

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: September 4, 2012

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

August 27, 2012

Date Prepared:

Agenda Title: PC-09-2012 Zoning Code Text Amendment – To Create a new Chapter 1146- Neighborhood Conservation Overlay District (NCD)
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Recommendation: Approval

Discussion:

The purpose of this text amendment is to create a new overlay district to allow neighbors to petition for a Neighborhood Conservation Overlay District and the process of moving this petition forward.

The Housing Advisory Commission brought this issue to the Planning Commission for consideration last year. The HAC has been sharing their concerns with the Commission and Council about the loss of owner-occupied residential dwellings and has been committed to devise ways to preserve the remaining owner-occupied dwellings from being turned into rental properties. The Planning Commission also had a work session with the City Council to promote this overlay district at the beginning of this year.

This overlay district was modeled after the East Lansing Residential Rental Restriction Overlay District. The concept is fairly straight forward and was developed by a neighborhood-driven petition asking that an overlay district be placed on their neighborhood to restrict properties from being rented to unrelated tenants.

This is a tool that would be available for neighbors to protect their neighborhoods. It is a petition process to empower the neighborhoods to take this issue to their neighbors and work together to preserve and maintain the traditional character of their neighborhood. Because this is a newly developed petition process, the standards of map amendment criteria must be modified to reflect the intent of this overlay district.

The Planning Commission held its public hearing on August 14, 2012 and voted 7-0-0 to recommend Council approval.

Approved By:

Department Head: City Attorney: City Manager:
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JHC / 8/27/12
DRC / 8/28/12

ORDINANCE NO.

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.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	August 27, 2012
<u>Case Number</u>	PC-09-2012
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Code Text Amendment
<u>Summary of Request</u>	ZONING CODE TEXT AMENDMENT to create a new Chapter, 1146 Neighborhood Conservation Overlay District (NCD), City of Oxford, Applicant
<u>Public Hearing Information</u> <u>Commission Action</u>	On August 14, 2012 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on July 13, 2012. The Planning Commission voted 7-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Code Text Amendment approval so that neighborhoods can preserve and maintain the traditional character of their neighborhood.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated July 26, 2012 2. Interoffice Review Transmittal Sheets 3. Zoning Code Text Amendment Application dated June 11, 2012 4. Chapter 1146, Neighborhood Conservation Overlay District Language

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-09-2012

Date – August 14, 2012

APPLICATION

Applicant:	City of Oxford
Action Request:	Zoning Code Text Amendment- To create a new Chapter 1146 - Neighborhood Conservation Overlay District (NCD)

DESCRIPTION

This application is to create a new overlay district to preserve the neighborhood character by enacting some additional regulations to manage the conversion of owner-occupied dwellings to rental properties. The purpose of this overlay district is to provide a petition mechanism to preserve and protect existing neighborhoods and minimize the adverse impact from this conversion. This overlay district is designed as a grass-roots initiative to allow neighbors to have better control of their neighborhoods. This initiative has been developing for some time by the Housing Advisory Commission to make recommendations to City Council to promote certain areas in the Mile Square as still attractive for prospective homeowners to consider purchasing.

ZONING CODE

None

COMPREHENSIVE PLAN

Some of the key directions of the Comprehensive Plan are as follows:

- Preserve the small town character
- Enhance the Mile Square to preserve the traditional character of Oxford

The Conservation and Development map identifies existing residential neighborhoods intended to stabilize and enhance existing neighborhoods within the Mile Square, which include the maintenance and improvements to private and public property that reflect the traditional neighborhood character.

Land use objectives:

1. Enhance neighborhoods within the Mile Square
LU 2.1 Continue to promote diversity of housing opportunities in the Mile Square. Work towards a compatible zoning district with the County and Township to manage rural development.
7. Preserve open space and farmland, and expand existing open space areas
LU 7.4 Work toward adopting and promoting a new zoning designation to protect agricultural land.
LU7.6 Implement alternative cluster style subdivision development to encourage preservation of natural areas and farmlands as areas are developed.

Housing objectives:

1. H1.1 Ensure a quality residential environment through improved housing standards.
2. H1.3 Partner with local organization to support property improvements.
3. H3.4 Create a Neighborhood Improvement District to heighten code enforcement and support neighborhood improvements.

4. H3.5 Encourage rental units to meet the needs of the year-round resident population.
5. H5.2 Encourage rehabilitation of owner-occupied structures 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:	No comments returned
Fire:	Returned with no comment
Engineering:	Returned with no comment
Econ. Dev.	No comments returned

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

The Housing Advisory Commission (HAC) has been instrumental in looking into an overlay district to protect some remaining neighborhoods from being turned into rental properties. At the request of the HAC, a presentation was made to the Planning Commission for their consideration in 2011. Additionally, the Planning Commission also met with the City Council in a work session format in January 2012 to outline several items that the Commission has planned to work on and sought input from the City Council for direction of those items. One of the items identified was the neighborhood rental restriction overlay district. City Council felt those items were priority items for the Planning Commission to move forward to develop draft language and to solicit public input.

The impetus of neighborhood conservation has been the heightened concern of losing the remaining traditional neighborhoods to rental properties. The increasing demand for rental housing in the last several years has caused many owner-occupied properties in the Mile Square to succumb to market pressure and sell to then become rental property. This trend has drained the quality character of traditional neighborhoods causing a domino effect for the owner-occupied who vacate their properties to be available for sale due to conflicts between renters and owner-occupied properties. Common problems perceived as factors leading to the decline of neighborhood quality associated with rental properties are property deterioration, noise and traffic, and life style differences.

Considering the enormous market dictating the fate of our neighborhoods, it would be relatively feasible to protect existing owner-occupied properties than attempt to turn the market around. This is the rationale behind the Housing Advisory Commission asking that the Planning Commission consider an overlay district to preserve existing neighborhoods by considering this proposed language.

The language was modeled after the East Lansing Residential Rental Restriction Overlay District. The concept is fairly straight forward and was developed by a neighborhood-driven petition asking that an overlay district be placed on their neighborhoods to restrict properties from being rented to unrelated tenants. There are several types of overlay districts in East Lansing, Michigan. Given the size of Oxford, it may be more feasible to have one overlay district to start. Since the legislation has been in place in East Lansing for many years and the number of neighborhoods petitioned to have overlay districts has increased every year, it would be evident to say the program is moving the right direction to encourage property owners to participate into this program.

Repopulating the Mile Square with permanent residents has been the goal for many community members, this may be the first step in initiating this effort to protect and preserve the neighborhoods. This is a grass-roots petition process to empower the neighborhoods to take this issue to their neighbors and work together to preserve and maintain the traditional character of their neighborhoods. Because this is a newly developed petition process, the standards of map amendment criteria must be modified to reflect the intent of this overlay district.

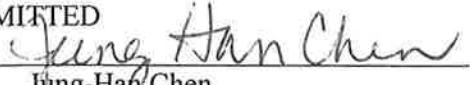
RECOMMENDATION:

Staff has been working with the Housing Advisory Commission for some time on this issue. Additionally, during a joint work session between the Planning Commission and City Council, the idea of providing a mechanism to preserve existing neighborhoods was considered a priority item.

Staff is **recommending approval** of this proposed overlay district for the reasons stated above.

SUBMITTED

BY:


Jung-Han Chen
Community Development Director

DATE: July 26, 2012

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 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.

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.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/2/2012

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

**PC-09-2012 ZONING CODE TEXT AMENDMENT to create a new Chapter 1146 -
Neighborhood Conservation Overlay District (NCD), City of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/7/2012** 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 Detherage, Fire Chief

Date: 8-3-12

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/2/2012

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

**PC-09-2012 ZONING CODE TEXT AMENDMENT to create a new Chapter 1146 -
Neighborhood Conservation Overlay District (NCD), City of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/7/2012** 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: _____



Victor Popescu, City Engineer

Date: 8-2-12

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/2/2012

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

**PC-09-2012 ZONING CODE TEXT AMENDMENT to create a new Chapter 1146 -
Neighborhood Conservation Overlay District (NCD), City of Oxford, Applicant**

 X Review Revisions Other

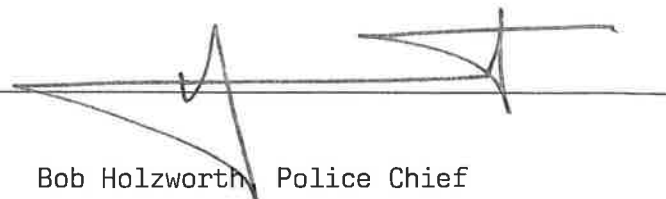
Comments or status update requested by: Lynn Taylor

Please return no later than: **8/7/2012** 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:


Bob Holzworth, Police Chief

Date: 8/6/2012

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/2/2012

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

**PC-09-2012 ZONING CODE TEXT AMENDMENT to create a new Chapter 1146 -
Neighborhood Conservation Overlay District (NCD), City of Oxford, Applicant**

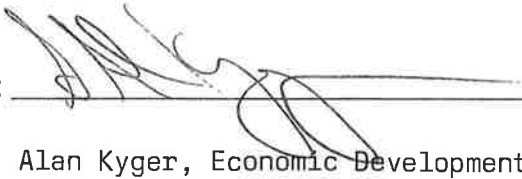
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/7/2012** 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:


Alan Kyger, Economic Development Director

Date: 8-7-2012

PC-09-2012

Case No.: PC-09-2012
Date Filed: 6/11/12**Zoning Code Text Amendment Application**
City of Oxford, OhioAugust
mtg 7/13
paper**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.
Oxford, OH 45056

Telephone Number(s)

(513) 524-5204

Email Address

SUBMISSION REQUIREMENTS

A written, detailed description, where applicable, is required for each subsection.

