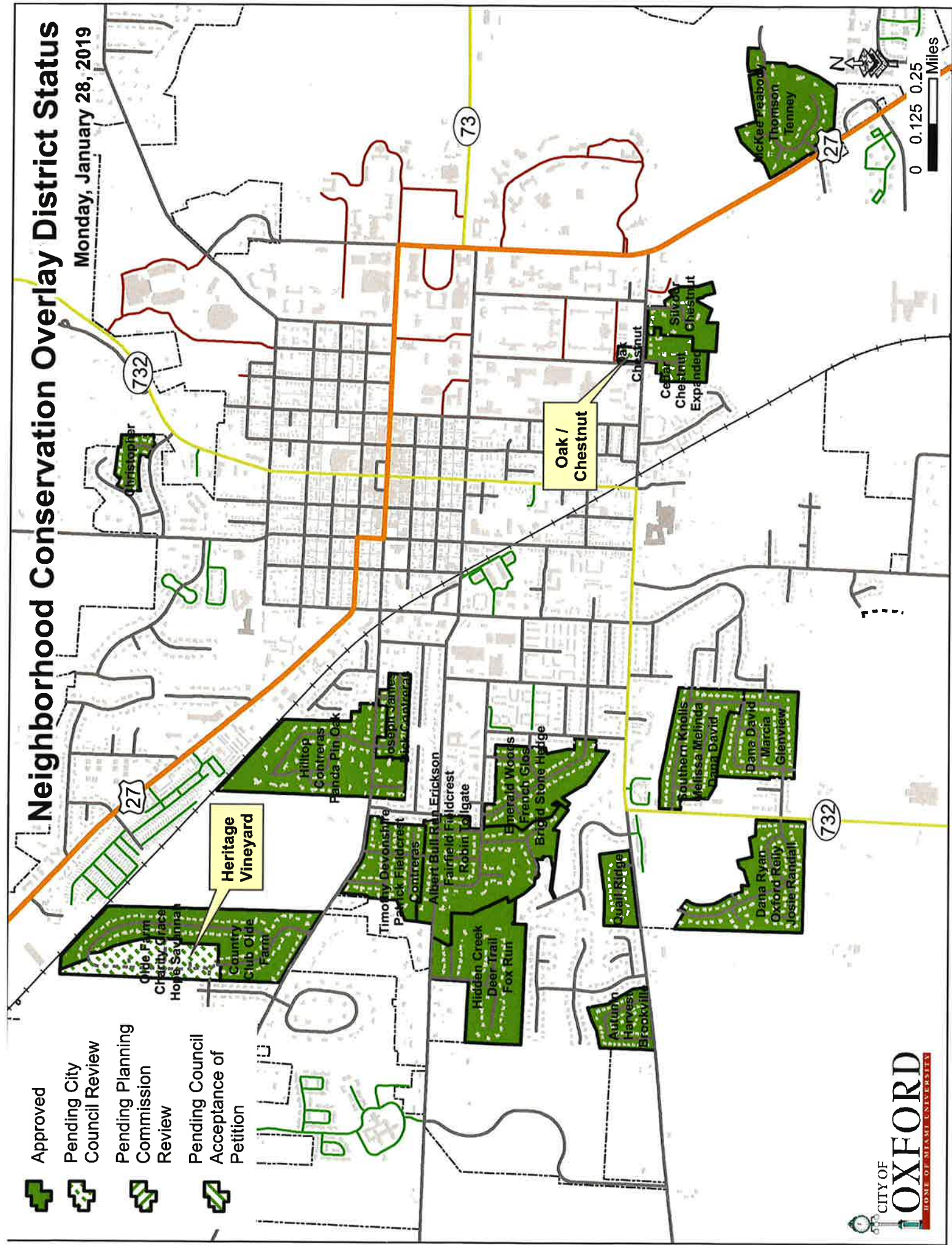




Neighborhood Conservation Overlay District Status

Monday, January 28, 2019

-  Approved
-  Pending City Council Review
-  Pending Planning Commission Review
-  Pending Council Acceptance of Petition



RESOLUTION NO. 7030

RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR PARCELS ON CHESTNUT STREET AND ON OAK STREET AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

WHEREAS, the Clerk of Council and the Community Development Director having determined pursuant to Oxford Codified Ordinance §1146.03(b) that the Petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto conforms to the petition requirements of Oxford Codified Ordinance §1146.03 and recommends that the petition be referred to the Oxford Planning Commission to make recommendations to City Council.

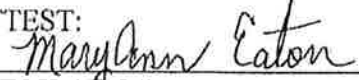
THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOVES THAT:

SECTION 1: City Council accepts the recommendation of the Clerk of Council and the Community Development Director and further refers the petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto to the Oxford Planning Commission to make recommendations to City Council.

SECTION 2: This resolution shall take effect at the earliest date allowed by law.


MAYOR

ADOPTED: December 4, 2018

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

TO: Oak / Chestnut Corner Property Owners

RE: PETITION FOR RESIDENTIAL CONSERVATION OVERLAY

DATE: OCTOBER 2018

PROPOSED: That Oak / Chestnut Corner Property Owners apply for a change of zoning to apply a neighborhood conservation overlay district. **This proposed zoning limits the number of persons in a dwelling to no more than two unrelated individuals.** If the zoning is approved, homeowners may rent property but **are limited to two unrelated persons who may live in the house.** This would still allow ownership or rental of the property to a large family, a couple, one person, or two unrelated persons.

The purposes of the Conservation Neighborhood Overlay Zoning as set forth in the ordinance are:

1. To protect the privacy of residents and to minimize noise, congestion and nuisance impacts by regulating the types of rental properties, particularly high-occupancy properties, occupied by unrelated persons.
2. To maintain an attractive community appearance and provide a desirable living environment for residents by preserving the owner-occupier character of the neighborhood.
3. To prevent excessive traffic and parking in the neighborhoods.

Current zoning: The current zoning for our area is "single family residence", defined as no more than FOUR unrelated people living in a dwelling.

Process for a neighborhood to achieve overlay zoning:

1. In order for our neighborhood to achieve this zoning, we must submit a petition bearing signatures of the owners of at least **2/3 of the parcels (7 of 10 parcels) within 6 months of the earliest signature.**
2. If the City Clerk and the Community Development Department find the petition to be sufficient, the petition is placed before City Council for acceptance and referral to the Planning Commission.
3. If the Planning Commission recommends approval of the petition, it is returned to City Council for review and approval.
4. The entire process takes about three months.

A neighborhood resident will be contacting you soon with the opportunity to sign the petition. The signer of the petition must be the homeowner (if jointly owned, only one needs to sign). You may contact the following for information.

