

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: March 4, 2014

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

February 25, 2014
Date Prepared:

PC-2014-01 ZONING MAP AMENDMENT - To establish a Neighborhood Conservation Overlay District in a R-1A Single-Family Low Density Residential District, for 29 parcels in the vicinity of Contreras Road, James Road, Dick Drive and Joseph Drive, City of Oxford, Applicant.

Recommendation: Approval

Discussion:

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in a R1-A Single Family District. The enabling legislation for this was adopted by City Council in 2012. The legislation would allow a neighborhood to generate a petition to create an overlay district subject to meeting certain standards and public hearing process.

The petition to establish a neighborhood conservation overlay district was filed on November 8, 2013 with the Clerk of City Council. A resolution was adopted by the City Council accepting the petition and forwarding this request to the Planning Commission on December 3, 2013. The Planning Commission reviewed the request on February 11. Several residents of the area spoke in favor of the overlay district citing issues such as property maintenance and limited on-street parking due to street width. The staff and commission found that the application met the five decision criteria, which were cited in the PC staff report.

The intent is to be a grass-roots effort which only alters one aspect of the permitted land uses (residential occupancy). Therefore the base zoning district regulations are retained. Without the overlay, a single dwelling unit can have up to four unrelated persons. With the overlay, a single dwelling unit is limited to no more than two unrelated persons. Existing dwellings with more than two unrelated persons would be allowed to continue as legal conforming.

Six members of the Planning Commission attended the February 11th meeting. However, three were recused due to residency inside or within 200 feet of the subject area. This left a balance of four members able to vote on the case. With one of the four absent, three members remained. After citizen testimony and commission discussion, the three members voted unanimously to forward a recommendation of approval to City Council. Legal counsel confirmed that the three voting members was a proper procedure.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC / 2/26/14
DRE / 2/26/14

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 29 PARCELS LOCATED ON CONTRERAS ROAD, JAMES ROAD, DICK DRIVE, AND JOSEPH DRIVE, IN THE CITY OF OXFORD, OHIO.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on February 11, 2014 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 29 parcels located on Contreras Road, James Road, Dick Drive, and Joseph Drive in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: 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.

SECTION 3: 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 29 parcels located on Contreras Road, James Road, Dick Drive, and Joseph Drive in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 4: 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 5: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

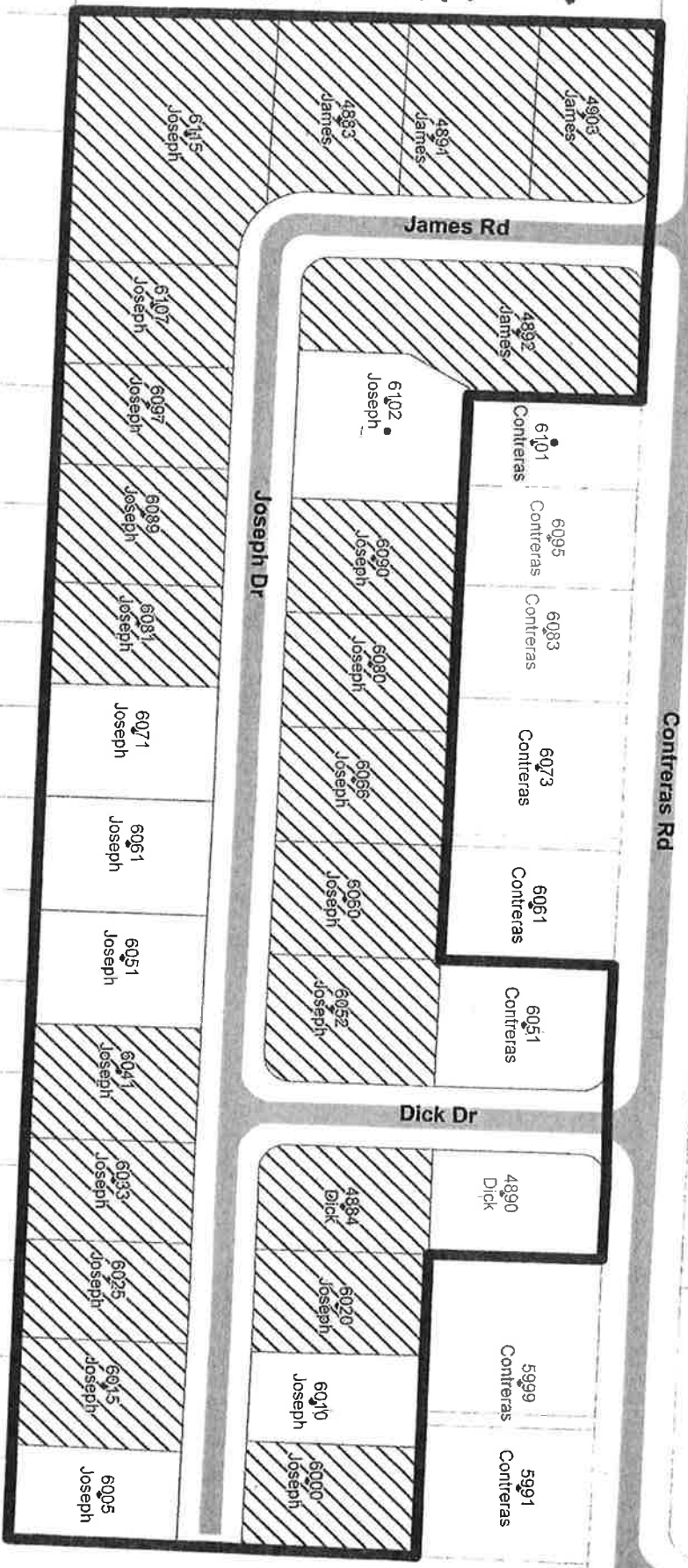
PREPARED BY: LAW (STAFF)