Neighborhood Conservation
Overlay District

All applications must include:

- A. A general description of the proposed amendment.
- B. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
- C. A statement that identifies potential negative consequences of the proposed amendment.
- D. Any existing section number and text that is proposed to be deleted or amended.
- E. Any new or amended text as it is proposed to be codified including its proposed location in the Code.
(section numbers)
- F. A narrative statement that describes the expected effects of the proposed text.
- G. A narrative statement that compares the expected effects of the proposed text with any existing text
that it will replace, if applicable.

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.

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. The proposed amendment will:

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

All materials and the application fee in the amount of **\$150.00 plus actual postage**, payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056 45 days prior to the proposed meeting date. Any questions should be directed to the Community Development Department at (513) 524-5204.

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:

Jung-Han Chen

Date:

5/25/12

PRINTED NAME:

Jung-Han Chen

FEE / RECEIPT

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

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: September 3, 2012

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

August 23, 2012

Date Prepared

Agenda Title:	Board of Zoning Appeals Meeting Report – August 15, 2012
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Recommendation:	N/A
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Adjudication Hearings:

BZA-08-2012 201 E. Chestnut Street, Miami Village, variance to Sections: 1137.08(e) occupancy reduction; 1141.03(a) multiple buildings on a lot; 1143.06(c)(2)(A) front yard setback; 1143.06(c)(4)(A)(1) lot coverage; 1149.03(e) parking spaces; 1149.04(3) parking setback; 1149.05(e)(4)(F) parking islands; 1149.05(e)(5)(B)(1)(a) parking trees; 1149.05(e)(4)(B) perimeter screening, **Scott Webb, Applicant, Agent**

The Applicant wished to Continue BZA-08-2012 in order to be heard before a full Board.

BZA-09-2012 Vine Street, Parcel #H4100006000035 variance to Sections 1141.03(b) principal entrance upon an alley and 1143.03(c)(3)(D)(3) front yard coverage, **Dave & Pamela Kellems, Applicants**

The Applicant wished to Continue BZA-09-2012 in order to be heard before a full Board.

Both BZA-08-2012 and BZA-09-2012 Public Hearings were Opened and Continued by the Board.

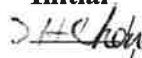
New Business:

None

Old Business:

None

The next BZA meeting will take place on September 19, 2012 at the Oxford Courthouse.

Approved By:	Department Head:	Initial	Date
	City Attorney:		8/25/12
	City Manager:		8/31/12

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: September 4, 2012

Account Code #: N/A

Budgeted Amount: N/A

Service Department
Originating Department

Michael Dreisbach, Service Director
Prepared By

August 23, 2012
Date Prepared

Agenda Title: Dana Drive Bridge Replacement – Application for Ohio Public Works Commission Issue-1 Funding.

Recommendation: Approve

Discussion: A recent inspection of the Dana Drive bridge over Collins Run (Southern Knolls) indicated accelerating deterioration on the bridge decking and foundation concrete. While this structure has been inspected annually for several years, current conditions make it prudent to begin planning for replacement of the structure.

Ohio Public Works Commission - Issue 1 funds, administered by the Butler County Engineer's Office, are available to local governments for projects that improve safety. The City of Oxford, through an application process, has the opportunity to receive Issue 1 funds to be used for the replacement of the Dana Drive bridge. The new structure will likely be a precast box culvert with new decking, sidewalks, and railings. The project would also replace water main in the creek channel as well as relocation of a utility pole in the channel. Total project costs are estimated to be approximately \$250,000. The City may be eligible to receive approximately \$172,500 from the Commission. The City would be required to provide approximately \$77,500 as the local match to completely fund the project. The local funding would be required in FY 2014 as we would contract for the work in December of 2013 for construction in the summer of 2014.

The cost sharing ratio for this project is approximately 69% OPWC and 31% City. Construction would be timed to try to minimize impact on area residents and school bus transportation for Talawanda School District.

The City's application for funding, should Council approve the project, will include the following project schedule with **construction in 2014:**

Project Engineering	October 2012 through October 2013
Bid Advertising and Award	October 2013 – November 2013
Construction	May 2014 through August 2014

It is Staff's recommendation that Council authorize the City Manager to apply for and sign all documents necessary to receive a grant from the Ohio Public Works Commission for the reconstruction of the Dana Drive bridge over Collins Run.

Approved By:

Department Head:

City Manager:

Initial Date
MBD \ 9/23/12

DRK \ 9/31/12

RESOLUTION NO.

A RESOLUTION OF COUNCIL SUPPORTING THE SUBMISSION OF A GRANT APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION ISSUE 1 FUNDS IN THE AMOUNT OF \$172,500.00 TO BE USED FOR THE RECONSTRUCTION OF THE DANA DRIVE BRIDGE OVER COLLINS RUN.

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

SECTION 1: Council, having determined the reconstruction of the Dana Drive Bridge over Collins Run to be beneficial to the City, hereby supports the use of grant funds to assist with the cost of the reconstruction of the Dana Drive Bridge over Collins Run.

SECTION 2: Council hereby authorizes the City Manager to submit a grant application to the Ohio Public Works Commission requesting Issue 1 funds for the reconstruction of the Dana Drive Bridge over Collins Run.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: September 4, 2012

Account Code #: 141.720.50802

Budgeted Amount: \$199,000.00 (DRAFT BUDGET)

Service Department
Originating Department

Michael B. Dreisbach, Service Director
Prepared By

August 23, 2012
Date Prepared

**Agenda Title: Preliminary Legislation – Local Public Agency (LPA) Agreement with the Ohio Department of Transportation to Participate in an Urban Paving Project
ODOT PID #86833 BUT SR 732 7.82**

Recommendation: Approve

Discussion:

The Ohio Department of Transportation (ODOT) has evaluated the road condition of certain sections of state routes passing through the corporate limits of Oxford. ODOT has proposed a construction project to improve the street surface condition of SR 732 (Chestnut Street) from Main St. to Oxford-Reily Road. The scope of work would include a complete milling of the roadway surface up to six inches in depth, replacement of concrete asphalt base and surface courses, and replacement of street markings. ODOT would pay 80% of *eligible* project costs under their Urban Paving Program while the City (the Local Public Agency, LPA) would be responsible for 20% of the project costs plus 100% of local costs.

Preliminary legislation is required to proceed with this project with a total project cost of \$431,500. Current estimates indicate the local cost to Oxford for this project will be approximately \$199,000. Council has tentatively approved \$199,000 for this project in the 2013 Capital Improvement Budget. Specific City responsibilities are outlined in the Preliminary Legislation document under Section III and are paid 100% with local funds. In essence, the Federal / Local cost sharing is 54% / 46%.

The current schedule for this project includes the award of a construction contract in late March 2013, with work beginning in late May and construction being complete by late June.

Staff recommends City Council approve this Resolution authorizing the City Manager to sign the attached Preliminary Legislation as well as to enter into contracts with the Ohio Department of Transportation to complete ODOT project PID #86833.

Approved By:

Department Head:

Initial Date
MBD 8/23/12

City Manager:

MBD 9/31/12

RESOLUTION NO.

A RESOLUTION BY THE OXFORD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF STATE ROUTE 732 (CHESTNUT STREET) FROM MAIN STREET TO OXFORD-REILY ROAD. (PID NO. 86833)

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

SECTION 1: The Ohio Department of Transportation ("ODOT") has evaluated the road condition of certain sections of state routes through the corporate limits of the City of Oxford.

SECTION 2: ODOT has proposed a construction project to improve the street surface condition of State Route 732 (Chestnut Street) from Main Street to Oxford-Reily Road. (PID No. 86833), the scope of which shall include a complete milling of the roadway surface up to six (6) inches in depth, replacement of concrete asphalt base and surface courses, and replacement of street markings. The total project cost is \$431,500.00.

SECTION 3: ODOT has proposed to pay for eighty percent (80%) of eligible project costs under its Urban Paving Program while the City of Oxford is responsible for twenty percent (20%) of the project costs plus the following local costs:

- 100% of the Preliminary Engineering Phase;
- 100% of the right-of-way costs;
- 100% of the non-State and/or non-Federal share of the construction costs; and
- all costs for added construction items requested by the sponsor which are not necessary for the improvement as determined by the State and Federal Highway Administration.

