

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 faith 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.

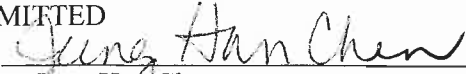
RECOMMENDATION:

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.

PROPOSED NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

1.01 Purpose and objectives:

The Neighborhood Conservation Overlay district, R1A(O), R1B(O), R2A(O), R1MS(O), R2MS(O), MU(O) is a zoning classification which permits owners of properties within the R1A, R1B, R2A, R1MS, R2MS and MU residential zoning districts to petition to City Council to establish an overlay district and district use regulations in their residential neighborhoods, in order to restrict rental use of one-family dwellings within the neighborhood. This District establishes restrictions which operate 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 with regard to property deterioration, increased density, congestion, noise and traffic levels thus leading to the reduction of property values. The goals of the Overlay District are to allow owners of properties within residential neighborhoods to control the occupancy by unrelated persons permitted in one-family dwellings within their neighborhood. It is also the purpose of the districts 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, 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.

1.02 Uses Permitted:

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

- (1) Single family dwellings are permitted except that there shall be not 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 constituting a family shall be limited to related by blood, marriage or adoption, including minor children in the lawful custody of an adult member of members of the family, living together as a single housekeeping unit and occupying a single dwelling unit and using only common entrances and exits.
- (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.

1.03 Procedures:

The following procedures must be compiled in order to establish a Neighborhood Preservation 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 being requested.
- b. Each petition must be circulated by a person who owns the property within the proposed district and be signed by the circulator.
- c. The petition must contain the signature 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, they may sign the petition for each parcel they own.
- d. Each person signing the petition must also enter, on the petition, adjacent to their signature, the date that the person signed the petition.
- e. The petition must acutely advise the signer of what restrictions would be imposed on the property if the overlay district is established.
- f. The proposed boundary may not overlay a boundary of 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 10 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 insufficient 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 then, within 10 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 the acceptance of the petition by adopting a Resolution to refer this petition to the Planning Commission for recommendations. Upon receipt of a zoning amendment filed by the petitioner, the Zoning Administrator shall then place this matter before the Planning Commission agenda at the earliest possible meeting date, in accordance

with the zoning map amendment procedures set forth in Chapter 1135 Zoning Code Amendment. All procedures 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 that their property was either added or deleted from the petition and if by the correction of the boundary line 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 to have it comply 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. The Planning Commission shall make its recommendations, after the public hearing, to City Council for legislative action.

1.04 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 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 surrounds an existing license or allow, 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 103.(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 which is not adopted within six months of its filing shall be deemed denied unless the petition was tabled or otherwise delayed pursuant to Section 1.03(3).

1.05 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 1.03. Those petitioned parcels will generally conform to the boundary criteria as described in Section 1.03(1)(h). The number of signatures required is based upon the total parcels, including the existing overlay district. The process is outlined in Section 1.03.

- b. Removing parcels from an existing overlay district:

Any property owner of an existing overlay district may petition to be removed from an existing 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 1.03(1)(h). The petition process is outlined in Section 1.03.

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**

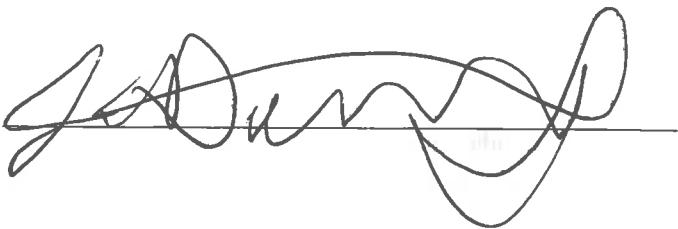
 X Review Revisions Other

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:



Date: 8-3-12

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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: A. P. [Signature]

Date: 8-2-12

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: 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.

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- 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