Wespeiser Place Neighborhood Conservation Overlay District Petition Boundaries

106
 Jacqueline

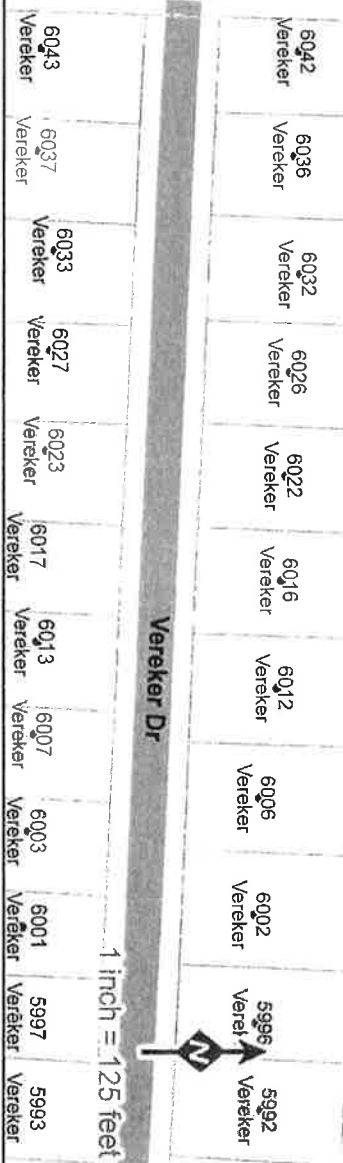


Exhibit "A"



Legend

- Address Point
- Petition Area
- Signer Parcels
- Non Signer Parcels
- Parcels



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.

1 inch = 125 feet

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	February 25, 2014
<u>Case Number</u>	PC-01-2014
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	PC-01-2014 Zoning Map Amendment , to establish a Neighborhood Conservation Overlay District in a R-1A Single-Family Low Density residential District, for 29 parcels in the vicinity of Contreras Road, James Road, Dick Drive and Joseph Drive.
<u>Public Hearing Information</u>	On February 11, 2014 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on January 10, 2014. Public Hearing notices were mailed out to surrounding properties on January 13, 2014.
<u>Commission Action</u>	The Planning Commission voted 3-0-3 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Map Amendment having met the Decision Standards of Chapter 1146, and at least one decision standards of Chapter 1135
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated February 5, 2014 2. Proposed Boundary map 3. Interoffice Reviews 4. Planning Commission Review and Comment Form 5. Property Notifications 6. Zoning Map Amendment Application Dated December 27, 2013 7. Ordinance No 3187 Enabling Legislation Creating Oxford Zoning Code Chapter 1146 Neighborhood Conservation Overlay District 8. Petition for Residential Conservation Overlay District

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-1-2014

Date – February 11, 2014

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District in a R-1A Single-Family Low Density Residential District, in the vicinity of Contreras, City of Oxford, Applicant

DESCRIPTION

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in a R1-A Single Family District.

A petition to establish a neighborhood conservation overlay district was filed on November 8, 2013 to the Clerk of City Council. A resolution was adopted by the City Council accepting the petition and forwarding this request to the Planning Commission on December 3, 2013.