SECTION 4: All rights-of-way required for this project will be acquired and/or made available in accordance with current state and federal regulations.

SECTION 5: All utility accommodation, relocation and reimbursement will comply with the current provisions of 23 C.F.R. §645 and the ODOT Utilities Manual.

SECTION 6: Upon completion of the project, the City shall (1) provide adequate maintenance for the project in accordance with all applicable state and federal law; (2) provide ample financial provisions, as necessary, for the maintenance of the project; (3) maintain the rights-of-way, keeping them free of obstructions; and (4) hold the rights-of-way inviolate for public purposes.

SECTION 7: Current estimates indicate the local costs to the City of Oxford for this project are approximately \$199,000.00.

SECTION 8: City Council tentatively approved \$199,000.00 for this project in the 2013 Capital Improvement Budget. City Staff recommends any amount beyond \$199,000.00 for this project be taken from 141.720.51000 (Street Resurfacing) funds.

SECTION 9: The City Manager recommends that City Council authorize the Director of Transportation to complete the above described project.

SECTION 10: City Council hereby accepts the recommendation of the City Manager and authorizes the Director of Transportation to complete the above described project.

SECTION 11: City Council hereby authorizes the City Manager or his designee to enter into an Agreement with the State of Ohio Department of Transportation for the resurfacing of State Route 732 (Chestnut Street) from Main Street to Oxford-Reily Road (PID 86833), a copy of which is attached hereto and incorporated by reference as Attachment "A," and to take all steps necessary to complete the project including the execution of all required forms.

SECTION 12: The Clerk of Council shall transmit to the Director of Transportation a fully executed copy of this Resolution and the attached Agreement following its passage.

SECTION 13: This Resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

PRELIMINARY LEGISLATION

Rev. 6/26/00

Ordinance/Resolution # _____
PID 86833
BUT-732-7.82

The following _____ is enacted by the _____ of _____ ,
(Ordinance/Resolution) (Local Public Agency) (City/Village Name)
Butler County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter
of the stated described project.

SECTION I – Project Description

WHEREAS, the LPA/STATE has identified the need for the described project:

**Urban Paving Project to plane and resurface a portion of SR 732 (W. Chestnut St.) in the
City of Oxford.**

NOW THEREFORE, be it ordained by the _____ of _____ ,
(LPA) (City/Village Name)
Ohio,

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the
above described project.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City will be responsible for:

- **100% of the Preliminary Engineering Phase**
- **100% of the Right-of-Way Costs**
- **100% of the non-State and/or non-Federal share of the Construction Costs**
- **All costs for added construction items requested by the sponsor which are not necessary
for the improvement as determined by the State and the Federal Highway Administration**

SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made
available in accordance with current State and Federal regulations. The LPA also understands that right-
of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the
current provisions of 23 CFR 645 and the ODOT Utilities Manual.

(President of Council)

CERTIFICATE OF COPY
STATE OF OHIO

City of Oxford of _____ County, Ohio
(LPA)

I, _____, as Clerk of the _____ City
(LPA)
of _____ Oxford _____, Ohio, do hereby certify that the foregoing is a true and
(City/Village Name)
correct copy of _____ adopted by the legislative Authority of
(an Ordinance/a Resolution)
the said _____ City of Oxford _____ on the _____ day of _____, 2_____,
(LPA)
that the publication of such _____ has been made and certified of record
(Ordinance/Resolution)
according to law; that no proceedings looking to a referendum upon such _____
(Ordinance/Resolution)
have been taken; and that such _____ and certificate of publication thereof
(Ordinance/Resolution)
are of record in _____
(Ordinance/Resolution) (Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this _____ day of _____, 2_____.

(Clerk)

(SEAL)
(If Applicable)

City of _____ Oxford _____, Ohio.
(LPA) (City/Village Name)

The foregoing is accepted as a basis for proceeding with the project herein described.

For the _____ City _____ of _____ Oxford _____, Ohio
(LPA) (City/Village Name)

Attest: _____, Date _____
(Contractual Officer)

.....

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: September 4, 2012

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

August 29, 2012
Date Prepared

PLANNING COMMISSION MEETING REPORT – August 14, 2012

Concept Review:

Robert Fiorita of New Village Communities was present to request feedback on his concept for the “old Wal-Mart site” at 419 South Locust Street. The concept is still centered around 272 residential beds, but anchored and surrounded by commercial tenant space. Mr. Fiorita is also requesting feedback on introducing the possibility of the Lane Library as an allowed use on the site. Mr. Fiorita presented three dimensional color renderings of the development and explained the types of tenants and uses they were hoping to attract. Mr. Fiorita explained the differences between the approved plan and the proposed concept. The Planning Commission commented on the concept to assist Mr. Fiorita before he submits a final plan to the Commission for review and Council recommendation.

Public Hearings:

PC-08-2012 ZONING CODE TEXT AMENDMENT to amend 1143.06 Multi-Family Residential (R3) District and 1141.03(a) allowing multi-buildings on a R-3 residential zoning lot, 1149.03(e) off-street parking for multi-family dwelling units, **City of Oxford, Applicant**

Staff presented the recommendation from a subcommittee of the Planning Commission, which sought to lessen the non-conformities in the R-3 district as well as bring the dimensional requirements more in line with what is typical of multi-family districts. The text amendment increases the maximum lot coverage, reduces the parking requirement, standardizes the maximum density and minimum parking requirement, adds professional offices as a conditional use, incentivizes storm water runoff rate reduction, incentivizes alternative transportation and removes the restriction against more than one principal building on a lot for lots under three acres. The text amendment represented months of work by the subcommittee. The Commission made some minor revisions and voted unanimously to send it on to City Council for review.

PC-09-2012 ZONING CODE TEXT AMENDMENT to create a new Chapter, 1146 Neighborhood Conservation Overlay District (NCD), **City of Oxford, Applicant**

Staff presented a recommendation for a new overlay district, which originated from the Housing Advisory Commission. The intent is to allow a group of property owners to voluntarily create an overlay zone in their own neighborhood, of at least 10 land parcels. The overlay zone would increase the likelihood of owner-occupied housing by limiting the number of unrelated persons to two instead of four. This is a land-use overlay zone, not a historical or architectural overlay

zone. The goal of the overlay zone is to maintain the character of existing neighborhoods which may be primarily owner occupied. It provides an avenue for a grass-roots effort of a neighborhood to become formally adopted by the City. The process uses a petition and signatures for evidence. This recommendation represents several months of work by the staff and Housing Advisory Commission. The Planning Commission voted unanimously to send the text on to City Council for review.

Reports:

Staff reported on an available seminar on the "Retrofitting of Existing Housing for Seniors Aging in Place." The seminar is sponsored by the Hamilton County Regional Planning Commission and is the morning of September 14th.

Other Business:

There was no other business at this time.

Next Meeting:

The next Planning Commission meeting is scheduled on September 11, 2012. A work session on the Bike and Pedestrian Plan will also take place prior to the regular meeting, starting at 6:30 p.m. at the Courthouse.

Approved BY:

Department Head:

City Attorney:

City Manager:

Initial Date

JHC / 8/30/12

DRE / 8/31/12

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: September 4, 2012

Account Code #: 322.810.50804

Budgeted Amount: \$100,000

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

August 23, 2012
Date Prepared

Agenda Title: Contract for Improvements to Water Treatment and Distribution Facilities

Recommendation: Approve

Discussion:

The 2012 capital budget includes \$100,000 for the replacement of roof and gutter systems at the Water Treatment Plant and Water Distribution Maintenance facilities. These buildings were constructed in the early 1990's and the shingles are now in need of replacement.

In preparation for this project, the City hired an architect to evaluate the existing roof and gutter systems at the facilities and to recommend and write specifications for the replacement of the roofing systems. Drawings and specifications were developed and advertised for bids in the Oxford Press and Hamilton Journal on July 20 and July 27, 2012. A pre-bid meeting was conducted for interested parties on July 31, 2012 and two bids were opened on August 3, 2012 with the following results:

Robert McConnell dba R&B Contractors	\$ 98,400
Mid-Miami Roofing, Inc.	\$103,584

The City has not had direct experience with the low bidder, Robert McConnell (dba R&B Contractors). Staff checked references provided by the bidder, including work performed at Miami University, and found them to be acceptable. Staff also checked references for listed sub-contractors and found them to be acceptable. They also carried an "A+" rating with the Better Business Bureau.

It is Staff's recommendation that the City Council authorize the City Manager to enter into an agreement with Robert McConnell dba R&B Contractors for an amount of \$98,400. Staff is also requesting a ten percent contingency for this project in the amount of \$9,840. Therefore, the total contract not to exceed amount would be **\$108,240**. As this total exceeds the current line item appropriation, Staff will transfer the necessary funds (< \$20,000) from the surplus remaining from the High St. water main upgrade completed in April of this year.