James E. Michael, 819 Oak Street, 523-3129

Petition for Oak Chestnut Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Jim Michael, 819 Oak Street

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
10/2/18	400 E CHESTNUT ST/ H4100107000018	JEFFREY J AND MOLLY J WANKO	Molly J. Wanko	
10/2/18	E CHESTNUT ST/ H4100107000019	JEFFREY J AND MOLLY J WANKO	Molly J. Wanko	
10/2/18	E CHESTNUT ST/ H4100107000022	JEFFREY J AND MOLLY J WANKO	Molly J. Wanko	
10/2/18	400 E CHESTNUT ST/ H4100107000023	JEFFREY J & MOLLY J WANKO	Molly J. Wanko	
10/3/18	707 OAK ST/ H4000107000036	PRESIDENT & TRUSTEES OF THE MIAMI UNIVERSITY OXFORD OHIO		DID NOT SIGN
10-12-18	711 OAK ST/ H4000107000035	CLAWSON PROPERTIES II LLC	Clawson Properties II LLC Barbara B. Clawson	
10-2-18	811 OAK ST/ H4100107000034	JOAN E PARKS	Joan E. Parks	
10-2-18	819 OAK ST/ H4100107000017	JAMES E & SARAH K MICHAEL TRS	Sarah K. Michael TTEE	
10-2-18	OAK ST/ H4100107000021	JAMES E & SARAH K MICHAEL TRS	Sarah K. Michael TTEE	
10-2-18	OAK ST/ H4100107000020	JAMES E & SARAH K MICHAEL TRS	Sarah K. Michael TTEE	

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

THE PETITION IS SUBMITTED PURSUANT TO OXFORD ZONING CODE CHAPTER 1146 TO REQUEST CITY COUNCIL TO INTRODUCE AN ORDINANCE ACCEPTING A PETITION WHICH WOULD ALLOW THE INITIATION OF A ZONING MAP AMENDMENT TO CREATE A DISTRICT WITHIN THE DESCRIBED BOUNDARIES WHICH WOULD RESTRICT THE ABILITY OF PROPERTY OWNERS TO RENT THEIR PROPERTY TO MORE THAN TWO UNRELATED INDIVIDUALS.

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONER TO INITIATE A ZONING MAP AMENDMENT TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

PLEASE SEE THE ATTACHED MAP FOR EXACT BOUNDARIES:

EAST BOUNDARY: East sides of 400 E. Chestnut and 707, 711 and 811 Oak Street

NORTH BOUNDARY: North side of 707 Oak Street

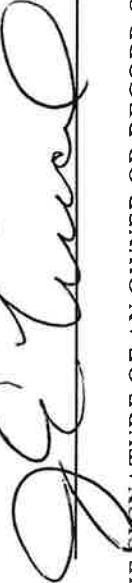
WEST BOUNDARY: Oak Street

SOUTH BOUNDARY: Chestnut Street

CIRCULATOR'S FULL NAME: James E. Michael

CIRCULATOR'S ADDRESS: 819 Oak Street

CIRCULATOR'S SIGNATURE:



DATE SUBMITTED: 10/15/18

(THE PETITION MUST CONTAIN THE SIGNATURE OF AN OWNER OR RECORD OF AT LEAST TWO-THIRDS OF THE PARCELS WITHIN THE PROPOSED DISTRICT. SIGNATURES OVER SIX MONTHS OLD ARE VOID.)



Internal Use Only:	PC-2019-02
Case No.	
Date Filed	11/30/18

Zoning Map Amendment Application

Applicant Information

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

Name *

City of Oxford

Mailing Address *

15 S. College

City, State & Zip Code *

Oxford OH 45056

Telephone Number(s) *

513-524-5204

Email Address

Sperry@cityofoxford.org

Location and Lot Information

Location *

NE Corner of Chestnut and Oak Streets

General Description
of Proposed Amendment *

To establish a neighborhood overlay

Current Zoning *

MU District

Proposed Zone(s) *

MU / Neighborhood Conservation District

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) Initiation. A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.
- (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. A legal description of the area to be rezoned.
- H. The proposed zoning of the area.
- I. The current zoning of the area.
- J. A description of existing uses in the area.

- K. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.
- L. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned (see later section).

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

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

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

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

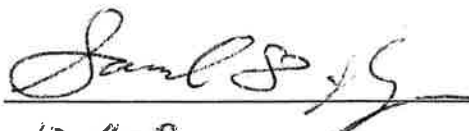
Fees & Receipt

The required fee is \$150.00, plus \$10.00 postage charge. 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 *

 Sam Perry
12-4-18

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 fee and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

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

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

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/>

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 5, 2019

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

January 28, 2019
Date Prepared

Agenda Title: PC-2019-03, ZONING TEXT AMENDMENT, Chapter 1145, Planned Developments, updating application requirements and clarifying the 2008 Comprehensive Plan goals for housing type diversity and affordability, City of Oxford, Applicant

Recommendation: Approval

Discussion:

This text amendment is part of an ongoing effort to promote housing type diversity and affordability of housing in Oxford. The 2008 Comprehensive Plan includes a chapter on "Housing" which highlights a goal of "Livable, attractive and affordable housing for a diverse population." However, some recent developments have focused on one housing type and market segment to the exclusion of others. The Housing Advisory Commission developed the proposed language to make housing diversity more explicit within Chapter 1145 Planned Developments goals, application, and site planning requirements. Specifically, the text amendment addresses the following:

- Makes explicit the purpose to "Facilitate the construction of a variety of dwelling types to serve Comprehensive Plan goals of diverse and affordable housing"
- Require applicants to supply a written statement regarding "How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity and affordability"
- Indicate location and distribution of dwelling types and/or commercial uses on their site plan
- Three other modernizations to the code: design professional licensing, digital submittal requirement and limits of waivers to code

The Planning Commission held a hearing on January 8 and determined that the proposed text amendment met the standards of Chapter 1135. The Commission made minor changes to the wording and then voted 6-0 to recommend approval to City Council.

Approved by:

Initial **Date**
Department Head: _____ / _____

City Manager: DRE / 2-1-19

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 1145 ENTITLED PLANNED DEVELOPMENTS, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 1145 ENTITLED PLANNED DEVELOPMENTS TO UPDATE THE APPLICATION REQUIREMENTS AND TO CLARIFY THE COMPREHENSIVE PLAN GOALS FOR HOUSING TYPE DIVERSITY AND AFFORDABILITY.

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, Ohio, the City of Oxford Planning Commission held a public hearing on January 8, 2019, and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Chapter 1145 entitled Planned Developments, and adopting new Oxford Codified Ordinance Chapter 1145 entitled Planned Developments to update the application requirements and to clarify the Comprehensive Plan goals for housing type diversity and affordability.

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

SECTION I: Council hereby accepts the recommendation of the Planning Commission repeals Oxford Codified Ordinance Chapter 1145 entitled Planned Developments, and adopts new Oxford Codified Ordinance Chapter 1145 Planned Developments to update the application requirements and to clarify the Comprehensive Plan goals for housing type diversity and affordability as follows: (additions are highlighted)

1145.01 PURPOSE.

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

(1) Planned developments share these common goals:

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

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

C. Facilitate the construction of a variety of dwelling types to serve Comprehensive Plan goals of diverse and affordable housing.

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

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

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

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

(2) Infill development also satisfies the following goals:

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

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

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

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

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

1145.05 APPLICATION.

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

Thirteen (13) complete sets of all information shall be submitted with each preliminary and final application. The Zoning Administrator may modify this requirement based upon the type of materials included. The applicant shall 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) Preliminary Plan.

(1) Application fee.

(2) The name, mailing address, and telephone number of the applicant and all property owners.

(3) If the applicant is not the owner, or if there are multiple owners within the proposed area, a statement from all owners that the applicant is entitled to apply on their behalf, and that they agree to be legally bound to any decision reached according to this Chapter.

(4) The name, mailing address, and telephone number of any planner, engineer, surveyor, or other design professional who assisted with preparation of the plans.

(5) Description of use and site. A written, detailed description shall include the following information. A separate response is required for each subsection.