ZONING CODE

The Oxford Zoning Ordinance Chapter 1146 governs the establishment of the Neighborhood Conversation 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 with no comment

Fire:	Received with no comment
Engineering:	Received with no comment
Econ. Dev.	Received with no comment

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 being turned into rental properties and to maintain the traditional owner-occupied character. The Planning Commission went through extensive discussion about this overlay district in 2012. It was designed to provide mechanisms to the neighborhood to initiate a grass roots movement to get all the neighbors together and to petition City Council for the consideration of placing more restrictions on the underlying district.

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 the historic area. Others are used for specific design standards to promote some uniformity in certain specific subset areas.

The conversion of a single family residential dwelling from owner-occupied to rental property in a neighborhood creates a negative impact to the neighborhood in a variety of forms, including property deterioration, congestion, noise and traffic. It also set the pace for more properties in the neighborhood to be more susceptible to turning into rental properties.

A petition was filed by a group of neighbors in the neighborhood, generally bordered by Contreras Road, James Road, Dick Road and Joseph Drive for a total of 29 parcels of tracts of land, to be considered a Neighborhood Conservation Overlay District on November 8, 2013 with the Clerk of the Oxford City Council. The petition also showed that there were 21 signatures obtained and the date of those signatures. A map of the proposed district was attached illustrating the area for consideration.

Based on the Neighborhood Conversation Overlay District requirements, the City Council accepted the petition on December 3, 2013 and forwarded this petition to the Planning Commission for Zoning Map Amendment consideration.

In considering the overlay district, there are specific decision standards that the Planning Commission shall reference and the decision standards are also attached for reference. The Planning Commission also shall consider the purpose and objectives of such overlay district are to achieve the privacy of residents and to minimum noise, congestion and nuisance impact by rental properties 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. Additionally, the dates of those signatures were also within six months prior to the time the petition was filed with the City Clerk.

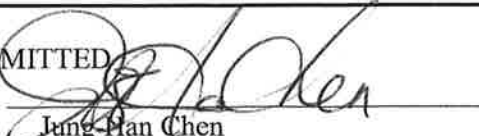
Please note that this process is a neighborhood driven process beginning with a petition to the City Council and followed with a public hearing before the Planning Commission for a Map Amendment recommendation. The City Council may waive certain requirements after a positive recommendation from the Planning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

RECOMMENDATION

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

SUBMITTED

BY:


Jung-Man Chen
Community Development Director

DATE: February 5, 2014

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 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.

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 Stands 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: January 8, 2014

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-2014-01 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in a R-1A Single-Family Low Density Residential District, for 29 parcels in the vicinity of Contreras Road, James Road, Dick Drive and Joseph Drive, City of Oxford, Applicant

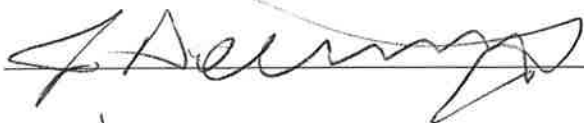
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **1/31/14** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by:



Date: 1/3/14

John Detherage

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 8, 2014

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-2014-01 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in a R-1A Single-Family Low Density Residential District, for 29 parcels in the vicinity of Contreras Road, James Road, Dick Drive and Joseph Drive, City of Oxford, Applicant

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **1/31/14** 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: B.B. [Signature]

Date: 1/11/2014

 ROBERT B HOLZWORTH
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 8, 2014

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-2014-01 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in a R-1A Single-Family Low Density Residential District, for 29 parcels in the vicinity of Contreras Road, James Road, Dick Drive and Joseph Drive, City of Oxford, Applicant

☒ Review ☐ Revisions ☐ Other

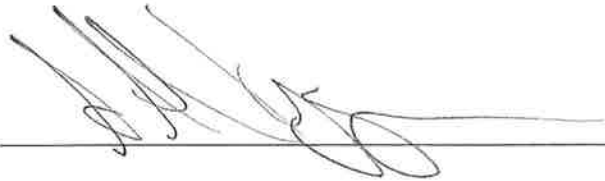
Comments or status update requested by: Lynn Taylor

Please return no later than: **1/31/14** 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 KYGER
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 8, 2014

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-2014-01 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in a R-1A Single-Family Low Density Residential District, for 29 parcels in the vicinity of Contreras Road, James Road, Dick Drive and Joseph Drive, City of Oxford, Applicant

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Comments or status update requested by: Lynn Taylor