Approved By:

Department Head:

City Manager:

Initial

Date

MB

8/23/12

[Signature] 8/31/12

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ROBERT MCCONNELL DBA R&B CONTRACTORS FOR THE REPLACEMENT OF ROOF AND GUTTER SYSTEMS AT THE WATER TREATMENT PLANT AND WATER DISTRIBUTION MAINTENANCE FACILITIES AT A COST OF \$98,400.00 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE CONTRACT PRICE OR \$9,840.00 FOR A TOTAL COST NOT TO EXCEED \$108,240.00.

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

SECTION 1: The City advertised for bids in the *Oxford Press* and *Hamilton Journal* on July 20, 2012 and July 27, 2012. Two (2) sealed bids were opened and publicly read on August 3, 2012. The lowest bid was provided by Robert McConnell dba R&B Contractors in the amount of \$98,400.00.

SECTION 2: The City Manager and Service Director recommend Council accept the bid of Robert McConnell dba R&B Contractors as the lowest and best bid for the replacement of roof and gutter systems at the Water Treatment Plant and Water Distribution Maintenance facilities at a cost of \$98,400.00 plus a contingency amount of ten percent (10%) of the contract price or \$9,840.00 for a total cost not to exceed \$108,240.00.

SECTION 3: Council accepts the recommendation of the City Manager and Service Director and accepts the bid of Robert McConnell dba R&B Contractors for the replacement of roof and gutter systems at the Water Treatment Plant and Water Distribution Maintenance facilities at a cost of \$98,400.00 plus a contingency amount of ten percent (10%) of the contract price or \$9,840.00 for a total cost not to exceed \$108,240.00.

SECTION 4: Council further authorizes the City Manager to enter into a contract with Robert McConnell dba R&B Contractors for the replacement of roof and gutter systems at the Water Treatment Plant and Water Distribution Maintenance facilities at a cost of \$98,400.00 plus a contingency amount of ten percent (10%) of the contract price or \$9,840.00 for a total cost not to exceed \$108,240.00.

SECTION 5: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: RICHARD KEEBLER
PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 9/04/12

Heidi Hill
Prepared By

Account Code No. _____

Budgeted Amount: _____ 8/30/2012
Date Prepared

Agenda Title: **3.65 MILL PROPERTY TAX RATE RESOLUTION**

Recommendation: **Approve**

Discussion:

This resolution is the annual standard resolution sent to us from the Butler County Auditor.

The purpose is to legally adopt the Oxford property tax rate for next year as approved by the Auditor's office.

Approved By:

Department Head:
City Manager:

Initial Date

Heidi Hill 8/30/12
DM 8/31/12

RESOLUTION NO.

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION OF BUTLER COUNTY, OHIO AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

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

SECTION 1: Council in accordance with Ohio Revised Code, and having previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2013.

SECTION 2: The Budget Commission of Butler County, Ohio has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation.

SECTION 3: The amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted.

SECTION: 4: There is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation, as set forth on Schedule A attached hereto and incorporated herein by reference:

SECTION 5: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR
(VILLAGE COUNCIL)

Rev. Code, Secs. 5705.34, 5705.35

The Council of the CITY of **OXFORD**, Butler County, Ohio, met in

_____ session on the _____ day of _____, 20_____, at the
(regular or special)

office of _____ with the following members present:

_____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax
Budget for the next succeeding fiscal year commencing **January 1, 2013**; and

WHEREAS, the Budget Commission of Butler County, Ohio has certified its action thereon to this
Council together with an estimate by the County Auditor of the rate of each tax necessary to be
levied by this Council, and what part thereof is without, and what part within the ten mill tax
limitation; therefore be it

RESOLVED, By the Council of the **CITY OF OXFORD** Butler County, Ohio, that the
amounts and rates, as determined by the Budget Commission in its certification, be and the same are
hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said Village the rate of
each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET
COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES

SCHEDULE A				
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES				
FUND	AMOUNT APPROVED BY BUDGET COMMISSION INSIDE 10 MILL LIMITATION	AMOUNT TO BE DERIVED FROM LEVIES OUTSIDE 10 MILL LIMITATION	COUNTY AUDITOR'S ESTIMATE OF TAX RATE TO BE LEVIED	
			INSIDE 10 MILL LIMIT	OUTSIDE 10 MILL LIMIT
GENERAL FUND	1,075,000.00		3.65	
GENERAL BOND RETIREMENT FUND				
PARK FUND				
RECREATION FUND				
FIRE LEVY				
POLICE LEVY				
TOTAL	1,075,000.00	0.00	3.65	0.00

=====

SCHEDULE B

=====

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

=====

FUND	COUNTY AUDITOR'S ESTIMATE OF YIELD OF LEVY (Carry to Schedule A)	MAXIMUM RATE AUTHORIZED TO BE LEVIED
=====		
GENERAL FUND:		
Current expense levy authorized by voters on	,20	
not to exceed years.		

Current expense levy authorized by voters on	,20	
not to exceed years.		

Current expense levy authorized by voters on	,20	
not to exceed years.		

Current expense levy authorized by voters on	,20	
not to exceed years.		

TOTAL GENERAL FUND OUTSIDE 10 MILL LIMITATION	0.00	0.00
=====		
SPECIAL LEVY FUNDS:		
Levy authorized by voters on	,20	0.00
not to exceed years.		

Levy authorized by voters on	,20	
not to exceed years.		0.00

Levy authorized by voters on	,20	
not to exceed years.		

Levy authorized by voters on	,20	
not to exceed years.		

Levy authorized by voters on	,20	
not to exceed years.		

Levy authorized by voters on	,20	
not to exceed years.		

Levy authorized by voters on	,20	
not to exceed years.		

Levy authorized by voters on	,20	
not to exceed years.		
=====		

and be it further

RESOLVED, That the Clerk of this Council be, and he/she is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

_____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Adopted the _____ day of _____, 20____.

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

=====

CERTIFICATE OF COPY

ORIGINAL ON FILE

The State of Ohio, Butler County, ss.

I, _____, Clerk of the Council of the Village of _____,
within and for said County, and in whose custody the Files and Records of said Council are required
by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and
copied from the original _____

now on file, that the foregoing has been compared by me with said original document, and that the
the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 20____

CLERK OF COUNCIL

NOTE: A copy of this Resolution must be certified to the County Auditor before the first day of
October in each year, or at such later date as may be approved by the Board of Tax appeals.

=====

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION
AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.
(VILLAGE COUNCIL)

ADOPTED _____, 20____

FILED _____, 20____

CLERK OF COUNCIL

COUNTY AUDITOR

DEPUTY AUDITOR

=====

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: September 4, 2012

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

August 27, 2012
Date Prepared:

Agenda Title:	PC-08-2012 Zoning Code Text Amendment – To Amend 1141. 03(a) allowing multi-buildings on a R-3 Residential Zoning Lot, and 1143.06 Multi-Family Residential (R3) District and 1149.03(e) off-street parking for multi-family dwelling units.
----------------------	---

Recommendation: Approval

Discussion:

The Planning Commission established a subcommittee to review nonconformities in Oxford related to the Oxford Zoning Code. The Subcommittee was to review regulations and identify any barriers to the redevelopment of underutilized and potentially blighted apartment complexes to encourage quality, infill redevelopment that promotes the goals of the Comprehensive Plan. The Subcommittee decided early on to start with the current R-3 development regulations and address some common nonconformities that are exhibited in those apartment complexes.

Through reviewing existing conditions and issues, researching alternative practices and referencing the vision of the Comprehensive Plan, the Subcommittee prepared some major changes to the existing development regulations of the R-3 District. It was obvious that the existing regulations have significantly hampered redevelopment efforts, but it was not clear the degree of difficulty for redevelopment until the Subcommittee made comparisons between existing regulations with the site conditions of those apartment complexes.

There is a fundamental shift in the mindset within the recommended language that has moved away from a conventional approach. The needs to address storm water run-off, the alternative modes of transportation and the basis for computing maximum density. This Subcommittee also crafted language to provide incentives to increase lot coverage, yet retain storm run-off on site. A summary of those recommended changes are provided for your information.

Proposed 1141.03(a) would allow multi-buildings to be in an R-3 District, providing the site is less than three acres. Current regulations prohibit multi-buildings in any residential, except in a PUD.

Proposed R-3 Multi-Family Residential District: the maximum density would be limited to 450 sq. ft. per person for multi-family dwelling units. The minimum lot coverage is changed from 30% to 50% with the caveat that additional coverage may be permissible, provided best management practices are utilized to retain storm water run-off on site.

Proposed 1149.03(e) dealing with off-street parking requirement: would allow the required number of off-street parking to be based on the number of occupancies. The required number of off-street parking

may be reduced based on various criteria as outlined in the attachment.

The Planning Commission held a public hearing on the matter on August 14, 2012. Based on the presentations from staff and Planning Commission Subcommittee, the Planning Commission voted 7-0-0 to recommend Council approval of these changes to encourage redevelopment of underutilized and/or blighted apartment complexes.