A. A legal description of the site, including all separate lots.

B. A description of the existing uses of the site.

C. The zoning districts in which the site is located.

D. A description of the proposed planned development.

1. The number of housing units by size and type proposed within each phase.

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

3. The hours of operation of any nonresidential use.

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

E. A narrative statement that evaluates the compatibility of the proposed planned development with the general vicinity and adjacent properties.

1. How the proposed uses are similar to or different from existing area uses and if there will be any interaction between the proposed site and adjacent sites.

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

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

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

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

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

H. How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity, affordability and market changes (e.g. adaptability of flats versus townhomes)

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

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

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

L. A list of the names and mailing addresses of all landowners within 200 feet of the site.

M. Such other information regarding the proposed uses, site design, or surrounding area as may be pertinent to the application or required by Planning Commission or Council.

(6) Site plan. A scaled site plan prepared by a surveyor or engineer licensed in the State of Ohio shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.

A. North arrow.

B. Scale.

C. Vicinity map.

D. All existing and proposed lot lines within the site.

E. Dimensions of all lots and of the entire site and any adjacent rights-of-way.

F. The location and intended purpose of all open spaces

G. Approximate location, height, dimensions, and use of all proposed and existing structures.

H. Approximate location and number of different uses (i.e. dwelling types and/or commercial uses).

I. Approximate location and design of all proposed vehicle and pedestrian routes and nonresidential vehicle management areas.

J. Approximate location and size of all existing and proposed utilities that will serve the planned development.

K. Approximate location, size, and type of all proposed signs.

L. Approximate location, height, and type of all proposed screening and landscaping.

M. Distances to residential zoning districts if within 1,000 feet.

N. The use of land and location of structures on adjacent property and across adjacent rights-of-way.

O. The location of any nearby schools and commercial facilities.

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

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

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

(9) Digital Submittal. Adobe PDF version of all information submitted to also be submitted on a current digital format.

(b) Final Plan.

(1) The same items and information as required for the preliminary plan, except that the

approximations shall be refined to specific locations, dimensions, and descriptions.

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

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

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

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) Development of the site and operation of the use will not require substantial public

expenditure for additional infrastructure or services.

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

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

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

(c) Additional Final Plan Decision Standards.

(1) The final planned development shall substantially conform to the preliminary plan.

(2) Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process.

(3) If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

1145.07 ACTION BY PLANNING COMMISSION AND COUNCIL.

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

(b) The Planning Commission shall base its recommendation and Council its decision upon how well the application satisfies the Decision Standards. Planning Commission, in its recommendation, and Council in its decision 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. **Dwelling unit density cannot be waived.**

(c) Council may require the developer to file performance bonds with the City to guarantee completion of any public utilities associated with the planned development and any elements of the plan that are necessary to its success, if abandoned by the developer.

1145.12 DESIGN.

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

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

(c) Land Use.

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

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

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

C. Commercial land uses, if the total land area of the planned development is greater than 10 acres and if the commercial land use is intended to serve the planned development only.

Such commercial land uses shall be limited as follows:

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

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

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

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

- A. Any land use permitted in the underlying zoning district.

(4) The land uses permitted in a planned development may be distributed as follows:

A. If a single planned development overlays more than one zoning district, then the land uses permitted according to this Section may be distributed throughout the entire planned development site.

B. If a planned development includes land uses permitted only in an industrial zoning district, then those land uses may only be located in that portion of the planned development that overlays the industrially zoned land.

(d) Residential Density. Residential density shall not exceed 110 percent of the density permitted in the underlying zoning district. Residential land uses in a planned development that overlays a commercial zoning district shall not exceed the density of the R1B Single-Family Medium-Density Residential Zoning District. Area devoted entirely to non-residential land uses, including buildings, vehicle management areas, and other associated land use elements shall be excluded from the area used to calculate residential density.

(e) Dimensional Regulations.

(1) Building Heights shall be limited as in the underlying zoning district, regardless of land use.

(2) Front setbacks shall be limited as in the underlying zoning district.

(3) All buildings and vehicle management areas shall be setback from the perimeter of a planned development no less than:

- A. Residential zoning district - 25 feet.
- B. Commercial zoning district - 25 feet.
- C. Industrial zoning district - 50 feet.

(f) Open Space.

(1) No planned development shall have less than 20 percent open space, which includes any area not less than 50 by 50 feet, not including the required setbacks, and includes nothing other than natural area.

(2) Lot coverage shall be regulated according to the underlying zoning district, except that lot coverage for the residential portion of any planned development shall not exceed 40 percent.

(g) Sensitive Development Area.

A. A Sensitive Development Area is defined as any land(s) or soil(s) proposed to be developed that, if subjected to improper use or management, is otherwise determined to be incapable or unsuitable of urban use. Sensitive Development Areas can also be considered those lands that pose special hazards to development or the environment, consisting of lands or soils of such sensitive character that they may require special use, design and engineering restrictions.

B. For the Preliminary Planned Development, the applicant must create an inventory of sensitive environmental area identified in subsection (g)D.(1) to (8) from publicly available resources such as Butler County Soil and Conservation District, OKI, OEPA, ODNR, HAPC,

FEMA, USFWS, OHPO and other public entities. This information shall be provided with the preliminary application. Design of the site shall be based on site information obtained from those public entities. An existing landscape plan shall be submitted with each application. The landscape plan shall identify existing trees, natural features and other landscaping elements.

C. After the approval of the Preliminary Planned Development, the applicant must develop a detailed site analysis of sensitive environmental areas on the site, conducted by firm(s) specialized in the areas, at a minimum: Ecological Survey, and Environmental Site Assessment. Other documentation may be required based on the site and the discretion of the Planning Commission, including, but not limited to: Stream and Wetland Mitigation, Water Way Permits, Archaeological Inventory, Historic Architecture Inventory. The applicant must also provide reports of the analyses following current professional norms for the discipline. It will be the Planning Commission's role to review information submitted by the applicant on each discipline to make the recommendations to City Council.

D. Design of the proposed Planned Development site shall be based on the site information obtained from those public entities. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features. The following specific areas shall be preserved as undeveloped open space, and in accordance with the U.S. and Ohio Constitutions and state or federal regulations:

(1) Unique and/or fragile areas, including wetlands, as may be defined in Section 404, Federal Clean Water Act, as amended; and in Ohio Environmental Protection Agency standards.

(2) Land in the floodway as identified and mapped using the Federal Emergency Management Agency's Flood Hazard Boundary Maps. Federal Emergency Management Agency in scientific and engineering reports entitled 'Flood Insurance Study for Butler County, Ohio and Incorporated Areas' effective 12/17/2010, with accompanying Flood Insurance Rate Maps for Butler County, Ohio and Incorporated Areas effective 12/17/2010 and any revisions thereto are hereby adopted by reference and declared to be part of this chapter.

a. 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands. Development of this area is regulated as follows:

1. Natural vegetation shall be maintained.

2. No structures shall be built or improvements made, except as follows:

(a). Walking paths, bicycling paths, and the like, including infrastructure necessary to facilitate their development are permitted anywhere within the buffer.

(b). Roads and associated infrastructure are permitted in the buffer to facilitate crossing such water elements.

(c) Any improvements approved in a final plan.

(d). Any public safety or public utility improvements not associated with the planned development, but deemed necessary by the Service Director, Police Chief or Fire Chief.

(3) Steep slopes fifteen (15%) percent or more, unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account.

(4) Habitats of endangered wildlife, as identified on federal and state lists.