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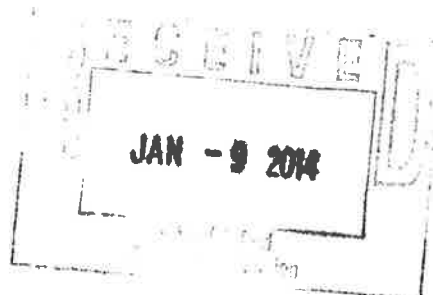
Drawings reviewed by:

A. Popescu

Date: 1-9-14

VICTOR POPESCU

PRINTED NAME





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

CASE NO.: PC-2014-01 **DATE OF HEARING:** February 11, 2014

PC-2014-01 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in a R-1A Single-Family Low Density Residential District, for 29 parcels in the vicinity of Contreras Road, James Road, Dick Drive and Joseph Drive, City of Oxford, Applicant.

If you cannot attend the public hearing on this Map Amendment being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by February 3, 2014 to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: Martha Kyger

Address: 6164 Contreras Ra
Oxford

Telephone: Home: 523-1453 Work: 529-1712

COMMENTS: Support the amendment

Martha Kyger
Signature

1/21/2014
Date



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

CASE NO.: PC-2014-01

DATE OF HEARING:

February 11, 2014

PC-2014-01 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in a R-1A Single-Family Low Density Residential District, for 29 parcels in the vicinity of Contreras Road, James Road, Dick Drive and Joseph Drive, City of Oxford, Applicant.

If you cannot attend the public hearing on this Map Amendment being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by February 3, 2014 to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: M.T. Barickman

Address: Joseph Dr., Oxford OH 45056

Telephone: Home: _____ Work: _____

COMMENTS:

We support this measure as it will help preserve the family nature of our neighborhood and maintain the character that we desire. Any efforts by citizens to continue single-family, owner-occupied homes in and out of the Mile Square to prevent student sprawl and deterioration of properties should be supported and endorsed by city staff, Council, boards and commissions.

Michael T. Barickman
Signature

1-29-14
Date



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

CASE NO.: PC-2014-01

DATE OF HEARING: February 11, 2014

PC-2014-01 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in a R-1A Single-Family Low Density Residential District, for 29 parcels in the vicinity of Contreras Road, James Road, Dick Drive and Joseph Drive, City of Oxford, Applicant.

If you cannot attend the public hearing on this Map Amendment being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by February 3, 2014 to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: Amy Clay

Address: 6061 Contreras Rd
Oxford OH 45056

Telephone: Home: 513.319.7145 Work: _____

COMMENTS: I believe it to be vitally important to preserve Oxford's family neighborhoods. One of the reasons I love where I live is that close-knit neighborhood feel, ~~please~~ I am strongly in favor of this amendment.