Approved By:

Department Head:

City Attorney:

City Manager:

JHC 8/27/12
DAE 8/31/12

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD ZONING CODE SECTION 1141.03, SUPPLEMENTAL REGULATIONS, SECTION 1143.06, R-3 MULTI-FAMILY RESIDENTIAL DISTRICT, AND SECTION 1149.03, VEHICLE MANAGEMENT, AND ADOPTING NEW OXFORD ZONING CODE SECTION 1141.03, SUPPLEMENTAL REGULATIONS, SECTION 1143.06, R-3 MULTI-FAMILY RESIDENTIAL DISTRICT AND SECTION 1149.03, VEHICLE MANAGEMENT.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on August 14, 2012 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Zoning Code Section 1141.03, Supplemental Regulations, Section 1143.06 R-3 Multi-Family Residential District, and Section 1149.03, Vehicle Management and adopting new Oxford Zoning Code Section 1141.03, Supplemental Regulations, Section 1143.06, R-3 Multi-Family Residential District and Section 1149.03, Vehicle Management.

SECTION II: Council hereby repeals Oxford Zoning Code Sections 1141.03, 1143.06 and 1149.03 and adopts new Oxford Zoning Code Sections 1141.03, 1143.06 and 1149.03 as follows: (additions are **bolded** and deletions are ~~struck through~~).

1141.03 SUPPLEMENTAL REGULATIONS.

In addition to all regulations specified for the Zoning Districts and in other sections of this Ordinance, the provisions of this Section inclusive shall be used for interpretation and clarification.

(a) **One Principal Building Per Lot.** In a Residential district, ~~except for R-3,~~ there shall be no more than one principal building or use on one lot. In commercial or industrial districts, more than one building is permitted provided all other site development regulations of the district are satisfied.

(b) Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall have its principal entrance upon a street bordering such lot. For the purpose of this provision an alley is not considered as a street.

(c) **Setback and Yard Requirements.**

(1) **Corner Lots.**

A. On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located. (See the definition of Yard- front.)

B. On a corner lot, accessory buildings and uses may be located in the side yard with the most distance to the neighboring property or the side yard located at the rear of the house as illustrated in Figure 1. (Corner Lots)

(2) **Double Frontage/ Through Lots.**

A. Buildings on lots having frontage on two streets (double frontage lots) need not have a rear yard setback; however, the required front yard shall be provided on both streets as illustrated in Figure 2.

B. On a double frontage lot, accessory buildings may be located in the front yard located to the rear of the house as illustrated in Figure 2.

(3) **Front Yards.**

A. The width of a lot is measured at the setback line established under the zoning district or on a plat of record on file with the Butler County Recorder.

- B. An average front yard setback may be established when more than 50% of the lots have been developed within that block face. The average front yard setback required shall, in no circumstances, be less than 16.5 feet.
 - C. Lots having frontage along a public street and one alley along the side of the property shall provide a side yard setback along the alley as illustrated in Figure 3.
 - D. Lots having frontage along a public street and one alley at the rear of the property shall provide a rear yard setback along the alley as illustrated in Figure 3.
 - E. Lots having frontage along a public street and two alleys² shall provide a side and rear yard setback along the alleys² as illustrated in Figure 3.
 - F. On any lot, having a portion of its land area vacated by Ordinance No. 103, and ownership of the vacated portion having not been obtained, the front yard setback shall be measured from the 16.5 foot vacated right-of-way line.
 - G. In any instance where the property line is in the center of the street and is not the same as the right-of-way line, the setback shall be taken from the right-of-way.
- (4) Rear Yards.
- A. Rear yard depths may be varied where the rear wall of a building is not parallel with the rear lot line or is broken or otherwise irregular. In such cases, the average depth of the rear yard shall not be less than the required minimum or narrower than 20 feet.

Figure 1: Corner Lots

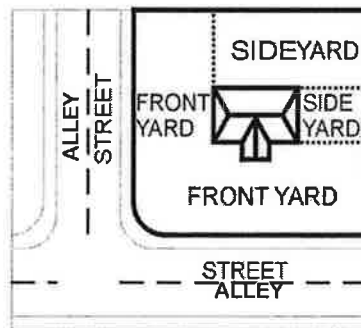


Figure 2: Double Frontage/
Through Lots

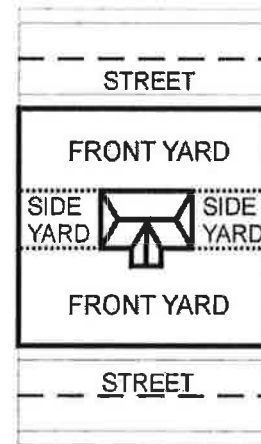
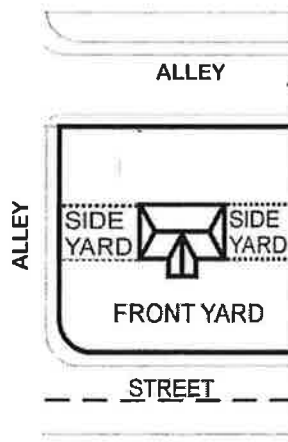


Figure 3: Alley Lots



- (5) Mixed Use Buildings. Where dwelling units are erected above commercial structures in commercial districts, no side yards are required, except such side yard as may be required in the district regulations for a commercial or industrial building on the side of a lot adjoining a residential district.

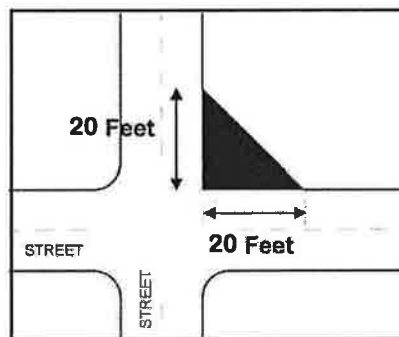
(6) Projections into Required Yards.

- A. Every part of a required yard shall be open to the sky except for accessory buildings and ordinary projections of sills, belt courses, cornices, canopies, eaves, and architectural or ornamental features which may project a distance not to exceed two feet, six inches. (1.5' above)
- B. An open air ramp and necessary landing may project a distance not to exceed six feet.
- C. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed three feet; provided however, that the aggregate width of such projection shall not exceed one-third of the length of the wall upon which they are located.
- D. A porte-cochere may project into a required side yard provided every part of such porte-cochere is unenclosed and shall not be less than five feet from the side lot line. No porte-cochere roof top may be utilized as a deck or outdoor living space unless it satisfies the setback requirements of the district in which it is located.
- E. Stoops or steps to a building entrance, covered or uncovered, may project a distance not to exceed four feet.



(d) Projection into Right-of-Way in the UP Uptown District. No part of a building shall project into the public right-of-way unless specifically allowed by the Oxford Codified Ordinance Chapter 1301, Building Code; or by Chapter 1151, Signs.

(e) Visibility at Intersections. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half and ten feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots a line joining points along such street lines 20 feet from the point of intersection.



Vision Clearance Triangle

(f) Use of the Vacated Right of Way. On any lot, having a portion of its land area, vacated by Ordinance No. 103, the use of that vacated portion shall be restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways, except that in the Uptown District such land vacated by Ordinance No. 103 may be used for municipally-owned parking or municipally-regulated parking and outdoor patio areas as regulated in Section 1143.10 Uptown District Regulations.

(g) Exceptions to Height Regulations.

- (1) The height limitations contained in Chapter 1143 District Requirements do not apply to any agricultural farm structure provided they are located 50 feet or more from a lot line of residentially zoned property.
- (2) Church spires, belfries, cupolas, water tanks, ventilators, chimneys, air conditioning units, elevator bulkheads or other necessary mechanical equipment appurtenances usually required to be placed above the roof level and not intended

for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of an aircraft at an established airport. Such appurtenances shall be positioned, to the extent possible, to minimize the visibility from street level.

(3) Such height regulations shall not apply to fire towers, cooling towers, gasholders or other structures where the manufacturing process requires a greater height. All such structures shall not occupy more than 25 percent of the area of the lot and shall be at least 25 feet in all parts from every lot line.

(4) The height of cell towers and other wireless telecommunication towers are subject to the use-specific regulations of this Ordinance.

(h) Residential Building Additions. No addition to an existing residential building that results in or enables a new dwelling unit shall be approved, unless it is permitted by the underlying zoning district. The addition shall also be subject to the following requirements:

(1) Any addition shall reflect the character, material, style, mass and architectural features of the existing structure.

(2) Any habitable addition must be physically attached and share a common wall with the existing structure. The common wall between the addition and the existing structure shall not be less than 50% of the total square footage of the exterior wall where the addition is to be attached. Such measurement shall be based on the total square footage of the existing wall and shall only include the wall that completely encloses the interior space of the existing structure. The square footage of a wall shall be the length of the wall, where the addition is to be attached, multiplied by the height of that wall, excluding the attic area. (Ord, 3059 Passed 06-02-09)

(i) ADA Compliance Standards. Any additions to a nonconforming structure or use for ADA compliance (i.e. elevator, ramp) that does not expand the use shall be permitted, provided the setbacks for the district in which it is located are satisfied.