(5) Historically and culturally significant structures and sites, as listed on, but not limited to, the National Register of Historical Places or on the local inventory of historic places maintained by the City of Oxford's Historic Architectural Preservation Commission.

(6) Aquifers and tributary drainage systems.

(7) Tree growth areas or urban forested areas as defined in Chapter 935, of the Codified Ordinances of Oxford.

(8) Any area as identified on Map 3.3 of the Comprehensive Plan.

E. The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce excavation and embankment; to avoid unnecessary impervious cover; to

prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties.

The placement of buildings shall take into consideration topography, building height, orientation and drainage. Storm water Best Management Practices in Low Impact Development Designs are desirable and encouraged. City guidelines for these practices and designs can be found in the City of Oxford Storm Water Management Design Manual

F. If the Planning Commission, or its designated representative, may require the applicant to submit a statement in order to demonstrate that satisfactory efforts have been made to mitigate any special hazards posed to the site if these sensitive lands are subjected to improper use or management. The statement, if required, shall be submitted in one or more of the following forms:

(1) The statement shall describe in detail the extent of encroachment on any Sensitive Development Area, the extent and nature of the proposed alteration, the environmental impacts resulting from the proposed alteration, and the proposed methods of mitigation.

(2) A Geotechnical Report and/or a Wetlands Assessment/Delineation, prepared by a professional engineer, licensed in the State of Ohio, or by a specialist in Streams and Wetland. This report can be in lieu of a development narrative.

(h) Landscaping and Screening.

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

(2) The required perimeter setback area shall be retained in natural woods or suitably landscaped with grass, ground cover, shrubs, trees, or earthen mound.

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

(i) Access and Mobility.

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

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

(3) Adequate pedestrian connectivity shall be provided to and through a planned development.

(j) Utilities and Infrastructure. Electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be located underground.

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

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2019-03

Date – January 8, 2019

APPLICATION

Applicant:	City of Oxford
Action Request:	PC-2019-03, ZONING CODE TEXT AMENDMENT , Chapter 1145, Planned Developments, updating application submittal requirements and clarifying the 2008 Comprehensive Plan goals of housing type diversity and affordability , City of Oxford, Applicant

DESCRIPTION

This application is part of an ongoing effort to promote housing type diversity and affordability of housing in Oxford. The Comprehensive Plan includes a chapter on “Housing” which highlights a goal of “Livable, attractive and affordable housing for a diverse population.” However, some recent developments have focused on one housing type and market segment to the exclusion of others. The Housing Advisory Commission developed the proposed language to make housing diversity more explicit within Chapter 1145 Planned Developments goals, application, and site planning requirements.

ZONING CODE

The attached text amendment illustrates changes to Chapter 1145 Planned Developments, including 1145.01 Purpose and 1145.05 Application.

2008 COMPREHENSIVE PLAN

Land Use Element:

Goal: Managed growth to ensure small town character, green areas and preserved farmland.

- Objective 9: Create new residential areas with traditional neighborhood qualities
 - LU 9.4 Create standards or modify existing standards, to allow for a mix of housing types within neighborhoods.

Housing Element

Goal: Livable, attractive and affordable housing for a diverse population.

- Objective 2: Expand housing options. (See full text)
- Objective 6: Provide diverse housing opportunities. (See full text)

AGENCY REVIEWS

Police:	Received without comment
Engineering:	Received with comments attached
Econ. Dev.	Received with comments attached
Fire:	Received without comment

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

The Comprehensive Plan of 2008 includes a goal of “Livable, attractive and affordable housing for a diverse population.”

The Housing Advisory Commission (HAC) has the stated mission “to foster an environment in which all current and future residents of Oxford will have an opportunity to own or rent a home. The Commission will accomplish this through research, education and advocacy, focusing on: affordable housing, intergenerational housing, senior housing, rental housing, other diverse housing opportunities, and encouraging the use of sustainable building Practices to provide an improved quality of life in Oxford, especially the Mile Square.”

While these are longstanding goals, to date there are few mechanisms within the City of Oxford Planning and Zoning Code to influence diversity and affordability in housing provision, beyond that intrinsic to different zoning districts (e.g. single family, multi-family, etc.). Market forces have typically generated developments targeting a single market segment, most often focused on student rental housing. As a result, new developments often include a narrow range of dwelling types, some of which (e.g. four bedroom, four bathroom) are adapted only to a limited market demographic. Lack of diversity in dwelling types poorly serves the need for diverse housing options, now and in the future.

Oxford City Council in its 2018 Strategic Priorities emphasizes “Increase Diversity in Residential and Commercial Property,” including through efforts to “ensure diverse housing offerings in new developments.”

To advance the goal of diversity in housing, and indirectly that of affordability, the HAC proposes to modify Chapter 1145 Planned Developments. It proposes relatively minor changes that will:

- Make explicit the purpose to “Facilitate the construction of a variety of dwelling types to serve Comprehensive Plan goals of diverse and affordable housing”
- Require applicants to supply a written statement regarding “How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity and affordability”
- Indicate location and distribution of dwelling types and/or commercial uses on their site plan.

No specific formula is proposed, but this minor change will encourage conversation between applicants and the City around housing diversity, and provide a basis for modifying, approving, or perhaps denying particular proposals based on their compliance with the goals, application and site planning requirements of the revised code.

In addition to the recommendations from the Housing Advisory Commission, staff has inserted suggested changes that clarify requirements and update the application submittal requirements to current industry standards:

- Licensed engineer or surveyor requirement for site plan preparation
- Digital record submittal requirement – Adobe PDF format
- Clarify that waivers of code do not apply to dwelling unit density – follow up from a previous case (Stadium Apartments)

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, with any suggested revisions and forward to City Council for legislation.

SUBMITTED BY:



Sam Perry, AICP
Community Development Director

DATE: January 3, 2019

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.

Objective 8

Expand urban green space

Strategies

- LU 8.1 Continue the city's street tree program.
- LU 8.2 Require trees and landscaping in future subdivisions and commercial properties.
- LU 8.3 Beautify major corridors.
- LU 8.4 Continue to encourage new urban park spaces.

Objective 9

Create new residential areas with traditional neighborhood qualities

Strategies

- LU 9.1 Require all new subdivisions to complete a master plan, with an emphasis on protecting natural areas and creating new parks and open spaces.
- LU 9.2 Consider permitting small-scale neighborhood commercial services as part of large-scale master plan developments.
- LU 9.3 Create standards that require high quality pedestrian streets with sidewalks, street trees, adequate lighting, and tree lawns in newly developed residential areas.
- LU 9.4 Create standards, or modify existing standards, to allow for a mix of housing types within neighborhoods.
- LU 9.5 Encourage connections among neighborhoods via roads, sidewalks and multi-use paths.

Traditional Neighborhood Qualities include:

- A diversity and mix of uses – uses should support a range of daily activities – living, learning, working, playing, creating and worshipping
- Edges and gateways – traditional neighborhoods should include well defined and discernible edges
- Walkable size – traditional neighborhoods are built around the idea of a quarter mile walking shed
- Civic spaces – traditional neighborhoods are anchored by neighborhood schools or other civic spaces
- Parks – traditional neighborhoods incorporate a range of park and open space opportunities
- Connectivity – traditional neighborhoods are characterized by the utilization of connected street systems or grid patterns that incorporate alleys or rear lanes
- Neighborhood businesses – traditional neighborhoods include neighborhood centers that meet the daily needs of residents and promote walkability

Objective 10

Be a leader in environmental stewardship

Strategies

- LU 10.1 Continue to promote sound environmental practices through public education programs.
- LU 10.2 Support programs which encourage the community to learn about and experience nature and natural resources (e.g., agricultural or watershed resource center).
- LU 10.3 Support and promote green building standards as part of public and private developments.
- LU 10.4 Explore opportunities to build a gray water system or retrofit the existing system to accommodate the adaptive reuse of gray water.