Signature 

1.15.14
Date

Map

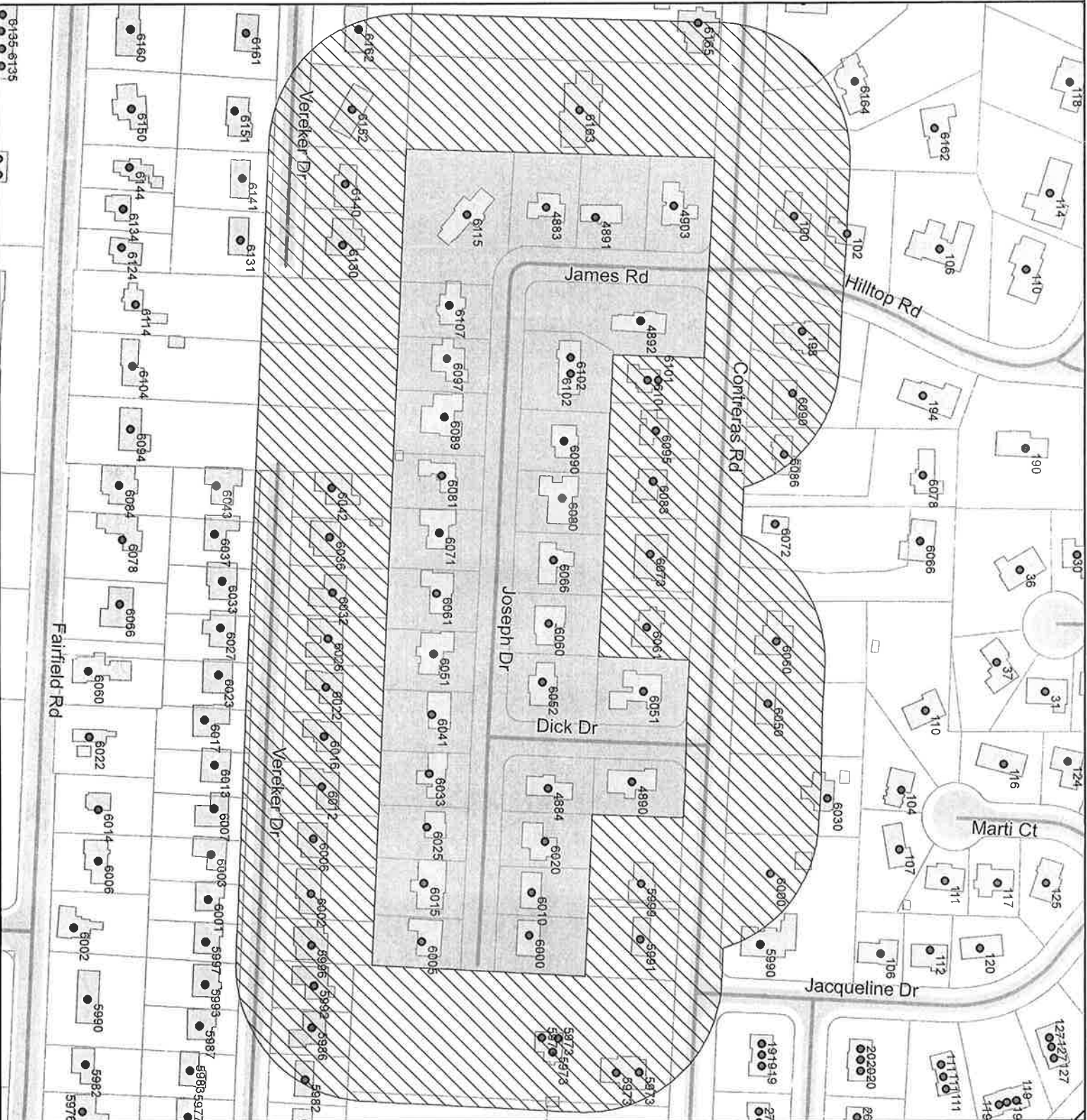
Legend

- | | |
|---|--------------------------|
|  | Subject Area |
|  | 200 Ft. Buffer |
|  | Oxford Corporation Limit |
|  | Parcel |
|  | 16.5' Vacated ROW |
|  | Building Footprint |
|  | Paved Roadway |

1 inch = 200 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.



Zoning Map Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant:

City of Oxford
(Attach a Letter of Agency if the applicant is not the property owner.)

Mailing Address:

101 E. High St

Telephone Number(s)

422-8092 Email Address _____

Location of Property:

(Indicate address if there is an existing structure or subdivision name and lot number if subdivided.)

Legal Description:

Total Area:

_____ Acres / Square Feet (circle one)

Existing Use of Property:

Current Zoning:

Proposed Zone(s):

Proposed Use:

overlay district

SUBMISSION REQUIREMENTS

Please submit a vicinity map, at scale and a metes and bounds description of the property, the statement described below and the required fee of **\$150.00 plus actual postage**, made payable to the City of Oxford. The entire submission must be prepared in accordance with Chapter 1135, Zoning Code Amendments, of the City of Oxford Zoning Code.

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways. NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number. *Property Owner names will not be provided in the agenda packet.

Attach a statement which responds to the following questions:

- What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?
- How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.
- How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?
- What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).
- Why is the current zoning classification of the property no longer appropriate?

All materials and application fee must be delivered to the office of Community Development, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. Submit materials 45 days prior to the proposed meeting date.

NOTE: Incomplete applications will not be processed. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.

SIGNATURE OF APPLICANT:

Date: 12/27/13

PRINTED NAME:

FEE / RECEIPT

\$150 Fee plus Actual Postage Paid / Receipt Number: NA

RESOLUTION NO. 4798

RESOLUTION OF COUNCIL ACCEPTING THE PETITION TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The Clerk of Council and the Community Development Director have determined that the Petition to establish a Neighbor Conservation Overlay District as set forth on Exhibit "A" attached hereto conforms with the petition requirements and recommends that the petition be referred to the Oxford Planning Commission to make recommendations to City Council.

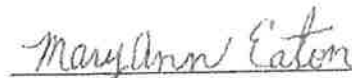
SECTION 2: City Council accepts the recommendation of the Clerk of Council and the Community Development Director and further refers the petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto to the Oxford Planning Commission to make recommendations to City Council.

SECTION 3: This resolution shall take effect at the earliest date allowed by law.