1143.06 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.

(a) Purpose. This zone is intended to accommodate multi-family structures suited to the lifestyles of individuals and families, generally located in areas adjacent to major thoroughfares and commercial areas.

(b) Uses.

(1) Permitted uses.

A. Single-family dwellings.

B. Two-family dwellings.

C. Multi-family dwellings.

D. Accessory buildings and uses incidental to the principal use that do not include any activity conducted as business.

E. Day Care Home Type B family.

(2) Conditional uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.

A. Community-Oriented Residential Social Service Facilities (CORSSF's).

B. Shared Housing and Congregate Housing for the elderly.

C. Government owned and/or operated parks and recreation facilities.

D. Bed and breakfast homes.

E. Open space recreation areas that are privately or publicly owned, such as golf courses, tennis courts, parks, forests, or wildlife preserves.

F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.

G. Schools: primary, intermediate, and secondary, both public and private.

H. Places of worship.

I. Nursing homes for convalescent patients.

J. Professional Offices.

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)

(1) Lot requirements.

A. Minimum lot area

- | | |
|--|------------------------------------|
| 1. One-family dwelling | 6,000 sq. feet |
| 2. Two-family dwelling | 7,500sq. feet |
| 3. Three-family dwelling and up | 9,000 sq. feet |
| 4. Four, five, or six-family dwelling | 2,200 sq. feet per unit |
| 5. Seven to 24-family dwelling | 1,800 sq. feet per unit |

B. Maximum Residential Density – Occupancy shall be limited to one person per 450 square feet of lot area for multi-family dwelling use.

C. B. Minimum Lot Width

1. One-family dwelling 60 feet
2. Two-family dwelling 75 feet
3. Three-family dwelling 90 feet
4. Four-family dwelling 100 feet
5. Five to 24-family dwelling 120 feet

(2) Yard requirements.

A. Minimum front yard depth 30 feet

B. Minimum rear yard depth

1. One, two, and three-family dwelling 35 feet
2. Four-family dwelling 40 feet
3. Five to 24-family dwelling 45 feet

C. Minimum side yard width on each side

1. One- and two-family dwelling 7.5 feet
2. Three to 24-family dwelling 15 feet

(3) Structural requirements.

A. Maximum building height 35 feet

B. Number of Principal Buildings Per Lot or Development Site. For lots or developments three acres and over, the project shall follow the PUD process in Section 1145 in order to permit more than one principal building per lot. For lots or developments under three acres, the project is not required to follow the PUD process for more than one building.

C. B. Minimum floor area per dwelling unit in multi-family dwellings

1. Efficiency 400 sq. feet
2. One-Bedroom 600 sq. feet
3. Two-Bedroom 800 sq. feet
4. Three-Bedroom 1,000 sq. feet
5. Four-bedroom 1,200 sq. feet

(4) Lot coverage.

~~A. Lots with vehicular access from a public street~~

~~A. 1. Lot total – 50 35 percent~~

- a. **Stormwater Reduction Incentive. Lot coverage up to 70% may be allowed if the stormwater management plan reduces projected runoff rate more than required. For every one percent reduction in the rate of stormwater runoff, the allowable lot coverage may be increased by one percent, up to 70% maximum lot coverage.**

~~B. 2. All enclosed buildings – 25 percent of lot~~

~~C. 3. B. 2. Front yard – 25 percent of front yard~~

~~B. Lots with vehicular access from a rear or side alley, and no access from a public street~~

~~1. Lot total — 40 percent~~

~~2. All enclosed buildings — 25 percent of lot~~

~~3. Front yard — 5 percent of front yard~~

~~(5) Usable open space. Multi-family units shall be designed so that each unit will abut upon common usable open space. Such common open space shall in total average a minimum of 500 square feet per unit, exclusive of areas used for vehicular circulation, parking and accessory buildings. Only areas having at least dimensions of 20 feet shall qualify for computation as usable open space.~~

1149.03 VEHICLE MANAGEMENT

GENERAL REGULATIONS.

- (a) All off-street parking and maneuvering areas shall be hard surfaced (includes concrete, asphalt, brick, stone, or bonded gravel). Loose materials are not permitted. The Zoning Administrator may permit alternate surfaces if they satisfy the intent of and satisfy all other provisions of this section.
- (b) All off-street parking shall be located on the same site as the use for which it is required or intended.
- (c) All off-street parking spaces shall contain a rectangular area a minimum of 9 feet wide and 20 feet long, except that parallel parking spaces shall be a minimum of 22 feet long.
- (d) Computation Rules.
 - (1) Any mixed-use structures or lots must provide parking in an amount equal to the sum of all the individual uses combined.
 - (2) Any fractional spaces required shall be rounded up to the next whole number.
- (e) Space Requirements.

Residential Uses Number Required

Single-Family

2 per dwelling unit

Two-family

2 per dwelling unit

Three-family

2.5 per dwelling unit

Multi-family

~~2.5 per dwelling unit~~

The minimum number of parking spaces shall be one times 50% of the number of permitted occupants.

- 1. The minimum number of off-street parking spaces may be reduced based on the following criteria, but not less than 25% of the permitted occupants:
- 2. Building distance to MU Metro Stops
 - a. Less than 500 feet 10% reduction
 - b. Less than 1000 feet 5% reduction
 - c. Less than 2000 feet 1% reduction
 - d. More than 2000 feet no reduction
- 3. Sheltered bike facility

- a. Each 10 bike shelter parking facility qualifies for 1 % reduction
- 4. Building distance to the MU campus
 - a. Less than 500 feet 10% reduction
 - b. Less than 1000 feet 5% reduction
 - c. Less than 2000 feet 1 % reduction
 - d. More than 2000 feet no reduction
- 5. Numbers of on-street parking
 - Each legal, adjacent, on-street parking space would reduce one required off-street parking space

Efficiency	1 per dwelling unit
Fraternity and Sorority	2 per each 5 beds permitted by a valid City of Oxford rental permit
Family community residence	1 plus 1 per each 2 support staff members
Group community residence members	1 plus 1 per each 2 support staff
Community residence	1 plus 1 per each 2 support staff members
Family day-care home, Type A	1 per each 6 children potentially enrolled
Family day-care home, Type B	1 per each 6 children potentially enrolled
Child day-care center	1 per each 6 children potentially enrolled

Non-Residential Uses Number Required

Amusement arcade	1 per each 200 square feet
Auditoriums, churches, temples & other places of public assembly (bench seating 20 inches equals one seat)	1 per each 8 seats in main auditorium (for
Bed & Breakfast	1 per guest room
Billiard parlor	2 per each billiard table
Bowling alley	5 per each alley
Bowling alley with restaurant	5 per each alley plus 1 per each 200 square feet of usable floor area in the restaurant
Car wash	1 per 6 wash bays
Cemetery	1 per each employee on largest shift plus 1 per each 2 seats in any chapel
Clinic, bank, independent offices	3 plus 1 additional per each 300 square feet of
usable floor area over 1,000 square feet	
Club or lodge	1 per each 5 members
Community center, library, museum, art gallery	1 per each 250 square feet of floor area plus 1

per each employee on largest shift

Funeral home	1 per each 30 square feet of usable visitation and funeral service area plus 1 per each employee on largest shift plus 1 per each funeral vehicle
Golf facility	10 per each hole plus 1 per tee at a driving range plus 50 percent of the spaces required for other on-site accessory uses
Hospital	1 per each 2 beds (excluding infant beds); 3 plus 1 additional per each 300 square feet of usable floor area over 1,000 square feet
Industrial wholesaling & manufacturing uses	2 per each 3 employees on largest shift for which building is designed plus 1 per each motor vehicle routinely stored on premises or in ratio of 1 space for every 1,000 square feet of total building area; provided, however, that if the number of spaces required by the building ratio is greater than that required by the employee ratios, additional parking spaces need not be provided physically but sufficient spaces shall be reserved for future physical development.
Miniature golf facility	1.5 per each hole
Nursing home	2 per each 3 beds
Offices with office buildings usable floor area over 1,000 square feet	3 plus 1 additional per each 300 square feet of
Other	As determined by Zoning Administrator based upon similarity to requirements for listed uses
Professional offices, studios, non-profit organizations	3 plus 1 additional per each 300 square feet of usable floor area over 1,000 square feet
Restaurant	1 per each 100 square feet of usable floor area. If a drive-through is present, each 20 feet of queuing between the points at which the order is taken and the where the food is served shall count as 1 space toward the total requirement, up to a maximum of 3 spaces.
Retail store, personal service establishment	1 per each 200 square feet of usable floor area.
School, elementary	1 per employee on largest shift plus 1 per

School, high	classroom 1 per employee on largest shift plus 1 per each four students potentially enrolled
School, junior high	1 per employee on largest shift plus 1 per classroom
Skating rink	1 per each 300 square feet of floor area
Stadium or spectator arena	1 per each 10 seats (for bench seating 22 inches equals one seat)
Swimming pool	1 per each 75 square feet of water surface area

(f) Exceptions.