C. OBJECTIVES AND STRATEGIES

Outlined below are eight objectives and 33 strategies created to help maintain and improve the housing conditions in the city. The objectives indicate a specific policy direction, while the strategies are detailed actions necessary to initiate or complete an objective such as a program, policy or a project.

Objective 1

Improve housing conditions in the Mile Square

Strategies

- H1.1 Ensure a quality residential environment through improved housing standards.
- H1.2 Establish alternative code enforcement procedures and programs to help preserve the historic small town character
- H1.3 Partner with local organizations to support property improvements.
- H1.4 Encourage the development of housing that is accessible to community resources such as employment, bicycle and pedestrian infrastructure, public transit, open space, and commercial districts.

Objective 2

Expand housing options

Strategies

- H 2.1 Update development regulations to allow for a variety of housing types in new developments.
- H 2.2 Create incentives to make it desirable for developers to construct moderately priced housing developments.
- H 2.3 Establish incentives and/or requirements to include a number of new units for low to moderate income residents.
- H 2.4 Provide financial assistance to increase homeownership opportunities for low to moderate income residents (CDBG funds for first time homeowner grants).
- H 2.5 Incorporate a variety of housing types and prices as part of mixed-use development.
- H 2.6 Investigate opportunities to improve conditions and modernize manufactured home parks

Objective 3

Improve rental housing

Strategies

- H 3.1 Improve and expand code enforcement.
- H 3.2 Increase student involvement in property maintenance and neighborhood stabilization.



Alternative code enforcement programs would help to preserve the historic small town character of the Mile Square.



Affordable housing should have access to commercial districts and employment opportunities.



Neighborhood Improvement Districts would provide increased enforcement and resources to enhance predominantly rental neighborhoods.

- H 3.3 Continue to support community efforts to improve neighborhoods such as collaborating with Miami University's Student Government annual Spring Clean and Make-A-Difference Day.
- H 3.4 Create a Neighborhood Improvement District to heighten code enforcement and support neighborhood improvements.
- H 3.5 Encourage rental units to meet the needs of the year-round resident population.
- H 3.6 Encourage redevelopment/ revitalization of existing under-utilized student and non-student rental housing developments within the City over construction of new rental housing and urban sprawl.

Objective 4

Expand senior housing options

Strategies

- H 4.1 Encourage the development of affordable senior housing and assisted living developments.
- H 4.2 Create incentives for developers to build accessible units that comply with the Americans with Disabilities Act (ADA).
- H 4.3 Support the development of new senior housing with community resources and services.

Objective 5

Expand homeownership opportunities

Strategies

- H 5.1 Encourage local employers to provide homeownership incentives.
- H 5.2 Encourage rehabilitation of owner-occupied structures within the Mile Square.
- H 5.3 Create an urban homeownership incentive program such as homeownership grants to help offset the cost of housing.
- H 5.4 Develop a revolving loan fund.
- H 5.5 Establish an Oxford Homeownership Office in partnership with Miami University.
- H 5.6 Support the University loan program to increase homeownership opportunities within the Mile Square.

Objective 6

Provide diverse housing opportunities

Strategies

- H 6.1 Encourage diverse and affordable housing choices (condos, apartments and live-work units).
- H 6.2 Encourage new housing options for young professionals in the Uptown.
- H 6.3 Support "move-down" housing options for residents.



Oxford is recognized as attractive retirement option. Additional development of multiple housing options for seniors should be encouraged.



The Kentlands in Gaithersburg, Maryland integrates multiple housing types and commercial structures into one neighborhood. (Source: DPZ)

Move-down housing opportunities provide options for residents that want to remain in the community, but no longer want to maintain a large residence. Move-down options may include smaller single-family homes, townhomes or condominiums.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

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

From: Community Development Department

PC-2019-03, ZONING CODE TEXT AMENDMENT, to revise Chapter 1145, Planned Developments, updating application submittal requirements and clarifying the 2008 comprehensive plan goals of housing type diversity and affordability, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **January 7, 2019** 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:

12-10-18

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

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

From: Community Development Department

PC-2019-03, ZONING CODE TEXT AMENDMENT, to revise Chapter 1145, Planned Developments, updating application submittal requirements and clarifying the 2008 comprehensive plan goals of housing type diversity and affordability, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **January 7, 2019** 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 12/31/18

Drawings reviewed by: *Scott Otto* Date: 12/31/18
 Scott Otto
PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Scott Otto, P.E.
Acting City Engineer

RE: PC-2019-03
Zoning Code Text Amendment – City of Oxford

DATE: December 31, 2018

The following is our comment:

- It is recommended the proposed change for 1145.05 (a) (6) (H) should read:
“prepared by a surveyor or engineer licensed in the State of Ohio”

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

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

From: Community Development Department

PC-2019-03, ZONING CODE TEXT AMENDMENT, to revise Chapter 1145, Planned Developments, updating application submittal requirements and clarifying the 2008 comprehensive plan goals of housing type diversity and affordability, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **January 7, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____



John A. Jones

PRINTED NAME

Date: _____

12/17/18

$\frac{1}{2}$

Econ Dev Department

From: Community Development Department

PC-2019-03, ZONING CODE TEXT AMENDMENT, to revise Chapter 1145, Planned Developments, updating application submittal requirements and clarifying the 2008 comprehensive plan goals of housing type diversity and affordability, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **January 7, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

any of the proposed changes to Chapter 1145 are the result of efforts of the Oxford Housing Advisory Committee. In 2018, the HAC set a priority to create more emphases in encouraging more diverse housing options in Oxford. While the HAC has been studying affordable housing set-asides, diversity impact fees, housing trust fund uses, Western Knolls housing master plan, as well as other housing topics, the HAC decided to begin by tweaking the PUD regulations.

During the September HAC meeting, the HAC approved multiple proposed changes to Chapter 1145. Over the next several months the HAC further flushed out these recommendations with Community Development Director Sam Perry.

It was agreed to place these changes, as well as several other changes, on the January Planning Commission agenda.

While these changes do not require a diverse housing stock in a PUD, the HAC feels the proposed changes are a good first step in changing the tone and tenor of the residential PUD regulations to encourage diverse housing options.

G. Alan Kyser
PRINTED NAME

1-3-2018

PRINTED NAME



Internal Use Only:	PC - 2019 - 03
Case No.	
Date Filed	11/30/18

Zoning Code Text Amendment Application

Applicant Information

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

Name * Sam Perry / City of Oxford

Mailing Address * 15 S. College Ave

City, State & Zip Code * _____

Telephone Number(s) * 513-524-5204

Email Address sperry@cityofoxford.org

Amendment Description * Planned Development Chapter Revisions

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

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

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

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

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

Decision Process

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

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

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

Planning Commission and Council Review

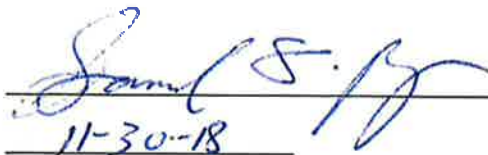
The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider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

Fees & Receipt

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

Sign and Date

Applicant Signature *



Date *

11-30-18

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 *

Receipt Number *

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

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: February 5, 2019

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

January 30, 2019

Date Prepared

Agenda Title: A Resolution authorizing the City Manager to enter into a lease agreement a copy of which is attached hereto as Exhibit "A" with the Talawanda Oxford Pantry and Social Services (TOPSS) Board of Directors to lease a portion of the City owned premises known as Merry Day Park for an initial term of twenty five (25) years.