MAYOR

ADOPTED: December 3, 2013

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 3, 2013

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

November 20, 2013
Date Prepared

Agenda Title:	Resolution Accepting a Petition to Establish a Neighborhood Conservation Overlay District and Referring the Petition to the Planning Commission for Recommendation
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Recommendation:	Approval
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Discussion:

The Residential Conservation Overlay District legislation 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 more than two unrelated individuals. The process to establish an overlay district begins with a petition with signatures of more than two-thirds of property owners within the proposed district. This petition goes before the City Council for acceptance and the petition is then referred to the Planning Commission for recommendation.

This petition was filed by residents of the area in the vicinity of Contreras Road, James Road, Dick Road and Joseph Drive. There are a total of twenty-nine parcels contained in this petition. The petition showed that there were 21 signatures obtained and the date when the owners signed the petition. A map of the proposed area is attached illustrating the area for consideration.

The City Clerk received the petition and worked with the Community Development Department to go through the ownership information and validate the signatures of all the petitioners. The signatures in this petition exceeded the two-third requirement of the parcel owners of this petitioned area. Additionally, the boundary of the proposed overlay district also satisfies the general boundary requirements of the overlay district.

This is the first step in creating a conservation overlay district and requires City Council to formally accept the petition and forward this petition to the Planning Commission for recommendation. Staff recommends approval of this resolution.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial	Date
JHC	11/21/13

ORDINANCE NO. 3187

AN ORDINANCE ADOPTING OXFORD CODE OF ORDINANCES CHAPTER 1146, NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Council hereby finds that the City of Oxford Planning Commission held a public hearing on August 14, 2012, and following the public hearing, did deliberate. As result of that deliberation, the Planning Commission recommended adopting Oxford Code of Ordinances Chapter 1146, Neighborhood Conservation Overlay District.

SECTION 2: Council hereby adopts Oxford Code of Ordinances Chapter 1146, Neighborhood Conservation Overlay District as follows:

1146.01 PURPOSE AND OBJECTIVES.

The Neighborhood Conservation Overlay District (hereinafter referred to as "Overlay District"), R1A(O), R1B(O), R2A(O), R1MS(O), R2MS(O), R3MS (O) and MU(O) is a zoning classification that permits owners of properties within R1A, R1B, R2A, R1MS, R2MS, R3MS, and MU residential zoning districts to petition City Council to establish an Overlay District and district use regulations in their residential neighborhood in order to restrict rental use of one-family dwellings. The Overlay District establishes restrictions intended to preserve the attractiveness, desirability and privacy of residential neighborhoods by precluding all or certain types of rental properties, thereby precluding the deleterious effect rental properties can have on a neighborhood such as property deterioration, increased density, congestion, and noise and traffic levels leading to the reduction of property values. The goals of the Overlay District are to allow owners of properties within residential neighborhoods to control occupancy by unrelated persons in one-family dwellings within their neighborhood. It is also the purpose of the Overlay District to achieve the following objectives:

- (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-occupied character of the neighborhood.
- (3) To prevent excessive traffic and parking problems in the neighborhoods.

1146.02 USES PERMITTED.

Uses permitted in the R1A(O), R1B(O), R2A(O), R1MS (O), R2MS(O) R3MS(O) and MU(O) Overlay District are as follows:

- (1) Single family dwellings, except there shall not be more than two unrelated persons residing in a dwelling unit, or where there are more than two persons residing in a dwelling unit, persons classified as constituting a family shall be limited to relations by blood, marriage or adoption, including minor children in the lawful custody of an adult member.

- (2) Anyone seeking the rights and privileges afforded a member of a family by this code shall have the burden of proof by clear and convincing evidence of their family relationship.
- (3) Any other permitted and/or conditional uses of the underlying district.

1146.03 PROCEDURES.

The following procedures must be complied with in order to establish an Overlay District.