- (1) In the UP district, all dwelling units are exempt from parking requirements.
- (2) All non-residential uses in the UP and RO districts are exempt from parking requirements.
- (3) For non-residential uses that require more than 80 parking spaces, the Zoning Administrator may permit a reduction of up to 50 percent of the total number of required spaces. Regardless of any permitted reduction, all uses shall have adequate land area to provide the total number of spaces required by this Chapter. The applicant shall provide proof that the reduced total number of parking spaces is sufficient for the use and location. The Zoning Administrator is not obligated to permit a reduction. If the Zoning Administrator finds that the total number of parking spaces is insufficient for the use, the landowner shall construct additional parking spaces within one year of notification from the Zoning Administrator.

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Certification of Action Oxford Planning Commission Recommendation to City Council

<u>Report Date</u>	August 27, 2012
<u>Case Number</u>	PC-08-2012
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Code Text Amendment
<u>Summary of Request</u>	ZONING CODE TEXT AMENDMENT to amend 1143.06 Multi-Family Residential (R3) District and 1141.03(a) allowing multi-buildings on a R-3 residential zoning lot, 1149.03(e) off-street parking for multi-family dwelling units, City of Oxford, Applicant
<u>Public Hearing Information</u>	On August 14, 2012 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on July 13, 2012.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Code Text Amendment approval to encourage redevelopment of underutilized and/or blighted apartment complexes.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated August 9, 2012 2. Interoffice Review Transmittal Sheets 3. Zoning Code Text Amendment Application dated June 18, 2012 4. Proposed Language

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-08-2012

Date – August 14, 2012

APPLICATION

Applicant:

City of Oxford

Action Request:

ZONING CODE TEXT AMENDMENT to amend 1143.06 Multi-Family Residential (R3) District and 1141.03(a) allowing multi-buildings on a R-3 residential zoning lot, 1149.03(e) off-street parking for multi-family dwelling units, **City of Oxford, Applicant**

DESCRIPTION

Earlier this year a subcommittee of the Planning Commission was tasked with addressing zoning nonconformities in Oxford. The **goal statement of the subcommittee was to review existing codes for barriers** to the redevelopment of underutilized and potentially blighted apartment complexes, to encourage quality, infill redevelopment that promotes the goals of the Comprehensive plan. The subcommittee is charged with reviewing existing conditions and issues, researching alternative practices, and drafting proposed code revisions as necessary for review by the Planning Commission. The **objectives** are to promote zoning (economic) incentives for redevelopment, while at the same time ensuring improved storm water management (quality and quantity), improved quality/functionality of open space (including reduced heat island effects), and a more balanced transportation system. The **geographic scope at this phase** is focused on redevelopment/infill in Oxford's core (e.g. R3 Zoning District).

The subcommittee decided early on that starting with the R-3 District would be helpful, because the **degree of nonconformity is significant**. There are seven R-3 Districts around Oxford, two of which are adjacent to the Mile Square. The subcommittee also decided that any changes to the R-3 code may be a good point of reference for text amendments for other districts. The subcommittee has held off the discussion of the text of the Nonconformities Section 1137 until after the R-3 draft has been finished.

ZONING CODE

The attached text amendment proposes changes to 1141.03(Supplemental Regulations), 1143.06(R-3 Multi-Family Residential District Regulations) and 1149.03(Vehicle Management Regulations). The proposed amendments fall within the Intent and Purpose statements listed in Section 1123.

COMPREHENSIVE PLAN

Some applicable **Land Use Principles** of the Comprehensive Plan are as follows (p. 3.9):

- Infill development and redevelopment of underutilized sites is a priority. (3.9)
- The development of new residential areas, and redevelopment of existing residential areas, will have strong neighborhood qualities. (3.10)
- Places will be connected to create better opportunities to walk, bike and access public transportation throughout the community. (3.12)

- Environmentally sensitive and sustainable practices will be encouraged in future developments. (3.12)

Some applicable **Land Use Goals** of the Comprehensive Plan are as follows (p. 3.21)

Objective 1: Manage Growth

LU 1.5 Charge the Planning Commission with planning and managing long term growth, including, but not limited to a comprehensive review of the zoning code and subdivision regulations. (p. 3.21)

Objective 2: Enhance neighborhoods within the Mile Square

LU 2.1 Continue to promote diversity of housing opportunities in the Mile Square. (p. 3.21)

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. (p. 3.24)

AGENCY REVIEWS

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

Police:	Returned without comment
Fire:	Returned without comment
Engineering:	Question/Comment resolved
Econ. Dev.	Returned with comments attached

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

The numerical standards of the R-3 district were found to be more akin to a suburban single family subdivision than an apartment district. Therefore, the subcommittee worked with staff to identify several standards which should be revised (see below). Apartment dwellers in recent years have come to prefer smaller, private spaces, rather than congregate-style open floor plans. This means smaller bedrooms with shared kitchens and private baths. Although this would seem to increase the permitted occupancy of the site, it actually reduces it. In reality, units that were designed with double occupancy bedrooms in the 1960s and 70s are not getting fully leased because of current market preferences. These text amendments were crafted with **either redevelopment or new construction** in mind.

The most obvious barrier in the R-3 code is the lot coverage. The current requirement is 35 percent for all buildings and parking combined. Many of the R-3 sites have 70-80% lot coverage. The subcommittee believed that jumping from 35 to 70% was too much of a jump. So, with some influence from the Environmental Commission, the subcommittee is proposing a zoning incentive which seeks to lessen the impacts of downstream stormwater runoff. Therefore, the proposed change is to **increase the allowable lot coverage from 35 percent to 50 percent**, with a potential for up to 70 percent, but only if the stormwater runoff rate is reduced. **For every one percent that the storm water runoff rate is reduced beyond the requirement, the lot coverage can increase by one percent, up to 70%.** Codifying a storm water quality requirement was also discussed, but at this time, there is not enough standardization on the permitting/enforcement side, to effectively craft code.

A consequence of an automobile-oriented development pattern is the expectation for some available **vehicle parking spaces**. Many of the apartment sites in the R-3 district have a nonconforming number of parking spaces. This could be because the current parking requirement is based on the number of dwelling units (2.5 spaces required for each unit), regardless of the number of occupants or bedrooms in each unit; or it could be because the requirement changed after the site was developed. Not all the parking spaces in the R-3 district are being used because of other modes of transportation or off-site vehicle storage. In order to bring more standardization to the parking requirement, the subcommittee is proposing to change

the parking requirement to be based on the number of occupants instead of the number of dwelling units. **The proposal is to require parking spaces for at 50% of the occupants and as few as 25% of the occupants if special conditions exist (see attached).**

Consistent with that same rationale (basing standards on occupancy), **a maximum density is proposed** rather than a lot size/per dwelling unit ratio. For buildings over seven units, the current code requires 1,800 square feet of lot for every one dwelling unit. The proposal is to remove the 1,800 square foot requirement and replace it with a maximum occupancy of one person for every 450 square feet of lot. A similar approach was used in the Uptown Zoning district in 2011, but at a higher density -- one person for every 200 square feet of lot.

Useable Open Space (green space) was also discussed on the subcommittee. City staff looked at typical apartment developments in other college communities and determined that usable open space is an integral part of healthy community living, and also a key point throughout the Comprehensive Plan. However, the current code requiring 500 square feet of open space for each unit has not been tested since it was adopted as part of a comprehensive zoning code re-write in 2003. Therefore, the subcommittee **opted to strike the requirement and rely on the yard (setback) areas as the green space** for the development. Current code requires a 30 foot front yard. Developments **three acres and over, with multiple principal buildings, would be required to go through the PUD (Planned Unit Development)** process, which could address the functionality and accessibility of green space on those larger sites.

No changes are proposed to the existing code for maximum building height of 35 feet because of the relative scale of Uptown buildings. Thirty-five feet typically allows a three story structure. The current heights of apartment buildings in the R-3 district seem to be acceptable by the community and surrounding neighborhoods.

Professional Offices have been added as a conditional use in the R-3 district regulations.

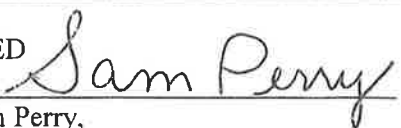
See the attached zoning code text amendment. The full text is included. Sub-sections with any changes are in red. Bold and underlined text is new. Bold and strikethrough text is removed.

RECOMMENDATION

Staff recommends that the Commission dialogue on each point of revision so that the full Commission is up to date with the subcommittee's rationale before moving forward.

SUBMITTED

BY:


Sam Perry,
Planner

DATE: August 9, 2012

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 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.