Recommendation: Adopt the Resolution

Discussion:

The proposed lease would permit the construction and ownership of a structure not to exceed 6,000 square feet on a portion of the City owned Merry Day Park land. The building will be utilized for the collection, storage and distribution of food items by the Talawanda Oxford Pantry and Social Services (TOPSS) and it will be utilized for the operation of other non-profit entities as approved by the lessor (City of Oxford). The proposed lease is for 25 years with 10 year renewable options. If the structure is no longer utilized by TOPSS, ownership would revert to the City of Oxford or TOPSS would be required to restore the site to its original condition.

Approved By:

Initial Date

Department Head:

City Manager:

DRE

2-1-19

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A" WITH THE TALAWANDA OXFORD PANTRY AND SOCIAL SERVICES (TOPSS) BOARD OF DIRECTORS TO LEASE A PORTION OF THE CITY OWNED PREMISES KNOWN AS MERRY DAY PARK FOR AN INITIAL TERM OF TWENTY FIVE (25) YEARS.

WHEREAS, on May 2, 2017, Oxford City Council adopted Resolution No. 5062 authorizing the City Manager to develop an agreement for City Council approval between the City of Oxford and the Oxford Community Choice Pantry Board of Directors for the lease of land at the City owned Merry Day Park; and

WHEREAS, the proposed lease would permit the construction and ownership of up to a 3,500 square foot structure to be utilized for the collection, storage and distribution of food items by the Oxford Community Choice Pantry; and

WHEREAS, the proposed lease was not executed; and

WHEREAS, the Oxford Community Choice Pantry has been renamed the Talawanda Oxford Pantry and Social Services (TOPSS); and

WHEREAS, the Talawanda Oxford Pantry and Social Services (TOPSS) has proposed to construct a 5,600 square foot pre-engineered building; and

WHEREAS, the City Manager recommends that City Council authorize the City Manager to enter into a lease agreement a copy of which is attached hereto as Exhibit "A" with the Talawanda Oxford Pantry and Social Services (TOPSS) Board of Directors to lease a portion of the City owned premises known as Merry Day Park for an initial term of twenty five (25) years.

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

SECTION 1: Council accepts the recommendation of the City Manager and hereby authorizes the City Manager to enter into a lease agreement in a form as approved by the Law Director and substantially similar to Exhibit "A" attached hereto with the Talawanda Oxford Pantry and Social Services (TOPSS) Board of Directors to lease a portion of the City owned premises known as Merry Day Park for an initial term of twenty five (25) years.

SECTION 2: This Resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

LEASE AGREEMENT

THIS LEASE AGREEMENT (hereinafter the "Lease") made this ____ day of _____, 2019, by and between the **City of Oxford** (hereinafter "Lessor"), an Ohio municipal corporation, having an address of 15 South College Avenue, Oxford, OH 45056 and the **Talawanda Oxford Pantry and Social Services Board of Directors** (hereinafter "Lessee"), an Ohio nonprofit corporation, having an address of 400 West Withrow Street, Oxford, OH 45056.

LEASEHOLD

Subject to the terms and conditions set forth herein, Lessor leases to Lessee, and Lessee leases from Lessor, a portion of the premises known as Merry Day Park, located off U.S. Route 27 on Reagh Way (hereinafter the "Premises"). The Premises covered by this Lease includes an area within the Merry Day Park described as follows and any structure constructed by Lessee thereon.

TERM

Initial Term. The Initial Term of this Lease is for a period of 25 years commencing on _____, 2019 ("Commencement Date") and ending on _____, 2044 unless terminated sooner as provided in this Lease.

Option to Renew. The Lessor hereby grants the Lessee the right and option to renew this Lease for an additional term of 25 years from and after the expiration of the Initial Term hereof upon the same terms and conditions, provided written notice of the exercise of the option is given by the Lessee to the Lessor, at least 90 days prior to the expiration of the Initial Term; and provided further that Lessee has not committed an Event of Default. The period including the Initial Term and any renewal term shall be referred to herein as the "Term".

RENT AND SECURITY DEPOSIT

Rent. Lessee shall pay Lessor as rent, for the possession and use of the Premises, the sum of \$1.00 per year. Rent is payable at the address of Lessor at 15 South College Avenue, Oxford, OH 45056.

TAXES

Lessee shall pay any and all taxes, real property and otherwise, to which the Premises is subject.

USE OF PREMISES

Lessor shall allow Lessee to build a building structure up to 6,000 square feet in size. Lessee shall use the structure primarily for the collection, storage, and distribution of food items by Lessee to low and moderate income persons and those in immediate crises who reside in the City of Oxford or the surrounding area. Lessee may also use the Premises for other charitable and nonprofit work with the prior approval of the Lessor.

Lessee shall not create or allow any nuisance to exist on or about the Premises and shall conduct its use of the Premises in accordance with all applicable laws and regulations. All uses of the Premises shall take place within the building.

Lessee shall construct adequate parking and facility access for the structure pursuant to the Chapter 1149 of the Codified Ordinances of the City of Oxford Ohio.

Lessee shall comply with all applicable zoning and building regulations of the City of Oxford pursuant to the Ohio Building Code (published in the Ohio Administrative Code 4101:1-1-01 *et seq.*) as adopted by the section 1301 of the Codified Ordinances of the City of Oxford Ohio and pursuant to Part 11 of the Codified Ordinances of the City of Oxford Ohio.

UTILITY CHARGES

Lessor is providing no utilities whatsoever at its own expense. Lessee shall be responsible for and pay all utilities, trash removal, and similar expense. All utilities should be in Lessee's name as soon as the utilities are installed at the Premises and remain in the Lessee's name during the Term of this Lease. Lessee shall also be responsible for the cost of utilities installation and all connection charges.

LESSEE IMPROVEMENTS

Lessee accepts the Premises "as is," and Lessor is not required to undertake, maintain, or construct any Lessee improvements to the Premises prior to the Commencement Date or at anytime thereafter.

MAINTENANCE BY LESSEE

The Lessee shall, during the Term of this Lease and any renewal thereof, at its sole expense keep the Premises in good order and repair, including, but not limited to any repairs to the structure built by Lessee thereon excepting such repairs and replacements as are occasioned by any act, neglect or failure of the Lessor to perform its covenants under this Lease. Lessee agrees to have any heating and/or air conditioning equipment inspected and serviced prior to the heating and cooling seasons each year.

Lessor shall not be liable for any damage occasioned by reason of the construction of any structure on the premises. Lessor shall not be liable for any damage done or occasioned by

or from any electrical system, heating and/or air conditioning system, the plumbing and sewer system, or failure of any security system in, above, upon, or about the premises, nor for damage occasioned by water, snow, or ice being upon or coming through the roof, trapdoor, walls, windows, doors, or otherwise.