- (1) A petition requesting an Overlay District must be submitted to the City Clerk on forms provided by the City Clerk. The petition requirements are as follows:
 - a. The petition must clearly describe the specific boundary where the Overlay District is to be located.
 - b. Each petition must be circulated by a person who owns property within the proposed district and be signed by the circulator.
 - c. The petition must contain the signatures and addresses of two-thirds of parcel owners within the proper boundary of the Overlay District, exclusive of public property. Jointly-owned parcels will be considered owned by a single person for purposes of petitioning, and any co-owner may sign a petition for such parcel. Only one owner of each parcel will count towards the two-thirds requirement. If a person owns more than one parcel of property within the proposed district, that person may sign the petition for each parcel he or she owns.
 - d. Each person signing the petition must also enter on the petition, adjacent to their signature, the date the person signed the petition.
 - e. The petition must accurately advise the signer of the restrictions that would be imposed on the property if the Overlay District is established.
 - f. The proposed boundary may not overlay a boundary of an existing Overlay Districts or the boundary of an Overlay District that is already the subject of an introduced ordinance pursuant to this section.
 - g. When submitted, no signature dated earlier than six months prior to the time the petition is filed with the City Clerk shall be counted in determining the validity of the petition.
 - h. A minimum of ten adjacent parcels must be included in the proposed Overlay District, clearly bounded in a geographically logical way (for example two adjacent block faces, an entire block, a cul-de-sac) that does not cross any physical barrier in a single parcel extension fashion. In no instance shall the proposed boundary create an island surrounded by the proposed district. City Council may waive this minimum number of parcels/structure requirement, but only after a positive recommendation from the Planning Commission.

(2) Upon presentation to the City Clerk for review, the Clerk shall verify the signatures on the petition. If an insufficient number of signatures are presented, the Clerk shall return the petition to the person filing the petition and identify the valid and invalid signatures. If sufficient valid signatures are presented, the Clerk shall refer the petition to the Community Development Department, which shall within fifteen (15) days, determine whether the petition is in conformity with the remaining conditions of this section.

- a. If the petition is determined to be in conformity with the requirements of this section, the Clerk shall place this petition before the City Council for acceptance by adopting a Resolution to refer this petition to the Planning Commission for recommendations.

Upon receipt of a petition to establish an Overlay District, the Zoning Administrator shall then place this matter before the Planning Commission at the earliest possible meeting date, in accordance with the zoning map amendment procedures set forth in Chapter 1135, Zoning Code Amendment. All procedure set forth in Chapter 1135 shall be followed.

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.

c. If the petition is not in conformity with the requirement of this section, the Zoning Administrator shall reject the petition and return it to the Clerk with a written explanation as to why the petition does not meet the requirements of this section. The Clerk shall then forward the petition and the explanation to the person who filed the petition.

d. If the petition is rejected for failure to comply with the boundary requirements, it may be resubmitted with the corrected property boundary lines and accompanied by certification that a copy of the petition and written notice explaining the correction of the nonconformity was mailed to each property owner affected by the change, notifying them their property was either added or deleted from the petition and whether the correction to the boundary line means the petition still meets all other requirements of the Code.

e. If the petition is rejected for an insufficient number of valid signatures, it may be resubmitted with the additional signatures necessary for compliance as long as the other signatures remain valid.

f. Any resubmission after the initial petition has been rejected by the City must be filed within 60 days from the date of receipt of the rejection letter from the Clerk. Failure to meet this deadline shall constitute the petition being denied.

(3) Subsequent to the petition to establish an Overlay District, the circulator(s) of the petition for the proposed Overlay District or a majority of those persons who signed the petition for an Overlay District may file a written request with the City to table consideration of further proceedings toward the adoption of the Overlay District for 60 days in order to allow the submission of an alternate petition for a different boundary for the Overlay District. After the public hearing, the Planning Commission shall make its recommendations to City Council for legislative action.

1146.04 EFFECT OF OVERLAY DISTRICT.

a. Upon the passage of an ordinance by City Council establishing an Overlay District, no initial rental unit license shall be issued to an owner of property in the Overlay District that is inconsistent with the restrictions of the Overlay District, and it shall be unlawful to use or allow any property to be used except in conformity with requirements of the underlying zoning district and Overlay District.

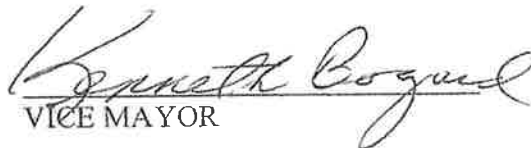
Any property in the Overlay District that has an existing rental housing permit shall be allowed to continue its use and occupancy in accordance with the law existing prior to the date of the adoption of the Overlay District. If an owner surrenders an existing license or allows, either intentionally or unintentionally, a license to remain expired for more than one year, any subsequent use of the property shall be subject to the restrictions imposed by the Overlay District.

- b. Except as set forth in Section 1146.03(3), if a petition pursuant to this section is denied, a subsequent petition for an Overlay District that includes the same parcels may not be filed for one year following the denial of the previous petition.
- c. Any Overlay District petition not adopted within six months of its filing shall be deemed denied unless the petition was tabled or otherwise delayed pursuant to Section 1146.03(3).