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.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/2/2012

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

PC-08-2012 ZONING CODE TEXT AMENDMENT to amend 1143.06 Multi-Family Residential (R3) District, City of Oxford, Applicant

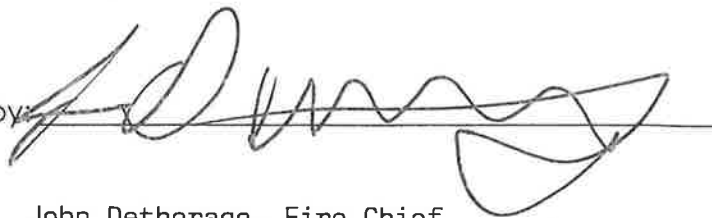
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/7/2012** 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 Detherage, Fire Chief

Date: 8-6-12

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/2/2012

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

PC-08-2012 ZONING CODE TEXT AMENDMENT to amend 1143.06 Multi-Family Residential (R3) District, City of Oxford, Applicant

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/7/2012** 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 8/7/12

Drawings reviewed by: Scott Otto

Date: 8/7/12

Scott Otto, Engineering

6-11-2017

6-11-2017

6-11-2017



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Scott Otto, P.E.
Engineering Division

RE: Case # PC-08-2012
Zoning Code Text Amendment- 1143.06 R3 Multi-Family Residential
District

DATE: August 7, 2012

The Engineering Division has reviewed the subject case.

The following is our comment:

- What are the limits of where on-street parking spaces are credited? Can a space be counted that is across the street?

If there are questions, please contact the Engineering Division at 513-524-5208.

8/9/2012

Called Scott Otto back and told him only adjacent spaces would be counted. Spaces across the street could not be counted.

(Therefore, Scott's question has been taken care of)

Sam Perry

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/2/2012

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

PC-08-2012 ZONING CODE TEXT AMENDMENT to amend 1143.06 Multi-Family Residential (R3) District, City of Oxford, Applicant

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/7/2012** 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:


Bob Holzworth, Police Chief

Date: 8/8/2012

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/2/2012

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

PC-08-2012 ZONING CODE TEXT AMENDMENT to amend 1143.06 Multi-Family Residential (R3) District, City of Oxford, Applicant

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/7/2012** Note: If no comments are received, we will assume the project meets your department's standards.

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

As a member of the Non-Conforming Structures/Uses/Lots Subcommittee, the first order of business we performed was to look at the underlying zoning requirements for the R-3 zone. The thought being, if there were obvious areas of the code would impede the redevelopment of R3 zoned sites and let's fix those issues first.

I agree with the changes which the committee is recommendation.

I do want to point out; this marks a major shift in how the City approaches parking. In the past it seemed providing more parking was better. In some PUD cases, up to one parking space per occupant. This plan reduces the required parking areas and encourages reliance on alternative forms of transportation by allowing the reduction of parking spaces based on the availability of alternative forms of transportation.

Drawings reviewed by: 

Alan Kyger, Economic Development Director

Date: 8-7-2012

PC-08-2012
Zoning Code Text Amendment Application
City of Oxford, Ohio

August
mtg 7/13
paper

REQUIRED INFORMATION

Name of Applicant:

City of Oxford

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

Mailing Address:

196 E High St
Oxford OH 45056

Telephone Number(s)

Email Address

R3 District

SUBMISSION REQUIREMENTS

A written, detailed description, where applicable, is required for each subsection.

All applications must include:

- A. A general description of the proposed amendment.
- B. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
- C. A statement that identifies potential negative consequences of the proposed amendment.
- D. Any existing section number and text that is proposed to be deleted or amended.
- E. Any new or amended text as it is proposed to be codified including its proposed location in the Code. (section numbers)
- F. A narrative statement that describes the expected effects of the proposed text.
- G. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

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.

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. The proposed amendment will:

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

All materials and the application fee in the amount of **\$150.00 plus actual postage**, payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056 45 days prior to the proposed meeting date. Any questions should be directed to the Community Development Department at (513) 524-5204.

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:

Jing-Han Chen

Date:

7/5/12

PRINTED NAME:

Jing-Han Chen

FEE / RECEIPT

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

NA

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: August 21, 2012

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

August 10, 2012

Date Prepared

Agenda Title: An Ordinance to Levy Assessments for Curb, Gutter, and Sidewalk Repairs

Recommendation: Approve

Discussion:

Through a series of Resolutions, the City has caused the repair of deficient curb, gutter, and sidewalk on parcels identified in the attached Exhibit "A" including:

<i>Feb. 2012</i>	<i>Resolution No. 4663 – Declaring the necessity to make improvements</i>
<i>June 2012</i>	<i>Resolution No. 4680 – Authorizing a contract to perform the improvements</i>
<i>July 2012</i>	<i>Resolution No. 4691 – Determination of the total cost of assessment by lot</i>

The proposed assessment costs were advertised as required by Ohio Revised Code; no objections were received from parcel owners as detailed in Exhibit "A". Upon passage of this Ordinance, an owner may pay cash for the assessment within 30 days. Otherwise, the amount will be levied to the owner's property tax bill and must be paid in five (5) annual installments with City assessed interest on deferred payments at a rate of 5%.

Staff recommends City Council approve this assessment Ordinance, and authorize the City Manager or his designee to take all steps necessary to cause the amounts listed in Exhibit "A" to be levied upon the lots and lands enumerated in the listing.

Approved By:

Department Head:

Initial MBD Date 8/10/12

City Manager:

DRE \ 8/16/12

ORDINANCE NO.

ORDINANCE LEVYING UPON THE LOTS AND LANDS ENUMERATED IN THE LIST OF ESTIMATED ASSESSMENTS (EXHIBIT A) THE AMOUNTS SET FORTH ON SUCH LIST AND SETTING FORTH TERMS FOR PAYMENT OF ASSESSMENTS.

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

SECTION 1: Pursuant to Ohio Rev. Code 729.07, Council filed a list of estimated assessments (Exhibit A) with the Clerk of City Council and ordered it open for public inspection.

SECTION 2: Pursuant to Ohio Rev. Code 729.08, Council published a notice in *The Oxford Press*, beginning July 20, 2012 and ending August 3, 2012 stating that the list of estimated assessments (Exhibit A) was on file with the Clerk of City Council and was available for public inspections.

SECTION 3: The Clerk of Council has received no written objections to the assessments.

SECTION 4: Property owners shall be assessed the actual cost over five years as set forth on Exhibit "A" attached hereto.

SECTION 5: Property owners may pay the assessment in five (5) annual installments with interest on deferred payments at 5%. Conversely, property owners may pay the assessment in cash within 30 days after passage of this Ordinance.

SECTION 6: This ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Exhibit "A"

Curb, Gutter, Sidewalk, for Foxfire Drive 2011-2012

Address	Direction	Street Name	Property Owner	Parcel #	Lineal Ft Curb	Square Feet Sidewalk	Square Ft Drive Apron	Actual Cost to be Assessed to Property Owner
601	S	Locust	McDonalds Real Estate Co.	H4100104000062	310	25		\$ 9,640.55
330		Foxfire	Young, William Edward & Deborah L	H4100104000061	40			\$ 1,154.00

\$ 10,794.55

Curb, Gutter, Sidewalk, for Tallawanda Road 2012

Address	Direction	Street Name	Property Owner	Parcel #	Lineal Ft Curb	Square Feet Sidewalk	Square Ft Drive Apron	Actual Cost to be Assessed to Property Owner
102		Tallawanda	Ohio Alpha Phi Delta Theta	H4100006000173	125			\$ 3,923.60
112		Tallawanda	Kacachos Thomas A Etal	H4100006000158	10	50		\$ 644.00
114		Tallawanda	Kacachos Thomas A Etal	H4100006000157	30	100		\$ 1,898.50
116		Tallawanda	Kacachos Thomas A Etal	H4100006000156	25	175		\$ 1,919.00
300		Tallawanda	Epsilon Nu of Sigma Nu Corp	H4000006000143	93	400	70	\$ 7,017.80

\$ 15,402.90

Curb, Gutter, Sidewalk, for High Street Rehabilitation Main St. to Poplar St. 2011-2012

Address	Direction	Street Name	Property Owner	Parcel #	Lineal Ft Curb	Square Feet Sidewalk	Square Ft Drive Apron	Actual Cost to be Assessed to Property Owner
11	E	High	Minnis Rentals LLC	H4100003000240	23	0		\$ 663.55
32	E	High	Star Bank N/A TR	H4100003000163	0	154		\$ 770.00
36	E	High	36 East High Street LLC	H4100003000162	22	784		\$ 4,700.00
41	E	High	43 East High St. LLC	H4100003000160	5	88		\$ 769.93
43	E	High	43 East High St. LLC	H4000003000161	5	320		\$ 1,420.00

83 124

\$ 8,323.48

revised 8/15/12

GRAND TOTAL

\$ 34,520.93