INSURANCE

Lessee shall save Lessor harmless against all claims for property damage, loss or bodily injury or death, of all persons coming upon said premises and Lessee shall, during the entire Term hereof and any renewal Term, keep in full force and effect a policy of liability insurance with respect to the leased Premises and the operations of Lessee, in which both Lessor and Lessee shall be named as parties covered thereby, or which provided equivalent protection to and is approved by Lessor, with a combined single limit of \$1,000,000 for bodily and/or property damage liability. Prior to the Commencement Date, Lessee shall furnish Lessor with a Certificate or Certificates of Insurance, or other acceptable evidence that such insurance is in full force and effect at all times during the term hereof.

If Lessee installs any electrical equipment that overloads the power lines to any structure built upon the Premises, Lessee shall, at its own expense, make whatever changes are necessary to comply with the requirements of insurance underwriters and insurance rating bureaus and governmental authorities having jurisdiction.

All property which may be upon said premises during the term hereof or any renewal thereof shall be at and upon the sole risk and responsibility of Lessee.

TOTAL OR PARTIAL DESTRUCTION

In the event the leased premises and/or any structures or buildings thereon shall be damaged by fire or other casualty, the premises and/or buildings shall be repaired within One Hundred Twenty (120) days from the date of such damage. If such repair shall not have been completed within One Hundred Twenty (120) days from the date of such damage, this lease may, at the option of the Lessor, be terminated. If Lessee determines that repairing or rebuilding will take more than One Hundred Twenty (120) days, Lessee shall notify Lessor of this issue, and of Lessee's intention to repair, within sixty (60) days of the date of the damage. Lessor may, at Lessor's sole discretion, extend the time period allow for repairing or rebuilding.

If Lessee fails to repair the property, Lessor is entitled to all insurance proceeds paid as a result of the fire or other casualty.

Lessor shall have no responsibility to restore the premises and/or any structures or buildings thereon, whatsoever.

INDEMNIFICATION

Lessor shall not be liable for any loss or damage to person or property for any reason including, but not limited to, theft, fire, acts of God, acts of a public enemy, riot, strike, insurrection, war, court order, requisition, or order of government body or authority, unless caused by the acts of Lessor. Lessee will indemnify and defend Lessor, by counsel acceptable to Lessor, against any and all claims or liabilities, including reasonable attorney fees and court costs, arising out of or relating to the Premises whether inside or outside a structure or building.

ABANDONMENT OF PREMISES

If Lessee for any reason abandons the Premises or any structure it has built thereon, Lessor shall have the option to take possession of the Premises and any such structure. If Lessor does not exercise the option, either through express decision or through non-action within 30 days from the date of abandonment, Lessee shall take all actions necessary to restore the Premises and pay any costs arising out of such restoration.

Under no circumstances shall Lessor be required to take possession of the Premises upon Lessee's abandonment of it.

ASSIGNMENT AND SUBLETTING

Lessee may not assign or sublet, whether voluntarily or involuntarily or by operation of law, the Premises or any part of the Premises, or any structure or buildings thereon, without Lessor's written consent, which consent may be withheld at Lessor's sole discretion.

DEFAULT BY LESSEE

Events of Default. The occurrence of any of the following events will, at Lessor's option, constitute an event of default ("Event of Default"):

- (a) In the event Rent is late as defined hereunder, failure to pay Rent within 15 days following written demand to pay Rent by Lessor;
- (b) Abandonment of the Premises for a period of 30 consecutive days;
- (c) Failure to perform Lessee's covenants under this Lease (except default in the payment of Rent); provided that if this default is susceptible of cure and Lessee has promptly commenced the cure of this default and is diligently prosecuting the cure to completion, then the default must remain uncured for thirty (30) days after written notice from Lessor.

Remedies. In the event of any default by Lessee under this Lease, Lessor shall have the following remedies:

- (a) **Termination.** In the event of the occurrence of any Event of Default, Lessor will have the right to give a written termination notice to Lessee and, on the date specified in that notice, this Lease will terminate unless on or before that date all arrears of Rent and all other sums payable by Lessee under this Lease and all costs and expenses incurred by or on behalf of Lessor have been paid by Lessee and all other Events of Default at the time existing have been fully cured to the satisfaction of Lessor.
- (b) **Repossession.** Repossession following termination, without prejudice to other remedies Lessor may have, Lessor may (i) peaceably re-enter the Premises on voluntary surrender by Lessee; (ii) remove Lessee and any other persons occupying the Premises, using any legal proceedings that may be available; (iii) repossess the Premises or re-let the Premises, any structure built thereon during the Term of this Lease, or any part of the Premises for any term (which may be for a term extending beyond the Term), at any rental and on any other terms and conditions that Lessor in Lessor's sole discretion may determine, with the right to make reasonable alterations and repairs to the Premises; and (iv) remove all personal property.
- (c) **Unpaid Rent.** Lessor will have all the rights and remedies of a Lessor provided by applicable law, including the right to recover from Lessee (i) the worth, at the time of award of the unpaid Rent that had been earned at the time of termination; (ii) the worth, at the time of award, of the amount by which the unpaid Rent that would have been earned after the date of termination until the time of award exceeds the amount of loss of rent that Lessee proves could have been reasonably avoided; (iii) the worth, at the time of award, of the amount by which the unpaid Rent for the balance of the Term after the time of award exceeds the amount of the loss of rent that Lessee proves could have been reasonably avoided; and (iv) any other amount, and court costs, necessary to compensate Lessor for all detriment proximately caused by Lessee's default.
- (d) **Cumulative.** Each right and remedy of Lessor provided for in this Lease or now or later existing at law, in equity, by statute, or otherwise, will be cumulative and will not preclude Lessor from exercising any other rights or remedies provided for in this Lease or now or later existing at law or in equity, by statute, or otherwise. No payment by Lessee of a lesser amount than the Rent, or any endorsement on any check or letter accompanying any check or payment as Rent, will be deemed an accord and satisfaction of full payment of Rent. However, Lessor may accept this payment without prejudice to Lessor's right to recover the balance of Rent or to pursue other remedies.

NOTICES

Any notice under this Lease shall be in writing and shall be deemed to be duly given only if delivered personally or mailed by first class U.S. Mail, addressed to the Lessor and Lessee at the addresses noted on this Lease, to an address as either party may hereafter designate to the other in writing.

MISCELLANEOUS

Entire Agreement. This Lease sets forth all the agreements between Lessor and Lessee concerning the Premises, and there are no other agreements, either oral or written, other than as set forth in this Lease.

Validity of Lease. This Lease shall be valid only if both parties have executed this Lease by January 31, 2020 and construction on the Premises has commenced by January 31, 2020. The acquiring of building permits shall be considered the commencement of construction.

Attorney's Fees. In any action that either party brings to enforce its rights under this Lease, the prevailing party shall be entitled to all of its costs plus reasonable attorney fees to be fixed by the court. Those costs and attorney fees will be considered a part of the judgment in that action.

Severable. If any provision of this Lease or the application of any provision is held by a court of competent jurisdiction to be invalid, void, or unenforceable to any extent, the remaining provisions of this Lease and the application of it will remain in full force and will not be affected, impaired, or invalidated.

Governing Law. This Lease will be construed and enforced in accordance with the laws of the state of Ohio.

Successors. This Lease will be binding on and inure to the benefit of the successors and assigns of Lessor and Lessee, their heirs and court appointed representative.