1146.05 AMENDMENTS TO AN EXISTING OVERLAY DISTRICT.

- a. Adding parcels to an existing Overlay District – Any number of properties that are adjacent to an existing Overlay District may be added to the district, and those property owners may file a petition and follow the procedure as described in Section 1146.03. Those petitioned parcels will generally conform to the boundary criteria as described in Section 1146.03(1)(h). The number of signatures required is based upon the total parcels, including the existing Overlay District. The process is outlined in Section 1146.03.
- b. Removing parcels from an existing Overlay District – Any property owner of an existing Overlay District may petition to be removed from the Overlay District. The number of signatures required is also based on the total parcels, including the existing Overlay District. Those remaining parcels will generally conform to the boundary criteria as described in Section 1146.03(1)(h). The petition process is outlined in Section 1146.03.

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


VICE MAYOR

ADOPTED: September 18, 2012

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

RECEIVED

NOV 08 2013

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PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT FOR
WESPEISER PLACE, 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.

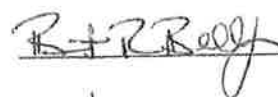
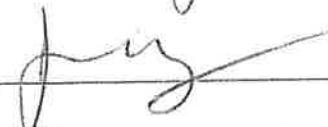
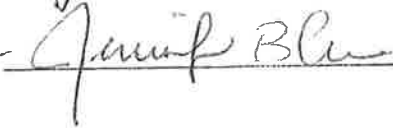
PLEASE SEE THE ATTACHED MAP FOR EXACT BOUNDARIES:

EAST BOUNDARY: THE EAST PROPERTY LINES OF THE TWO PROPERTIES AT THE EAST END OF JOSEPH DRIVE.

NORTH BOUNDARY: THE PROPERTY LINES OF THOSE HOUSES ON THE NORTH SIDE OF JOSEPH DRIVE, THE CONTRERAS ROAD BOUNDARIES OF 4890 DICK DRIVE, AND OF THE CONTRERAS ROAD BOUNDARY OF 4892 JAMES ROAD AND 4903 JAMES ROAD.

WEST BOUNDARY: THE WEST PROPERTY LINES OF THE WEST PROPERTIES ON JAMES ROAD.

SOUTH BOUNDARY: THE SOUTH PROPERTY LINES OF THE SOUTH PROPERTIES ON JOSEPH DRIVE.

DATE	NAME	SIGNATURE	ADDRESS
Oct. 19, 2013	William Fisher		4883 James Rd.
10/19/13	Vincent Cirrito		4903 James Rd.
10/19/13	Dennis Cheatham		4891 James Rd.
10/19/13	Robert Bell		6115 Joseph Dr.
10/19/13	Jerome Rosenberg		6107 Joseph Dr.
10/19/13	Jennifer Blue		6089 Joseph Dr.

PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT FOR WESPEISER PLACE,
OXFORD, OHIO

DATE	NAME	SIGNATURE	ADDRESS
10-19-31	LORRAINE C DONNEL	<i>Loraine C Donnell</i>	6090 Joseph Dr.
10/19/13	Jacob Tanski	<i>Jacob Tanski</i>	6080 Joseph Dr.
10/19/13	Howell C Lloyd	<i>Howell Lloyd</i>	6097 Joseph Dr.
10/19/13	Pam Termeer	<i>Pam Termeer</i>	6052 Joseph Dr.
10/19/13	Lynette Hudiburg	<i>Lynette Hudiburg</i>	6000 Joseph Dr.
10/19/13	Clark Ginapp	<i>Clark Ginapp</i>	6005 Joseph Dr.
10/19/13	DONALD NELSON	<i>Donald Nelson</i>	6020 Joseph Dr.
10/19/13	E. M. Bergman	<i>E. M. Bergman</i>	6025 Joseph Dr.
10/19/13	Darlin Haynie	<i>Darline Haynie</i>	6041 Joseph Dr.
10/19/13	Deborah Pitts	<i>Deborah Pitts</i>	4892 James Rd.
10/21/13	PATRICIA S. BARNER	<i>Pam S. Barner</i>	6066 Joseph Dr.
10/21/13	Joseph Schroer	<i>Joseph Schroer</i>	6081 Joseph Dr.
10/25/13	Wm. Welkie	<i>Wm. C. Welkie</i>	6033 Joseph Dr.

ADDRESS

4884 Dick Rd.

6060 Joseph Dr.

6015 Joseph Dr.