No Waiver. No waiver of any default or breach under this Lease will be implied from any omission to take action on account of this Lease, regardless of any custom and practice or course of dealing. No waiver will affect any default other than the default specified in the waiver, and then the waiver will be operative only for the time and to the extent stated in the Lease. Waivers of any covenant will not be construed as a waiver of any subsequent breach of the same covenant. No waiver by either party of any provision under this Lease will be effective unless in writing and signed by that party.

Surrender. Upon the termination of this Lease or Lessee's right to possession of the Premises, Lessee will surrender the Premises to Lessor.

Counterparts. This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

This Lease is executed on this ____ day of _____, 2019, in the City of Oxford, Ohio.

LESSOR:

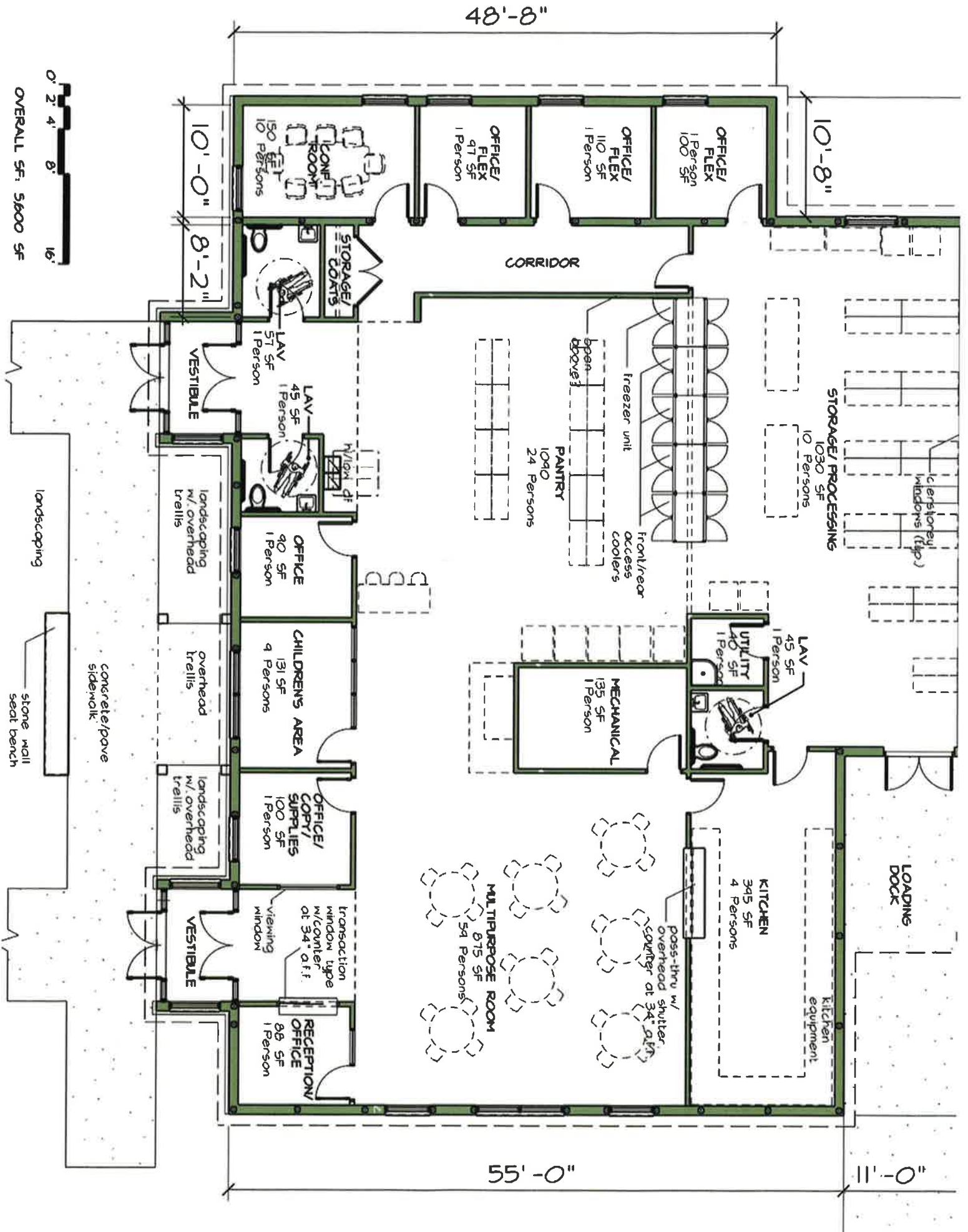
CITY OF OXFORD, OHIO

BY: _____
Douglas R. Elliott, Jr., City Manager

LESSEE:

**TALAWANDA OXFORD PANTRY
AND SOCIAL
SERVICES**

BY: _____





bayer
becker

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TOPSS
TALAWANDA OXFORD
PANTRY & SOCIAL SERVICES

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Council Meeting Of : 1/15/2019

Account Code No. : see below

Budgeted Amount :

Finance
Originating Department

Joe Newlin
Prepared By

1/7/2019
Date Prepared

Agenda Title: 2019 Supplemental Budget #1

Recommendation: Approve

Issue 1

To make adjustment to budget for personnel expenditures moving to contracted services for law department

Action Needed:

Revenue Side

N/A

Expense Side

General (110)	(120,592.00)	Reduction of expenditures for personnel cost
General (110)	120,592.00	Additional expenditures for contracted services

Net Effect on Fund Balance/(s) Increase/(Decrease)	-	
---	---	--

Total Net Effect on Fund Balance/(s) Increase/(Decrease)	-	
---	---	--

Breakdown by Fund

General (110)	-	
---------------	---	--

Net Effect on Fund Balance/(s) Increase/(Decrease)	-	
---	---	--

Approved By:	Department Head:	Initials <u>[Signature]</u> Date <u>1/12/19</u> City Manager: <u>DRE</u>, <u>1-11-19</u>
--------------	------------------	--

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO.3493. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 1 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2019.

WHEREAS, additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues.

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

SECTION 1: Additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues;

SECTION 2: The following increase/(decrease)in appropriations from unencumbered balances be made:

General Fund 110	(120,592.00)
General Fund 110	120,592.00

SECTION 3: In all other respects, Ordinance No. 3493 shall remain in full force and effect.

SECTION 4: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Council Meeting Of: February 5, 2019

Account Code No. #:

Budgeted Amount: N/A

Community Development
Originating Department

Sam Perry
Prepared By

January 31, 2019
Date Prepared

HAPC MEETING REPORT – JANUARY 9, 2019
--

Election of Officers: It was decided to delay the election of officers until all members were present.

Old Business: New HAPC Code Chapter 1152: There was a brief discussion of the December open houses that were held to garner input on the code revisions. The topic of financial security/leverage for completion of building projects was further discussed. This item is already in the existing code chapter 1331 but has not been used consistently. Staff was to further review that section to ensure that it accomplished the purpose without undue burden on the owner/builder. The overall chapter of draft code will be reviewed by the Planning Commission in February before City Council action.

Administrative Approvals: Two administratively approved wall signs were reviewed for any follow-up questions. 114 W. Walnut St (new restaurant) and 11 N. College (existing gas station).

It was announced that new staff planner, Zachary Moore, was on staff with the Community Development Department, but that Mr. Perry would continue as staff liaison at this point, with Mr. Moore being back-up.

Next regular meeting, Wednesday, February 13 at 6:00 p.m.

Department Head:	<u>SP</u> 1 2-1-19
City Manager:	<u>DRE</u> 1 2-1-19